



Appeal Decisions

Inquiry Held between 6 and 13 September 2022

Site visit made on 7 September 2022

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2022

Appeal A Ref: APP/C3810/W/22/3298192

Rustington Golf Centre, Golfers Lane, Angmering BN16 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Barratt David Wilson Homes Southern Counties against the decision of Arun District Council.
 - The application Ref A/129/21/PL, dated 2 June 2021, was refused by notice dated 5 November 2021.
 - The development proposed is erection of 191 new homes in a mix of 1-4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works.
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Appeal B Ref: APP/C3810/W/22/3301932

Rustington Golf Centre, Golfers Lane, Angmering BN16 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Barratt David Wilson Homes Southern Counties against Arun District Council.
 - The application, Ref A/45/22/PL, is dated 7 March 2022.
 - The development proposed is erection of 167 new homes in a mix of 1-4 bedroom properties (2-4 bedroom homes and 1 bedroom apartments), with associated landscaping, parking, open space, play areas, construction of a new vehicular access from Golfers Lane, and all other associated development works.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for erection of 191 new homes in a mix of 1-4 bedroom dwellings and 1 bedroom apartments, with associated landscaping, parking, open space, play areas, construction of a new access from Golfers Lane, and all other associated works at Rustington Golf Centre, Golfers Lane, Angmering BN16 4NB in accordance with the terms of the application, Ref A/129/21/PL, dated 2 June 2021, subject to the conditions set out in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for erection of 167 new homes in a mix of 1-4 bedroom properties (2-4 bedroom homes and 1 bedroom apartments), with associated landscaping, parking, open space, play

areas, construction of a new vehicular access from Golfers Lane, and all other associated development works at Rustington Golf Centre, Golfers Lane, Angmering BN16 4NB in accordance with the terms of the application, Ref A/45/22/PL, dated 7 March 2022, subject to the conditions set out in the attached schedule.

Procedural Matters

3. Following the Council's refusal of permission for the appeal A scheme, it reached agreement with the appellant on the matters covered by its second to fifth reasons for refusal. These include effects on highway safety, loss of a par 3 golf facility, and effects on trees and biodiversity. Statements of common ground (SoCG) have been provided including topic-specific statements concerning highway safety and arboriculture. The Council's putative reason for refusal in respect of appeal B is similar to the first reason for refusal of the appeal A proposal. This forms the basis of the remaining main issue between the main parties.
4. An interested party questioned the admissibility of the SoCG. Rule 14 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 ("the Rules") requires that the local planning authority and the applicant shall together prepare an agreed statement of common ground and to ensure that the Secretary of State and any statutory party receives a copy of it within 6 weeks of the starting date. The preparation of a SoCG is thus a requirement of the process.
5. A draft general SoCG was provided by the appellant within the prescribed timescale although this had not been agreed between the parties. Topic-specific SoCGs for highways and transport for both appeals were signed on 28 July 2022. The final signed general SoCG covering both appeals was submitted on 5 September 2022. These documents were made available for interested parties to inspect via the Council's website as required by the Rules. There is no statutory party involved in the appeals and thus no prejudice in this respect from the late submission of the SoCG.
6. The Council's Statement of Case for appeal B was published on its website on 9 August 2022. This made clear that the issues of highways, trees and ecology had been addressed by submissions of Statements of Common Ground and an ecology/bat survey. Thus, the agreement that had been reached between the main parties on these matters had been made publicly available well in advance of the Inquiry. At the start of the Inquiry, the main parties' opening statements also made this position clear.
7. For these reasons, no party has been prejudiced by the late submission of the signed SoCG.

Main Issue

8. The main issue in both appeals is the effect of the development on the character and appearance of the area, including consideration of its scale, density and design and its effect on the landscape.

Reasons

Planning Policy

9. The development plan for the area consists of the Arun Local Plan (2018) (LP) and the Angmering Neighbourhood Plan (NP) which was made in 2015. The site is outside the Built-Up Area Boundaries (BUAB) of Rustington and Angmering as defined in those plans. Policy C SP1 of the LP defines such areas as countryside and restricts the types of development that will be permitted in the countryside. The proposals in both appeals do not accord with that policy.
10. There is agreement between the main parties that the Council cannot demonstrate a 5 year supply of deliverable housing sites. It is further agreed that the housing land supply amounts to 2.4 years. On this basis, in accordance with paragraph 11(d) of the National Planning Policy Framework (the Framework) Policy C SP1 is out-of-date. That paragraph provides, where this is the case, for permission to be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Landscape

11. The site is occupied by a par 3 golf course which forms part of a larger golf course facility. It is adjacent to the A259 road which borders the northern extent of the built up areas of Littlehampton and Rustington. The area to the north of that road is largely open between the 'Body Shop' roundabout, which is some distance to the west of the site and the junction with the A280 which is to the east. Part of this open area, which separates the urban areas of Rustington and Angmering, and is immediately to the east of the site, is designated as a 'Gap Between Settlements' in the LP. To the north of the site there are buildings which accommodate the golf centre, a health club, and a leisure facility together with a car park.
12. To the north-east of the site there is another golf course¹. There is a private gated residential area known as Ham Manor Park which lies between that golf course and the built up area of Angmering to the east. This residential area is outside the BUAB for Angmering. There are groups of trees within the site including a distinctive row of Monterey pines which stretches back from the road frontage. There are also trees along that frontage with some gaps permitting views of the golf course.
13. In the West Sussex Landscape Character Assessment, the site is within the South Coast Plain, Littlehampton and Worthing Fringes. In the Arun Landscape Study, it is within the Angmering Coastal Plain Local Landscape Character Area (LCA). The LCA consists of the two golf courses to the west of Angmering, including the site, a narrow strip in agricultural use between Angmering and Littlehampton/Rustington and horticultural fields to the east of Angmering. The Landscape Study notes that there is a heavy urban influence from those settlements. The highly managed nature of the golf course facility and the close proximity of urban development are consistent with the latter description.
14. Having said this, the A259 provides a clear boundary feature between the urban area and the countryside. The proposals would be visually intrusive in terms of extending the urban area to the north of that road.
15. Policy LAN DM1 of the LP requires development within the setting of the South Downs National Park to have special regard to the conservation of that setting.

¹ Ham Manor

The nearest parts of the National Park are about 1 km to the north-east of Angmering. Because of the distance of the National Park from the site, the generally flat topography and landscape features that provide screening, there is no recognisable intervisibility between the site and the National Park. The main parties agree that the development in both appeals would not affect the setting of the National Park.

16. It is also agreed that the site is not within a valued landscape when assessed against the Guidelines for Landscape and Visual Impact Assessment. Notwithstanding this, the site has local value both in terms of providing a recreational facility and in maintaining open space north of the A259.
17. Because Angmering is separated from Rustington by agricultural fields which are protected by the 'Gap Between Settlements' designation in the LP and given that Ham Manor Park separates the site from the BUAB of Angmering, the development would not result in coalescence of the settlements. The identity of Angmering as a separate settlement would be maintained if the appeals were to be allowed.
18. Concern has been expressed by the Council that the proposals would create a separate enclave which would be unrelated to either Angmering or Rustington. The proposals include the provision of a new footpath along the northern side of the A259 which would link the development to an existing pedestrian crossing to Sainsburys and other local facilities. While the developments would be on the other side of the main road from the rest of the urban area, it would nonetheless have easy access on foot to a range of local services and facilities within the urban area including schools and public transport. It is a matter of agreement between the main parties that the developments would be accessible to local services and facilities in Rustington on foot. The schemes would not, for this reason be isolated but would form an extension to the urban area, albeit north of the A259.
19. Policy LAN DM1 of the LP requires development to respect the characteristics and natural features of the relevant landscape character areas, as well as the historic character and development pattern of settlements, taking into account their distinct identity and setting.
20. I have noted that both proposals would be visually intrusive in the existing generally open landscape north of the A259. The existing trees along the road frontage together with new tree planting would screen the development from view to some extent although the new planting would take time to mature. The development would be visible from the footpath to the north of the site, but from that route it would be seen in the context of the urban area and the golf centre and leisure buildings.
21. I find that both proposals would generally respect the characteristics and natural features of the LCA. However, because they would be separated from the urban area of Rustington by the main road and outside the BUAB of Angmering, they would conflict with the requirements of Policy LAN DM1 to some extent.

Design

22. The nearby areas are characterised by traditional and recent residential developments at a range of densities. There are detached and semi-detached

- houses of traditional appearance in nearby parts of Rustington. Ham Manor Park consists in the main of large, detached houses at a low density of about 8 dwellings per hectare (dph) but with some terraced housing at a higher density of about 21 dph near to the Ham Manor golf club. Recent housing developments in Rustington and Angmering provide detached, semi-detached and terraced houses and apartments of up to 3 storeys. Materials used include flint and hanging tile to reflect the local vernacular. Perimeter block layouts are characteristic of recent and approved developments as are landscaped buffer areas and connected open spaces.
23. The mix of dwellings to be provided and their form and layout, including the open space areas would be similar to those of other recent developments in the area. Suitable materials could be secured by means of planning conditions. The proposals would, for these reasons be in keeping with the character and appearance of the area in terms of their design.
 24. The densities of recent developments in Rustington and Angmering are generally between 25 and 30 dph. The appeal A scheme, at about 25.6 dph would be at the lower end of that range, while the appeal B scheme would be lower still at about 22.3 dph. The Arun Design Guide² identifies 20-30 dph as an indicative low density which would be appropriate in purely residential areas. The Housing and Economic Land Availability Assessment identified the site as potentially contributing 106 dwellings, but this was an indicative assessment based on a smaller site area than that subject to the appeals. Ham Manor Park is a much lower density, but this is of a different character to the built up areas of Angmering and Rustington.
 25. In the context of the urban areas of Rustington and Angmering, the densities of the proposed developments in both appeals would be appropriate. Taking into account the landscaped buffers around the proposed developments the densities would also be appropriate to the setting on the edge of the countryside.
 26. Policy HD7 of the NP requires densities to be appropriate, and no higher than the immediate surrounding area unless there is clear justification. Ham Manor Park is of a lower density than the built up area of Angmering, and it is excluded from the BUAB and distinct from the rest of the surrounding area. For these reasons I find that there is justification for the densities of the proposals to exceed those of Ham Manor Park.
 27. The heights of the proposed dwellings would be consistent with those of other developments in the area. The site would be contained by the A259, Golfers Lane, and the car park serving the leisure facilities. The western boundary would follow the route of an overhead electricity line. These features, in combination with the proposed open space, would visually contain the development. For these reasons, in my view the scale and density of both schemes would be acceptable.
 28. Overall, the incorporation of the row of Monterey pines into the layout of both schemes, combined with the continuous open space around much of the site would provide a distinct sense of place. While the appeal B scheme would provide more open space than in appeal A, in my view both proposals would provide a suitable quality of design in accordance with the Arun Design Guide.

² Arun Design Guide Supplementary Planning Document (January 2021) section G.02

29. Policies D SP1 and D DM1 of the LP require efficient use of land, that development reflects the characteristics of the site and local area, and that form and design quality are considered. Policy HD6 of the NP similarly requires high quality design, reflecting local distinctiveness, and retention of important trees. For the reasons given, the proposals in both appeals would accord with those policies.
30. Policy HD5 of the NP requires new development to be of no more than 2.5 storeys. The appeal A scheme would be within that height limit. In appeal B, there would be two apartment blocks of 3 storeys. These buildings would be positioned on either side of the central open space and would provide focal points, contributing to the townscape. While the appeal B scheme would not fully accord with Policy HD5, the townscape value provided by the apartment buildings as focal points would outweigh the limited conflict with that policy.
31. The western part of the site is identified in the LP as a Biodiversity Opportunity Area. Policy ENV DM3 of the LP requires retention and incorporation of locally valued habitats into development. The retention of existing trees including a group of trees in the western part of the site would accord with this requirement.
32. Policy CLW2 of the NP requires protection of local green spaces as identified in Appendix D of that Plan. Appendix D identifies Ham Manor Golf Club as a designated Local Green Space. Map A7 at Appendix A identifies the Local Green Space at Ham Manor Golf Club as extending across the eastern part of the site as well as across the residential areas at Ham Manor Park. The western part of the site is not shown on that map.
33. The site is not shown as Local Green Space on Arun District Council's Green Infrastructure Map or on the LP Policies Map, whereas Ham Manor Golf Club is so shown on those maps. Because there is inconsistency in this respect, it is unclear whether the site forms part of a designated Local Green Space. The main parties agree that there is not a clear reason for refusal on this basis under paragraph 11(d)(i) of the Framework. It is also unclear as to whether or not the proposals would conflict with Policy CLW2.
34. Concern has been expressed that the proposals would create a precedent for further development north of the A259. Any application must be considered on its individual merits and relevant planning policies, however. For this reason, it does not follow that a precedent for further development would be created.
35. I have found that the development in both appeals would be intrusive in terms of extending the urban area north of the A259. However, the development in both appeals would incorporate the existing landscape features within the site and add to them. Taking into account also the existing strong urban influence on the site I conclude on the main issue that the proposals would result in moderate harm to the character and appearance of the area.

Other Matters

36. I have taken into account the representations that have been made by interested parties, including the Member of Parliament.
37. Concerns have been expressed about highway safety on the A259 and the roundabout junction which serves the site. The highway authority had no objection to the proposals in terms of the capacity of the highway network to

accommodate the traffic that would be generated by either development. The authority has agreed in the SoCG that there would be minimal impact on queues and delays on the A259.

38. The highway authority did express concern that further information was required to demonstrate the acceptability of the originally proposed toucan crossing to the west of the Mill Lane roundabout. A Road Safety Audit and speed survey information were required. However, the proposed toucan crossing has been deleted from the proposals and there is full agreement between the appellant and the highway authority that the proposals would have no detrimental effect on highway safety.
39. The SoCG on highways and transportation notes that whilst an additional crossing of the A259 west of Mill Lane would result in a shortening of walking distances to some services, these are limited in number as the majority are located east of the site. The existing crossing at Rustington Retail Park is also conveniently positioned to provide access from the site to the railway station.
40. The public footpath³ which is to the west of the site and leads to an uncontrolled crossing of the A259 is separated from the western boundary of the site by some distance. I saw on my visit that there is no existing path between the western extremity of the site and the existing public footpath. The highway authority's view is that the separation of the site from the footpath would not result in increased use of that route, or the uncontrolled crossing and I see no reason to disagree.
41. I note the concerns that have been expressed about the width of the footways on the Mill Lane bridge over the railway. However, for the above reasons and given the lack of objection from the highway authority, both proposals have been demonstrated to be acceptable in terms of highway safety.
42. While I note the concerns that have been expressed about further pressure being placed on medical, dental and educational facilities in the area there is no substantive evidence before me to show that the developments would necessitate contributions towards improvements to those services.
43. Although the proposals would result in loss of the existing par 3 golf course, there would remain a par 70 course, a driving range and other facilities including a junior golf and youth academy. The appellant's Golf Course Needs Statement demonstrates that there is a good level of provision of golf course facilities and in particular par 3 golf courses in the area. On this basis the assessment concludes that the existing par 3 course can be considered as surplus to current and future requirements. Interested parties stressed the value of the facilities for young people but the loss of the par 3 course would not unacceptably affect overall provision in the area.
44. The Lead Local Flood Authority had no objection to the proposals. The Council's drainage engineer requested further information regarding surface water drainage which can be secured by planning condition. The water company has indicated that it can facilitate foul sewerage disposal to service the proposed developments. Given the responses from consultees the proposals would be acceptable in terms of drainage.

³ FP 2160

45. The SoCG on arboricultural matters states that there is agreement between the main parties with respect to both appeals on matters relating to the effect of the development on trees. The Council does not object to the loss of trees as these are to be replaced by planting of a greater number of trees. The root protection areas of the Monterey pines which are to be retained would not be compromised by the development. For these reasons I am satisfied that there would be no unacceptable effect on existing trees.
46. The submitted Air Quality Assessment demonstrates that there would be no unacceptable air pollution from traffic to and from the site. There are opportunities for sustainable travel and measures to encourage sustainable means of transport such as electric vehicle charging points and travel plans can be required by planning conditions. This would help to minimise potential for adverse pollution from traffic.
47. A Bat Activity Survey Report was submitted. This recommends mitigation measures, which can be secured by condition. The Council's fifth reason for refusal concerned the lack of bat emergence surveys and this has now been overcome. There are no other outstanding concerns on the part of the Council with respect to biodiversity. Measures to enhance biodiversity can be secured by planning conditions.

Planning Obligations

48. The submitted Unilateral Undertakings would secure provision of 30% affordable homes which would accord with policy AH SP2 of the LP. This would consist of 67% affordable rented homes, 25% first homes and 8% intermediate homes which would accord with the Council's affordable housing policy.
49. The obligations would also secure financial contributions towards improvements to the A27. This is necessary because of the extra traffic that would be generated and given that the A27 forms part of the strategic road network near to the site. The contributions for each appeal proposal have been calculated on a proportionate basis from the number of homes proposed. They would be used to fund necessary improvement works to that route.
50. The obligations also secure a contribution to be used by the highway authority to monitor the Travel Plan. This is necessary in order to encourage use of sustainable modes of transport.
51. I am satisfied that the obligations meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are necessary, directly related to the development and fairly and reasonably related in scale and kind to it.

Planning Balance

52. Work on the Local Plan Review is currently paused, and preparation of the envisaged Non-Strategic Site Allocation document has been halted. Given that the Council's housing land supply stands at only 2.4 years and there is no prospect in sight of that supply reaching 5 years, both proposals would be of significant benefit in helping to address the shortage in housing supply. In October 2021 there were 1,163 households in housing need on the Council's housing register. The proposed affordable homes would be of significant social benefit in helping to address that need. I give substantial weight to the proposed market housing and further substantial weight to the affordable

housing in both appeals. There would be other benefits in terms of new footpath provision and public open space, together with economic benefits which would also weigh in favour.

53. I have found that both proposals would result in moderate harm to the character and appearance of the area, and I give significant weight to that harm taking into account the conflict with Policy LAN DM1 of the LP. The identified conflict with Policy C SP1 carries limited weight because that policy is out-of-date on the basis of the absence of a 5 year housing land supply. These significant and limited weights are not sufficient to significantly and demonstrably outweigh the substantial and other weights that attach to the benefits of the proposals. On this basis paragraph 11(d) of the Framework indicates that permission should be granted. Although the proposed developments would not accord with the development plan as a whole, paragraph 11(d) of the Framework is an important material consideration which outweighs the conflict with the development plan.

Conditions

54. The parties agreed a suggested list of conditions and I have imposed those conditions with some minor amendments to ensure they meet the tests set out in the Framework. The list is the same for both appeals apart from the references to submitted plans and documents.
55. A 2 year period for commencement is necessary to ensure provision of housing in accordance with the Council's Interim Housing Assessment. It is necessary to specify the approved plans to provide certainty.
56. A number of conditions are necessary to safeguard the living conditions of nearby occupiers during construction and the living conditions of the future occupiers of the development. A Construction Management Plan would ensure that activities are managed so as to minimise disturbance. A dust assessment would also be necessary for these reasons. Should any piling work be necessary a condition requiring details to be approved is necessary, as recommended by the Council's Environmental Protection Officer. A condition is also necessary to limit the hours of construction work for these reasons.
57. Similarly suitable measures are required in accordance with the submitted Planning Noise Assessment in order to ensure acceptable living conditions for future occupiers of the development. The Planning Noise Assessment provides recommended specifications for windows and glazing and provided the development is in accordance with those recommendations there is no need for a condition requiring submission of further details. The Planning Noise Assessment also concludes that external garden areas would be within acceptable noise limits if they are screened from noise from the A259 by the dwellings. This would be the case and there is no need for a condition requiring further details of mitigation in this respect.
58. It is necessary to require 10% of the energy supply to be from decentralised and renewable or low carbon energy sources, to meet the requirements of Policy ECC SP2 of the LP.
59. It is necessary to include measures to protect and enhance biodiversity. The suggested condition 5 refers to an 'Ecological Enhancement Plan' dated July

2021. This plan is not before me and so I have amended this condition to require submission and approval of a scheme and its implementation.
60. In order to ensure the appearance of the development is acceptable it is necessary to secure a detailed landscaping scheme. It is also necessary to require details of the public open space facilities including the play areas and provision for their future maintenance and management to ensure that these facilities are of an acceptable standard and that they are suitably maintained. Conditions 6, 7 and 8 secure these measures. Condition 15 requires approval of details of external facing materials and is necessary to ensure the appearance of the dwellings is acceptable. Condition 18 requires development to be carried out in accordance with the Arboricultural Impact Assessments and Method Statements to ensure that trees are adequately protected.
61. Approval of the scheme of lighting is necessary in order to protect biodiversity and limit light pollution.
62. The Construction Management Plan is also necessary to ensure that vehicles used for construction work do not adversely affect highway conditions. A number of conditions are necessary to ensure adequate highway safety in respect of the completed development and to provide opportunities for sustainable travel. Conditions 9, 12, 13, 21 and 22 require provision of means of access and parking facilities for cars and bicycles, electric vehicle charging facilities and a residential travel plan. Condition 14 is necessary to ensure adequate provision for fire hydrants.
63. The submitted Archaeological Assessment finds that there is potential for archaeological remains on the site. A condition requiring a programme of archaeological work is necessary in order to secure recording of any archaeological remains.
64. It is necessary to require full details of the drainage scheme, including provision for its maintenance and management in order to ensure that adequate and sustainable means of surface water drainage is provided and maintained.
65. The submitted Preliminary Risk Assessment for ground conditions recommends that an intrusive exploratory investigation is carried out to address potential contaminant linkages. The Council's Environmental Protection Officer recommended the inclusion of a condition requiring investigation in respect of any land contamination. This would be necessary to ensure safety and acceptable living conditions for future residents.

Conclusion

66. For the reasons given I conclude that both appeals should be allowed.

Nick Palmer

INSPECTOR

APPEARANCES

FOR THE COUNCIL:

Jacqueline Lean, of Counsel, instructed by the solicitor to Arun District Council

She called

David Innes BA (Hons) MRTPI

Director, Blueprint Planning &
Development Ltd

FOR THE APPELLANT:

Zack Simons and Isabella Buono, barristers, instructed by Jessica Sparkes of
Barratt David Wilson Homes

They called

Colin Pullan BA (Hons) DipUD

Head of Urban Design and
Masterplanning, Lambert Smith
Hampton

Abby Stallwood BSc (Hons) DipLM CMLI

Associate Director of Strategic
Landscape, James Blake Associates
Ltd

Nik Smith BA (Hons) MA MRTPI

Planning Director, Nexus Planning

INTERESTED PARTIES

Ed Miller

Secretary of Ferring Conservation
Group

Clive Fennel

Local resident

Shaun Gunner

Leader, Arun District Council

Nikki Hamilton-Street

Chair, Angmering Parish Council and
representative of Andrew Griffith MP

Andy Cooper

District Ward Councillor

Alison Cooper

County Councillor, District Councillor
and Chair of Rustington Parish Council

Derrick Chester

Local resident

Maryann Gillett

Local resident

John Oldfield

Angmering Parish Council

Jamie Bennett

Rustington Parish Councillor and Chair
of Planning Committee

Mr F Grimmett

Local resident

DOCUMENTS SUBMITTED

ID1 Appellant's Opening and List of Appearances

ID2 Opening Statement on behalf of the Local Planning Authority

ID3 Statement of Shaun Gunner

ID4 Statement of Andrew Griffith MP

ID5 Statement of Nikki Hamilton-Street

ID6 Statement of Andy Cooper

ID7 Statement of Alison Cooper 6 September 2022

ID8 Statement of Alison Cooper 8 September 2022

ID9 Statement of John Oldfield

ID10 Statement of Jamie Bennett

ID11 E-mail from Nikki Hamilton-Street to James Hassett and Karl Roberts dated 7 September 2022

ID12 Letter from Sally Cotterill and Andrew Porter

ID13 Letter from Malcolm Griffin

ID14 Letter from Mr and Mrs Cox

ID15 Letter from Geoffrey Hixon

ID16 List of Suggested Conditions

ID17 Unilateral Undertaking (Appeal A)

ID18 Unilateral Undertaking (Appeal B)

ID19 CIL Compliance Statement

ID20 Closing statement on behalf of the Local Planning Authority

ID21 Appellant's closing submissions

CD8.26 Arun Landscape Study

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:

PLN-1-1101 Site Layout Rev G
PLN-1-1102 Colour Site Layout Rev B
PLN-1-1103 Storey Heights Plan Rev B
PLN-1-1104 Dwelling Types Plan Rev B
PLN-1-1105 Tenure Plan Rev C
PLN-1-1106 Parking Plan Rev B
PLN-1-1107 Refuse Plan Rev B
PLN-1-1108 Fire Strategy Plan Rev B
PLN-1-1110 Sales Area Plan Rev B
PLN-1-1111 Location Plan Rev A
PLN-1-1150 Street Scenes Rev A
PLN-1-2101 Alderney Elevations and Plans Rev C
PLN-1-2102 Chester Elevations and Plans Rev C
PLN-1-2103 Denford Elevations and Plans Rev C
PLN-1-2104 Ellerton Elevations and Plans Rev D
PLN-1-2105 Hesketh Elevations and Plans Rev C
PLN-1-2106 Kenley Elevations and Plans Rev C
PLN-1-2107 Lutterworth Elevations and Plans Rev C
PLN-1-2108 Moresby Elevations and Plans Rev C
PLN-1-2109 Norbury Elevations and Plans Rev C
PLN-1-2110 Radleigh Elevations and Plans Rev C
PLN-1-2111 Woodcroft Elevations and Plans Rev C
PLN-1-2112 Type 55 Elevations and Plans Rev C
PLN-1-2113 Type 54 Elevations and Plans Rev C
PLN-1-2114 Type 52 Elevations and Plans Rev C
PLN-1-2115 Type 51 Elevations and Plans Rev C
PLN-1-3000 Type 58 And 59 Elevations and Plans Rev B
PLN-1-3100 Type 58 59 60 61 Elevations and Plans Rev B
PLN-1-3200 Type 58 59 60 61 Elevations and Plans Rev B
PLN-1-3700 Single Garage Elevations and Plans Rev B
PLN-1-3701 Double Garage Elevations and Plans Rev B
PLN-1-3702 Twin Garage Elevations and Plans Rev B
PLN-1-3800 Bin Store Elevations and Plans Rev B
PLN-1-3801 Bin Cycle Store Elevations and Plans Rev B
PLN-1-3802 Substation Elevations and Plans Rev B
PLN-1-3900 Cycle Store Elevations and Plans Rev B
SK01 Landscape Master Plan Rev A
PLN-5021 JBA 20/128-01 Detailed Hard and Soft Landscape Proposals, Sheet 1 Rev B
PLN-5021 JBA 20/128-02 Detailed Hard and Soft Landscape Proposals, Sheet 2 Rev B
PLN-5021 JBA 20/128-03 Detailed Hard and Soft Landscape Proposals, Sheet 3 Rev B

PLN-5021 JBA 20/128-04 Detailed Hard and Soft Landscape Proposals, Sheet 4 Rev B
PLN-5021 JBA 20/128-05 Detailed Hard and Soft Landscape Proposals, Sheet 5 Rev B
PLN-5021 JBA 20/128-06 Detailed Hard and Soft Landscape Proposals, Sheet 6 Rev B
PLN-5021 JBA 20/128-07 Detailed Hard and Soft Landscape Proposals, Sheet 7 Rev B
PLN-5021 JBA 20/128-08 Detailed Hard and Soft Landscape Proposals, Sheet 8 Rev B
POS Areas Breakdown
A351-PLN-1-4001 General Arrangement Sheet 1 Rev A
A351-PLN-1-4002 General Arrangement Sheet 2 Rev A
A351-PLN-1-4011 Longsections Sheet 1 Rev A
A351-PLN-1-4012 Longsections Sheet 2 Rev A
A351-PLN-1-4013 Longsections Sheet 3 Rev A
A351-PLN-1-4014 Longsections Sheet 4 Rev A
A351-PLN-1-4015 Longsections Sheet 5 Rev A
A351-PLN-1-4051 Drainage Layout Sheet 1 Rev B
A351-PLN-1-4052 Drainage Layout Sheet 2 Rev B
A351-PLN-1-4055 Drainage Construction Details Sheet 1 Rev A
A351-PLN-1-4056 Drainage Construction Details Sheet 2 Rev B
A351-PLN-1-4053 Drainage Areas Layout Sheet 1 Rev A
A351-PLN-1-4054 Drainage Areas Layout Sheet 2 Rev A
A351-PLN-1-4061 Engineering Layout Sheet 1 Rev A
A351-PLN-1-4062 Engineering Layout Sheet 2 Rev A
A351-PLN-1-4065 Highway Construction Details Rev A
A351-PLN-1-4071 Materials Layouts Sheet 1 Rev A
A351-PLN-1-4072 Materials Layouts Sheet 2 Rev A
A351-PLN-1-4081 Large Refuse Vehicular Tracking Sheet 1 Rev A
A351-PLN-1-4082 Large Refuse Vehicular Tracking Sheet 2 Rev A
A351-PLN-1-4083 Fire Tender Vehicular Tracking Sheet 1 Rev A
A351-PLN-1-4084 Fire Tender Vehicular Tracking Sheet 2 Rev A
A351-PLN-1-4085 Standard Car Vehicular Tracking Sheet 1 Rev A
A351-PLN-1-4086 Standard Car Vehicular Tracking Sheet 2 Rev A

3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

- 4) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for the development, including full details of physical works on the site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.
- 5) No development shall take place above damp proof course level until a scheme of ecological enhancements has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The scheme shall include the following measures:
 - a Bat Sensitive Lighting Scheme.
 - Enhancement planting including native scrub, orchard and species rich grassland.
 - The retention of the vegetation along the southern boundary of the site in accordance with the approved landscaping scheme; and
 - provision for bats, birds, reptiles and hedgehogs.
- 6) Notwithstanding the submitted details, no development above damp proof course level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping, and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 7) Notwithstanding the submitted details, no development above damp proof course level shall take place until details of the proposed public open space and play areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior the occupation of the final dwelling at the site.
- 8) A Management and Maintenance Plan for the landscaping, open space and play areas at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling at the site. The landscaping, open space and play areas shall be managed and maintained in accordance with the approved Plan.
- 9) A scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to and approved

in writing by the Local Planning Authority and no dwelling with an electric car charging point shall be occupied until the electric car charging point for that dwelling has been provided and the charge points shall thereafter be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum.

- 10) No demolition/construction activities shall take place other than between 08:00 hours and 18:00 hours (Mondays to Fridays) and between 08:00 hours and 13:00 hours (Saturdays) with no noisy work on Sundays or Bank/Public Holidays.
- 11) No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details.
- 12) No dwelling shall be occupied until the car parking and cycle parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.
- 13) No part of the development shall be occupied until the road(s), cycleways, footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.
- 14) No development shall take place above damp proof course level until details of fire hydrant provision have been submitted to and approved in writing by the local planning authority. The approved fire hydrants shall be installed in accordance with the approved details prior to occupation of any dwelling and shall thereafter be maintained.
- 15) Notwithstanding the submitted details, no development above damp proof course level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved details.
- 16) No development shall take place until the applicant 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 Planning Authority.
- 17) Construction shall not begin until the developer has carried out a dust assessment and prepared a scheme of mitigation measures to protect neighbouring premises from dust produced by activities on site. The assessment should have due regard to current advice and guidance. The

scheme shall adequately consider the impact of site preparation and construction works on existing and proposed dwellings and shall include dust monitoring and regular reporting to the Local Planning Authority. The scheme shall be submitted in writing to the Local Planning Authority for approval. Prior to any construction activities commencing, a verification report shall be submitted to the Local Planning Authority to demonstrate the agreed measures have been implemented. The agreed scheme shall be maintained throughout the construction phase of the development.

- 18) The development shall proceed in accordance with the Arboricultural Impact Assessment and Method Statement Ref JBA 20/128 AR01 Issue A dated 21 September 2021.
- 19) Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.
- 20) Development shall not commence until full details of the maintenance and management of the surface water drainage system are set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- 21) The highway works shown in principle on Plan Reference: A 351-003 rev P2 shall be completed prior to the first occupation of any dwellings at the site.
- 22) No dwelling shall be occupied at the site before a Residential Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Travel Plan.
- 23) The development shall be carried out in accordance with the submitted Planning Noise Assessment Ref 20/0278/R1 dated 9 April 2021.

- 24) Where piling works are necessary, a scheme for noise mitigation shall be submitted to the local planning authority and shall be in accordance with BS5228 (Parts 1 & 4) for noise control. The scheme shall specify the proposed piling method and the reason for its selection. This shall consider the ground of the proposed development site and the proximity of residential properties. Piling shall not commence until written approval has been obtained from the local planning authority.
- 25) Prior to commencement of the development hereby approved, the following components of the scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority:
1. A Site Investigation Scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in [2] are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved. The Verification Report shall demonstrate the effectiveness of the remediation carried out. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall include a long term monitoring and maintenance plan for monitoring of pollutant linkages, maintenance and arrangements for contingency action, and for the reporting of this in writing to the local planning authority.

Appeal B

- 1) The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:

PLN-1-1101 Site Layout Rev L
PLN-1-1102 Colour Site Layout Rev E
PLN-1-1103 Storey Heights Plan Rev D
PLN-1-1104 Dwelling Types Plan Rev D
PLN-1-1105 Tenure Plan Rev F
PLN-1-1106 Parking Plan Rev D
PLN-1-1107 Refuse Plan Rev D
PLN-1-1108 Fire Strategy Plan Rev D
PLN-1-11010 Sales Area Plan Rev D
PLN-1-1111 Location Plan Rev B
PLN-1-1150 Street Scenes Rev B
PLN-1-2101 Alderney Elevations and Plans Rev E
PLN-1-2102 Kingsley Elevations and Plans Rev E
PLN-1-2103 Denford Elevations and Plans Rev E
PLN-1-2104 Ellerton Elevations and Plans Rev F
PLN-1-2105 Hesketh Elevations and Plans Rev E
PLN-1-2106 Kenley Elevations and Plans Rev E
PLN-1-2107 Lutterworth Elevations and Plans Rev E
PLN-1-2108 Moresby Elevations and Plans Rev E
PLN-1-2109 Norbury Elevations and Plans Rev E
PLN-1-2110 Radleigh Elevations and Plans Rev E
PLN-1-2111 Woodcroft Elevations and Plans Rev E
PLN-1-2112 Type 55 Elevations and Plans Rev E
PLN-1-2113 Type 54 Elevations and Plans Rev E
PLN-1-2114 Type 52 Elevations and Plans Rev E
PLN-1-2115 Type 51 Elevations and Plans Rev E
PLN-1-2116 Alverton Elevations and Plans Rev A
PLN-1-2117 2BF (Affordable) Elevations and Plans Rev A
PLN-1-3300 Private Apartments Elevations and Plans Rev A
PLN-1-3400 Affordable Apartments Elevations and Plans Rev A
PLN-1-3700 Single Garage Elevations and Plans Rev B
PLN-1-3701 Double Garage Elevations and Plans Rev B
PLN-1-3702 Twin Garage Elevations and Plans Rev B
PLN-1-3800 Bin Cycle Store 1 Elevations and Plans Rev C
PLN-1-3801 Bin Cycle Store 2 Elevations and Plans Rev C
PLN-1-3802 Substation Elevations and Plans Rev B
PLN-1-3900 Cycle Store Elevations and Plans Rev C
SK01 Landscape Master Plan Rev B
PLN-5021 JBA 20/128-01 Detailed Hard and Soft Landscape Proposals, Sheet 1 Rev C
PLN-5021 JBA 20/128-02 Detailed Hard and Soft Landscape Proposals, Sheet 2 Rev C
PLN-5021 JBA 20/128-03 Detailed Hard and Soft Landscape Proposals, Sheet 3 Rev C
PLN-5021 JBA 20/128-04 Detailed Hard and Soft Landscape Proposals, Sheet 4 Rev C

PLN-5021 JBA 20/128-05 Detailed Hard and Soft Landscape Proposals, Sheet 5 Rev C

PLN-5021 JBA 20/128-06 Detailed Hard and Soft Landscape Proposals, Sheet 6 Rev C

PLN-5021 JBA 20/128-07 Detailed Hard and Soft Landscape Proposals, Sheet 7 Rev C

PLN-5021 JBA 20/128-08 Detailed Hard and Soft Landscape Proposals, Sheet 8 Rev C

- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
- 4) At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for the development, including full details of physical works on the site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.
- 5) No development shall take place above damp proof course level until a scheme of ecological enhancements has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme. The scheme shall include the following measures:
 - a Bat Sensitive Lighting Scheme.
 - Enhancement planting including native scrub, orchard and species rich grassland.
 - The retention of the vegetation along the southern boundary of the site in accordance with the approved landscaping scheme; and
 - Provision for bats, birds, reptiles and hedgehogs
- 6) Notwithstanding the submitted details, no development above damp proof course level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a landscaping scheme including

details of hard and soft landscaping, and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 7) Notwithstanding the submitted details, no development above damp proof course level shall take place at the site until details of the proposed public open space and play areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the final dwelling at the site.
- 8) A Management and Maintenance Plan for the landscaping, open space and play areas at the site shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of a dwelling at the site. The landscaping, open space and play areas shall be managed and maintained in accordance with the approved Plan.
- 9) A scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority and no dwelling with an electric car charging point shall be occupied until the electric car charging point for that dwelling has been provided and the charge points shall thereafter be retained and maintained in good working condition. Charge points should be Mode 3, 7kw fast chargers as a minimum.
- 10) No demolition/construction activities shall take place other than between 08:00 hours and 18:00 hours (Mondays to Fridays) and between 08:00 hours and 13:00 hours (Saturdays) with no noisy work on Sundays or Bank/Public Holidays.
- 11) No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, fully assessed by a competent individual when operational to ensure no light creep/bleed, maintained and operated in accordance with the approved details.
- 12) No dwelling shall be occupied until the car parking and cycle parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.
- 13) No part of the development shall be occupied until the road(s), cycleways, footways, and casual parking areas serving the development have been constructed, surfaced, and drained in accordance with plans and

details to be submitted to and approved in writing by the Local Planning Authority.

- 14) No development shall take place above damp proof course level until details of fire hydrant provision have been submitted to and approved in writing by the local planning authority. The approved fire hydrants shall be installed in accordance with the approved details prior to occupation of any dwelling and shall thereafter be maintained.
- 15) Notwithstanding the submitted details, no development above damp proof course level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. The development shall take place in accordance with the approved details.
- 16) No development shall take place until the applicant 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 by the Local Planning Authority.
- 17) Construction shall not begin until the developer has carried out a dust assessment and prepared a scheme of mitigation measures to protect neighbouring premises from dust produced by activities on site. The assessment should have due regard to current advice and guidance. The scheme shall adequately consider the impact of site preparation and construction works on existing and proposed dwellings and shall include dust monitoring and regular reporting to the Local Planning Authority. The scheme shall be submitted in writing to the Local Planning Authority for approval. Prior to any construction activities commencing, a verification report shall be submitted to the Local Planning Authority to demonstrate the agreed measures have been implemented. The agreed scheme shall be maintained throughout the construction phase of the development.
- 18) The development shall proceed in accordance with the Arboricultural Impact Assessment Ref JBA 20/128 AR01 Issue C and Arboricultural Method Statement Ref JBA 20/128 AR01 both dated 2 August 2022.
- 19) Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

- 20) Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- 21) The highway works shown in principle on Plan Reference: A 351-003 rev P2 shall be completed prior to the first occupation of any dwellings at the site.
- 22) No dwelling shall be occupied at the site before a Residential Travel Plan for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Travel Plan.
- 23) The development shall be carried out in accordance with the submitted Planning Noise Assessment Ref 20/0278/R1 dated 8 February 2022.
- 24) Where piling works are necessary, a scheme for noise mitigation shall be submitted to the local planning authority and shall be in accordance with BS5228 (Parts 1 & 4) for noise control. The scheme shall specify the proposed piling method and the reason for its selection. This shall consider the ground of the proposed development site and the proximity of residential properties. Piling shall not commence until written approval has been obtained from the local planning authority.
- 25) Prior to commencement of the development hereby approved, the following components of the scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority:
1. A Site Investigation Scheme, based on the preliminary risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. Based on the Site Investigation Scheme and the detailed risk assessment, an options appraisal strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A Verification Report providing details of the data that will be collected in order to demonstrate that the works set out in [2] are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved. The Verification Report shall demonstrate the effectiveness of the remediation carried out. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall include a long term monitoring and maintenance plan for monitoring of pollutant linkages, maintenance and

arrangements for contingency action, and for the reporting of this in writing to the local planning authority.