



## Appeal Decision

Site visit made on 10 April 2024

**by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 July 2024**

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**Appeal Ref: APP/B2002/W/23/3330854**

**Land South of Millennium Park, Humberston Avenue , Humberston, DN36 4SS**

- 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 S & M Hewson against the decision of North East Lincolnshire Council.
  - The application Ref is DM/1098/22/OUT.
  - The development proposed is for outline permission for residential development of 80 dwellings, public open space incorporating new green infrastructure, SUDs features, lap, landscaping and biodiversity enhancements with details of means of access submitted for consideration.
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### Decision

1. The appeal is allowed and outline permission for residential development of 80 dwellings, public open space incorporating new green infrastructure, SUDs features, lap, landscaping and biodiversity enhancements with details of means of access submitted for consideration at Land South of Millennium Park, Humberston Avenue, Humberston, DN36 4SS in accordance with the terms of the application, Ref DM/1098/22/OUT, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Outline planning permission is sought, but with all matters reserved, except for access. I have determined the appeal on this basis.
3. The Revised National Planning Policy Framework (the Framework) was published on 19 December 2023, after the appeal was lodged. During the appeal an opportunity existed to submit comments on the implications of the Framework. Consequently, I will not prejudice any party by having regard to the Framework in reaching my decision.
4. Through pre-hearing discussions between the parties, the disputes surrounding refusal reason no's 3 and 4 on the Council's decision notice in relation to surface water drainage and protected sites were resolved, which were then confirmed in the submitted Statement of Common Ground (SoCG). However, it was acknowledged that comments from Natural England (NE) had not yet been received in respect of the amended Habitats Regulations Assessment (HRA) to include a Travel Guide. Although, such correspondence could easily be addressed through a written process. Consequently, the decision was taken that a change of procedure to Written Representations was appropriate, as there was no longer a requirement for any evidence to be tested orally.
5. NE responded to the amended HRA on 13 March 2024 and clarified its position

further in an email dated 22 March 2024, where the parties were given the opportunity to respond in both instances. Additionally, an opportunity was presented to the appellant about the possibility of having discussions with NE, albeit it was decided that at present there was no scope for resolving the outstanding matters.

6. Consequently, the comments from NE are a material consideration and I am satisfied that no one with an interest in the outcome of the appeal would be prejudiced if the comments from NE were taken into consideration in the determination of this appeal. Additionally, whilst the parties have resolved their dispute in relation to refusal reason no.4, the comments from NE still require consideration as a main issue.

## **Main Issues**

7. The main issues of this appeal are:

- Whether the appeal site is in an appropriate location for housing having regard to the development plan and its strategy for the distribution of new development;
- The effect of the proposed development on the character and appearance of the area; and,
- The effects on the integrity of the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar site, and Site of Special Scientific Interest (SSSI).

## **Reasons**

### *Location for Housing*

8. The Development Plan comprises the North East Lincolnshire Local Plan 2018 (LP) where the appeal site is located between the Development Area Boundary and the Local Plan Boundary. Consequently, for the purposes of the development plan the appeal site is located within the open countryside, albeit adjacent to an existing settlement.
9. LP Policy 3 sets out the Settlement Hierarchy that will provide the framework for the Council's decisions on the location and scale of development and on investment in services and facilities, where development should be commensurate with a settlement's position in the settlement hierarchy. Humberston is listed at Level 2, as a Local Service Centre (LSC). LP Policy 5 relates to development boundaries.
10. Within LP Policy 5(1), a number of criteria (listed A to I), where all development proposals located within or outside of the defined boundaries will be considered with regard to suitability and sustainability. The criteria of particular relevance within LP Policy 5(1) to this appeal, is criterion D and I for disturbance or visual intrusion and impact on areas of landscape or biodiversity, respectively.
11. Whilst the Council acknowledge the proposed development would be linked to the adjacent LSC, it has raised concerns surrounding access to local facilities in

the wider area and lists a number of examples<sup>1</sup>. Whilst noting these examples and their associated distances from the appeal site, I accept that a number may be undesirable in terms of walking, particularly where they are in the region of 2km. However, there is little before me to suggest that such a journey would not be suitable for cycling. In addition, bus stops located on Humberston Avenue are located within 800m of the appeal site, which is accepted as 'walkable'. Consequently, I consider that alternative transport options exist, where a range of local services and facilities are within a safe and reasonable distance of the appeal site, with genuine opportunities to walk, cycle or utilise public transport.

12. For the reasons given above, I conclude that the proposed development would be located in a suitable location, with particular regard to access to local services/facilities. Consequently, the development would accord with the strategic aims of LP Policy 3, which collectively encourages development to be commensurate with a settlement's position in the settlement hierarchy. The scheme also accords with the requirements of the Framework.
13. It is noted that there would be conflict with LP Policy 5, albeit moderate, which seeks to direct new development to within settlement boundaries. However, I shall fully conclude on LP Policy 5 later in my decision after I have addressed matters of visual intrusion, landscape and biodiversity in more detail.

### *Character and Appearance*

14. The appeal site currently comprises an undeveloped irregular parcel of land that has an approximate area of 3.5ha. The North East Lincolnshire Landscape Character Assessment 2010 identifies the site as being within the Flat Open Farmland (Biii) (South Cleethorpes) Landscape Character Type (the LCT) that covers the farmland extending between New Waltham, Humberston, Grimsby and Waltham. The key characteristics of the LCT are described as: Gently undulating foothills to the Wolds rising from Tetney Lock to Skegness Coastal Outmarsh with views to Binbrook to Tetford Wolds Farmland and Little Cawthorpe to Skendleby Wolds Farmland; Predominantly arable farmland with medium to large scale fields, some pasture with grazing sheep and cattle, bounded by ditches and dykes and a distinctive and tranquil rural landscape with very few minor detractors, amongst other things.
15. The appellant submitted a Landscape and Visual Impact Assessment<sup>2</sup> (LVIA) with the application, which I have had regard to. I also viewed the site from majority of locations identified in the LVIA and am satisfied that I saw everything I need to assess the impact of the proposed development. I note the conclusions of the Council in respect of the LVIA and that it does not disagree with its overall conclusions.
16. There is no doubt that erecting 80no. dwellings on this greenfield site would result in a change to its character and appearance, but overall, I do not find this change to be harmful. The proximity of modern residential development to the north and west, both adjacent to the site are significant factors. Whilst the

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<sup>1</sup> Peaks Lane Primary School 1500m; Cloverfields Primary School 2000m – 2100m; Peaks Lane Local Centre 1300m; Station Road New Waltham Coop and Farm House Pub 1600m; Tollbar Academy (secondary) School 2300m; Humberston Academy (secondary) 2000m - 2100m; Bus Stops (Humberston Avenue) Eagle Entrance (east bound 700m and west bound 750m), Albertross Drive (east bound 650m and westbound 650m).

<sup>2</sup> LVIA by Golby and Luck Landscape Architects, dated 2 December 2022.

site has a rural connection to the agricultural fields to the south and east, the northern and western site boundaries is markedly less rural in character.

17. The Council raises concerns that the proposed development would extend into the rural landscape to the south of Humberston and New Waltham resulting in a visual intrusion which would be detrimental to the character and value of the countryside location. It is recognised that the scheme includes a landscaping buffer to the southern edge of the site, along with the existing landscaped area to the south. Nonetheless, the Council are of the view that the loss of this undeveloped site and its replacement with a residential development, would fail to have regard to the intrinsic character and beauty of this countryside location.
18. The appeal site is bounded by substantial landscaping on its southern boundary and a historic map<sup>3</sup> demonstrates that the site generally reflects the historic field pattern. Whilst the development would extend further to the south, I find that the proposed development would have a localised impact, which would not extend into the arable open countryside to the south or the Strategic Green Infrastructure Corridor to the east. This is due to the constrained nature of the site through such features as the existing landscaping.
19. Whilst there may be major to major-moderate significance at a site level, there is a comparably low landscape sensitivity in relation to the site, which will likely reduce to moderate adverse in the long term through mitigation. When considering views from longer distances, the significance of any effects reduces substantially through the setting of the site and the characteristics of the LCT, particularly through the existing relationship of the site to the existing settlement and the established mature vegetation that is in existence on its boundaries.
20. It has been suggested that the scheme would reduce the enjoyment of users of the formal and informal footpaths, the Eco Centre and amenity areas, through urbanising and enclosing the areas, but I consider the existing experience is already influenced by the surrounding residential development and the direct impact of the scheme will be read in this context. Thus, any impact will not be significant. Whilst a proposed site plan has been provided, this is for indicative purposes only. Nonetheless, I am satisfied that a suitable residential scheme could be achieved at Reserved Matters stage.
21. I am aware that the site subject of this appeal, once formed part of an approved scheme<sup>4</sup> (the 2014 scheme). However, the subsequent details provided at Reserved Matters stage excluded what is now the appeal site. The full details surrounding this approach are not before me. However, and in any event the 2014 scheme has expired. Nonetheless, the 2014 scheme does support the notion that the appeal site is left over from the adjacent development. Appeal decisions<sup>5</sup> have been supplied by the parties to support their respective positions.
22. Whilst the Torbay Drive decision has been allowed and the Grimsby Road decision has been dismissed, there are similarities between these decisions and

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<sup>3</sup> Figure 1 - 1907 Ordnance Survey extract in the Landscape Rebuttal by Golby and Luck Landscape Architects, dated 27 March 2024.

<sup>4</sup> APP/B2002/A/13/2203957

<sup>5</sup> APP/B2002/W/22/3311282 – Land to the west of 30 and 31 Torbay Drive, Grimsby (the Torbay Drive decision) and APP/B2002/W/23/3319932 – Land off (Phase 3) Grimsby Road, Waltham (the Grimsby Road Decision)

the scheme before me, particularly as they are both for residential development outside of the settlement boundary. However, there are marked differences in the Grimsby Road decision, particularly with the site being located in an identified strategic gap, and with reference to the site being 'open with few features except for a hedge along Grimsby Road'. Therefore, I conclude that there are significant differences between the Grimsby Road decision and that of the scheme before me, and both decisions illustrate that every proposal has to be considered on its own particular merits.

23. For the reasons given above, I conclude that the proposed development would not harm the character and appearance of the appeal site and surrounding area. Consequently, the proposed development would accord with LP Policies 5, 22 and 42 which, amongst other things, require developments to have regard to open land that contributes to settlement character; have a high standard of sustainable design and regard to landscape context. The scheme also accords with the requirements of the Framework.

#### *Humber Estuary Habitats Sites*

24. The Humber Estuary SPA, SAC, Ramsar site, and SSSI is situated nearby. As the competent authority, I have a duty under Regulation 63 of the conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to consider whether the proposal would be likely to have a significant effect on the integrity of its interest features.
25. A shadow HRA was submitted by the appellant with the application, and further information to support their case was submitted as part of this appeal. In coming to my decision, I have had regard to the appellant's assessment, and the consultation response from NE under Regulation 63(3) of the Habitats Regulations in relation to the appellant's additional information including the proposed Travel Guide.
26. The Planning Practice Guidance (the 'PPG') advises that "All plans and projects which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the 'Habitats Regulations Assessment screening' – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives"<sup>6</sup>.
27. The SAC qualifying features include sandbanks, mudflats and sandflats, coastal lagoons and dunes. A sizeable range of waterbirds make up the qualifying features of the SPA, which are largely repeated in the Ramsar designation. The proposal is not directly connected with or necessary for the conservation management of the designated sites. Therefore, as the competent authority, I am required to consider whether the plan or project is likely to have significant effects on the habitat sites, with particular regard to the loss of supporting habitat, and recreational disturbance.
28. The PPG goes on to state that "the conservation objectives relate to each of the

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<sup>6</sup> PPG Paragraph: 001 - Reference ID: 65-001-20190722 (Revision date: 22 July 2019)

habitats and species for which the site was designated and will be provided in more detail by NE. A competent authority must consult NE for the purposes of the assessment and must have regard to any representations that NE may wish to make within a reasonable time (as specified by the competent authority). Natural England's formal advice on conservation objectives is publicly available<sup>7</sup> for both European terrestrial sites and European marine sites"<sup>8</sup>.

29. During the appeal, NE in its latest response acknowledged the findings of the appellant with regard to potential disturbance during construction to SPA/Ramsar bird species using functionally linked land associated with the Humber Estuary SPA/Ramsar. Since the receipt of the previous comments, NE confirmed that it has now viewed the bird records referenced in the HRA. NE now consider that effects on SPA birds using functionally linked land can be ruled out, and I have no reason to disagree with this conclusion.
30. There is no doubt that the proposed housing development would result in an increase in the local population, who have the potential to generate increased recreational disturbance to qualifying features of the Humber Estuary SPA and Ramsar. Thus, before deciding to give permission for any plan or project, the first stage is to screen the project for "likely significant effects". If it has been established that the scheme is "likely to have a significant effect" on a designated site, the competent authority, must undertake an "appropriate assessment" of the implications for that site.
31. Whilst the parties agree that the proposed development would not result in a significant effect, NE disagree. The appellant confirms in their submission that the site is in the region of 4.4km from the appeal site as the crow flies, but the travel distance by road increases to in excess of 5.5km. In the absence of evidence to the contrary, and including the findings from my own site visit, I find the distances stated to be a reasonable reflection of the circumstances. Both the parties and NE have referred to various documents<sup>9</sup>, including the LP and its accompanying HRA 2017 (LP HRA).
32. I acknowledge that work may be ongoing in updating these documents, which includes a review of the Cleethorpes Habitat Management Plan 2016 -2021. However, they are nonetheless currently adopted. The LP HRA states that 88% of the visitors to the Humber Estuary SPA were local residents with the majority living within 4.4 km of the site with dog walking the primary reason for visiting<sup>10</sup>. The LP HRA then goes on to state that sites located further than 4.4km from the SPA are unlikely to result in significant effects on the SAC in relation to recreational pressures<sup>11</sup>. NE have referenced an appeal decision<sup>12</sup> (the Mirfield Road site) in its response and whilst I consider this to be a material consideration, there is a significant difference in the distance of this site and that of the appeal scheme to the Humber Estuary.
33. The Mirfield Road site is located approximately 2.2km away from the Humber Estuary, which compared to the appeal site, is approximately half the distance. Consequently, the Mirfield Road site is much closer to the Humber Estuary. I

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<sup>7</sup> <http://publications.naturalengland.org.uk/category/6490068894089216>

<sup>8</sup> PPG Paragraph: 002 - Reference ID: 65-002-20190722 (Revision date: 22 July 2019)

<sup>9</sup> Desk based study of recreational disturbance to birds of the Humber Estuary (Cruickshanks et al, 20101); Results of the recreational visitor surveys across the Humber Estuary' (Fearnley et al, 20122).

<sup>10</sup> Paragraph 5.135

<sup>11</sup> Paragraph 5.136

<sup>12</sup> APP/B2002/W/23/3329352 - Land east of Midfield Road, Humberston, North East Lincolnshire, DN36 4TH



acknowledge the concerns raised by NE in relation to the Travel Guide, which includes the security/maintenance of the footpaths; circular walks and unrestricted space. However, whilst a snapshot in time, I experienced a number of dog walkers whilst walking along some of the public and informal footpaths on my site visit. Furthermore, I note that Cleethorpes Country Park is approximately 2km from the site as the crow flies. Whilst noting the outcome of both the shadow HRA and LP HRA with regard to potential visitors to the Humber Estuary, I consider in this instance there are genuine alternatives to the Humber Estuary for walking in the locality of the site. Such walks, as identified in the Travel Guide would be reasonable in terms of distance and not likely require the use of a motor vehicle, which would be likely in the case of a trip to the Humber Estuary from the appeal site.

34. For the reasons given above, when considered on its own or in combination with other projects and plans, the evidence before me does not indicate that the proposed development on this site, is "likely to have a significant effect" on the designated area, particularly in relation to recreational disturbance. I am therefore satisfied that an appropriate assessment is not required and that any impact on the Humber Estuary SAC/SPA/SSSI would not conflict with LP Policies 5 and 41, which require regard towards biodiversity and protect, manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites and the need for appropriate buffer zones, amongst other things. The scheme also accords with the requirements of the Framework.

### **Other Matters**

35. Whilst there is disagreement as to the precise level of housing land supply (HLS), it is agreed between the parties that the Council can demonstrate in excess of 5 years' supply for the purposes of paragraph 77 of the Framework. However, I am mindful that the 5-year HLS figure is not a maximum figure, and that the Framework seeks to significantly boost the supply of housing.
36. I have had regard to a large number of objections received from local residents and others, expressing a wide range of concerns including, but not limited to the following: flooding; highway safety; ecology; oversubscribed facilities; on going issues from the existing development, which is affecting living conditions and loss of a view. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
37. The parties have completed a planning obligation (the s.106), which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 and paragraphs 55 and 57 of the Framework.
38. The s.106 contains various provisions. It secures the on-site provision of 20% affordable housing in accordance with the requirements LP Policy PO18. A mix of affordable homes and First Homes properties is secured in broad accordance with requirements set out by the Council's Housing Strategy. The s.106 also makes provision for a financial contribution towards primary education. In

accordance with the requirements of LP Policies 5 and 6, this provision is justified to secure improvements to existing infrastructure.

39. In view of the above, I consider the obligations set out in the s.106 are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind. Therefore, they meet the tests within CIL Regulation 122 and those set out in paragraph 57 of the Framework. As such, I have taken them into account in reaching my decision.

### **Planning Balance**

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise.
41. The proposed development would conflict with the aims of LP Policy 5 due to the location of the site outside of the settlement boundary, albeit this conflict would be limited due to the compliance with other elements of the policy, particularly LP Policy 5(1). Additionally, I have found the site to be sustainably located, with an acceptable visual impact on the character and appearance of the site and surrounding area.
42. The 5-year HLS figure is not a maximum figure, and the proposed development would significantly boost the Council's supply of housing. On the evidence before me I am not convinced that the needs of the local community in respect of the delivery of affordable homes are being met. Accordingly, I give the delivery of affordable homes significant positive weight in the planning balance. Whilst noting the concerns raised by the Council's Affordable Housing Lead Officer (AHLO), these comments are subjective, as there are no comments directly from a Registered Provider (RP) to substantiate the view of the AHLO. In any event, I have found the site to be sustainably located and therefore do not share the same concerns surrounding the desirability of the site to an RP.
43. The affordable housing would be secured through the s.106, which would also contribute towards supporting or improving local education infrastructure. However, the education contribution would essentially mitigate the impact of the proposed development in planning terms, resulting in a neutral outcome in the overall balance. There would be very significant benefits to the economic and social roles through the construction phase of the proposed development, and future occupiers would support existing services in the area. There is also the absence of any other harm, but this matter is of neutral consequence in the overall balance.
44. In this instance the benefits of the proposed development considerably outweigh the minor conflict with the development plan. I conclude therefore that these are material considerations which mean that in this case the proposed development can be determined other than in accordance with the development plan. I therefore conclude that the proposed development is suitable for the site.

### **Conditions**

45. I have considered what planning conditions would be appropriate, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 56 of the Framework and



the Planning Practice Guidance. In addition to conditions relating to the time limit for implementation, for reasons of certainty a condition requiring the development to be undertaken in accordance with approved plans/documents is necessary.

46. Pre-commencement conditions for Drainage; Construction Method Statement; Landscape; Highway Design, including the Humberston Eco Centre are all reasonable and necessary in the interest of the living conditions of neighbouring and future occupiers, highways safety and the environment. A pre-occupation condition regarding the construction of roads and footpaths; re-use and recycling of water on site and a travel guide are all reasonable and necessary in the interest of highway safety and the environment, including protected sites. Other conditions have been included surrounding unexpected contamination and construction hours, which are both reasonable and necessary in the interest of satisfactory living conditions of both future and existing occupiers.

### **Conclusion**

47. For the reasons given above, I conclude that the appeal should be allowed.

*W Johnson*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

### *Time Limit*

- 1) Applications for approval of the matters referred to in Condition 2 (known as reserved matters) shall be made within three years of the date of this permission and the development to which it relates shall begin no later than whichever is the later of the following dates:
  - (a) three years from the date of the grant of outline planning permission;
  - (b) two years from the final approval of the reserved matters, or in the case of approval on different dates, final approval of the last such matter to be approved.
- 2) This permission hereby granted is in outline form only and no development shall begin until full details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
  - (a) the layout, scale and appearance of the development based; and
  - (b) a landscaping scheme for the site including details of existing trees, hedges and planting to be retained.

### *Drawings*

- 3) The development shall not be carried out except in complete accordance with the following approved plans and specifications: Site Location Plan: DGL\_200HHP/LP01; Proposed Eastern Site Access Arrangements with GHOPA Spur: 22/414/TR/002 rev C and Proposed Western Site Access Arrangements: 22/414/TR003.

### *Pre-commencement*

- 4) No development shall take place until a scheme for the provision of surface water drainage, based on sustainable drainage principles and an assessment of the hydrological and geo-hydrological context of the development, has been submitted to, and approved in writing by the local planning authority. The scheme shall include details of any ground level raising and a strategy for management of the surface water drainage scheme. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (a) The routing and management of construction traffic;
  - (b) The parking of vehicles of site operatives and visitors;
  - (c) Loading and unloading of plant and materials;
  - (d) Storage of plant and materials used in constructing the development;
  - (e) The erection and maintenance of security hoardings, including decorative displays and facilities for public viewing, where appropriate;
  - (f) Wheel cleaning facilities;
  - (g) Measures to control the emission of dust and dirt during construction;
  - (h) Details of noised reduction measures;

- (i) A scheme of recycling/disposing of waste resulting from demolition and construction works;
  - (j) The hours during which machinery may be operated, vehicles may enter and leave the site and works may be carried out on the site;
  - (k) Measures to protect and maintain access along the Public Right of Way (Humberston FP59);
  - (l) Measures to protect breeding/nesting birds habitats (including any vegetation removal).
- 6) No development shall take place until a landscape management plan has been submitted to and approved in writing by the local planning authority. The landscape management plan shall set out management responsibilities and maintenance schedules for all landscaped areas, inclusive of trees, hedges, ditches and balancing ponds; a Biodiversity Enhancement Scheme setting out measures for habitat creation and management, including the provision of bat roosts and bird boxes and a statement on the sustainability performance of the dwellings. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 7) No development shall take place until detailed plans (to a scale of at least 1/500) have been submitted to and approved in writing by the Local Planning Authority:-
- (a) The proposed layout of the carriageways and footways on the development;
  - (b) The wearing course materials proposed for the carriageways and footways;
  - (c) Cross sections;
  - (d) The highway drainage system;
  - (e) The proposed locations of street lighting columns, all services and ducts for services, within the carriageways and footways;
  - (f) The number, location and layout of the vehicle garaging and/or parking facilities within the site to serve the proposed residential development.
- 8) No development shall take place until details of the formal vehicle and pedestrian access to the Humberston Eco Centre (GHOPA) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be completed before any of the dwellings hereby approved exceed damp course level. The access shall be retained as such thereafter.

*Prior to occupation*

- 9) None of the dwellings hereby permitted shall be occupied until the access road has been constructed to at least base course level and lit, in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Before occupation of any of the final ten dwellings, the roads shall be fully constructed in accordance with approved details.
- 10) None of the dwellings hereby permitted shall be occupied until details of how water will be reused and recycled on site, in accordance with details that shall have first been submitted to and approved in writing by the local

planning authority shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

- 11) None of the dwellings hereby permitted shall be occupied until a Site Specific Travel Guide, as required by the approved travel plan, shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operate in accordance with the travel plan and approved details and maintained as such thereafter.

*Other*

- 12) No demolition or construction work shall be carried out on or before 08:00 or after 18:00 Mondays to Fridays inclusive, before 08:00 or after 13:00 on Saturdays and at any time on Sundays or Bank/Public Holidays.
- 13) If, during development, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately and no further work carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority, then subsequently implemented in the proposed development.

**\*\*End of Conditions\*\***