



Appeal Decision

Site visit made on 11 October 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/X3540/W/21/3281602

Land to the north of School Road, Ringsfield (640639, 287218)

- 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 Mark and Paul Timm against the decision of East Suffolk Council.
 - The application Ref DC/20/1001/OUT, dated 28 February 2020, was refused by notice dated 24 May 2021.
 - The development proposed is Erection of up to 33 dwellings, open space, landscaping, visitor car park and site access from School Road.
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Decision

1. The appeal is allowed and planning permission is granted for erection of up to 33 dwellings, open space, landscaping, visitor car park and site access from School Road at Land to the north of School Road, Ringsfield (640639, 287218), in accordance with the terms of the application, Ref DC/20/1001/OUT, dated 28 February 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. Both main parties have referred to it and I have had regard to it in the consideration of this appeal.
3. The description of development includes reference to open space and landscaping. However, for the avoidance of doubt, the planning application was made in outline with all matters reserved apart from 'access', pursuant to the site shown on plan reference 1520A-00-001.
4. 'Access' is defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) in the context of reserved matters as 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made'.
5. This definition goes much further than the details shown on drawing RLC-00-00-DR C-100 P2, which includes two new vehicular accesses and a new pedestrian access with School Road. I have therefore considered the proposals with 'access' as dealing only with the details shown on that drawing.
6. The appellant has also submitted an illustrative site layout plan. A revised version of this plan was provided with the appeal (Ref: 2793A-00-003A) which

includes more detail on how drainage measures could be incorporated, minor revisions to indicative internal circulation routes and minor alterations to indicative parking. Use of the word 'illustrative' is also now included in the description. The Council has had the opportunity to comment on this plan and I have taken these representations into account.

7. In considering the acceptability of the amended plan, I have had regard to the Wheatcroft¹ principles. Given that the proposal is for outline permission and that the plan is illustrative only, I consider that it would not fundamentally alter the development as originally proposed and consulted on by the Council. As such, I have had regard to it, but only insofar as it is indicative.
8. The appellant has provided a signed and dated Section 106 (s106) agreement with this appeal. I have taken this into account in considering this appeal as discussed later in this decision.
9. The effect of the development on European Sites was not cited as a reason for refusal by the Council, given that it was satisfied that appropriate mitigation could be secured by s106 agreement. Nonetheless, I am the competent authority as the decision-maker and as such, it is necessary to undertake an appropriate assessment. This is therefore a main issue in the consideration of this appeal. The main parties have been consulted in this regard and I have taken these representations into account.

Main Issues

10. The main issues are:

- Whether the appeal site is capable of accommodating the quantum of development proposed and in particular, its resultant effect on the character and appearance of the surrounding area.
- The effect of the proposed development on the integrity of European Sites.

Reasons

Character and Appearance

11. The appeal site comprises an agricultural field, located to the east of Ringsfield, which is a relatively small rural village. The appeal site is subject to an allocation for a residential development of approximately 30 dwellings under Local Plan² Policy WLP 7.14. However, part of the land allocated under Policy WLP 7.14, to the north of the appeal site, is not included within the red-line boundary (albeit it is within the appellant's ownership). Indeed, the appeal site comprises an area of approximately 1.86 hectares (ha), whilst the total area allocated under Policy WLP 7.14 is approximately 2.56ha.
12. Policy WLP 7.14 specifies a quantum of 'approximately 30 dwellings'. However, if applying a reasonable approach and taking the ordinary dictionary definition of 'approximately', then the 33 dwellings proposed can be considered to fall within this remit.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Waveney Local Plan – Adopted March 2019

13. Policy WLP 7.14 does not require the use of the whole site. Indeed, even if the whole of the allocation had been the subject of the planning application, in principle there is no reason why such an application could not have left the same segment of land undeveloped. As such, the primary question is whether or not the proposed development complies with the parameters set out under Policy WLP 7.14.
14. Policy WLP7.14 sets out the specific criteria which development on the allocated site must meet. It also requires the development to have a density of approximately 20 dwellings per hectare. Importantly, despite the fact that the appeal site is slightly smaller than the area of the overall allocation, the density of the proposed development would still be somewhere between 18 and 20 dwellings per hectare depending on whether the area for visitor parking (to be secured by s106 with layout determined under reserved matters) is excluded or included. As such, with regard to density, there would not be a conflict with Local Plan Policy WLP 7.14.
15. Local Plan Paragraph 7.130 indicates that nearby residential densities are approximately 15dph. Even assuming a density of 20 dwellings per hectare, this would represent a difference of 5dph between the development and the prevailing density of the surrounding area. This marginal difference would not result in any harm to the character and appearance of the area.
16. The indicative layout plan also shows that dwellings with proportionately large (or 'generous') front and back gardens could be accommodated within the appeal site, which is another requirement of Policy WLP 7.14.
17. Policy WLP 7.14 also requires that hedgerows and trees located along the north and west boundaries should be protected and reinforced with additional planting. Whilst landscaping is a reserved matter, the illustrative layout plan clearly shows the existing boundary planting retained (with the exception of new access points) and that there is sufficient room to accommodate an acceptable planting scheme of a similar verdant character to that which prevails in the surrounding area. As such, the proposed development does not conflict with this requirement of Policy WLP 7.14 and an acceptable landscaping scheme is capable of coming forwards at reserved matters stage.
18. The Council contends that the swales shown on the foul and surface drainage layout plan (191133-RLC-00-00-DR-C-001 Rev. P6) do not match those on the illustrative layout plan. However, there is no significant discrepancy between the plans. To the extent that there are differences, these are minor. Given that the layout is illustrative I see no reason why minor discrepancies in the drainage layout could not be remedied and incorporated on site with the quantum of development proposed.
19. More generally, there is no substantive evidence to demonstrate why the proposed development could not be of a high-quality which is in keeping with the character of the surrounding area. This is a matter which would be considered at reserved matters stage upon submission of plans showing detailed design. Nonetheless, the surrounding development in the village is predominantly linear and there is some development in depth to the west of the village. Clearly, the development of the allocated site for 33 dwellings, would result in a residential development of differing character to that which

prevails. But this is inevitable, given the allocations location, size and the approximate number of dwellings allocated.

20. With these considerations in mind, in principle there is no reason why the design of the proposed development would necessarily be harmful to, or discordant with, the surrounding character, particularly given the opportunity for landscaping and the prospect of setting the proposed housing back in the site, behind the proposed visitor parking. In summary, the evidence before me demonstrates that the illustrative layout includes enough land to accommodate the development along with drainage infrastructure, open space and landscaping. It would therefore comply with Local Plan Policy WLP 7.14.
21. The Council has also referred to a number of other policies in its Statement of Case and has provided copies of these to me. However, it does not appear that the Council is alleging conflict with them and these policies are not referred to in the Council's reason for refusal. As such, I have not identified any conflict with them.
22. Notwithstanding that the appearance, layout, scale and landscaping are reserved matters, the proposed development would not conflict with Framework paragraphs 126, 130 and 134 which together seek to ensure that development is well designed, optimises site potential and reflects local character.

European Sites

23. The appeal site is located within the zone of influence (ZOI) of a number of areas of ecological interest including Benacre to Easton Bavents Special Protection Area (SPA), Benacre to Easton Bavents Lagoons Special Area of Conservation (SAC), Minsmere to Walberswick Heaths and Marshes SAC, Minsmere - Walberswick SPA and Ramsar Site, The Broads SAC, Broadland SPA and Broadland Ramsar Site.
24. The Conservation of Habitats and Species Regulations 2017 as amended (Habitats Regulations) require that permission may only be granted after having ascertained that it will not affect the integrity of the European site.
25. The aforementioned sites comprise habitats which include semi-natural woodland, shingle, tall fen vegetation, dunes, grassland, saltmarsh, coastal lagoons, coastal grazing marsh, coastal reedbeds, lowland heathland, intertidal mud and mixed sediment. These habitats collectively support an assemblage of breeding and wintering birds, wetland plants, wetland invertebrates and otters. Given its relatively small scale, when considered alone, the proposed development is unlikely to result in significant effects on these sites.
26. In relation to sites within the Broads; these are all in far closer proximity to other larger settlements (including Bungay, Beccles and Lowestoft) as well as the city of Norwich. Furthermore, the evidence before me shows that the Broads Authority has a duty to manage these sites (with comprehensive measures for managing visitors and tourism on several sites and limited access to most). As such, in combination with other residential schemes, effects on these sites are likely to be negligible.
27. However, there would be likely significant effects on the aforementioned sites (outside of the Broads) as a result of the proposed development in combination with other residential development within the ZOIs. This is because these sites

are within areas where occupiers of the proposed development may undertake a range of recreational activities including (but not limited to) picnics, hiking and dog-walking. The evidence before me indicates that housing and consequent population growth on sites within reach of these sensitive areas is likely to result in an increase in the number of visitors to them, creating the potential for impacts from increased recreational disturbance of their qualifying features.

28. The appellant has submitted a s106 Agreement with this appeal which includes a financial contribution aimed at mitigating these effects. The Council appears to be satisfied with this approach. Nonetheless, I am the competent authority as the decision-maker and as such, it is necessary to undertake an appropriate assessment.
29. Increased recreational activity has the effect of disturbing and reducing the activities of breeding and wintering birds as well as other qualifying features, which can have a subsequent impact on their population and distribution. the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)³ sets out a range of measures which aim to mitigate recreational impacts arising from increased residential development. Measures include (but are not limited to) car park monitoring, signage, communication with dog-walkers, restrictions, monitoring and survey work. In order to fund and implement these measures, the RAMS requires a contribution of £321.22 per dwelling.
30. The s106 Agreement includes provision for this sum to be paid prior to commencement of development. I am satisfied that this obligation will ensure that the proposed development would make the required contribution to the mitigation measures outlined within the RAMS.
31. The contributions would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. They therefore meet the tests set out under Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).
32. I therefore conclude that the required mitigation would be properly secured and that the proposed development would not have an adverse effect on the integrity of the identified European Sites either alone or in combination with other projects. The proposed development therefore complies with WLP Policy 8.3 which seeks to safeguard protected species and habitats.

Planning Obligation

33. In addition to the RAMS contribution discussed above, there are various other obligations contained within the s106 Agreement.

Affordable Housing

34. The evidence before me demonstrates that there is a need for affordable housing in the district and this is reflected under Local Plan Policy WLP 8.2, which outlines that the Council expects 30% of new dwellings to be made available as affordable housing. It also outlines that 50% of those dwellings

³ Habitats Regulations Assessment Recreational Disturbance Avoidance and Mitigation Strategy for Ipswich Borough, Babergh District, Mid Suffolk District and East Suffolk Councils – Technical Report (2019)

should be for affordable rent. The s106 makes provision for 30% provision of affordable housing to be provided on site with 50% of those dwellings for affordable rent. It also requires submission of an 'affordable housing scheme' and makes sufficient provision for circumstances in which affordable housing cannot be provided on site (where a payment in lieu will be made). Finally, the s106 makes provision for the transfer of affordable housing prior to occupation of more than 40% of open market units. All of these obligations are necessary, fairly related in scale and kind to the development and directly related to the development.

Open Space

35. Open space provision on site is necessary for the wellbeing and amenity of future users in accordance with Local Plan Policy WLP 8.30. The s106 requires that the specification of open space is submitted to and approved by the Council prior to commencement of development. It also controls the implementation of that space, requiring it to be laid out prior to occupation of 50% of the dwellings. Finally, it makes provision for the transfer of the open space to a management company. The exact form, location and proportion of open space will be determined at reserved matters stage. As such, this obligation is fairly and reasonably related in scale and kind to the proposed development.

Visitor Car Park

36. A car park comprising 24 parking spaces is necessary because Local Plan Policy WLP 7.14 requires provision of a car park comprising 24 car parking spaces opposite the school. The s106 makes provision for this. Given the requirements of Policy WLP 7.14, this obligation is directly, fairly and reasonably related in scale and kind to the development.
37. The car park is to be delivered on site and the illustrative layout plan demonstrates that it can be accommodated opposite the school, with the s106 making provision for a scheme (including location and layout) to be provided to and approved by the Council prior to commencement of development. The s106 makes provision for the car park to be laid out prior to occupation of 50% of the dwellings and for the transfer of the management of the car park prior to occupation of 90% (at the latest) of the dwellings. These provisions would satisfactorily control the implementation and ongoing management of the visitor car park.

Summary

38. For the reasons outlined above, the obligations set out within the s106 are all necessary to make the development acceptable, directly related to the development; and fairly and reasonably related in scale and kind to the development. The planning obligation therefore meets the tests set out under Framework Paragraph 57 and Regulation 122(2) of the CIL Regulations. I have therefore taken it into account in determining this appeal.

Other Matters

39. The Council has provided me with a copy of the judgement reached in *R (Harvey) v Mendip District Council* [2017] EWCA Civ 1784. However, the Council has not clearly explained the relevance of this judgement and it does

not alter the approach I have taken, nor the basis of my consideration, in determining this appeal.

40. For the avoidance of doubt, neither of the main parties have referred to the Council's current Housing Land Supply position. As such, I have determined the appeal on the basis that there is no evidence before me to indicate a shortfall. This represents a best-case scenario for the Council but this approach should not be interpreted as a representation of the definitive position. Indeed, this approach is a consequence of the fact that I must consider the appeal on the basis of the evidence before me.
41. Whether or not the appellant or another party proposes further development to the north of the site in the future is not a consideration which carries any significant weight. This is because, any such proposal would need to be considered on its own merits and there is no substantive evidence to indicate that this is the appellant's intention.
42. The Council has referred to appeal and cost decisions⁴ which relate to refusal of an application for reserved matters for a residential development in another local authority area. To summarise, in that case the Inspector concluded that the Council - in refusing the application for reserved matters - had unreasonably sought to row back on the acceptable quantum of development which was approved under the outline planning permission. Whilst this does provide some indication of the Council's approach to considering the planning application, given that I have concluded that a policy compliant development of 33 dwellings could be accommodated on the appeal site, this consideration is of little relevance.
43. Various objections were made to the planning application, including by local residents and the Parish Council. Many of these objections relate to the principle of development. However, the principle of a residential development comprising approximately 30 dwellings has already been established on the allocated site. I acknowledged that 33 dwellings are proposed within a reduced site area. However, I have concluded that 33 dwellings fall within the ambit of the term 'approximately 30 dwellings'. I have also concluded that, despite the reduced site area, the proposed development complies with the requirements of Policy WLP 7.14. For these reasons the principle of the proposed development is acceptable.
44. Other matters raised can be addressed through imposition of planning conditions, including foul and surface water drainage, the effect on ecology and residential amenity (particularly during construction). Concerns have been raised with regard to the effect of the development on highway safety. However, given the relatively low speed limit (30mph) along this part of School Road and the narrow nature of the highway, vehicle speeds in the vicinity of the appeal site are likely to be low. Furthermore, the highway authority did not object to the proposal on highway safety grounds. As such, subject to conditions, the proposed development would not have an adverse impact on highway safety, even when taking into account the proximity of the nearby school.

⁴ PINS Reference: APP/D1265/W/20/3256221

45. The Parish Council highlighted that there are Listed buildings within 1km of the appeal site. However, given the significant distance of these buildings⁵ to the appeal site and the intervening urban and natural landscape features, the appeal site is not within (and would not affect) the setting of these listed buildings.
46. Local Plan Policy WLP 8.7, cited by the Parish Council, does not apply given that it relates to small scale schemes of no more than 5 dwellings.
47. The proposed development would include provision of 33 dwellings, 30% of which would be affordable. There would be significant social and economic benefits associated with the increase in the housing stock in this regard. These benefits are consistent with the emphasis in the Framework on significantly boosting the supply of housing. This is a material consideration of significant weight in favour of the proposal.

Conditions

48. I have considered suggested conditions in light of advice contained in the Planning Practice Guidance and the tests within the Framework. As a result, I have amended some of the conditions so that they are enforceable, precise, relevant, necessary and reasonable in all other respects. With regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended), the appellant has given written agreement to the pre-commencement conditions suggested by the Council and where I have modified these it has had no material bearing on their function.
49. Some of the conditions in the list provided by the Council relate to issues which can be addressed under reserved matters. These include matters pertaining to refuse storage and hard/soft landscaping.
50. As noted near the beginning of this decision, details of 'access' have only been supplied for the pedestrian and vehicular junctions with School Road. A condition requiring submission of details pertaining to internal access and circulation routes (6) is therefore necessary. In addition to the standard timescale conditions (2 and 3), I have imposed a condition specifying the relevant drawings (4), as this provides certainty. Condition (5) is necessary to provide clarity as to the maximum number of dwellings approved.
51. WLP Policy 8.31 requires that 40% of dwellings meet the optional building regulation requirements M4(2) and/or M4(3) to provide accessible homes. As such, a condition (7) requiring accordance with the standards is necessary.
52. Conditions (8 and 9) requiring details and implementation of foul and surface water drainage are necessary in the interest of drainage and flood risk.
53. A Grampian condition (10) requiring details to be submitted in respect of the link between the pedestrian access and the footway to the south of School Road is necessary in the interest of highway safety. The County Council has indicated that this is necessary and as such, I consider that there is a realistic prospect of such works being secured. The County Council also requested other conditions pertaining to access. However, the vehicular and pedestrian accesses with School Road are approved under plan reference RLC-00-00-DR C100 P2.

⁵ Including those listed in the Planning Officer's report

54. The requirement for a new footway across the southern boundary of the site has not been shown to be necessary, albeit there is sufficient flexibility in Condition 9 to allow for this in any case. Visibility splays can be controlled, implemented and retained through a separate planning condition (13).
55. Conditions requiring details to be submitted in respect of street maintenance (11) and parking (12) are necessary in the interest of highway safety.
56. Conditions (14), (15) and (16) are necessary in the interest of conserving and enhancing biodiversity. These encompass the recommendations set out within the appellant's ecological appraisal.
57. In respect of archaeology, conditions (17 and 18) requiring preparation, submission and adherence to a written scheme of investigation are necessary given that there is potential for archaeological remains to be present within the appeal site.
58. In order to ensure the health and wellbeing of the proposed occupiers of the site I have imposed conditions (19, 20, 21 and 22) relating to the survey, investigation and remediation (if necessary) of the land in respect of contamination.
59. A condition (23) requiring submission of a construction management plan is necessary in the interest of the living conditions of neighbouring occupiers, drainage and highway safety.
60. Water consumption is restricted (24) in the interest of using water efficiently.

Conclusion

61. The proposed development complies with the development plan taken as a whole. There are no material considerations raised, of sufficient weight, to warrant a decision other than in accordance with the development plan. As such, the appeal is allowed.

Luke Simpson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) 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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1520A-00-001 and RLC-00-00-DR C100 P2 (excluding the dwellings, internal roads and car park shown on plan RLC-00-00-DR C100 P2) but only in respect of those matters not reserved for later approval.
- 5) Notwithstanding the details set out in the description of development, the development hereby approved shall comprise no more than 33 dwellings.
- 6) No development shall take place until the accessibility to and within the site, for vehicles, cycles and pedestrians including the positioning and treatment of access and circulation routes, has been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for implementation and details of a bridleway access point. The development shall thereafter be carried out in accordance with the approved details.
- 7) No development shall take place, until plans demonstrating that 40% of the dwellings hereby approved comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and/or requirement M4(3) 'wheelchair user dwellings', have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and thereafter retained in accordance with those plans.'
- 8) No development shall take place until a foul and surface water drainage scheme has been submitted to the local planning authority and approved in writing. The surface water aspect of the scheme shall be in accordance with the FRA (Reference: RLC Ref. 191251) and include:
 - (i) Dimensioned plans and drawings of the surface water drainage scheme;
 - (ii) Modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Qbar or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - (iii) Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - (iv) Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from

the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

- (v) Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite (including onto the highway), and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system; and
- (vi) Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.

The scheme shall be implemented prior to first occupation any dwelling hereby approved in accordance with the approved details and thereafter retained and maintained as approved.

- 9) Within 28 days of completion of the last dwelling hereby approved, details of all Sustainable Drainage System components and piped networks (including 'as-built' plans) shall be submitted to the local planning authority for approval in writing.
- 10) No development shall take place until a highways scheme to provide safe pedestrian access from the new pedestrian footway (as shown on approved plan reference RLC-00-00-DR C100 P2) on the north side of School Road, to the existing footway on the south side of School Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include dropped kerb pram crossings. The scheme shall be implemented and thereafter retained in accordance with the approved details prior to first occupation of the development hereby approved or prior to first use of the visitor parking within the site (whichever is sooner).
- 11) No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority - the streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under S38 of the Highways Act 1980.
- 12) No development shall take place until details of the areas to be provided for the manoeuvring and parking of vehicles, including electric vehicle charging points, powered two wheeled vehicle parking provision and secure covered cycle storage have been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in its entirety prior to the first occupation of any dwelling hereby approved and shall be retained thereafter and used for no other purpose.
- 13) Before the new western estate road junction and new eastern vehicular access (as shown on approved plan ref RLC-00-00-DR C100 P2) are first used, visibility splays shall be provided in the area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside

edge of the metalled carriageway at the centre line of the access points (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

- 14) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a survey for active birds' nests has first been submitted to and approved by the local planning authority. Any such survey should confirm either that no birds will be harmed or that measures to protect nesting bird interest on site will be implemented. The development shall thereafter be undertaken in accordance with any such mitigation measures.
- 15) No development shall take place until a "lighting design strategy for biodiversity" for the development hereby approved has been submitted to and approved in writing by the local planning authority. No dwelling hereby approved shall be occupied until the lighting scheme has been implemented in accordance with the approved details and the scheme shall be retained in accordance with those details thereafter.
- 16) No development shall take place until an Ecological Enhancement Strategy (including a timetable for implementation), addressing how ecological enhancements will be achieved on site, has been submitted to and approved in writing by the local planning authority. The enhancement strategy shall be implemented, and the enhancement measures retained, thereafter in accordance with the approved details.
- 17) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority. The scheme of investigation shall include an assessment of significance and research questions and:
 - a) The programme and methodology of site investigation and recording;
 - b) The programme for post investigation assessment;
 - c) Provision to be made for analysis of the site investigation and recording;
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; andThe development shall thereafter be undertaken in accordance with the approved details.
- 18) No dwelling hereby approved shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the local planning authority, in accordance with

the programme set out in the Written Scheme of Investigation approved under Condition 17 and the provision made for analysis, publication and dissemination of results and archive deposition.

- 19) No development shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:
- a) An intrusive investigation, including locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
 - b) an explanation and justification for the analytical strategy;
 - c) a revised conceptual site model; and
 - d) a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a suitably qualified contaminated land practitioner and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

- 20) No development shall take place until a detailed remediation method statement (RMS) has been submitted to and approved in writing by the local planning authority. The RMS must include, but is not limited to:
- a) Details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - b) An explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - c) Proposed remediation objectives and remediation criteria; and
 - d) Proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.
- 21) The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11. The measures in the RMS shall be undertaken prior to the first occupation of any dwelling hereby approved, in accordance with the approved details.

Prior to first occupation of any dwelling hereby approved, a validation report must be submitted to and approved in writing by the local planning authority. The validation report must include, but is not limited to:

- a) Results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- b) Evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- c) Evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

- 22) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 23) No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include:
- a) Measures to ensure that noise, dust and light will be controlled so as not to cause a nuisance to neighbouring properties.
 - b) Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations).
 - c) Details of hours of construction and delivery hours for materials and equipment; and
 - d) Details of construction access and parking locations.
- 24) The development hereby approved shall be designed and built to achieve a water consumption rate of no more than 110 litres/person/day. All required water conservation measures installed to achieve this rate shall be retained/upgraded to ensure the required water consumption rate is not exceeded for the lifetime of the development.

End of Schedule