

Appeal Decision

Site visit made on 7 March 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th May 2024

Appeal Ref: APP/R3325/W/23/3323476

Knights Templar Court Nursing Home, Throop Road, Templecombe, Somerset, BA8 0HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the Council's failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Bermudez Investment Group Ltd against South Somerset District Council.
 - The application Ref 21/02436/FUL is dated 28 July 2021.
 - The development proposed is the demolition of the existing buildings and the erection of 18 detached bungalows with associated parking and access.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and the erection of 18 detached bungalows with associated parking and access at Knights Templar Court Nursing Home, Throop Road, Templecombe, Somerset, BA8 0HR in accordance with the terms of the application Ref 21/02436/FUL dated 28 July 2021, subject to the conditions set out in the attached Schedule to this decision.

Preliminary and procedural matters

2. Although dated 28 July 2021 the application was not validated until 21 October 2021. There followed a prolonged period of consultation and discourse between the parties during which further information and amended plans were produced and submitted. This additional information has been taken into account in my determination.
3. Additional ecological documents have been submitted for the appeal. Most of the documents accompanied a previous application on the site and are submitted for reference purposes. However, a report in respect of a bat survey¹ was not seen by the Council prior to the submission of the appeal. I shall comment on this aspect later when dealing with one of the main issues.
4. Reference has been made to the planning history of the site. I note in particular a previous outline application² affecting the site. This involved the demolition of the existing buildings and the erection of 19 No. dwellings. The Council resolve to approve the application in November 2018, subject to the execution of a s106 agreement³. However, since an executed s106 agreement did not materialize, the application was refused permission in August 2021.

¹ Bat Survey Report November 2022 produced by Phlorum Ecology

² Ref 18/00650/OUT

³ A planning obligation under the terms of section 106 of the Town & Country Planning Act 1990 (as amended).

5. The reasons for refusal indicate that, at that time, the Council considered the principle of residential development at the density proposed as acceptable. This part of the planning history is material to my considerations.
6. Although the Council did not determine the application within the appropriate period it produced a statement for the appeal which clarifies its position. The statement contains a comprehensive assessment of what I consider to be all the relevant considerations to be taken into account in arriving at a decision.
7. In summary, the Council consider the principle of development, its design, access and drainage arrangements to be acceptable, and that it could be carried out without harming neighbouring living conditions or local heritage. Having regard to what I have seen and read, and having regard to the relevant policies referred to by the Council, I share the Council's stance on these aspects.
8. However, notwithstanding its general support for the scheme, the Council confirms that if it had determined the application at the time of the appeal's submission, it would have been refused for two reasons. Firstly, on the grounds that insufficient ecological information has been submitted upon which to make an informed judgment and, secondly, that the applicant had failed to provide a s106 agreement to secure the financial contributions and Travel Plan required to mitigate the impacts of the development.
9. With regard to the second of the Council's reasons, the appellant contends that the payment of the financial contributions sought by the Council would render the scheme unviable. It produced a viability assessment which has been scrutinised by the Council's specialist advisor. There are differences between the parties on the issue of viability.
10. The appellant produced a partially executed agreement with a view to the Council agreeing its terms. The appellant's rationale in attempting to produce an executed agreement is spelt out in the final comments. That is, *'we would ask the Inspector to assess this and consider striking out elements from the final completed S106, when received, which reasonably cannot be supported in terms of viability'*.
11. This suggested approach, even if considered appropriate, is no longer material since no executed agreement is before me. In this respect correspondence from the principal parties on the section 106 issue continued well after my site visit, and I have taken that into account.
12. In the absence of an executed obligation, I shall proceed on the basis that the appellant maintains that the financial obligations sought by the Council render the scheme unviable.
13. The appellant has made an application for costs against the Council. This is the subject of a separate decision.

Main issues

14. Having regard to the above, the main issues are:
 - (a) the adequacy of the submitted information with regard to local ecology and biodiversity, and

(b) whether the scheme should proceed without a mechanism for securing the financial contributions sought by the Council for infrastructure delivery.

Reasons

Ecology and Biodiversity

15. The appeal site is comprised of a series of vacant buildings and outbuildings standing in spacious grounds on the fringes of the settlement. The site was formerly used as a nursing home but that use was discontinued in 2017. The site is described in the representations as previously developed land, which it is, but I saw that the site and buildings were in a sorry and dilapidated state, with evidence of vandalism.
16. One of the reasons for the delay in the validation of the application when first submitted was the absence of an ecological report. A Preliminary Ecological Appraisal (PEA) was subsequently prepared and submitted. The PEA contained a review of work carried out earlier in respect of the outline planning application referred to previously, together with an assessment and recommendations in respect of different species.
17. The Council's main concern relates not so much as to the adequacy of the work carried out for the application and in the past, but its continuing validity in the sense that it could be regarded as out-of-date. In this respect, however, the Council acknowledges that a significant delay occurred in obtaining a response from the consultee to whom the Council turns for ecological advice on development proposals. The delay, in itself, could have contributed to the applicant's submissions becoming out-of-date, as suggested.
18. To my mind, whilst mindful of advice from authoritative sources as to the possible weaknesses of dated ecological surveys, I consider the appellant's PEA to be soundly researched and sensible in its recommendations and conclusions.
19. Additionally, the Council has chosen not to comment in detail on the content of most up to date bat survey carried out in February 2022. Whilst no convincing explanation has been provided as to why it was not submitted to the Council earlier, nevertheless the survey has been in the Council's possession since June 2023, which to my mind provided more than adequate time for it to be considered and commented upon.
20. I am therefore minded to accept the November 2022 bat survey as part of the appeal since it provides conclusive evidence of the presence in some numbers of an European protected species on the site, including a maternity roost. I note too the Council's comment that had this information been submitted earlier when it was completed, the Council's ecologist's initial concerns may have been resolved.
21. I therefore conclude, notwithstanding the Council's reservations, that sufficient supporting information exists to make appropriate judgments in the context of South Somerset Local Plan policies EQ4 & EQ5 of the South Somerset Local Plan (SSLP) as to the effects of development on issues relating to ecology/biodiversity, and adequate mitigation and enhancement may be achieved through the use of planning conditions, as amply demonstrated in the

draft conditions presented by the Council. In arriving at this view I have also had regard to the representations made by the Somerset Wildlife Trust.

Financial contributions towards the provision of infrastructure

22. Policy SS6 of the SSLP is designed to secure the provision of (or financial contributions towards) affordable housing and infrastructure which the Council considers necessary to enable development to proceed.
23. With reference to other policies and guidance, there is general agreement, with one exception, that the financial contribution initially sought by the Council for inclusion within a s106 agreement, under different infrastructure headings, are appropriate in principle. The exception is the Council's Community Infrastructure Levy (CIL) payment. My understanding is that the amount due under the Levy would be collected in another manner, quite separately from the provisions of a s106 agreement.
24. Notwithstanding the thrust of policy SS6, provision is also made for circumstances where the viability of a scheme is contested, as in this case. The appellant produced a viability assessment, and the Council, in turn, appointed the Valuation Office Agency (VOA) to provide an independent opinion on the appellant's viability exercise, and to advise accordingly. The exercises have regard to the advice and guidance provided in the national Planning Practice Guidance (PPG) and issued by the Royal Institution of Chartered Surveyors (RICS).
25. The parties are not too far apart on several important constituent elements of their respective viability assessments including Gross Development Value; Sales Revenue; costs associated with external and abnormal works; fees; land values and premium payable.
26. But differences arise in the various assumptions made on issues affecting cash flow analysis, including the development period, costs and length of borrowing and contingencies. Some differences arise too in the costs of construction, sales, and in the level of project profitability considered acceptable.
27. Various factors may influence the rate at which developers borrow including such matters as development experience, credit history, assessed risk, the nature of the development, and the general economic climate at the time, including the prevailing Bank of England base rate (BR). BR steadily increased from the end of 2021, until it reached 5.25% during summer 2023; it has remained at that level since. The VOA considers that funds would be available to borrow at 7%, a rate less than 2% above BR, which I consider optimistic. The 7.5% rate assumed by the appellant was quoted when BR was lower, and in my estimation, the appellant company would be fortunate to achieve this rate now. In the circumstances, I consider the appellant's assumed borrowing rate to be the more realistic.
28. I also consider the appellant's construction programme and cash flow analysis to be more realistic than that of the VOA, having regard to factors of which the VOA may not have been fully aware when compiling its report. These include matters reflected in the Council's suggested conditions which affect programming including the need to discharge numerous pre-commencement conditions, the requirement for licencing in respect of protected species, the

timing constraints on access, site clearance and preparation, having regard to safety issues and biodiversity. The rate at which dwellings would be built would also be affected by demand at the time, a factor influenced by mortgage availability, costs and affordability. The general climate in this regard has changed significantly over a relatively short period of time, and it seems unlikely in my view that the proposed dwellings would be sold as readily now as they may have been a short time ago.

29. Turning to the allowance for contingencies, a difference of 2% exists between the parties. Based on the evidence, I do not consider the VOA's reasoning for reducing the level of contingency below the normally applied industry standard to be justified.
30. With regard to sales and marketing, I consider that the appellant has provided the necessary evidence and information to justify the 3% allowance used.
31. The profit level used by the appellant is within the range of acceptability set out in national policy guidance, albeit at the upper margin. The difference between the parties is relatively small, but I consider the upper rate in comparison with that used by the VOA to be acceptable given the general condition of the current housing market and to reflect the degree of risk involved.
32. There are some other differences between the parties, but they are not so significant in terms of their effect on the bottom line as those between the parties particularly on the finance charges accrued during the development process. So even if I were to consider the VOA's approach to the other issues to be the more reasonable, it would make no significant difference to the conclusion I have reached that the appellant's exercise on viability taking account general market conditions is likely to be the best estimation and is therefore to be preferred.
33. Accordingly, having regard to the above the appellant has produced the convincing evidence required to justify departing from the provisions of SSLP policy SS6 in respect of the requirement for the payment of financial contributions towards the costs of social and physical infrastructure. It follows that I do not consider that a planning obligation is necessary under the terms of the relevant tests⁴ for the development to be allowed to proceed.

Conditions

34. The appellant initially produced a list of conditions, which to my mind are insufficiently comprehensive. The Council subsequently produced a lengthy list of conditions, many of which are pre-commencement conditions. The appellant has had the opportunity to comment on them and has objected to but one. That condition, in respect of garaging, has been amended for the reasons provided by the appellant.
35. It is necessary, in the interests of certainty, that the development shall be carried out in accordance with the approved plans. I have made no reference to submitted documents, since they inform the decision.
36. Virtually all the Council's conditions are considered necessary in the interests of visual amenity, biodiversity or ecological protection and enhancement, visual

⁴ Regulation 122 of the Community Infrastructure Levy Regulations 2010

amenity, highway safety, to ensure adequate drainage is provided, sustainable transport and the future amenity of residents,

37. However, I have amended several of the proposed conditions to avoid duplication and over prescription. Where necessary, conditions have been imposed requiring schemes of protection, mitigation and enhancement to be submitted and approved in respect of bats, reptiles and other species, both in relation to the construction period and the long term.
38. The Council's proposed conditions in respect of withdrawing permitted development rights have not been imposed. In the particular circumstances of this case, I do not consider them to be either necessary or reasonable given the relatively visually sheltered nature of the site.

Other matters

39. I have noted the references to other development plan policies but those to which I have referred are considered the most relevant having regard to the main issues. I have also taken account of the various references to the *National Planning Policy Framework*.
40. The Parish Council commented several times during the progress of the application, and I have taken their comments into account. The Somerset Wildlife Trust were generally supportive of the appellants proposals for mitigation and enhancement.
41. The comments made by local residents have been taken into account, although I note that the views expressed in respect of highway safety are not shared by the Council or Highway Authority. Several other matters raised are subject to conditions.
42. All other matters raised in the representations have been considered but none outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

- 1). The development hereby permitted shall begin not later than three years from the date of this decision.
- 2). The development hereby permitted shall be carried out in accordance with the following approved plans:
- FB6689/100 rev H – Site Plan
 - FB6689/101 rev A – Block & Location Plan
 - FB6689/102 rev A – Unit 1 – Floor Plans & Elevations
 - FB6689/103 rev A - Unit 2 – Floor Plans & Elevations
 - FB6689/104 rev A – Unit 3 – Floor Plans & Elevations

- FB6689/105 rev B – Unit 4 – Floor Plans & Elevations
- FB6689/106 rev B – Unit 5 – Floor Plans & Elevations
- FB6689/107 rev A - Unit 6 – Floor Plans & Elevations
- FB6689/108 rev B – Unit 7 – Floor Plans & Elevations
- FB6689/109 rev B – Unit 8 – Floor Plans & Elevations
- FB6689/110 rev C – Unit 9 – Floor Plans & Elevations
- FB6689/111 rev B - Unit 10 – Floor Plans & Elevations
- FB6689/112 rev B – Unit 11 – Floor Plans & Elevations
- FB6689/113 rev B – Unit 12 – Floor Plans & Elevations
- FB6689/114 rev B – Unit 13 – Floor Plans & Elevations
- FB6689/115 rev A – Unit 14 – Floor Plans & Elevations
- FB6689/116 rev A – Unit 15 – Floor Plans & Elevations
- FB6689/117 rev A – Unit 16 – Floor Plans & Elevations
- FB6689/118 rev A - Unit 17 – Floor Plans & Elevations
- FB6689/119 rev B – Unit 18 – Floor Plans & Elevations
- FB6689/120 rev C – Site Sections
- FB6689/121 rev B – Indicative Drainage Plan
- FB6689/122 rev B – Existing Plans
- FB6689/123 rev A – Cross Sections

3). The materials to be used in the construction of the dwellings hereby permitted shall be those as detailed on the approved drawings.

4). The proposed access to the site shall be constructed in accordance with details shown on the submitted plan, drawing FB6689/100H and shall be provided, including the visibility splays, before any other construction works, including demolition, commences on the site.

5). There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan (drawing FB6689/100 rev H).

6). The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose,

plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

7). All vehicular and bicycle parking and turning spaces shall be provided, laid out, properly consolidated, surfaced, drained and (where appropriate) delineated in accordance with plans to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby permitted to which they serve. Thereafter they shall be retained for such purposes of parking and turning of vehicles (including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings and kept permanently free from any other forms of obstruction.

8). The dwellings hereby permitted shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amps has been provided for the dwelling within its associated parking area. The electric vehicle charging points must be maintained, kept free from obstruction and available for the purposes specified in perpetuity.

9). The dwellings hereby permitted shall not be occupied until cycle parking has been provided (at a rate of one space per bedroom), in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter, these must be retained, kept free from obstruction and available for the purposes specified.

10). Prior to the commencement of the development, a Measures Only Travel Plan shall be submitted for the Local Planning Authority's written approval. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. A timetable for implementation of the measures and for the monitoring of travel habits shall be provided. The development shall not be occupied unless the agreed measures are implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

11). No development shall commence, until a detailed scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details of the following:

(a) Planting plans (to a recognised scale) and schedules indicating the location, number, species, density, spacings, forms, root types/root volumes and size of proposed tree, hedge and shrub;

(b) The method and specifications for operations associated with installation including ground preparation, the use of bio-degradable weed-suppressing geotextile, staking/supporting, tying, guarding, strimmer-guarding and surface-mulching; and planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;

(c) Written specifications including cultivation and other operations associated with tree, plant and grass establishment;

- (d) Existing landscape features such as trees, hedges and shrubs which are to be retained and/or removed, accurately plotted (where appropriate);
 - (e) Existing and proposed finished levels (to include details of grading and contouring of land and any earthworks and details showing the relationship of any proposed mounding to existing vegetation and surrounding landform where appropriate);
 - (f) The means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates, ramps, or other supporting structures);
 - (g) The location, type and materials to be used for hard surfacing (including where applicable for permeable paving, refuse/recycling storage areas, tree pit design, underground modular systems, and sustainable urban drainage integration), including specifications and details of manufacturer, type and design, colour and bonding pattern where appropriate.
 - (h) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge (banks)), where appropriate;
 - (i) A management and maintenance plan of all the approved landscaping features; and
 - (j) A timetable for the implementation of the approved hard and soft landscaping scheme.
- 12), The approved hard and soft landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, managed and maintained in accordance with the approved management and maintenance scheme.
- 13). For a period of five years after the completion of the approved landscaping scheme, the trees, hedges and shrubs shall be protected and maintained in a healthy weed free condition. Any trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed, or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased, or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
- 14). All retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.
- 15). Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site

or the on-site storage of materials, the pre-commencement requirements of the submitted scheme of tree and hedgerow protection measures, as set out in the document titled Arboricultural Impact Assessment and Method Statement - DS/90721/AC by Treecall Consulting Ltd (dated 28/07/2021) shall be installed and made ready for inspection by a competent arboriculturalist, who shall confirm in writing to the Local Planning Authority that the approved tree and hedgerow protection measures (in particular, any required fencing, signage and ground-protection installations) are installed to a satisfactory standard.

16). The suitability (or otherwise) of the tree and hedgerow protection measures shall be confirmed in writing by the Local Planning Authority within 21 days from written notification of completion of the approved tree and hedgerow protection scheme. The approved tree and hedgerow protection scheme shall remain implemented in its entirety for the duration of the construction of the development.

17). Unless otherwise agreed in writing by the Local Planning Authority, within all tree and hedgerow protection zones throughout the construction period:

(a) no materials, equipment, machinery or structure shall be attached to or supported by any part of the retained trees and hedgerows and no materials shall be stored, temporary buildings erected, moveable structures, works, plant or machinery placed or ground levels altered; (b) there shall be no mixing of cement or use of other contaminating materials or substances; (c) levels shall not be raised or lowered in relation to existing ground levels; (d) no roots shall be cut, trenches dug or soil removed; (e) no buildings, hardened areas or other engineering operations shall be constructed or carried out; and (f) no vehicles shall be driven over that protected area.

18). A European protected species licence shall be in place before any works, including demolition, begin. Works to any of the buildings shall not commence unless the Local Planning Authority has been provided with either:

- a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
- a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

19). Before development commences a scheme for the protection of bats during the construction period and in respect of mitigation measures throughout the site thereafter shall be submitted to the local planning authority for its written approval. The scheme shall also include proposals for external lighting design. The development shall thereafter be implemented in accordance with the approved scheme.

20). Before development commences a scheme for the protection of reptiles during the construction period and in respect of mitigation measures throughout the site thereafter shall be submitted to the local planning authority for its written approval. The development shall thereafter be implemented in accordance with the approved scheme.

21). No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

22). Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of *Monbretia* and *Buddleja* on site. The measures shall be carried out strictly in accordance with the approved scheme.

23). Before development commences a biodiversity enhancement scheme for the site showing the numbers and locations of bird boxes, bat boxes, bee bricks and measures in the scheme of landscaping to enhance biodiversity shall be submitted to the local planning authority for its written approval. The development shall thereafter be implemented in accordance with the approved scheme.

24) No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to biodiversity on site, including habitats and protected species (bats, birds, badgers, reptiles and amphibians), followed by appropriate mitigation, as required.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons, lines of communication and written notifications of operations to the Local Planning Authority
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person [including regular compliance site meetings with the Council Biodiversity Officer and Landscape Officer (frequency to be agreed, for example, every 3 months during construction phases)];
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works]

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

25) No development shall be commenced until details of a surface water drainage scheme, based on sustainable drainage principles, together with details of a programme of implementation and maintenance and management for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

25) No development or other works hereby permitted, including any demolition, ground works, and vegetation clearance, shall commence on any part of the application site until a Construction Environmental Management Plan (CEMP), including a method statement detailing the working methods to be employed on site during the construction works (and preparation associated with construction works), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the construction period, the approved details within the CEMP shall be strictly adhered to.

The CEMP shall include:

(a) Details of the phasing of construction traffic for the development, including expected numbers of construction vehicles per day; a map indicating temporary highway vehicle and pedestrian routings; means of access, times and days of large vehicle movements to and from the site; any temporary construction access points and haul roads required; and suitable off-highway parking for all construction related vehicles.

(b) Measures to avoid traffic congestion impacting upon the Strategic Road Network.

(c) A plan showing the on-site parking arrangements and the location area(s) to be used for the parking of vehicles of site operatives, contractors and visitors during the construction phase. Any vehicles visiting or attending at the site shall not be parked on any access roads serving the site which would cause obstruction to the free passage of other vehicle users of said roads.

(d) A schedule for the delivery, loading and unloading of all plant and materials to the site, including the times of such loading and unloading; details of how deliveries, loading and unloading of plant and materials would not take place during peak-time hours of the highway network in the vicinity of the application site; on-site turning facility for delivery vehicles and egress onto the highway only with the guidance of a trained banksman; and details of the nature and number of vehicles, temporary warning signs to be used, and measures to manage crossings across the public highway.

(e) The hours of construction operations, and deliveries to and removal of plant, equipment, machinery and waste from the site. Such construction works and deliveries shall be carried out only between 08.00 hours and 18.00 hours Mondays to Fridays; 08.00 hours and 13.00 hours on Saturdays, and at no times on Sundays and Bank or Public Holidays, unless the Local Planning Authority gives prior written agreement to any changes in the stated hours.

(f) Details of temporary site compounds including temporary structures/buildings, fencing and proposed provision for the storage of plant and materials to be used in connection with the construction of the development.

(g) A scheme for recycling/disposing of waste resulting from any demolition and construction works. There shall be no burning of materials arising on site during any phase of demolition and site clearance works and during the construction process unless prior written approval is obtained from the Local Planning Authority.

(h) Measures to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site.

(i) The siting and design of wheel washing facilities and management of any subsequent run-off resulting from their use, including the regular use of a road sweeper for local highways.

(j) Measures to control the emission of dust, mud/dirt, noise, vibration and external lighting (including security lighting) during the construction period. Regard shall be had to mitigation measures as defined in BS 5228:Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites.

(k) Details of any piling together with details of how any associated vibration will be monitored and controlled.

(l) The location and noise levels of any site electricity generators.

(m) Management of surface water run-off from the site in general during the construction period.

(n) A scheme to encourage the use of Public Transport amongst contractors.

(p) Contact telephone number/s and email address/es of the site manager(s) and/or other person/s associated with the management of operations at the site.

26). Bin collection areas shall be provided as indicated on the approved drawing no. FB6689/100 rev H prior to first occupation of any dwelling to which they serve. The bin collection areas shall thereafter be retained for the purposes of bin collection unless the Local Planning Authority gives prior written approval to any subsequent variations.

27). In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within two working days by the applicant/developer. An investigation and risk assessment must be undertaken and, where necessary, a remediation scheme must be prepared; these will be subject to the written

approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which will be subject to approval in writing from the Local Planning Authority prior to the occupation of any dwellings so affected by the contaminated area.

28). Prior to the commencement of development an acoustic assessment shall be carried out and submitted to the local planning authority together with details of any necessary measures for noise mitigation within any of the dwellings hereby permitted. No works shall commence until the details of any measures for noise mitigation, if needed, have been approved in writing by the local planning authority.

29). No demolition shall take place until a scheme to deal with the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred asbestos disposal route, unless the Local Planning Authority dispenses with any such requirement specifically in writing.

--END OF CONDITIONS--