



Appeal Decision

Site visit made on 15 July 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/P0240/W/23/3335858

Land adjacent to 144 Clophill Road, Maulden MK45 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hearne Holmes Toddington Ltd against the decision of Central Bedfordshire Council.
 - The application Ref is CB/22/01434/FULL.
 - The development proposed is the erection of 20 dwellings (including affordable housing) to include the provision of 2 new accesses, alterations to 2 existing accesses and associated soft and hard landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 20 dwellings (including affordable housing) to include the provision of 2 new accesses, alterations to 2 existing accesses and associated soft and hard landscaping on land adjacent to 144 Clophill Road, Maulden MK45 2AE in accordance with the terms of the application, Ref CB/22/01434/FULL, subject to the 21 conditions set out in the attached Schedule.

Preliminary matters

2. The site address given on the application form, 144 Clophill Road, is misleading as the site does not include that property. I therefore use the more accurate '*Land adjacent to 144 Clophill Road*' from the Council's decision notice. The description of the proposed development set out above was agreed between the appellant and the Council, as an amendment from that shown on the application form. Amended plans were submitted during the course of the application. I take the set of plans considered by the Council's Planning Committee to represent the proposal for the purposes of this appeal.
3. The Maulden Neighbourhood Plan 2020-2035 (MNP) was made on 2 January 2024, during the appeal process. It is now part of the development plan for the area including the appeal site, together with the Central Bedfordshire Local Plan 2015-2035 (LP). This happened early enough in the appeal process for the change to be dealt with by both main parties and by local objectors.
4. At a late stage of the appeal process the appellant drew my attention to an appeal decision dated 11 July 2024¹, relating to the Council's current housing land supply. Both main parties have had the opportunity to comment on the implications of that decision.

¹ APP/P0240/W/23/3324532

5. On 30 July 2024 the Government published a Written Ministerial Statement (WMS) *Building the Homes We Need*, together with a consultation paper *Proposed reforms to the NPPF* (National Planning Policy Framework) *and other changes to the planning system*. I give weight to the WMS as Government policy but give the proposed NPPF changes only limited weight as they are at an early stage in the process towards final publication. I have not, in this case, re-consulted the main parties regarding these changes as they are not determining factors in this decision.
6. A completed legal agreement under Section 106 of the Town and Country Planning Act 1990 has been submitted, setting out a number of planning obligations tied to the proposed development.

Main issues

7. With reference to both the Council's reason for refusal and the evolving policy context since the application was refused, the main issues for this appeal are:
 - i) Whether the proposal would accord with development plan policies for the locational distribution of housing;
 - ii) The effect of the proposal on the character and appearance of the area, including the intrinsic character and beauty of the open countryside; and
 - iii) Whether the Council is able to demonstrate a five-year supply of deliverable housing sites.

Reasons

Location of development

8. The appeal site is an open field on the edge of the village of Clophill with houses to 2 sides, including houses on the other side of Clophill Road. Significantly sized roads, including the A507, enclose the other 2 sides - with roadside hedges and trees including a small copse at the north-west corner of the site, then fields beyond. The proposal is to build 20 detached and terraced houses, including 6 affordable terraced houses at the lower end of the site next to the A507. The main access would be taken from the end of a cul-de-sac, Sharp Close (reached from Clophill Road via Hedley Way), with 3 other accesses serving a few houses at the higher end of the site.
9. The site adjoins but lies outside of the settlement envelope for the village, as set out in the LP. Both main parties agree that, for this reason it is not a form of development normally permitted in such a location by LP policy SP7 and MNP policy M1. These policies recognise the intrinsic character and beauty of the countryside and aim to encourage efficient use of land within towns and villages, to minimise the impact on the natural environment and to avoid sprawl and coalescence with surrounding settlements.
10. The effect of the proposal on some of these aims is dealt with in the next main issue. My basic conclusion here is that, as agreed by the main parties, this proposal for development of a greenfield site outside of the village envelope would conflict with the strategy for the locational distribution of development set out in LP policy SP7 and MNP policy M1.

Character and appearance

11. The Council, the local Parish Council and others are concerned that the proposal would overdevelop a countryside site, providing insufficient green space. Although the site sits outside of the settlement envelope and has been used for agriculture, this modestly sized field is effectively surrounded by urban development in the form of houses and roads, cutting off any clear visual relationship with the more open countryside to the west and south. The field itself is of little interest or value in the wider landscape, though the trees and hedges on the road boundaries are valuable in helping to give the village a green, rural setting.
12. In terms of the buildings, the proposal would be of a similar density to other modern development nearby, including at Sharp Close and Hedley Way, which also appear to lack any significant green space. The proposed layout for the appeal site would also, however, include substantial areas of hard surfacing due to the somewhat complex access layout, leaving little space for planting in the public areas within the site. The appellant suggests that a generous landscape buffer would be provided along the southern and western boundaries, but hard surfacing would run close up to those boundaries, leaving little space for significant new planting.
13. This lack of space within the site is balanced by the retention of the important roadside trees and hedges, including the copse, which are mainly outside the boundary of the appeal site but marked on the submitted plans as being within the same ownership. The retention of these landscape features would be beneficial - compensating for the somewhat dense layout of the development itself, helping to blend the new houses into the wider landscape and maintaining a green edge to this part of the settlement.
14. Clophill and Maulden villages are loosely linked by a ribbon of sporadic development along Clophill Road, so further development between the villages could potentially erode their separate identities. This site is not, however, part of the designated Important Countryside Gap (the Gap) between the villages, as protected by LP policy SP5 and MNP policy M1. Development here would not lead to any harmful coalescence of the local villages. It would be contained within hard boundaries and there would still be a substantial amount of open land to the west, across Maulden Road and within the Gap.
15. There is also some local concern about the design and height of the houses. Some of the larger detached houses would be somewhat bulky and suburban in appearance, but would still fit reasonably well into the varied local street scenes, which include other modern, suburban style housing. I note that the ground levels would be raised over much of the site, at least in part due to flood risk. The roof levels of the new houses would, nevertheless, be similar to those of nearby existing houses so that the proposed houses would not appear overly tall or visually dominant.
16. The key factor here is the preservation, and where possible reinforcement, of existing trees and hedges on the periphery of the site. I conclude that, subject to appropriate conditions to ensure protection of the trees and hedges marked for retention plus new tree planting, the proposal would not harm the character or appearance of the area, including the intrinsic character and beauty of the

open countryside. It accords in this respect with the relevant parts of LP policies SP7, EE1, EE4, EE5 and HQ1, MNP policies M1 and M3 and the NPPF, which taken together aim to enhance local and natural built character and green infrastructure, with density in keeping with the local context. It would also accord with LP policy SP5 and MNP policy M1's aim of preventing the physical or visual coalescence of settlements.

Housing land supply

17. In the recent appeal decision (as referenced in the preliminary matters section) the Inspector examined the availability of sites within the Council's housing land supply in detail, discounting some sites from the calculation. As a result it was concluded that the Council had only a 4.73 year supply of deliverable housing sites, below the requirement for a 5 year supply set out in NPPF paragraph 77. As in that case, the potential exemption to this requirement set out in NPPF paragraph 76 does not apply because the appeal application was submitted before the current version of the NPPF was published (NPPF footnotes 40 and 79).
18. The Council disputes the Inspector's removal of 7 of those sites, totalling over 1700 dwellings, from the supply. The inclusion of those sites would be more than enough to make up the assessed shortfall. The Council advises that additional evidence, not seen by the previous Inspector, will be produced for an upcoming Public Inquiry. I recognise that another Inspector, with new evidence, might come to a different conclusion, but no such evidence has been submitted for this appeal. The recent appeal decision is the best and most up-to-date assessment of the situation in front of me. I therefore conclude that the Council does not currently have the required 5 year supply of deliverable housing sites, in conflict with NPPF paragraph 77.

Other matters

19. I have considered the other matters raised by objectors including the Parish Council. I find the site to be within reasonable walking and cycling distance of the services and facilities in Clophill, which is designated a Large Village in LP policy SP7, suitable for windfall development. I note that improvements are being made to the nearby junction of the A6 and A507, including pedestrian crossings. Future residents should not, therefore, need to rely just on the private car for transport.
20. The main access route to the site runs through Hedley Way and Sharp Close, which are relatively narrow residential streets reduced in places to single lane traffic by on-street parking. They appear suitable, however, to accommodate the minor additional traffic generated by 15 new houses as proposed.
21. The site is at a very low risk of flooding from rivers, but parts are subject to significant risk of surface water flooding. The proposal includes measures to deal with surface water flows, taking them away from the site, and the setting of finished floor levels well above projected flood levels, allowing for climate change. The Council's technical consultants raise no objection on this basis. Although I acknowledge local concerns that the bottom of this field is too wet to build on, I see no clear reason why I should not rely on those expert views. The new surface water measures are part of the legal agreement and should

help to relieve local flooding issues. I find that the development should not cause any undue on-site or off-site flood risk.

22. The site lies near to the grade II listed buildings, Long Thatch and Ivy Farmhouse. Both are seen as part of the strip of development along the northern side of Clophill Road and would retain a leafy context due to the retention of the copse at the north-west corner of the site. I agree with the Council's Conservation Officer that the proposal would have little impact on their settings.
23. In line with NPPF paragraph 180, LP policy DC5 seeks to avoid significant loss of best and most versatile agricultural land (Grades 1, 2 and 3a). Natural England's overall Land Classification Map for the country shows this land as Grade 2, but a more detailed assessment submitted by the appellant finds it to be Grade 3b. Although there is local scepticism about that report's findings, no evidence has been submitted to the contrary. This is a relatively small site in any case, cut off from other agricultural land. I find that the proposal would not cause any significant loss of best and most versatile agricultural land.
24. There are also local concerns about a loss of wildlife habitat. Although I have some doubts about the substantial biodiversity net gain shown by the appellant's submitted calculation, the field itself does appear to have limited value, and could have even less value if ploughed for agricultural use. The retention of the off-site trees and hedges, with supplementary on-site planting, should adequately protect and enhance local biodiversity.
25. The proposed houses nearest to existing houses would be set side on or across the street to those houses, appropriately minimising the impact on neighbours' living conditions. There are also concerns about noise and pollution. Some disturbances are inevitable during the construction phase, but this is short-term and can be addressed by conditions. The houses themselves should not generate any more noise or pollution than other residential developments. Future occupiers of the houses near to the A507 will be subject to some traffic noise. Mitigation measures can be required by condition, as may be necessary.
26. Finally, the Bedfordshire Police Architectural Liaison Officer raises security concerns, commenting that the layout would offer poor natural surveillance. I agree with the Council, however, that the arrangement of houses would allow adequate observation of people on the roads and parking areas within the site.

Planning obligations

27. In accordance with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, planning obligations may only be sought where they would meet all of the following tests:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
28. The completed legal agreement between the Council and the landowner would secure planning obligations for 6 units of affordable housing, 2 units of self/custom build housing, sustainable urban drainage including future

maintenance, compliance with relevant codes of practice, monitoring of the agreement and contributions towards local education, recreation, health care and community facilities. These obligations are modest in scale and clearly related to local impacts and provision. I am satisfied that they are all reasonable, proportionate and necessary in connection with the proposed development, in accordance with the Regulation 122 tests.

Conditions

29. I impose a condition specifying the relevant plans to provide certainty. Two conditions require further approval before development can start, to ensure implementation from the beginning of the project. A condition requiring further ground gas investigation is needed to protect public health. A Construction Management Plan is needed to minimise disruption and nuisance to neighbours and effects on the local road network during the works.
30. A number of other conditions require attention early in the project. The approved tree protection measures need to be implemented from the start. Landscaping and ecological enhancement details also need early attention. Both of these conditions are required in order to protect and enhance the landscape setting and biodiversity of the site, during and after the development works. A condition requiring development in accordance with submitted finished floor levels, above projected flood levels, is required in the interest of public safety and the protection of local character. The Council's suggested condition refers also to ground levels which are reasonably required but have not been provided. I therefore add that to the text of the condition.
31. Conditions regarding facing materials and enclosures are necessary to protect local character. A requirement for fire hydrant(s) is justified in the interest of public safety. As set out above, verification of the protection of the houses nearest to the A507 from road noise is required to ensure adequate living conditions for future residents.
32. Four conditions ensuring the provision of visibility splays, roads, footways and parking spaces are needed in the interest of highway safety and site accessibility. Requirements for electric vehicle charging points and cycle storage are necessary for the promotion of sustainable transport.
33. A condition is required to detail the procedure to be followed in case unexpected land contamination is found during the development, to protect public health. Conditions ensuring that energy and water efficiency and similar measures, plus the provision of broad band internet connections, are implemented for the purposes of sustainability. Finally, a condition is required to ensure that at least 7 of the new houses meet accessibility standards for people with disabilities, in line with local policy and in the interest of inclusivity.
34. I have amended the Council's suggested conditions in places to make them more concise and enforceable. In accordance with the Council's statement, no conditions are included specifically in regard to the proposed surface water drainage system and its future maintenance as these matters are dealt with in the legal agreement.

Planning balance and conclusion

35. As set out above in the first main issue, the proposal conflicts with strategic locational aspects of the development plan - LP policy SP7 and MNP policy M1 - due to the site's situation outside of the designated settlement envelope. I find this conflict to be relatively minor, due to the site's accessible position near to village services and facilities and to the lack of harm to the local landscape. As concluded in regard to the second main issue, the proposal would not conflict with the provisions of policies SP7 and M1, and other policies, protecting local character and the designated Gap.
36. I find no other noteworthy conflict with development plan policies. I nevertheless conclude that the proposal does significantly conflict with the development plan, taken as a whole, due to the location of the site outside the village boundary. In the absence of a demonstrable 5 year supply of deliverable housing sites, however, the tilted balance in NPPF paragraph 11(d) applies. This means that the development plan policies most important for determining the appeal, including LP policy SP7, are considered to be out-of-date.
37. The position in regard to MNP policy M1 is less clear-cut. NPPF paragraph 14 gives particular importance to recently adopted neighbourhood plans. It states that in situations where the presumption at NPPF paragraph 11(d) applies, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that the plan is less than 5 years old and contains policies and allocations to meet its identified housing requirement.
38. The MNP is less than a year old, but based on the limited evidence before me I have some doubt as to whether it makes full provision for an identified housing requirement. The appellant draws attention to the lack of any housing site allocations in the MNP. The MNP uses an independent 2019 housing needs survey to assess locally generated need up to 2029 (short of the plan's 2035 end date), finding a need for only small amounts of general housing and affordable housing. As much larger numbers of units have been built in recent years, no allocations were thought necessary, though the MNP does say that this position may be reviewed on adoption of the Central Bedfordshire Council's Local Plan Review (which was apparently expected in 2022).
39. NPPF paragraph 68 states that an indicative housing requirement figure for a neighbourhood area should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority. It is not clear to me that all these factors have been fully taken into account in the MNP. The MNP therefore may have underestimated the extent of housing need, which looks to have been a key factor in the decision not to allocate any new development sites. I find that, on the limited evidence before me, it has not been shown that the MNP contains policies and allocations to fully meet an appropriately identified housing requirement. Again, the tilted balance at NPPF paragraph 11(d) applies.
40. In any case, the proposal would bring substantial benefits through the provision of new housing, including affordable and self/custom build housing, helping to meet the general need. This aligns with the Government's objective

of significantly boosting housing supply (NPPF paragraph 60). The additional provision is particularly significant given the Council's shortfall in housing land supply. It would be in an accessible location where new housing would help to support the village's services and facilities in line with NPPF paragraph 83's promotion of sustainable development in rural areas, providing economic and social benefits without significant environmental harm. Notwithstanding my findings in regard to the MNP and NPPF paragraph 14, these benefits are material considerations that would outweigh the relatively minor conflict with the locational aspect of MNP policy M1.

41. Taking all these factors into account, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole, as set out at NPPF paragraph 11(d)(ii). The NPPF's presumption in favour of sustainable development applies. In terms of Section 38(6), I find there to be sufficiently compelling other material considerations to outweigh the conflict with the development plan. I therefore conclude that the appeal should succeed.

Les Greenwood

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: 2317-G1; 2317-G2; 2317-L1; 2317-L2; 2317-L3; 2317-L10N; 2317-L11H; 92317-L12E; 2317-L14E; 2317-L15B; 2317-L16B; 2317-P1B; 2317-P2B; 2317-P3B; 2317-P4B; 2317-P5C; 2317-P6E; 2317-P7E; 2317-P8B; 2317-P9B; 2317-P10B; 2317-P11B; 2317-P12D; 2317-P13C; 2317-P14C; 2317-P15D; B18063-101G; and 9736M-TA10D (from Transport Statement R-TS-9736M-02-0-Rev 0, March 2022).
- 3) No development approved by this permission shall take place until further Phase 2 ground gas site investigations have been undertaken and a detailed report of the findings has been submitted to and approved in writing by the Local Planning Authority, to supplement the initial investigations reported in the Listers Geo Ground Investigation Report dated November 2018 (Ref 18.07.020). Where found to be necessary by the updated phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action. The approved remediation measures shall be carried out in full before occupation of any of the dwellings hereby approved and shall be retained thereafter.

- 4) No development approved by this permission shall take place, including any works of demolition, until a Construction Management Plan associated with the development of the site has been submitted and approved in writing by the Local Planning Authority, including information on:
- a) The parking of vehicles;
 - b) Loading and unloading of plant and materials used in the development;
 - c) Storage of plant and materials used in the development;
 - d) The erection and maintenance of security hoarding/scaffolding affecting the highway if required;
 - e) Wheel washing facilities;
 - f) Measures on site to control the deposition of dirt/mud on surrounding roads during the development;
 - g) Footpath/footway/cycleway or road closures needed during the development period;
 - h) Traffic management needed during the development period; and
 - i) Times, routes and means of access and egress for construction traffic and delivery vehicles (including the import of materials and the removal of waste from the site) during the development of the site.

The approved Construction Management Plan associated with the development of the site shall be adhered to throughout the development process.

- 5) The development hereby permitted shall be carried out in full accordance with the details set out in the submitted *Tree Survey Report, Arboricultural Impact Assessment and Arboricultural Method Statement* by the Landscape Partnership dated 30 March 2022 including the protection and retention of off-site trees as detailed on drawing No B17054-TLP-602 of that document.
- 6) Notwithstanding the details submitted with the application, no development other than site clearance works shall commence until a detailed Planting Scheme and Ecological Enhancement Strategy in broad accordance with the indicative landscaping scheme on drawing number 101G and the Preliminary Ecological Appraisal B18063 dated 30 March 2022 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure landscape visual impacts are suitably mitigated and that ecological, habitat and small-scale species enhancement measures in accordance with the Preliminary Ecological Assessment would deliver a net gain for biodiversity. The Planting Scheme and Ecological Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints;
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives, including any tree pits to ensure there is no conflict with new tree roots;
 - d) Extent and location/area of proposed works on appropriate scale maps and plans (including elevation plans);
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - f) Written confirmation of approval from the Internal Drainage Board for

all planting and/or ecological enhancement measures required and indicated to be within the 9 metre easement of the drainage ditch to the south of the site;

- g) Timetable for implementation demonstrating that works are aligned to the proposed phasing of development;
- h) Persons responsible for implementing works;
- i) Details of after-care and long-term maintenance and management of all soft landscaping, retained trees (both on-site and adjacent to the site) and ecological enhancement measures;
- j) Details for monitoring and remedial measures; and
- k) Details for disposal of any wastes arising from works.

The approved Planting Scheme and Ecological Enhancement Strategy shall be implemented in accordance with the approved details including the timetable and all features shall be retained as approved thereafter.

- 7) The finished floor levels of the dwellings and garages hereby permitted shall be in accordance with the details shown on drawings 2317-P14C and 2317-P15D. No development other than site clearance works shall take place until details of finished ground levels for the whole of the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved ground level details.
- 8) Notwithstanding the details submitted with the application, no works above ground level shall be undertaken until details of the materials to be used for the external walls, roofs, rainwater goods, fascia boards, architectural detailing and windows/doors of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 9) No development above slab level shall take place until details of the type and location of boundary treatments (walls/ fencing/ means of enclosure) have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the main enclosures for the site which are not part of individual house curtilages have been erected and each individual dwelling shall not be occupied until the approved boundary treatments for its curtilage have been erected, all in full accordance with the approved details. The approved boundary treatments shall be retained thereafter.
- 10) No development above slab level shall take place and no construction of hard surfacing shall take place until a scheme for the provision of fire hydrant(s) at the development has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved fire hydrant(s) serving that have been installed as approved. Thereafter the fire hydrant(s) shall be retained as approved.
- 11) Plots 15-20 of the development hereby permitted shall not be occupied until a verification report to demonstrate that the internal and external

areas of these dwellings have been adequately protected against road traffic noise, with reference to the Noise Assessment by LFAcoustics, Rev 3.1 dated March 2022, and any further mitigation measures required as a result of that report have been installed, all in accordance with submissions approved in writing by the Local Planning Authority. Any approved mitigation measures shall be retained thereafter.

- 12) The dwelling at Plot 1 shall not be occupied until the junction/vehicular access with visibility splays to the highway at Clophill Road to serve plot 1 has been constructed in accordance with the approved details.

The dwelling at Plot 2 shall not be occupied until the junction/vehicular access with visibility splays to the highway at Clophill Road to serve plot 2 has been constructed in accordance with the approved details.

The dwellings at Plots 3, 4 and 5 shall not be occupied until the junction/vehicular access with visibility splays to the highway at Maulden Road has been constructed in accordance with the approved details.

The dwellings at Plots 6 to 20 shall not be occupied until the junction/vehicular access with the highway at Sharps Close has been constructed in accordance with the approved details.

The approved details referred to are as shown on drawing number 9736M-TA10D in Transport Statement R-TS-9736M-02-0 Rev. 0 dated March 2022. All approved visibility splays shall thereafter be kept free of obstruction.

- 13) Notwithstanding the submitted details, no dwelling hereby permitted shall be first occupied until details of all surfacing materials for parking areas, footpaths, dropped kerbs and roads (including traffic calming measures and kerbs), a phasing plan for installation and details of future maintenance and management have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in accordance with the approved details including the phasing plan. The approved details, including maintenance and management details, shall be retained thereafter.
- 14) Prior to the occupation of each dwelling, all car parking spaces indicated on approved drawing 2317-L10N to serve that dwelling shall be provided in accordance with that drawing. The parking spaces thereby provided shall thereafter be retained available for parking use by the occupiers of that dwelling.
- 15) The dwellings at Plots 3, 4 and 5 hereby permitted shall not be occupied until the adjacent approved 2m wide footpath shown on approved drawing 2317-L12E has been provided. The footway shall be retained thereafter.
- 16) Notwithstanding the details submitted, no dwelling hereby permitted shall be first occupied until an electrical vehicle charging point has been provided in accordance with details, in general accordance with approved drawing 2317-L10N, submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be retained thereafter.

- 17) No dwelling hereby permitted shall be occupied until cycle storage for that dwelling has been provided in accordance with approved drawing number 2317-L11H and details submitted to and approved in writing by the Local Planning Authority. The approved cycle storage shall be retained thereafter.
- 18) In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with *Model Procedures for the Management of Land Contamination, CLR 11* and a written report of the findings, including recommendations for any necessary remedial measures shall be submitted to and approved by the Local Planning Authority. Any necessary remedial measures shall be carried out as approved. The dwellings hereby approved shall not be occupied until a verification report demonstrating the effectiveness of the remediation has been submitted to and approved in writing by the Local Planning Authority.
- 19) No dwelling hereby permitted shall be occupied until a Verification Report for that dwelling has been submitted to and approved in writing by the Local Planning Authority, confirming full implementation of the measures to address climate change and sustainability as set out in the submitted Energy and Sustainability Report by Environmental Economics dated 26 July 2022 including water efficiency measures to a standard use of no more than 110 litres per person per day. The approved measures shall be retained thereafter.
- 20) No dwelling hereby permitted shall be occupied until confirmation that the necessary infrastructure has been provided so that the dwelling can benefit from Gigabit capable next generation broadband has been submitted to and approved in writing by the Local Planning Authority. This infrastructure shall consist of fibre optical cable or equivalent technology capable of providing minimum available speeds of 100Mbps. The approved broadband infrastructure shall be retained thereafter.
- 21) At least 7 of the dwellings hereby permitted shall be constructed in accordance with the optional requirements of MA(2) adaptable homes, and at least 1 dwelling shall be constructed in accordance with the optional requirements of M4(3) wheelchair adaptable homes, as defined in the Building Regulations 2010 (as amended) and Approved Document M (Access to and use of buildings), in accordance with details submitted to and approved in writing by the Local Planning Authority. The accessibility features of these dwellings shall thereafter be retained.