
Appeal Decision

Site visit made on 23 October 2023

by Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MIOl MCMI MEnvSci MRTPI
an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/D0515/W/23/3318467

Land east of Bevills Close, Doddington, Cambridgeshire PE15 0TT

- 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 Ashwood Homes against the decision of Fenland District Council.
 - The application Ref F/YR21/1072/FDL, dated 16 August 2021, was refused by notice dated 8 November 2022.
 - The development proposed was originally described as the “erection of 47 homes.”
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 47 dwellings with associated garages, parking, landscaping and infrastructure. Creation of vehicular access from Bevills Close and creation of cycle/footpath/emergency link from Bevills Close. Provision of open space, LEAP and attenuation basin. Demolition of dwelling and garage at number 44 Bevills Close and erection of replacement dwelling. Demolition of existing agricultural building on land east of Bevills Close, Doddington, Cambridgeshire PE15 0TT in accordance with the terms of the application, Ref F/YR21/1072/FDL, dated 16 August 2021, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Ashwood Homes against Fenland District Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. The original and subsequent description of development used during the determination process did not fully describe the proposals. As such a more accurate description used for the appeal process was agreed by the Appellant and Council and is therefore used in the formal decision in paragraph 1.
4. Within the Appellant’s submission a revision to the proposed main site access arrangement plan was presented. The only difference between revision B (dated 16.01.23) and revision A (dated 30.11.21) is the illustration of the capacity for 5 large cars within the area of hard standing adjacent 12-18 Bevills Close. Having considered the legal tests for revised plans and amendments as per the cases of *Wheatcroft Ltd*¹ and *Holborn Studios Ltd*², I do not find that

¹ *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

² *Holborn Studios Ltd v The Council of the London Borough of Hackney*[2017] EWHC 2823 (Admin)

this amendment presents a substantial difference or fundamental change to the proposal. Any persons with an interest in the case have had an opportunity during the appeal process to comment upon the revised plan. As such it is my view that there would be no procedural unfairness by my consideration of this revised plan in the determination of this appeal and I have proceeded on this basis.

5. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023 which replaces the version published in July 2021. However, the only revision relates to the Government's policy on onshore wind development within chapter 14. There is no onshore wind development proposed as part of this appeal scheme. As such there was no need to seek the parties' views on the revision to the Framework.

Main Issue

6. The main issue is the effect of the scale of the appeal proposal on the living conditions of existing residential occupiers, with particular regard to the potential noise associated with vehicles using the proposed access for the occupiers of 12-18 Bevills Close and 15 Eastalls Close, and the effect on parking arrangements for 12-18 Bevills Close.

Reasons

7. Doddington is a second-tier settlement in the settlement hierarchy of Policy LP3 of the adopted Fenland Local Plan (FLP, adopted May 2014). It is therefore a growth village whereby small-scale village extensions are envisaged. Policy LP3 does not define 'small scale'. As such this is a matter of planning judgement. As a second-tier settlement the proposed 47 dwellings is substantially less than the 250 which is anticipated for first tier settlements. Having regard to the appeal site area and the character of the surrounding residential development of an existing relatively modern housing estate comprising of one storey and two-storey residential dwellings, the proposal would provide an appropriate number and mix of new dwellings and form a logical extension to the settlement. Consequently, I do not agree that the scale of development conflicts with Policy LP3.
8. The primary vehicular access into the development site would be from Bevills Close by opening up an existing turning area adjacent 12-18 Bevills Close together with a proportion of the general landscaped area. Concerns have been raised about noise from vehicles, particularly in relation to those existing occupiers closest to the site access. No cogent evidence has been submitted to substantiate these claims. I note that no concerns have been raised by the Council's Environmental Health Protection Team in relation to noise from vehicles. They had no objection to the development subject to the imposition of planning conditions.
9. As part of the appeal submission, in response to the noise concerns expressed by the Planning Committee and other interested parties, the Appellant has submitted an Environmental Noise Assessment³. This site-specific technical assessment included on-site noise measurements taken from a monitoring location in between 12-18 Bevills Close and 15 Eastalls Close to establish the existing ambient and background noise both during the day and night. A

³ Acoustic Associates (Peterborough), report SEM/J3716/18370, dated March 2023

computer noise model using an internationally recognised standard method of calculation used the background noise levels and the predicted vehicle movements to establish the potential daytime and night-time noise emissions which would be likely to be experienced by occupiers of these particular properties.

10. The report does acknowledge that there would be an increase in the noise levels as a consequence of the appeal proposal. However, it would still be within established guidelines for acceptable noise levels inside residential properties (including with windows open) and within their associated outdoor amenity space published by the World Health Organisation and British Standards (BS8233). Furthermore, the predicted noise levels would be “not significant” by reference to the Institute of Environmental Measurement and Assessment Guidelines. Consequently, based upon the submitted evidence, the noise levels would be acceptable, and no specific noise related mitigation would be required.
11. Concerns have been raised about the effect on parking arrangements for the occupiers of 12-18 Bevills Close. On my site visit, albeit a snapshot in time, I observed that the turning area of the adopted public highway was being used for informal car parking. However, from the consultation response of the Highway Authority, it is their view that off-road parking for 12-18 Bevills Close already appears to exist within the adjacent hard surfaced piece of land accessed from the turning area. No evidence has been submitted to lead me to conclude that the Highway Authority’s contention regarding existing parking arrangements for 12-18 Bevills Close is incorrect. Moreover, the Highway Authority has not indicated that additional or alternative car parking is required to make this proposal acceptable. At the time of my visit there were no vehicles parked within this adjacent hard surfaced area.
12. In any event, alternative parking would remain available. The appeal proposal would not result in new on-street parking restrictions. As such residents could still continue to park informally on-street if they wished. Albeit the road layout would now be a through road as opposed to a turning area. The contention therefore that there would no alternative parking available for occupiers of 12-18 Bevills Close is misguided.
13. The Council’s Statement of Case seeks to expand the reason for refusal by reference to light pollution. However, no cogent evidence is presented to underpin and substantiate this contention. As interested parties have raised this concern I shall address this under the other matters section of this decision.
14. I find that the appeal proposal would not lead to an unacceptable level of harm to the living conditions of existing residential occupiers, with particular regard to the potential noise associated with vehicles using the proposed access for the occupiers of 12-18 Bevills Close and 15 Eastalls Close or have an unacceptable effect on parking arrangements for 12-18 Bevills Close. As such the proposal would not conflict with Policies LP2 and LP3 of the FLP. These policies amongst other things, seek to direct future growth throughout the district based upon a settlement hierarchy and that development proposals should positively contribute to creating a healthy, safe and equitable living environment.

Other Matters

15. A range of other matters have been raised, including access, construction traffic, lighting, village infrastructure, housing numbers and the Local Plan, drainage and flood risk, the sewerage system and the relationship of the proposal with work on an emerging Neighbourhood Plan.
16. Concerns have been raised about the width of the roads. From my assessment during my site visit where I drove and walked around the area, I did not find the roads to be unduly narrow. Given the relatively recent development adjacent to the appeal site, the roads and footways have been constructed to modern design standards. It is not unusual for one housing area to be accessed through another and vehicles of different sizes moving around. The submitted swept path analysis⁴ demonstrates that vehicles would be able to pass safely. Vehicle movements in residential areas should in any event be travelling at slower speeds. Residential areas do often have some on-street parking which can act as a traffic calming feature in relation to vehicle speeds.
17. Construction traffic movements have been raised as concerns. Whilst this is understandable, it would be for a temporary period. Having regard to the surrounding highway network which has no particular restrictions in this case it would not be a reason to withhold permission. A Construction Management Plan (CMP) could be secured by planning condition and is designed to give certainty about a range of aspects of the construction phase, such as deliveries, and parking arrangements for site workers.
18. Reference has been made to the impact of the headlights from vehicles exiting the site. The position of the vehicle access opposite existing dwellings is not dissimilar to residential properties whose driveways also front onto a highway or a road opposite a property or scenarios found in residential areas in other parts of the country. No substantive evidence has been provided in this case to demonstrate that this would lead to an unacceptable impact on the living conditions of existing occupiers.
19. From the submitted petition it has been raised that the cul-de-sac which would form the proposed emergency access is a private road. However, the Highway Authority has confirmed that their records indicate that this section is adopted public highway.
20. Several representations have raised concerns about village infrastructure being overstretched and reference has been made to the results of the Doddington Village Survey of February 2023. Although concerns have been raised about insufficient facilities, from the submitted evidence and my site visit, I do not agree. Doddington has a range of day-to-day services and facilities and therefore it is correctly placed in the Fenland settlement hierarchy (Policy LP3 of the FLP) and identified as a settlement for future growth.
21. A number of comments have been made about housing already having been built or committed and therefore Local Plan quotas met. However, housing requirements within a Local Plan are not a maximum. There is a national need for housing and the Government's objective in national planning policy is to significantly boost the supply of homes.

⁴ Drawing no. 663069-10-02 Rev B – Proposed Site Access Arrangements: South Stub – Main Access

22. Some representations have referred me to Policy LP12 which includes a criterion relating to the need for community support for proposals which would increase the number of dwellings by more than 15% in a growth village, such as Doddington. The Council has not identified conflict with Policy LP12. I have not been provided with details of either the size of the existing settlement to establish a baseline for assessing growth nor have I been provided with specific information in relation to other housing commitments in order to make an informed judgement that Policy LP12 seeks. I note from the Planning Committee Report that the Council no longer engages this part of Policy LP12 since an appeal decision in Manea. In any event, I am mindful that the Framework identifies a need to significantly boost housing supply and that any housing targets should be seen as a minimum rather than a maximum.
23. Several comments have been made regarding drainage and flood risk. The submitted flood risk assessment and drainage strategy with hydraulic calculations provides sufficient detail to demonstrate that in principle there is a strategy for sustainable drainage. It does incorporate the Environment Agency's climate change allowances. It is common for further details of the drainage design to be secured by a planning condition. The site lies in Zone 1 on the Environment Agency's Flood Map for Planning which is land at least risk from flooding. Having regard to the responses from those statutory consultees with specific water related responsibilities, I note that there are no outstanding objections. As such there is no reason to withhold permission on the basis of any water related matters.
24. Concerns have been raised about adequacy of the sewage system. Policy LP3 indicates that development in Doddington will be appropriate provided that capacity at, or in the sewerage network leading to, the Wastewater Treatment Work in Doddington can be addressed. However, the consultation response from Anglian Water confirms that there is capacity for the wastewater treatment arising from this proposal. My attention has been drawn to a summary of a Doddington Village Survey earlier this year in which a proportion of residents reported a problem with water or sewerage in the past year due to blockage or overflow. There can be many reasons for blockages and overflows, technical investigation and evidence is needed. As such it cannot be simply concluded that the infrastructure is inadequate.
25. Concern has been expressed that this scheme pre-empts the work underway on the Doddington Neighbourhood Plan and Housing Needs Survey. However, I have not been provided with information as to what stage the Neighbourhood Plan has reached. As such it cannot currently carry any weight in decision making. The Framework, in paragraph 50, is clear that the refusal of planning permission will seldom be justified, in the case of a neighbourhood plan, before the end of the local planning authority publicity period on the draft plan. Other matters raised relating to impact on property values and the loss of a view are not planning matters.
26. No concerns in principle have been raised regarding the demolition of the agricultural building or 44 Bevills Close. As such I see no reason to disagree. I note the concerns raised regarding the effect of the demolition of the garage to 44 Bevills Close as it is attached to the garage to 39 Bevills Close; however other, non-planning legislation, would provide sufficient controls for the condition of the remaining garage.

Infrastructure contributions

27. A Section 106 Planning Obligation in the form a signed Unilateral Undertaking (UU) has been submitted with the appeal. Regulation 122 of the Community Infrastructure Levy Regulations (as amended) (CIL Regulations) and paragraph 57 of the Framework identify that planning obligations must only be sought where they meet all of the following three tests: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.
28. The proposed development is anticipated to generate demand for a further 12 primary school places. The County Council has confirmed that there are currently insufficient places available at the Lionel Walden Primary School to accommodate these additional children and those arising from other developments within the locality without further land to facilitate expansion.
29. The UU secures the mechanism to transfer a defined parcel of serviced and finished land to Cambridgeshire County Council for an extension to the site of Lionel Walden Primary School, Doddington in lieu of financial education contributions. The County Council's appeal representation confirms this is acceptable in principle.
30. I note comments have been made regarding the need for affordable housing, other financial contributions and capacity of local infrastructure. Policy LP5 does seek on-site affordable housing subject to a viability assessment using a recognised viability model. The Council's Committee Report refers to acknowledged issues of viability within Fenland. The Planning Practice Guidance (PPG) advises that viability should be taken into account in decision making.
31. The Framework in paragraph 65 indicates that major development involving the provision of housing should expect at least 10% of the total number of homes to be available for affordable home ownership. The Framework goes on to identify exemptions to this, however, none are applicable in this case.
32. I am mindful of the provisions of the Framework; however, the PPG does allow developers to make a case that a scheme cannot viably support the provision of affordable housing. I am satisfied that the submitted viability evidence provides a sufficiently detailed analysis of costs involved, such that affordable housing cannot be offered in the way envisaged in Policy LP5 or the Framework in this case.
33. The Council's Senior Planning Obligations Officer considered the viability assessment and concluded that the development could afford a total financial contribution of £72,000 towards infrastructure provider's requests but with no affordable housing provision. On the basis of the evidence presented to me, I have no reason to come to a different conclusion on the viability assessment.
34. From the evidence before me, during the determination of the planning application, discussions were held between the Council, the County Council and the primary school regarding the provision of land as an extension to the school site. The valuation report concluded that the benefit arising from the transfer of the land to the County Council would amount to £136,000. This was agreed by the Council's Senior Planning Obligations Officer and on the basis of the evidence presented to me, I have no reason to disagree with the

valuation of this option. In this case I am satisfied that the serviced land for educational use is both a more practical and financially appropriate offer and achieves the most beneficial outcome for the community having regard to the issues of viability specific to this proposal. As a consequence, it would not be possible to meet other financial contributions requested for other matters.

35. I find that the submitted obligation is 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. It meets the tests within Regulation 122 of the CIL Regulations and should be taken into account in the decision. It therefore complies with Policy LP13 regarding infrastructure and developer contributions.

Planning Conditions

36. As part of the standard procedure for appeals the Council has submitted a list of suggested planning conditions in the event that the proposal was to be approved. I have assessed them in relation to the tests and guidance for planning conditions contained in the Framework and PPG. I have imposed the suggested conditions, with the exception of the one relating to retention of the car parking area for Nos 10-18 Bevills Close. As I have set out in my reasoning alternative on-street parking and/or off-street parking may be available, and either would be acceptable. Accordingly, I do not find this suggested condition is necessary to make the development acceptable. I also note that the Council referred to Policies LP15 and LP16 of the FLP as being the reason for the condition. However, the reason for refusal did not identify conflict with such policies.
37. The conditions have been re-ordered to provide clarity regarding the order with which they are to be satisfied to reflect good practice. Some minor changes to wording have been made to ensure compliance with the tests set out in national policy. Any references to 'in consultation with' have been omitted as it is not necessary to be specified in a condition. The Council makes the decision on discharging the conditions, which may or may not include any consultations it chooses to undertake. All conditions imposed, including those which are pre-commencement conditions, are fairly and reasonably related to the development and necessary to make the development acceptable in planning terms.
38. Condition 1 sets out the standard time limit within which the development must begin. Condition 2 is necessary to ensure the development is carried out in accordance with the approved plans.
39. There are some suggested pre-commencement conditions to which the Appellant has already provided their written agreement. These are necessary to establish the finer details before development commences in the interests of proper planning and give certainty. Condition 3 requires the details of the internal roads and footpaths including the emergency access to be approved to ensure that the development is served by sustainable access. To build upon the submitted details relating to the construction phase set out on plan 53-CMP-01, a Construction Management Plan is required by condition 4 in order to establish details of construction in the interests of good planning and protecting the temporary effects of construction on residential occupiers. Condition 5 is necessary in the interests of protecting trees, assisting biodiversity and the visual appearance of the site.

40. Further follow on work on ground conditions are needed and are therefore required by condition 6 to protect public safety and prevent pollution of the environment. An archaeological investigation is necessary since the site lies within an area of archaeological potential and would enable the recording and preserving of any relevant on-site historic assets (condition 7). A surface drainage condition is relevant and necessary in the interests of effective water management (condition 8). The requirement for a scheme and timetable for implementation of fire hydrants is set out in condition 9 in the interests of community safety.
41. There are several pre-above ground works that are necessary to establish as part of the next phase of the development process. These include details of the hard and soft landscaping (condition 10); a full specification and timetable for the implementation for the play area is necessary for public health, well-being and general amenity (condition 11). A lighting scheme including implementation timetable for approval is necessary in the interests of public safety (condition 12).
42. Some conditions are necessary prior to occupation. Condition 13 requires the details of the management company and the responsibilities for the site in order to provide certainty in the interests of visual appearance, environmental benefits and health and well-being of the residential environment. A condition is necessary to secure the details and implementation of the boundary treatment and screening (condition 14) for visual appearance and general public safety. Implementation of the car parking and turning areas within the site is necessary through condition 15 in order to ensure adequate parking is secured within the site.
43. The conditions for compliance are set out at the end and are necessary to define the permission. In this case, condition 16 requires compliance with approved external materials in the interests of visual appearance.

Conclusion

44. Having carefully considered all matters raised, the proposals would not be contrary to the development plan when taken as a whole. There are no material considerations to suggest the decision should be made otherwise and therefore the appeal should be allowed and planning permission be granted subject to the conditions set out in the attached Schedule.
45. I recognise that this outcome will be disappointing to those opposing the development. However, the views of local people, very important though they are, must be balanced against other considerations. In coming to my conclusions on the main issue and the various other issues that have been raised, I have taken full and careful account of all the representations that have been made. However, I have found the development to be acceptable, having regard to the development plan, the Framework and other relevant material planning considerations. There is no substantive evidence to provide any cogent reasons why this appeal should not succeed.

Rachael A Bust

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (16 in total)

Standard conditions

Commencement

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Approved Plans and Documents

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

53-LP-01 (Revision D)	Site Location Plan
53-BV-01 (Revision A)	44 Bevills Close, Existing and Proposed Site Plan
53-ED-01	No 44 Bevills Close Existing Floor Plans and Elevations
53-PD-01	44 Bevills Close Bungalow – Proposed Floor Plans and Elevations
53-EXISTING-01 (Revision A)	44 Bevills Close Bungalow – Existing
53-PROPOSED-01	Proposed Plans and Elevations Number 44 Bevills Close
53-SL-01 (Revision I)	Site Layout Plan
53-SL-02 (Revision D)	Coloured Site Layout Plan
53-MSL-01 (Revision D)	Materials Schedule Layout Plan
53-BT-01 (Revision G)	Boundary Treatment Plan
53-CMP-01 (Revision A)	Construction and Traffic Management Plan
53-BDP-01 (Revision A)	Biodiversity Plan and Construction Ecological Management Plan
53-MCCP-01	Management Company Conveyance Plan
053-SG-001A	Single garage details
053-DSG-001 B	Twin garage details
053-DG-001	Double garage details
AIRE-001	Design Sheet (Floor Plans and Elevations)
Aire / Aire /Dee – 001	Design Sheet (Floor Plans and Elevations)
BALMORAL-001	Design Sheet (Floor Plans)
BALMORAL-002	Design Sheet (Elevations)
DEE TERRACE-001	Design Sheet (Floor Plans)
DEE TERRACE-002	Design Sheet (Elevations)
HUMBER-001	Design Sheet (Floor Plans)
HUMBER-002	Design Sheet (Elevations)
LOCK-001	Design Sheet (Floor Plans and Elevations)
LOCK-MERE-001	Design Sheet (Floor Plans)
LOCK-MERE-002	Design Sheet (Elevations)
MERE-001	Design Sheet (Floor Plans and Elevations)
NENE-001	Design Sheet (Floor Plans and Elevations)
RIBBLE-V-001	Design Sheet (Floor Plans and Elevations)
WARWICK-001-A	Design Sheet (Floor Plans and Elevations)
663069-10-01 (Revision A)	Proposed Site Access Arrangements: North Stub – Ped/cycle link
663069-10-02 (Revision B)	Proposed Site Access Arrangements: South Stub – Main Access.

AHL-1549-01-PL-001 (Revision P5)	Section 38 General Arrangement Plan
AHL-1549-01-PL-003	Private Car Swept Path
AHS-1549-01-HW-001 (Revision P3)	Swept Paths Plan
AHL-1549-01-PL-002	Geology Overlay Plan
AHL-1549-01-GA-002 (Revision P2)	Longitudinal Sections Plan
AHL-1549-01-DR-002 (Revision P4)	Drainage Strategy Plan
AHL-1549-01-DR-002 (Revision P2)	Flood Routing Plan
AHL-1549-01-DR-004 (Revision P1)	Catchment Areas Plan

Biodiversity Net Gain Assessment (Hillier Ecology, undated)

Environmental Noise Assessment...(SEM/J3716/18370 Acoustic Associates, March 2023)

Extended Phase 1 Survey (Hillier Ecology, March 2020)

Addendum to Extended Phase 1 Survey (Hillier Ecology, August 2021)

Fire Statement Form (01/09/2021)

Flood Risk Assessment and Drainage Strategy (AHL-1549-01-FRA-001 Revision P3, Inspire, July 2022)

Great Crested Newt Survey (Hillier Ecology, August 2020)

SuDs Maintenance Plan (AHL-1549-01-MP-001, Inspire, November 2021)

Health Impact Assessment (3D Planning Ltd, undated)

Planning, Design and Access Statement (PDAS version 7, 3D Planning Ltd, February 2021)

Surface Water Design FEH (Drainage FEH Revision B, Inspire July 2022)

Surface Water Design FSR (Drainage FSR Revision C, Inspire, July 2022)

Transport Statement (663069-TS version 1.0, RSK, May 2021)

Phase 1 Desk Study Report (D39218, Geodyne, January 2020)

Valuation of Land (22134E, Maxey Grounds, 20 July 2022)

Viability Assessment (19151, Maxey Grounds, 30 June 2021) and addendum email 27 Jan 2022)

Written Scheme of Investigation for Archaeological Evaluation (DOBC22-Revision P3, APS, submitted July 2022)

Pre-commencement conditions

Internal roads and footpaths

3. No development shall take place until detailed drawings, specifications and phasing plans for the roads and footpaths including the emergency access have been submitted to and approved in writing by the Local Planning Authority. The roads other than private drives shall be designed to an adoptable standard. The details for the emergency access shall include details of the lockable bollards and/or alternative/additional measures to deter this access from being used by vehicular traffic except in an emergency situation. The phasing plan shall include details of the timing of delivery of the roads and footpath/cycleways alongside the delivery of the dwellings. The development shall only take place in accordance with the approved plans and details. The approved lockable bollards or alternative/additional measures to be installed at the emergency access shall be retained and maintained as such in perpetuity.

Construction Management Plan

4. Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall contain as a minimum:
 - a) Hours of Site working and deliveries;

- b) Parking provision for site workers;
- c) Layout of site compound and materials store;
- d) Dust management measures;
- e) Measures to minimise mud from being taken onto the highway from the site;
- f) Name and contact details for on-site person responsible for compliance with this CMP (including an out of hours contact);
- g) Details of temporary fencing during construction; and
- h) Measures to prevent avoidable noise nuisance to neighbours e.g. no radios or amplified music.

The approved CMP shall be implemented in full throughout the construction period.

Trees

5. Prior to the commencement of the development and clearance of the site, details of tree protection measures for all trees to be retained (including trees where the canopy overhangs the site boundary from adjacent land) shall be submitted to and approved in writing by the Local Planning Authority. Such tree protection measures shall accord with BS 5837:2012 (or any equivalent guidance that may supersede or replace it). The approved tree protection measures shall be put in place prior to any site clearance, materials being brought onto site, or any development commencing and shall remain fully in place until the development is completed. Where development is completed in relation to a particular tree i.e. no further development will take place in the vicinity of the tree then that particular tree protection measure may be removed.

Ground conditions: ground gas; asbestos and other contaminants

6. Further to the submitted Phase 1 Desk Study report by Geodyne (ref: D39218), no development shall take place until a programme of ground gas monitoring has been undertaken to confirm the presence of ground gas. An asbestos survey shall be carried out to identify any potential presence of asbestos within the dilapidated building on site.

An exploratory ground investigation shall be carried out to further investigate the potential for risk of contaminants at the site. This shall include as minimum programme of exploratory hole undertaking and the subsequent testing of soil samples taken from relevant parts of the site, a certified geotechnical soil analysis, the asbestos survey and installation of ground gas monitoring points and a programme of ground gas monitoring to determine the extent of gas presence.

No development shall take place until the results of the above investigations have been analysed and written up into a report by suitably qualified persons and submitted to and approved in writing by the Local Planning Authority. The report shall include any necessary remediation measures to make the development safe and a timetable for undertaking such measures which shall be implemented in full. No dwelling shall be occupied until a verification report written by a suitably qualified person, which verifies that approved remediation measures have been fully implemented has been submitted to and approved in writing by the Local Planning Authority. If ground condition circumstances suit, this may be able to be done on a phased basis.

Archaeology

7. Prior to the commencement of the development, the site investigation shall be carried out in complete accordance with the approved Written Scheme of Investigation (WSI) with plan prepared by APS (ref: DOBC22, updated July 2022). Thereafter, the development shall only take place in accordance with the remainder of the approved WSI including the post excavation report, report deposition, archive and publication, the details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to the completion of the development or the occupation of the 40th dwelling, whichever is the sooner.

Surface Water Drainage

8. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan. The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy report prepared by Inspire (ref: AHL-1549-01-FRA-001-P3) dated July 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Temporary storage facilities if the development is to be phased;
- f) A timetable for implementation if the development is to be phased;
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- i) Full details of the maintenance/adoption of the surface water drainage system; and
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and the Planning Practice Guidance.

Fire hydrants

9. Prior to the commencement of the development a scheme and timetable for the provision of fire hydrants shall be submitted to, and agreed in writing by, the Local Planning Authority and provision of the fire hydrants shall be made in accordance with the scheme and timetable.

Pre-above ground works conditions

Hard and soft landscaping

10. No development shall take place above slab level until full details of all hard and soft landscaping and biodiversity enhancements have been submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to the following:

- a) All existing trees to be retained and removed;
- b) All new soft landscaping, including species, sizes, numbers and spacing of plants;
- c) Identification on a drawing of all trees and plants which contribute towards biodiversity enhancement and towards the net gain in biodiversity;
- d) Details of all other biodiversity enhancements including specifications and locations based on the approved Biodiversity Plan and Construction Ecological Management Plan (drawing 53-BDP-01 Rev A) together with details of evidence of how the stated biodiversity net gain of 11 percent across the site will be achieved and how the condition level, described using Biodiversity Metric 3.1 calculations (or subsequent variations) will be reached through on-going management of the site;
- e) Details of all hard surfaced areas; and
- f) Timetable for provision.

The development shall only take place in complete accordance with the approved details. Any plants or trees that contribute towards the biodiversity enhancement of the site shall be retained and if any die, become diseased or are removed or uprooted, shall be replaced in the next planting season with a plant of similar species, size and biodiversity value. All other biodiversity enhancements (e.g., bird boxes) shall be retained and maintained in perpetuity.

Play Area

11. No development above slab level shall take place until a full specification for the approved play area has been submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to:

- a) Detailed drawings to scale or manufacturers specifications of all play equipment;
- b) Means of enclosure;
- c) Surfacing;
- d) A dog waste bin (to be located outside of the play area within the public open space); and
- e) Timetable for provision.

The development shall only take place in complete accordance with the approved details and timetable for provision.

Lighting scheme

12. Prior to the commencement of development above slab level details of all external lighting and proposed timetable for implementation including any phasing shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of lighting columns to serve both the vehicular access to be adopted and private drives. The lighting shall be provided in accordance with the approved timetable including any phasing as appropriate and retained as such thereafter.

Pre-occupation conditions

Management Company

13. Prior to the occupation of any dwelling details of the management arrangements for all areas that will fall outside the curtilage of a dwelling, the adopted highway and other land to be transferred to the County Council, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to the following:
- a) Name and full contact details of the management company;
 - b) Drawing showing the areas to be managed by the management company;
 - c) Maintenance details and schedules for all hard and soft landscaping, the play area, dog bin, lighting and biodiversity enhancements that fall within the management company area of maintenance.
- All such areas shall be maintained by the developer until such time as the management company takes over responsibility for these areas. The developer shall provide written notification to the Local Planning Authority that the management company has taken over the maintenance of these areas within 5 working days of this event taking place.

Boundary treatment and other screening

14. All boundary screening/treatment shall be provided prior to the first occupation of any dwelling or area it serves in accordance with the approved Boundary Treatment Plan 53-BT-01 Rev G. All gates serving private rear gardens to dwellings shall be self-closing and lockable, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling.

Car parking and turning area

15. No dwelling shall be occupied until the car parking and any turning area to serve that dwelling has been provided in accordance with the approved Site Layout Plan 53-SL-01 Rev I.

Compliance conditions

External materials

16. The external materials to be used for each dwelling shall accord with the details shown on the approved Materials Schedule Layout Plan 53-MSL-01 Rev D.

End of schedule.