



Appeal Decision

Inquiry held on 5 – 6 March 2024

Site visits made on 4 and 6 March 2024

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2024

Appeal Ref: APP/K2420/W/23/3332401

Land adjacent to Lockey Farm, Hunts Lane, Desford, Leicestershire, LE9 9LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Jelson Ltd against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 23/00061/OUT, dated 13 January 2023, was refused by notice dated 4 September 2023.
 - The development proposed is residential development of up to 100 dwellings including provision of public open space, associated infrastructure, all matters reserved except for access.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 100 dwellings including provision of public open space and associated infrastructure at land adjacent to Lockey Farm, Desford, Leicestershire, LE9 9LJ in accordance with the terms of the application, Ref 23/00061/OUT, subject to the conditions set out in the Annex A.

Procedural Matters

2. The application was submitted in outline with all matters reserved for future consideration except for access. I have determined the appeal on this basis, treating the plan which shows a potential site layout as illustrative. However, the reference in the description of development to what matters are reserved is superfluous and so I have omitted this from my formal decision.
3. The application had a single reason for refusal which referred to the impact of the proposal on both highway safety and highway capacity. However, the Council confirmed at the Case Management Conference and in the Statement of Common Ground (SoCG) that they would not be contesting the reason for refusal insofar as it relates to the residual cumulative impact on the local road network. I have determined the appeal on this basis.
4. A draft agreement under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant as part of the Inquiry documentation and the agreement was discussed at the Inquiry. As agreed during this discussion the signed and executed Deed was submitted after the close of the Inquiry. I will return to the agreement later in my decision.

Main Issue

5. The main issue in the appeal is the effect of the proposal on highway safety.

Reasons

Planning Policy Context

6. The appeal site comprises an arable field. It lies outside, but adjacent to the settlement boundary for Desford as defined in the *Site Allocations and Development Management Policies Development Plan Document (adopted July 2016)* (SADMP) and so is defined as being in the countryside.
7. Policy 7 of the *Core Strategy Development Plan Document (adopted December 2009)* (CS) supports housing developments within the boundary of Desford which it defines as a Key Rural Centre. Outside of settlement boundaries Policy DM4 of the SADMP sets out the types of development that may be acceptable in the countryside. It is not disputed that the proposal would not be for any of these. Policy H1 of the *Desford Neighbourhood Plan 2018 – 2036 (made May 2021)* (DNP) indicates that outside the settlement boundaries development will be controlled in line with local and national policies. As such, the proposal is contrary to these policies.
8. Given the uncertainties with regard to the housing requirement figure for the DNP which I will discuss further below, Policy H3 of the same allocates the site as a reserve site for housing development. The policy indicates that if by 31 December 2022 no replacement Local Plan for the Borough has been adopted, applications for housing development on the site should be determined on the evidence available at the time. It is agreed in the SoCG that the proposal complies with Policy H3 of the DNP and that compliance with this policy overrides the conflict with CS Policy 7, SADMP Policy DM4 and Policy H1 of the DNP.
9. As a result, conformity or otherwise with Policy DM17 of the SADMP which deals with highways and transportation matters is the only policy disputed by the main parties.
10. In addition, in the SoCG it is agreed that due to the age of the development plan, the changes in national policy since it was adopted, the changes in circumstances regarding development needs and requirements since it was adopted and inconsistencies between the development plan and the *National Planning Policy Framework* (the Framework) the policies which are most important in determining the appeal are out of date. As a result, it is agreed the 'tilted balance' in paragraph 11 d) of the Framework is engaged.
11. The Council are currently in the process of producing a new Local Plan (LP) for the Borough. They undertook consultation on a pre-submission version of this in February 2022. This allocates the site for housing and amends the settlement boundary to include the site. However, as set out in the recently revised Local Development Scheme, they are no longer progressing this plan as they accept the need to address unmet housing needs from Leicester City Council. It is expected that a new "Regulation 19" plan will be consulted on early next year and adoption will be in 2026. As such, no weight can be given to the LP and I consider it no further in my decision.

Highway safety

12. The vehicular and pedestrian access for the proposed development would be taken from Hunts Lane. This is a single carriageway road which in the vicinity of the site frontage is currently subject to a 40mph speed limit. This changes to 30mph around 25m to the east of the site. As part of the appeal scheme, it is proposed to move the gateway feature and the reduction in speed limit approximately 140m to the west.
13. The current access to the field is a Public Right of Way and provides vehicular access to Lockey Farm and slightly further to the west of this is the vehicular access to the adjacent allotments. Directly opposite the site is a small car park for the cemetery and a bit further to the west there is a lay-by that also serves as parking for this. As a result, vehicles slowing down and turning manoeuvres are not uncommon on this stretch of road. Despite these occurring in a 40mph speed limit area, the accident data for this stretch of road shows no existing road safety issues.
14. It is proposed that the development would be served by a new simple priority junction with Hunts Lane which would replace the current farm access. The design and geometry of the proposed junction accords with the *Leicestershire Highways Design Guide* (LHDG). It is also proposed to increase the width of the existing footway on Hunts Lane to the east of the site to 2m up to the existing 2m wide pavement. As a result, the proposal would provide a safe access for pedestrians going towards Desford, including to the primary school and recreation ground/ play area on Kirby Road. As these are both within recommended walking distance of the site, the proposal is not likely to significantly increase traffic on Kirby Road.
15. Whilst the Council had raised some concern in their appeal statement regarding whether adequate visibility could be provided, at the Inquiry it was agreed that the evidence provided by the appellant in their rebuttal proof of evidence had addressed their concerns. Notwithstanding the dip in the road to the west of the site, it was agreed that adequate visibility would be provided at the proposed junction. From the evidence before me and what I saw at my site visit, I see no reason to disagree with this conclusion.
16. Whilst it was also agreed at the Inquiry that the provision of a right turn ghost lane was not necessary, the Council considered that centre line hatching should be provided so that there would be a refuge area created for vehicles turning right into the site. The carriageway would need to be widened to enable this, but there is sufficient land within the highway boundary to achieve this.
17. The LHDG does not provide any guidance as to when such refuges should be provided. Both the *Design Manual for Roads and Bridges* (DMRB) and *Manual for Streets 2* (MfS2) provide some guidance as to when a right-turn lane should be provided.
18. DMRB provides some guidance in Figure 2.3.1 as to approximately when priority junction provision should be provided on single carriageway roads. This indicates that the provision of a ghost island could be required for the proposed development. However, DMRB relates to trunk roads and so is not specifically applicable to the proposal. In addition, MfS2 highlights that junctions will “often [be] able to cater for higher levels of turning traffic without resulting in significant congestion”.

19. The appellant's capacity assessment, the findings of which are not disputed by the Council, shows that vehicles will not wait any significant length of time to turn right into the site. As a result, such movements would not cause undue delays to the free flow of traffic on Hunt's Lane. Therefore, there is no capacity-related reason to provide centre line hatching.
20. Moreover, given it is agreed adequate visibility splays can be provided for the proposed junction, there is no visibility related reason to provide central line hatching, as drivers will be able to clearly see the new junction. As highlighted above, this is already a stretch of road, where turning movements are carried out due to the other existing accesses in the area, so vehicles turning at this point would not be an altogether unexpected movement, even if the proposal would increase the frequency of such manoeuvres.
21. To this end, I note that neither the local highways authority nor the Road Safety Audit carried out for the proposal considered that centre line hatching would be necessary.
22. In addition, MfS2 indicates that the provision of centre line hatching can have the effect of increasing speeds which would not be desirable. By increasing the width of the road, it can also make it harder for pedestrians to cross. Whilst the number of pedestrians seeking to cross the road at this point may be limited, the Public Right of Way is clearly popular with dog walkers. Such users who live to the north of Hunts Lane or who have used the adjacent car park would be likely to cross the road at this point – something I observed on my site visits.
23. The swept path analysis diagrams show that large vehicles such as refuse wagons entering and exiting the site will encroach over the carriageway centreline. As the junction conforms to the LHDG for residential accesses it is clear that the highway authority accepts that this will happen in a residential setting without such movements giving rise to unacceptable safety issues. The appellant highlighted that such movements already occur at many junctions in settlements across the Borough and County without causing safety concerns. The moving of the 30mh speed limit and the gateway feature to the west of the site means the site would have a similar context to these other junctions.
24. Evidence from the appellant, which was not disputed by the Council, shows that the proposed development would not generate a significant number of HGV movements. Whilst HGVs may need to wait to enter and exit the site should other vehicles be using the junction, given the findings of the capacity assessment, any wait to do this is unlikely to be for a significant length of time.
25. Moreover, as the adjacent housing that faces towards Hunts Lane is set back some distance from it and has its own service road, I consider it is unlikely that other drivers would assume a refuse wagon that may have had to stop on the carriageway whilst waiting to enter the site had stopped to empty bins and so try and overtake it.
26. Therefore, the need for HGVs to overrun the carriageway centre line would not result in any unacceptable highway safety issue. Whilst the provision of centre line hatching may alleviate the overrunning in certain turning movements, the benefits would be limited. In any case, as I consider that such overrunning would not result in unacceptable highway safety issues, this matter does not justify the need to provide centre line hatching.

27. Overall, I consider that centre line hatching is not needed either for capacity or safety reasons, and without it the proposed development would still have a safe and suitable access for both vehicles and pedestrians.
28. All in all, I consider that the proposed development would not have an unacceptable impact on highway safety. Accordingly, there would be no conflict with Policy DM17 of the SADMP which requires proposals to demonstrate that they would not cause a significant adverse impact on highway safety. It would also accord with paragraphs 114 and 115 of the Framework which require developments to achieve a safe and suitable access for all users and not cause an unacceptable impact on highway safety.

Other Matters

Need for housing

29. Local residents indicated that Desford had already provided sufficient housing particularly in relation to the 'requirement' for 163 new houses in the DNP. However, the examiner of the DNP did not consider that the figure of 163 was a requirement figure that satisfied what at the time was paragraphs 65 and 66 of the Framework (now paragraphs 67 and 68) and that the matter of housing requirement for the village should be left to be determined in the LP.
30. It was to address the uncertainties in the housing requirement figure for the village that the Examiner considered that reserve sites for housing should be included in the DNP. Whilst not housing allocations, the Examiner assessed the appeal site and another site and concluded they would be appropriate for housing development.
31. As set out above, Policy H3 of the DNP indicates that if by 31 December 2022 no replacement Local Plan for the Borough has been adopted, applications for housing development on the site should be determined on the evidence available at the time. There is nothing in the policy that indicates the development of the site should only take place if there is a specific need for new housing in Desford. Nor that their development should only take place after the DNP has been reviewed.
32. As a result, I consider that the figure of 163 in the DNP does not represent a requirement figure for Desford and the development of the site and the contribution it would make to housing delivery should not be judged against whether this figure has already been exceeded or not, but "on the evidence available at the time".
33. Whilst I appreciate that local residents may prefer that development took place on the eastern side of the village, the Examiner for the DNP assessed this site as being suitable for housing development.

Housing Land Supply

34. The Council indicated that they could demonstrate a 4.89 year housing land supply. In the light of paragraph 226 of the Framework and the position with the LP it was discussed at the Inquiry whether a 4 or 5 year housing land supply needed to be demonstrated. As the Council were not proceeding with the LP that has been subject to pre-submission consultation, they considered that the provisions of paragraph 226 did not apply and so they needed to be

able to demonstrate a 5 year supply. This was the position adopted in the recent appeal decision¹ I was referred to in Ratby.

35. However, as set out above, irrespective of this the main parties agree that the tilted balance of paragraph 11 d) of the Framework is engaged. As such, I have considered this no further in my decision.
36. It was argued by local residents that if the tilted balance is engaged then the provisions of paragraph 14 should be applied. Nevertheless, for reasons set out in this decision I consider that the proposal would not conflict with the DNP, nor does the DNP have an identified housing requirement in line with paragraphs 14b, 67 and 68 of the Framework. As a consequence, this paragraph is not engaged in this case.

Other highway and accessibility issues

37. In line with its designation as a Key Rural Centre, Desford has a good range of services and facilities to meet the day to day needs of residents, the majority of which are within walking and/or cycling distance of the appeal site. Bus stops, which provide an hourly service to Leicester and Market Bosworth are also located near the site on Hunts Lane. I am therefore satisfied that future residents would not be solely reliant on the private car to meet their everyday needs.
38. It has been suggested that the proposal would exacerbate existing congestion within Desford. However, the highway authority has considered the modelling work undertaken by the appellant and is satisfied that the highway network within the village would continue to operate within capacity. Whilst there is limited parking available at many of the services in the village, the development is within easy walking distance of many of these and so it would not necessarily exacerbate any existing parking issues.
39. It is proposed that the existing Public Right of Way and right of access to Lockey Farm will be retained on their current alignment. The illustrative layout shows a green corridor along this edge of the site which would ensure it remained an attractive route.

Local Infrastructure

40. It has been suggested that local facilities such as doctors and schools are already full. As set out below a planning obligation has been provided which provides a financial contribution related to the additional educational and healthcare demands the development would create.

Character and appearance / Landscape impact

41. The application was accompanied by a Landscape and Visual Appraisal (LVA), the methodology and conclusions of which are accepted by the Council. The proposal would result in the loss of an agricultural field and clearly the proposed development would alter the character of the site. However, the LVA concludes that due to the topography and vegetation in the area, the effects will be localised to the site and its immediate context. Although the landscaping and layout of the site are to be finalised at reserved matters, extensive green infrastructure is proposed as part of the development. As a consequence, it is

¹ Appeal reference APP/K2420/W/23/3330774

concluded that the landscape effects would be minor/adverse at completion, reducing to minor/negligible over time. From my own observations I see no reason to disagree with this conclusion

42. Given the distance that would remain between the edge of the site and Newbold Vernon to the west I am satisfied that the development would not have any detrimental impact on the separate identity of these two villages. The development would be seen in the context of the existing modern housing development on the western edge of the village, and so I consider it would not be detrimental to the rural character of the village. In addition, the wider agricultural setting of the village would be retained.
43. CS Policy 16 requires residential development in or adjoining Key Rural Centres to achieve a density of at least 30 dwellings per hectare. Should the development be for 100 houses, it would achieve a density of 35 dwellings per hectare and so it would accord with this policy. Furthermore, the illustrative layout shows this level of housing can be achieved whilst still providing extensive green infrastructure on the site. As a result, the site would not appear over-developed.

Ecology

44. The proposal was accompanied by an Ecological Appraisal that assessed the nature conservation interest of the site. This concluded that the development would not have an unacceptable impact on ecology. It is largely proposed to retain and strengthen existing trees and hedgerows around the site. In addition, it was confirmed at the Inquiry that the proposal would achieve biodiversity net gain. In the absence of any substantive evidence to the contrary I see no reason to conclude differently.

Living Conditions

45. The layout and design of the scheme are not to be determined at this stage. Therefore, it is at the reserved matters stage that issues affecting the living conditions of adjacent residents such as privacy and noise would be considered. Nonetheless, the illustrative plan shows that adequate separation distances could be provided between existing and proposed houses. I consider that a scheme could be designed that would not cause any unacceptable impact on the living conditions of existing residents. Furthermore, I see no reason why the proposal would cause an increase in anti-social behaviour.
46. In common with any development there would be some disruption caused during the construction phase. However, this would be temporary, and conditions can be used to control matters such as construction hours and dust and so minimise any disruption.
47. The location of the site opposite the cemetery would not be inappropriate, either for future occupiers or for users of the cemetery. The situation would be no different than in the historic core of the village where housing surrounds the church and its graveyard.

Flooding

48. The site lies in Flood Zone 1 and the accompanying Flood Risk Assessment concluded that the overall flood risk to the site was low and that the development would not result in an increase in flood risk elsewhere. In the

absence of any substantive evidence to the contrary, I consider the proposal would not have any adverse impact on flooding.

Planning Obligation

49. A signed and completed Section 106 agreement has been submitted. This secures the provision of 40% affordable housing as well as the type and occupancy of the units. It also makes provision for financial contributions to increase the capacity of: the nearest household waste recycling site; early years, primary, secondary and special education and disabilities education facilities at the nearest schools; at Desford Medical Centre; and at Desford library. These would reflect the extra demand the development would create for these services.
50. The obligation also secures the provision of various forms of open space either on the site or by way of financial contribution for the improvement or enhancement of existing facilities in Desford for those elements that cannot be provided on site. The long-term management and maintenance of the open space is also provided for in the obligation.
51. A number of highway related financial contributions are also secured in the obligation. These are: for the provision of Travel Packs and bus passes for each dwelling; to enable the monitoring of the Travel Plan; to fund the Traffic Regulation Order needed to move the speed limit on Hunts Lane; and towards improvements at Desford Crossroads.
52. The Borough Council and the County Council have both provided a detailed CIL Compliance Statements that set out how the section 106 agreement would meet the relevant tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and in paragraph 57 of the Framework.
53. Desford Crossroads is located some distance to the south-east of Desford on the A47. The appellant's evidence shows that the impact of the development on the 2028 background + committed development flows at this junction would be an additional 15 movements in each of the AM and PM peak. This represents a 0.005% increase in traffic movements. Neither the methodology nor the results of this work have been disputed by the highway authority.
54. Although this level of increase in traffic movements would not ordinarily require a capacity assessment to be undertaken, the appellant has done one. This shows that the junction is already operating over capacity, but that the impact of the development on the practical reserve capacity of the junction and the mean maximum queue would be negligible and well within the normal daily variations in traffic flow. Thus, whilst a scheme to improve this junction may be needed to address capacity issues, the proposal would not exacerbate these issues and so it is not reasonable to require it to contribute towards it.
55. Given this I consider that the contribution towards the improvement of this junction is not fairly related in scale and kind, nor is it necessary, and so does not pass the tests in the regulations and Framework set out above.
56. Other than this contribution, I am satisfied that all of the other obligations in the section 106 agreement are necessary, directly related to the development and fairly related in scale and kind. As such, they accord with the statutory tests.

Planning Balance and Conclusion

57. The proposed development is located in the countryside, outside of the settlement boundary. It would not be for any of the forms of development either national or local policies consider acceptable in the countryside. As a result, it would be contrary to CS Policy 7, SADMP Policy DM4 and Policy H1 of the DNP. However, I consider that the conflict with these policies is over-ridden by its conformity to Policy H3 of the DNP.
58. I have also found that the proposal would accord with SADMP Policy DM17 in respect of highway safety. Therefore, I consider that the proposed development would accord with the development plan and there are no other reasons which justify refusal of the proposal. Consequently, I conclude that the appeal should be allowed.

Conditions

59. The Council and the appellant agreed a set of conditions that were discussed at the Inquiry. I have considered these in the light of paragraph 56 of the Framework and have revised a number of them as discussed at the Inquiry.
60. In addition to the standard implementation and reserved matters conditions (conditions 1 and 2), to provide certainty it is necessary to define the plans with which the scheme should accord (condition 3). Condition 4 is necessary in the interests of the character and appearance of the area and biodiversity. To safeguard the protected trees as well as in the interests of visual amenity condition 5 is needed. In the interests of safeguarding biodiversity conditions 16, 17, 21 and 23 are required.
61. In the interest of promoting sustainable travel condition 6 is required and for highway safety reasons conditions 8 and 9 are required. Condition 7 is required to ensure any matters of archaeological interest are found and recorded. Conditions 10 and 11 are necessary to safeguard the development from contaminated land. To ensure the site is satisfactorily drained both during the construction phase and afterwards conditions 13, 14 and 15 are imposed.
62. Conditions 12, 19 and 20 are necessary to ensure satisfactory living conditions for existing and/or future occupiers. Condition 18 is imposed to ensure the development is provided with high quality and reliable communication infrastructure.
63. Condition 22 is required to ensure healthy lifestyle features are built into the design of the development. The appellant and Council suggested slightly different wording for this condition. As acknowledged in the Building for a Healthy Life toolkit, for various reasons it may not always be possible to achieve a 'green light' for every consideration, so I consider the wording suggested by the appellant is the most appropriate.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Rebecca Clutten Counsel instructed by Mr C Alsbury

She called:

Mr Rob Holland BA(Hons) MCIHT
Mr Craig Alsbury BA(Hons) BTP
MRTPI
Ms Emily Hill MRTPI*

Associate Director, Tetra Tech
Principal and Head of Planning and
EIA Team, Avison Young
Associate Director, Avison Young

FOR THE LOCAL PLANNING AUTHORITY:

Hugh Richards Counsel instructed by the Borough Solicitor, Hinckley and Bosworth Borough Council

He called:

Mr Simon Pratt BEng(Hons) MCIHT
Mr Tim Hartley MRTPI*

Director SCP Transport Planning
Team Leader, Development
Management, Hinckley and
Bosworth Borough Council
Transport Planner Leicestershire
County Council
Transport Planner Leicestershire
County Council

Mr Daniel Putnam*

Mr Ben Dutton*

* In respect of the round table discussion on conditions and the planning obligation only.

INTERESTED PARTIES:

Mr Bernard Grimshaw
Mr Colin Crane

Local Resident
Local Resident

INQUIRY DOCUMENTS

INQ1 Opening statement by Appellant
INQ2 Opening statement by Council
INQ3 Statement by Mr B Grimshaw
INQ4 Appeal Decision APP/K2420/W/23/3330774 – Land at Desford Lane, Ratby
INQ5 Closing Statement by Council
INQ6 Closing Statement by Appellant

CORE DOCUMENTS

Can be accessed using the following link:

[About the inquiry | Public inquiry - Land adjacent to Lockley Farm, Hunts Lane, Desford | Hinckley & Bosworth Borough Council \(hinckley-bosworth.gov.uk\)](https://www.hinckley-bosworth.gov.uk/about-the-inquiry)

Annex A

Conditions

- 1) No development hereby permitted shall take place until details of the layout, scale, appearance, landscaping, and access other than the access into the site shown on drawing PRJ01-TTE-00-ZZ-DR-O-0001 Rev PO3 (hereinafter called "the reserved matters") have been submitted in writing to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved reserved matters.
- 2) Application for approval of reserved matters shall be made to the local planning authority not later than two years from the date of this permission and the development hereby permitted shall take place not later than 18 months from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in full accordance with the following approved plans:
 - Site Location Plan – Drg No. 09129-FPCR-XX-XX-DR-A-0001
 - Proposed Site Access Junction and Visibility Splays Drg No. PRJ01-TTE-00-ZZ-DR-O-0001 Rev PO3
- 4) In accordance with the details in Paragraph 5.3 (Landscape and GI Infrastructure (GI) Proposals) of the Landscape and Visual Appraisal (dated November 2022), a landscape buffer (which may incorporate the retained PROW / farm access track) at a minimum width of 15m shall be created on the western boundary of the site.
- 5) The development hereby permitted shall be carried out in full accordance with the Tree Retention Plan (9129-T-02 Rev C) at page 18 and the recommendations at Section 7 of the Arboricultural Assessment (dated November 2022). During the construction period, none of the trees or hedges indicated to be retained within this Tree Retention Plan shall be cut down, uprooted, or destroyed, nor shall they be topped or lopped other than in accordance with the approved plans, without the written approval of the local planning authority. If any of the trees or hedges to be retained are removed, uprooted, destroyed, or dies during the construction period, a replacement shall be planted at the same place during the first planting season following the completion of the development. The size and species of the tree or hedge shall be agreed in writing by the local planning authority prior to its planting.
- 6) The Travel Plan management, marketing, promotion, and monitoring measures included within the Tetra Tech Framework Travel Plan (reference: A114475 Revision 2) (dated December 2022), shall be implemented in full, from the first occupation of the development.
- 7) No development hereby permitted shall take place until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a Written Scheme of Investigation (WSI), which has been submitted in writing to, and approved in writing by, the local planning authority. For land that is included within the WSI, no development shall take place other than in accordance with the agreed

WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 8) No development hereby permitted shall take place on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, details of traffic management including measures to enable vehicles to enter and exit the site in forward gear, wheel cleansing facilities, vehicle parking facilities, any proposed external lighting and a timetable for their provision, has been submitted in writing to, and approved in writing by, the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 9) No dwelling hereby permitted shall be occupied until such time as the access arrangements and the off-site works (footway improvements) shown on Tetra Tech, drawing number PRJ01-TTE-00-ZZ-DR-O-0001 Revision P03, have been implemented in full.
- 10) No development hereby permitted shall take place until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and agreed in writing by, the local planning authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to any dwelling being occupied.
- 11) If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the local planning authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any dwelling being occupied.
- 12) No development hereby permitted shall take place until a Construction Environmental Management Plan (CEMP) has been submitted in writing to, and agreed in writing by, the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the construction phase of the development.
- 13) No development hereby permitted shall take place until a scheme to provide a sustainable surface water drainage system has been submitted in writing to, and approved in writing by, the local planning authority. The

scheme shall subsequently be implemented in accordance with the approved details prior to any dwelling being occupied and shall be retained as such thereafter.

- 14) No development hereby permitted shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted in writing to, and approved in writing by, the local planning authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance, and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The details shall be implemented before any development hereby permitted takes place and the development shall be managed and maintained in accordance with these approved details for the duration of the construction period.
- 15) No dwelling hereby permitted shall be occupied until details in relation to the long-term maintenance of the surface water drainage system (SuDS) within the development have been submitted to, and approved in writing by, the local planning authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions, and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the site. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.
- 16) No development hereby permitted shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted in writing to, and approved in writing by, the local planning authority. The LEMP shall include the following details:
 - a) Description and evaluation of the features to be created/managed;
 - b) Aims and objectives of management and long-term management;
 - c) Appropriate management options for achieving aims and objectives;
 - d) Prescriptions for management actions and responsibilities;
 - e) Work schedules for all landscape areas, other than small privately owned domestic gardens;
 - f) Species/seed mixes to be planted/sown; and
 - g) Ongoing monitoring and remedial measures.

The LEMP shall be carried out in accordance with the approved details.

- 17) No development hereby permitted shall take place until a Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to, and approved in writing by, the local planning authority. The RAMMS should include details including the proposed mitigation measures during the construction and post construction phases of the development that ensures that there is no impact upon the terrestrial newt, reptile, or badger populations. The development shall be carried out in accordance with the approved details and in respect of the post construction measures thereafter retained in perpetuity.

- 18) The development hereby permitted must provide electronic communications infrastructure to serve the development, including full fibre broadband connections. Prior to the installation of any electronic communications infrastructure, details of the infrastructure must first be submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details, and the infrastructure for each dwelling must be fully available prior to its occupation.
- 19) Site preparation and construction shall be limited to the following hours:
 - Monday to Friday: 07:30 to 18:00
 - Saturday: 09:00 to 14:00
 - No working on Sundays and Bank Holidays.
- 20) No dwelling hereby permitted shall be occupied until such time as a scheme that makes adequate provision for the storage and collection of waste and recycling containers across the site, has been submitted to, and approved in writing by, the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and collect wheeled containers. The approved scheme for the provision of storage and collection areas for waste and recycling containers for each dwelling, shall then be provided prior to the occupation of that dwelling and for any waste storage in communal areas shall be retained in perpetuity.
- 21) No development hereby permitted shall take place (including ground works or vegetation clearance) until a Biodiversity Net Gain Plan (the Plan) has been submitted in writing to, and approved in writing by, the local planning authority. The Plan shall provide for the achievement of a net gain on the reported baseline habitat loss. The Plan shall include the following details:
 - a) a description of existing habitats on and off site;
 - b) baseline habitat data used to inform the metric;
 - c) a description of, and plans showing, planned habitat creation/enhancement, including species;
 - d) a timetable for the implementation of habitat creation/enhancement;
 - e) a habitat management and monitoring plan including a timetable for management routines and reviews, and a strategy for any remedial measures, if and when required; and
 - f) a mechanism for securing the implementation of the biodiversity off-setting (if required) and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.

The Plan shall be supported by up to-date Biodiversity Net Gain metric calculations for both the application site and the site for off-setting (if required) using DEFRA metric 4.0. The Plan shall be implemented in accordance with the approved details and shall be retained as such thereafter.

- 22) Each application for the approval of Reserved Matters shall include a Building for a Healthy Life Assessment which describes how the considerations in Building for a Healthy Life that are relevant to the matters for which approval is being sought have been addressed through the design process and how the proposed development responds to each of those considerations.

- 23) Prior to the installation of any external lighting to serve the development, a lighting scheme shall be submitted in writing to, and approved in writing by, the local planning authority. This information shall include a layout plan with beam orientation, and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles, and luminaire profiles). The lighting scheme shall ensure there shall be no more than 1 lux of light spill onto bat foraging corridors. The lighting shall be installed, maintained, and operated in accordance with the approved details and retained as such thereafter.