



Appeal Decision

Hearing held on 23 April 2024

Site visit made on 24 April 2024

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/K2420/W/23/3331081

Land East of the Windmill Inn, Brascote Lane, Newbold Verdon

- 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 Richborough Estates, Messrs Longwill, Jenny Nicholls & Jason Nicholls against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 22/00277/OUT, dated 15 March 2022, was refused by notice dated 21 September 2023.
 - The development proposed is the construction of up to 239 dwellings with associated landscaping, open space, drainage infrastructure and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of up to 239 dwellings with associated landscaping, open space, drainage infrastructure and associated works at Land East of the Windmill Inn, Brascote Lane, Newbold Verdon in accordance with the terms of the planning application Ref 22/00277/OUT, dated 15 March 2022, and subject to the conditions in Annex C.

Preliminary Matters

2. The proposal is in outline with access applied for in full. This is the vehicular and pedestrian access from Brascote Lane as set out on drawing Ref T20517 001 Rev C. An Illustrative Layout has also been submitted, on drawing Ref n1741 006 Rev C. I have had regard to this as appropriate, whilst acknowledging its illustrative nature.
3. Towards the end of 2023, a revised version of the National Planning Policy Framework (the Framework) was released. This was discussed at the Hearing and I refer to the revised version of the Framework as appropriate throughout my Decision.
4. The final s106 Planning Obligation, dated 2 May 2024, (the s106) secures:
 - the provision of 40% affordable housing provision on site, split into 56.25% Affordable Housing for Rent, 18.75% Shared Ownership Dwellings, and 25% First Homes;
 - 4.95ha of open space to be provided as publicly accessible, including at least 3.35ha of ecological enhancements through new woodland planting, meadow areas, an ecological pond and reinstated historic hedgerow boundaries;
 - an equipped children's play space;

- the future management and maintenance of the open space, including contributions;
 - contributions towards off-site open space and maintenance, civic amenities, early years education, SEND education facilities, secondary school facilities, post-16 education, health facilities, and library facilities;
 - travel packs for the future occupants and related contribution;
 - bus passes providing free travel for six months for future adult occupants;
 - Travel Plan monitoring contribution;
 - Council and County Council monitoring fees contributions; and,
 - Payment of Council and County Council's legal fees.
5. The Council's and the County Council's Community Infrastructure Levy (CIL) Compliance Statements set out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet all the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at Paragraph 57 of the Framework, and I have taken them into account. I return to matters of weight and detail of the s106 throughout my Decision as appropriate.
6. A duplicate planning application, Ref 23/01037/OUT, was submitted by the appellant. This was taken to the March 2024 Planning Committee where it was refused for the same reasons as the application that is the subject of this appeal.
7. Submissions were received during and after the Hearing, as set out in Annex B. I am satisfied that the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the additional documents.

Main Issues

8. The main issues are:
- whether or not the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance;
 - the effect of the proposal on the character and appearance of the area, particularly regarding landscape; and,
 - whether or not the site is in a suitable location for housing, with adequate access to services.

Reasons

Principle of development

9. The Core Strategy 2009 (the CS) sets out the spatial strategy for the Council, which is for the distribution of homes to be focussed on the larger settlements. Newbold Verdon is a Key Rural Centre, second in the hierarchy. Policy 11 of the CS allocates a minimum of 110 dwellings to the settlement, to be located within its defined settlement boundary (the SB), as set out in Policy 7.
10. The appeal site lies outside the SB of Newbold Verdon. It is therefore in the 'countryside' for the purposes of planning policy. Policy DM4 of the Site Allocations and Development Management Policies DPD, July 2016 (the SA

DPD) states that development in the countryside is unsustainable unless it meets one of five criteria, as set out at parts a) to e) of the policy. It is common ground, and I agree, that the proposal does not meet any of these criteria. It therefore conflicts with Policy DM4 of the SA DPD and, by extension, with the overall spatial strategy of the Council.

11. However, the CS is based on a target of 450 dwellings per annum (dpa) for the period 2006 to 2026, which is derived from the East Midlands Regional Plan. As set out in the Framework¹, the starting point for establishing the housing requirement for an area should be the Standard Method. I have not been provided with the most up-to-date housing requirement calculation using this method, but it is common ground, and I agree, that any such calculation would likely result in a higher annual requirement. In addition, it is likely that the Council will need to provide for at least some of Leicester's unmet need, under the Duty to Cooperate².
12. Furthermore, the Council has not been meeting its current target, and the net housing completions for the period 2006 to 2022 were 422 dpa³. Specifically, two large Sustainable Urban Extensions were proposed as part of the CS, and neither project has started, or is even included within the Council's current five-year supply of deliverable housing sites. In addition, a large proportion of the housing that has been granted planning permission during the CS plan period has been on greenfield land, ie outwith the spatial strategy.
13. It is therefore highly likely that the Council will need to reflect a higher housing requirement in its emerging spatial strategy. This is being progressed through an emerging Local Plan (the eLP). However, a previous Regulation 19 version, which was consulted upon in 2022, has since been withdrawn. The Council is re-visiting the eLP and therefore also its spatial strategy. The latest Local Development Scheme, dated January 2024, timetables a Regulation 18 consultation for the eLP in summer 2024, leading to eventual adoption in early 2026.
14. Therefore, as I write this Decision, we do not know what the spatial strategy or site allocations will be. However, given the likely requirement to accommodate greater growth than reflected in the CS and the reliance even within the CS plan period on greenfield development, it is likely that this will include either greater flexibility for development in the countryside and/or further site allocations on greenfield land.
15. Pulling all this together, the spatial strategy in the CS is in broad accordance with the Framework, by focusing development in the most accessible locations. However, this is reliant on an out-of-date housing requirement that is highly likely to increase. I therefore place limited weight on the conflict I have identified with Policy DM4 of the SA DPD, and the appeal site is an appropriate location for development of this type, having regard to local and national planning policy and guidance.

Character and appearance

16. Policy DM4 of the SA DPD sets out five criteria that must be met by development in the countryside. These are listed as additional criteria to be

¹ Paragraph 61

² See Leicester & Leicestershire Housing & Economic Needs Assessment Final Report, dated June 2022

³ See Residential Land Availability Monitoring Statement, 1 April 21 - 31 March 22

met by development that has met at least one of the first five criteria. By default, therefore, the proposal cannot meet these criteria. However, for the purposes of the appeal, the Council has approached the policy flexibly and considers the criteria i) to v) to help frame its assessment of the acceptability or otherwise of the appeal proposal. I have adopted this approach as a useful framework for assessing the proposed development. It is common ground⁴, and I agree, that only criteria i) is applicable to the appeal proposal. This states that a proposal must not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

17. The Council accepts the conclusions of the appellant's Landscape & Visual Appraisal, dated 11 March 2022 (the LVA). This concludes that the appeal site is typical of the wider landscape character areas (LCAs)⁵, with no fundamentally defining features. It is visually highly contained, being surrounded to all but one relatively small boundary by substantial hedgerows and tree lines. Where visible from the south, east or west, for example from a footpath to the east, it is seen in the context of the existing housing in Newbold Verdon as a backdrop.
18. The appeal site is set slightly away from the village, with an intervening field and allotments. However, as approached from the south on Brascote Lane, there is already an ill-defined edge to the village. The village sign and speed limit signs are further to the north, at the point the existing homes in the village begin. However, the two allotment gardens on the lane, and the Windmill Public House, draw development further south, towards the highly dispersed settlement of Brascote.
19. The proposed change from an arable field to a residential development, albeit with substantial areas of open space and parkland, would affect the intrinsic character of the site. However, this would be visually self-contained. The proposed open space provides the opportunity to incorporate positive landscape features, and this could be controlled by condition. Planting could also be required by condition to reinforce the existing boundary planting, and to provide new planting to the small currently open boundary to the south east corner of the site. The LVA therefore concludes, and I agree, that the resultant effects on the landscape character of the area, and the two LCAs, would be neutral.
20. There would, nevertheless, be some harmful effects on the character and appearance of the area from the proposal, resulting from the change from a field to a residential development, including to the users of a nearby footpath. I acknowledge the importance of this footpath to some local residents because it is part of 'the block', a commonly used walking route on the edge of Newbold Verdon. However, the LVA assesses these as being at most moderate effects, and with the effects from many locations being minor or even negligible. For the reasons set out above, I agree with this assessment.
21. Overall, therefore, the proposal would result in limited harm to the character and appearance of the area. This fails to comply with Paragraph 180 of the Framework, which aims to preserve the intrinsic character and beauty of the countryside. However, it complies with Policy DM4 of the SA DPD, which

⁴ Confirmed verbally at the Hearing

⁵ Bosworth Parklands LCA and Newbold and Desford Rolling Farmland LCA

requires a significant adverse effect on the character and landscape character of the countryside before it finds a proposed development to be unacceptable.

Accessibility

22. The appeal site is on the edge of, but outside, Newbold Verdon. Newbold Verdon provides a reasonable range of services and facilities, including pubs, a primary school, a Co-op, churches, a post office, and other shops and facilities. The walking distances to the facilities are agreed⁶ as is the methodology of measuring from the middle of the appeal site to provide an average measurement. Main Street, with the majority of the services, is around 1km from the site. Apart from the Windmill Pub, next to the site, the other services and facilities are between 850m and 1.5km distant. The distances are therefore mostly beyond the 800m distance recommended to create a walkable neighbourhood in Manual for Streets⁷ (MfS) but within the upper walkable limit of 2km set out in the same document.
23. The MfS distances are guidelines and not policy requirements. Policy DM17 of the SA DPD seeks to ensure convenient and safe access by walking. In this regard, the appeal site is linked to the services and facilities by an existing pavement running along Brascote Road into the village centre. This is a reasonable width and is lit. Within the village, there are a variety of pavement widths and styles, as is to be expected in a village that has grown organically over time. Vehicular traffic is relatively light. There are also alternative routes at least partially using off-road footpaths, for example to the north east. The walking distances to the services and facilities are therefore relatively long but the attractiveness and useability of the walking routes is relatively high.
24. The appeal site is within a reasonable walking distance of bus stops along Main Street. Bus service 153 runs from these stops. It runs roughly hourly, including both early in the morning and into the evening, Monday to Saturday. There are no services on Sundays. This is a reasonable bus service for a rural location, providing a useable service to the larger service centres of Market Bosworth, Desford and Leicester. In addition, the s106 secures travel packs and up to two bus passes providing free travel for six months for future adult occupants.
25. Overall, I think it is likely that some journeys would be undertaken by foot or by bus. There would also, however, likely be a reasonable degree of reliance on the car for many of the journeys from the site. Given the relatively rural location of both the appeal site and Newbold Verdon, this is an acceptable level of accessibility, because there are genuine alternatives to the car for many journeys. The proposal is, therefore, in a suitable location for housing, with adequate access to services and the proposal meets the requirements of Policy DM17 of the SA DPD, which requires good walking access to services and facilities and where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Other Matters

26. The Church of St James is a Grade II listed building⁸. It is a medieval church, partially rebuilt in 1899. The significance of the building, as it relates to the

⁶ See Table 1, Statement of Common Ground

⁷ See Section 4.4

⁸ List entry number 1115770

appeal, is its setting in the centre of Newbold Verdon, in the backdrop to the appeal site. I have therefore had regard to s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). There is no known historic association between the church and the appeal site. The site is separated from the church by the village. There is limited inter-visibility, and where there is it is a common view of the church as can be seen from a number of locations on the outskirts of Newbold Verdon. The appeal proposal would not, therefore, affect the setting of the church, and it would preserve the setting of the building.

27. A Neighbourhood Plan for Newbold Verdon is being prepared. However, it is in the very early stages. It is not known what the policies of the plan will be. It is therefore common ground, and I agree, that no weight can be placed on this emerging document.
28. Several letters of objection have been received from neighbours, and some neighbours and Councillors spoke at the Hearing. They raise several concerns, some of which I have dealt with above, and others which I consider below.
29. The proposal would result in a biodiversity net gain, as could be secured by condition. This is because the appeal site is currently of low ecological value because it is mostly a field, and the proposal includes substantial areas of open space, landscaping, and other biodiversity mitigation measures such as new woodland planting, meadow areas, and an ecological pond. Leicestershire County Council's ecologist supports the proposal.
30. Disruption during construction, including highway safety, could be adequately controlled by condition to require a Construction Traffic Management Plan. As confirmed by the Local Lead Flooding Authority, the approach to sustainable urban drainage would be acceptable, including the use of detention basins, swales and tree pits to ensure an acceptable surface water discharge rate. The proposal would result in the loss of agricultural land, however no evidence has been provided to me that the land is of particularly high value, or is protected in any way. An Air Quality Assessment, dated February 2022, has been submitted by the appellant and it concludes that, subject to mitigation measures, the effect of the development on local air quality is predicted to be 'negligible'. I have no reason to disagree with this conclusion.
31. Both the County and Borough Council have considered the effect of the proposal in local infrastructure, as has the NHS with regard to the effect on the local GP Surgery. A range of mitigation measures are requested and have been secured in the s106, including contributions towards education, health and libraries. Subject to these measures, the proposal would have an acceptable effect on local infrastructure.
32. The appellants' Transport Assessment, dated February 2022 (the TA) assesses the likely traffic generation from the proposal. The Highway Authority (the HA) has considered the TA and supports its conclusions, which are that all affected road junctions would still operate well within capacity, apart from Barlestone Road/Bosworth Lane junction which would still be within capacity. National Highways has also confirmed that the proposal would be unlikely to have a significant impact on the operation of the Strategic Road Network, ie the M1, A46 and M69. I am therefore confident that the proposal would not give rise to any unacceptable increase in traffic on the surrounding road network with regard to the effect on the free-flow of traffic.

33. The effect on users of the existing allotments would be negligible, because substantial screening is proposed between the existing allotments and the proposed development. There would also be a beneficial effect on the users of the allotments because car parking for the allotments is proposed as part of the Parameter Plan. The detail of this could be agreed through reserved matters and condition discharge submissions.
34. Whilst the reason for refusal references highway safety, the Council agreed in the Statement of Common Ground⁹ that it no longer disputes this issue. The HA also raises no objection. The proposed vehicular access has good visibility in both directions, along a long straight road, in a location where the undulations don't materially affect visibility. The levels of on-site car parking would be confirmed at reserved matters stage and there is no reason to believe that adequate on-site car parking would not be provided. There would not, therefore, be any material increase in on-street car parking pressure as a result of the proposal. Accident data, as provided in the TA, confirms that the volume and pattern of accidents recorded in the area does not give any undue cause for concern. Any increase in traffic would be relatively low and would not give rise to any unacceptable harm to highway safety.

Planning Balance

Harms

35. There is conflict with Policy DM4 of the SA DPD because the proposal is for development defined by that policy as being unsustainable in the countryside. However, this only carries limited negative weight because the spatial strategy of the Development Plan is based on an out-of-date housing requirement.
36. The proposal would result in limited harm to the character and appearance of the area. Whilst complying with Policy DM4 of the SA DPD, this nevertheless weighs negatively in the planning balance. I place limited negative weight on this factor.

Benefits

37. Up to 144 market homes are proposed, in an acceptable housing mix, and on a site that is in a suitable location for housing, with adequate access to services. I place substantial positive weight on this factor.
38. Up to 95 affordable homes are secured through the s106. It is common ground that there is an acute need for affordable housing in the Borough. The CS target for affordable housing delivery is 2,090 affordable homes during the plan period of 2006 to 2026, at 105 dpa. The Council's Residential Land Availability Statement 1 April 2021 – 31 March 2022 identifies¹⁰ that, as of 1st April 2022, a gross total of 1,463 affordable dwellings have been completed over a 16-year period since 2006, equating to 91 dpa and therefore below the CS target. In addition, the latest estimates of affordable housing need set a far higher requirement, for example 498 dpa as set out in The Leicester and Leicestershire Housing and Employment Needs Assessment, June 2022. I therefore agree that there is an acute need for affordable housing and I place substantial positive weight on this factor.

⁹ Paragraph 7.45

¹⁰ Table 8

39. The proposed development would provide temporary employment arising from construction. It would also provide long term economic benefits from expenditure on local goods and services by the future occupants of the scheme. I place moderate positive weight on this factor.
40. A wildflower meadow, tree planting and an ecological pond, amongst other ecological enhancements, are all proposed and could be secured by a mixture of planning conditions and the s106. A Biodiversity Net Gain (BNG) assessment concludes that there would be a net biodiversity gain of 3.53 habitat units (12.13%) alongside a net gain of 5.62 hedgerow units (24.60%). I place moderate positive weight on the proposed ecological enhancements.
41. The level of public open space proposed is significantly in excess of the open space requirement at 1.635ha, with the s106 securing 4.95ha of open space, including a children's play area. Additional recreational routes are also proposed within the site. The Council's Open Space and Recreation Study, October 2016 concludes that there is a deficiency in all types of open spaces in Newbold Verdon¹¹. The proposed open space and play facilities would benefit both the future occupants of the proposed development and existing occupants within the village. I place moderate positive weight on these factors.

The balance

42. In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004, my determination of this appeal must be made in accordance with the Development Plan unless material considerations indicate otherwise. There would be conflict with the spatial strategy which therefore represents a conflict with the Development Plan when read as a whole. However, an important material consideration is that the spatial strategy is reliant on an out-of-date housing requirement. The housing requirement cannot be divorced from the spatial strategy because one directly informs the other. I therefore place limited weight on this conflict. There would also be limited harm to the character and appearance of the area.
43. It is common ground, and I agree, that the Council cannot demonstrate a five year supply of housing sites. The 'tilted balance' is therefore technically engaged. However, as set out above, the benefits of the proposal are many and weighty. The harms are few and of lesser overall weight. The material considerations therefore indicate that the proposal is acceptable and it is not necessary to engage the 'titled balance'.

Conditions

44. A schedule of conditions agreed between the main parties was discussed at the Hearing. I have considered the conditions on this basis, and in the light of government guidance on the use of conditions in planning permissions. In addition to the standard reserved matters condition, a condition specifying the relevant drawings provides certainty. With regard to the other conditions:
 - the two time limit conditions adopt shorter timescales than normal, which was agreed between the parties, and are necessary to ensure that the proposal comes forward in a timely manner;
 - the housing mix condition is necessary to ensure that the final housing mix is appropriate for the needs of the area;

¹¹ Table 19.2

- the finished levels, materials, tree protection, external lighting, waste and recycling storage, Illustrative Masterplan, and tree retention conditions are necessary to protect the character and appearance of the area;
- the Construction Environmental Management Plan (CEMP), Biodiversity Net Gain, tree protection, external lighting, tree retention, and bird nesting conditions are necessary to protect and enhance biodiversity on the appeal site;
- the CEMP, Construction Traffic Management Plan (CTMP), external lighting, and noise conditions are necessary to protect the living conditions of neighbouring occupiers;
- the CEMP, CTMP, waste and recycling storage, and access arrangements conditions are necessary to protect highway safety;
- the CEMP, Surface Water Drainage Scheme (SWDS), and Surface Water Drainage System conditions are necessary to appropriately control surface water drainage;
- the Travel Plan and storage of cycles conditions are necessary to encourage the use of transport options other than the car; and,
- the CEMP, land contamination, waste and recycling storage, storage of cycles, infiltration testing, and Written Scheme of Investigation (WSI) conditions are necessary to ensure compliance with these technical details.

45. The main parties requested a condition requiring the provision of electric vehicle charging points. However, this is now a requirement of Building Regulations and is not, therefore, necessary. They also requested a condition requiring the installation of broadband to the proposed homes but this is not a material planning consideration
46. The CEMP, CTMP, materials, land contamination, tree retention, external lighting, waste and recycling storage, secure cycle storage, SWDS, infiltration testing and WSI conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Conclusion

47. For the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE APPELLANT:

Sarah Reid KC	Kings Chambers
David Pendle MRTPI	Marrons
Jonathan Berry CMLI AIEMA	Tyler Grange
Gerard McKinney CMILT	Hub Transport Planning

FOR THE LOCAL PLANNING AUTHORITY:

Laura Ashton MRTPI	Planning Consultant
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INTERESTED PERSONS:

Councillor Mark Boals	Ward Councillor, Newbold Verdon
Rachel Loughlin	Local resident
Councillor Richard Statham	Ward Councillor, Newbold Verdon
Jay Matthews	Local resident
Mike Hemming	Local resident
Roger Watson	Local resident
Roger King	Local resident
Councillor Andrew Tessier	Chair of the Newbold Verdon Neighbourhood Plan

ANNEX B: DOCUMENTS

- 1 Final Statement of Common Ground, dated 14 March 2024
- 2 Minutes of the Planning Committee on 19 September 2023
- 3 Relevant extracts from the Hinckley and Bosworth Local Plan 2020-2039, Regulation 19 Consultation, dated February 2022
- 4 Relevant extracts from the Newbold Vernon Neighbourhood Plan 2022 – 2039, Pre-Submission Version, dated October 2021
- 5 Proposed Site Access Layout Ref 001 Rev C
- 6 Relevant extracts from the Hinckley and Bosworth Borough Council Local Development Scheme 2020 – 2025, dated January 2024
- 7 Bus Route 153 Timetable
- 8 Hunts Lane, Desford Location Plan Ref 09129-FPCR-XX-XX-DR-A-0001 Rev P01
- 9 Appeal Decision Ref APP/K2420/W/23/3330774
- 10 Appeal Decision Ref APP/K2420/W/23/3332401

ANNEX C: 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 18 months from the date of this permission.
- 3) The development hereby permitted shall take place not later than one year 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: n1741 001; 004 Rev D; T20517 001 Rev C.

Reserved matters

- 5) Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.
- 6) Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall thereafter be carried out in accordance with the approved levels.
- 7) Any relevant reserved matters application submission shall be accompanied by a Biodiversity Net Gain Plan (the Plan). The Plan shall be based on the Biodiversity Net Gain (BNG) metric spreadsheet completed by Ramm Sanderson, dated 12/04/2022, and shall provide a net gain on the reported baseline habitat loss. The Plan shall include the following details:
 - a) Location plan of the areas to be used for BNG;
 - b) Description of existing habitats on site;
 - c) Description of planned habitat creation/enhancement, including species to be planted/sown;
 - d) Timetable for implementation of habitat;
 - e) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
 - f) Mechanism for securing the implementation of the biodiversity offsetting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan; and,
 - g) Number and location of bat and bird boxes to be provided across the site.

The Plan shall be supported by an up to-date BNG metric calculation using the latest DEFRA version of the metric. The Plan shall thereafter be implemented in accordance with the approved details.

Pre-commencement

- 8) No development shall commence until a Construction Environmental Management Plan has been submitted to, and approved 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 air, dust, odour, noise, smoke, light and land contamination. The Plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. The Plan shall detail how surface water drainage during construction will be managed. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays. The approved details shall then remain in force throughout the construction period.
- 9) No development shall commence until a Construction Traffic Management Plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to, and approved in writing by, the local planning authority. The construction of the development shall thereafter be carried out in accordance with the Plan.
- 10) No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be implemented in accordance with those approved materials.
- 11) Notwithstanding the recommendations within the Desk Study Report carried out by PJS Ref: PJSG21-47-RT-01-A, dated 24th February 2022, no development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to, and agreed in writing by, the local planning authority. The scheme shall include details of how any contamination in accordance with the agreed details and any remediation works so approved shall be carried out prior to the first occupation of the development.
- 12) Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development, have been submitted to, and approved in writing by, the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until the completion of the development.
- 13) No development shall commence until details of external lighting has been submitted 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 shall thereafter be installed, maintained and operated in accordance with the approved details.

- 14) No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection 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 adequate collection point space at the adopted highway boundary. The approved scheme shall thereafter be implemented and maintained in accordance with the agreed details.
- 15) Development shall not commence until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted to, and approved in writing by, the local planning authority. The approved scheme shall be implemented in accordance with the agreed details.
- 16) Development shall not commence until a Surface Water Drainage Scheme has been submitted to, and approved in writing by, the local planning authority. The development must thereafter be carried out in accordance with these approved details and be completed prior to first occupation of the development.
- 17) Development shall not commence until infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise the suitability of the site for the use of infiltration as a drainage element, and this has been submitted to, and approved in writing by, the local planning authority.
- 18) Development shall not commence until a Written Scheme of Investigation (WSI) has been submitted to, and approved 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:
 - a) the statement of significance and research objectives;
 - b) the programme and methodology of site investigation;
 - c) recording and the nomination of a competent person(s) or organisation to undertake the agreed works; and,
 - d) 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.

Pre-occupation

- 19) Prior to first occupation of the development, details in relation to the long-term maintenance of the Surface Water Drainage System shall have been submitted to, and approved in writing by, the local planning authority. The System shall thereafter be maintained in accordance with these approved details in perpetuity.
- 20) Prior to first occupation of the development, the access arrangements shown on drawing Ref T20517.001 Rev C shall have been implemented in full. This shall include vehicular visibility splays of 2.4m x 160m at the site access point. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

For observation

- 21) The development hereby permitted shall be implemented in general accordance with the Illustrative Masterplan Ref n1741 06 Rev C and the Landscape Mitigation & Enhancements recommendations set out within the Design & Access Statement, dated March 2022.
- 22) 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 and implementation has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.
- 23) During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- 24) The Travel Plan shall be carried out in accordance with the details contained within the Travel Plan Ref T20517 Rev A, dated May 2023. A Travel Plan Coordinator shall be appointed from commencement of development until five years after first occupation. The Travel Plan Coordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.
- 25) No trees and shrubs shall be removed on site during the bird nesting season (1st March to 31st July inclusive).
- 26) All dwellings facing Brascote Lane should be provided with the approved mitigation measures as set out within the Noise Impact Assessment, dated February 2022. The approved mitigation measures shall be completed prior to the first occupation of each dwelling and retained thereafter.

===== END OF SCHEDULE =====