
Appeal Decision

Inquiry held on 22,23 and 24 March 2016

Site visit made on 23 March 2016

by Beverley Doward BSc BTP MRTPI

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

Decision date: 26 April 2016

Appeal Ref: APP/N4205/W/15/3136446
Hill Lane, Blackrod, Bolton, BL6 5JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Hollins Strategic Land LLP against the decision of Bolton Council.
 - The application Ref 94656/15, dated 22 July 2015, was refused by notice dated 24 September 2015.
 - The development proposed is the erection of up to 110 dwellings (all matters reserved other than access).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 110 dwellings (all matters reserved other than access) at Hill Lane, Blackrod, Bolton, BL6 5JN in accordance with the terms of the application, Ref 94656/15, dated 22 July 2015, subject to the conditions set out in the schedule below.

Procedural Matters

2. The site address was not stated on the planning application form. The address given in the heading above and in the formal decision is taken from the Council's decision notice.
 3. The planning application subject to this appeal was submitted in outline with all matters other than access to be reserved. Accordingly, I have determined the appeal on this basis.
 4. The planning application was refused by the Council for two reasons. Firstly, that residential development of the site would represent inappropriate development of 'Other Protected Open Land' and the benefits associated with developing the site for housing would not outweigh the harm caused to the Council's strategic objective of focusing new housing in the existing urban area and secondly, that it has not been proven that the need for the proposed residential development outweighs the need to extract minerals from the site, a site within the Mineral Safeguarding Area.
 5. In relation to the first reason for refusal the matter of whether or not the Council could demonstrate a five year supply of deliverable housing land was a major matter of dispute between the parties at both the application stage and within the submitted appeal documentation.
 6. In relation to the second reason for refusal the Council indicated in its appeal statement that, on the basis of further evidence, it now considered there to be
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sufficient information to demonstrate that it would not be environmentally or economically viable to extract minerals from the appeal site prior to development taking place and that therefore the proposal would comply with Policy 8 of the Greater Manchester Joint Minerals Plan April 2013 (GMJMP). In opening submissions to the Inquiry the Council confirmed that it no longer sought to defend its second reason for refusal.

7. After the lunchtime break on the first day of the Inquiry the Council indicated that, in the light of the evidence heard so far, it acknowledged that it did not have a housing requirement figure that is reflective of the full, objective assessment of need (FOAN) for market and affordable housing in the market area as required by paragraph 47 of the National Planning Policy Framework (Framework) and that therefore it could not demonstrate a five year supply of housing land as required by the Framework. The Council indicated that it considered that it could not defend its first reason for refusal and that it no longer sought to resist the appeal proposal. It was agreed that the cross examination of the Council's first witness in respect of housing land supply would be completed. However, the Council presented no further evidence to the Inquiry, other than in respect of conditions and planning obligations. The Council also did not cross examine the appellant's witnesses.
8. In the light of the above the appellant presented no further evidence to the Inquiry on matters relating to the issue of FOAN for housing although evidence on housing land supply, the overall planning balance and transport matters was presented.
9. Notwithstanding the Council's position in relation to its reasons for refusal, I must consider and determine the planning application in the light of all the written and verbal evidence put before me and by my site inspections.
10. A completed S106 Agreement dated 23 March 2016 was submitted at the Inquiry. The S106 includes obligations relating to the provision of affordable housing, public open space and a financial contribution in respect of primary education provision.

Main Issues

11. In the light of all that I have read, heard and seen the main issues of the appeal are:
 - whether the relevant development plan policies for the supply of housing are up-to-date having regard to the FOAN for housing and whether the Council can demonstrate a five year supply of deliverable housing land; and
 - whether or not the proposal for housing on the appeal site would be acceptable having regard to the principles of sustainable development in the Framework and local development plan policies.

Reasons

Development Plan Policy Context

12. The development plan for the area comprises the Bolton Core Strategy Development Plan Document adopted March 2011 (Core Strategy), Bolton's Allocations Plan adopted December 2014 (Allocations Plan) and the GMJMP.

13. The appeal site forms part of a Mineral Safeguarding Area for sandstone, surface coal, brick and clay as indicated in the GMJMP. As detailed above the Council indicates that it is satisfied that it would not be environmentally or economically viable to extract minerals from the appeal site prior to development taking place and that therefore the proposal would comply with Policy 8 of the GMJMP which relates to the prior extraction of mineral resources within Mineral Safeguarding Areas. There is nothing in the evidence that I have read or heard to lead me to conclude otherwise in this respect.
14. The Strategic Objectives of the Core Strategy flow from its Spatial Vision that in 2026 Bolton will be a sustainable community. The Spatial Vision explains that, amongst other things, Bolton town centre will be one of the main locations for new housing development; renewal areas in the inner parts of Bolton and Farnworth and at Brightmet will be a focus for regeneration including new housing and that the high quality visual environments of the outer areas of the borough will be protected and enhanced. In relation to the outer areas of the borough it indicates that there will continue to be smaller scale developments within the urban area for a range of uses where the character of the area and the existing infrastructure allows and that in the rural areas there will be constraints on most forms of development either because they are Green Belt or will continue to be areas of Protected Open Land.
15. Strategic Objective 15 seeks to focus new housing in the existing urban area, especially in Bolton town centre, council-owned housing areas and in mixed-use developments on existing older industrial sites.
16. Core Strategy policy OA1 indicates that the Council and its partners will, amongst other things, ensure Protected Open Land around Horwich and Blackrod remains undeveloped, except to the west of Horwich Loco works where development will be allowed to support the regeneration of the Loco Works site.
17. The appeal site, a greenfield site on the edge of the urban area of Blackrod, is allocated as 'Other Protected Open Land' within the Allocations Plan. Policy CG6AP of the Allocations Plan indicates that development proposals within the defined areas of Protected Open Land will only be permitted if they fall within one or more specified categories. The appeal proposal would not fall within any of the specified categories.
18. Paragraph 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to the degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The core planning principles of the Framework at paragraph 17 indicate that planning should encourage the effective use of land by reusing land that has previously been developed, contribute to conserving and enhancing the natural environment and recognise the intrinsic character and beauty of the countryside. To the extent that the policies of the Core Strategy and the Allocations Plan referred to above can be considered to encompass these aspects of the Framework they are broadly consistent with it. However, they also operate together to affect housing distribution and location in a significant way.
19. The main parties agree that the appeal proposal would be contrary to Strategic Objective 15 and policy OA1 of the Core Strategy and policy CG6AP of the Allocations Plan. There is also agreement that in the context of paragraph 49

of the Framework these policies are relevant policies for the supply of housing. I see no reason to take an alternative view.

Whether the relevant development plan policies for the supply of housing are up-to-date having regard to the FOAN for housing and whether the Council can demonstrate a five year supply of deliverable housing land

20. The Core Strategy indicates a housing requirement of 694 dwellings per year between 2008 and 2026. This was derived in part from the revoked Regional Spatial Strategy which was then updated by reference to the Strategic Housing Market Assessment at the time and the Greater Manchester Growth Point figure for Bolton. The Council agree that the housing requirement figure within the Core Strategy was not derived to meet the FOAN for housing as required by paragraph 47 of the Framework.
21. The Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against its housing requirements with an additional buffer. It is agreed that without a housing requirement reflective of the FOAN for housing the Council is unable to do this.
22. The Planning Practice Guidance (PPG) provides advice on how a FOAN analysis should be undertaken. It indicates that where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG) should be used as the starting point. The DCLG 2012-based household projections released in February 2015 are the latest available. In this case these indicate a starting point requirement figure which equates to 983 dwellings per year.
23. In addition work is currently underway on the Greater Manchester Spatial Framework (GMSF), a new strategic plan being developed by the Greater Manchester Combined Authority which will be the overarching development plan for Greater Manchester's ten local planning authorities.
24. Consultation on the draft vision, strategic objectives and strategic options for the GMSF along with the evidence base took place between November 2015 and early January 2016. A detailed analysis of housing need¹ is included within the evidence base. This identifies a scenario which it indicates is considered to represent the Objectively Assessed Need for Greater Manchester and its individual districts. It explains that, because of the complex functioning of housing and labour markets within Greater Manchester, the relatively small distances involved in most migration and commuting, the issues of district identity and the availability of population and household data, the most appropriate unit of analysis below the Greater Manchester level is the individual districts. It indicates that the need in Bolton is for 965 dwellings per year over the period 2012 to 2035. The Council agrees that this figure is the outcome of a PPG compliant exercise and amounts to the best evidence of an FOAN figure for Bolton.
25. There is little difference between the figure of 965 dwellings per year indicated in the recent GMSF document and that of 983 dwellings per year which is based on the DCLG 2012-based household projections. Accordingly, at the current time on the basis of the evidence available to me a reasonable

¹ Greater Manchester Spatial Framework Strategic Options Background Paper 3: Objectively Assessed Housing Need (CD12)

- assessment of the FOAN for housing in Bolton would be in the range of 965-983 dwellings per year.
26. The Framework indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their requirements with an additional buffer of either 5% to ensure choice and competition in the market for land or, where there has been a record of persistent under delivery of housing, an increased buffer of 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
 27. The main parties disagree on the appropriate buffer to be applied in this case. The PPG indicates that the approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery triggers the requirement to bring forward an additional supply of housing. It also indicates that the factors behind persistent under delivery may vary from place to place and therefore there can be no universally applicable test or definition of the term. It indicates that it is legitimate to consider a range of issues and acknowledges that the assessment of a local delivery record is likely to be more robust if a longer term view is taken since this is likely to take account of the peaks and troughs of the housing market cycle.
 28. The Inspector in his examination of the Allocations Plan concluded that there was not a persistent under delivery of housing and that therefore in terms of a five year supply of deliverable sites it was appropriate to apply a buffer of 5%. However, I am mindful that he only had information up to 31 March 2013. Since then the level of under delivery has continued and been significant. There has been under delivery in 8 of the 12 years between 2003/04 to 2014/15 which takes in a full economic cycle. The level of under delivery in the 6 successive years to 2014/15 has been considerable. Furthermore, the Council's Housing Trajectory indicates that this under delivery is likely to continue for the next two years. Accordingly, I conclude that the evidence before me indicates a persistent under delivery of housing. Therefore, it is appropriate to apply an additional buffer of 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
 29. The parties do not agree on the level of the housing land supply, there being disagreement on whether or not certain sites should be included in the five year supply at all and the likely contribution that other sites would make to the five year supply. I find the evidence as to the exact amount of deliverable housing land which is currently available to be somewhat inconclusive. However, based on the application of a 20% buffer and having regard to the competing figures put forward by the Council and the appellant, it can be concluded that it is within the range of approximately 2 years supply to around 3.4 years supply. Accordingly, it is clear that the Council cannot currently demonstrate a five year supply of deliverable housing land by some considerable margin.
 30. Therefore, having regard to my findings above in relation to both housing requirement and housing supply and to paragraphs 47-49 of the Framework, I conclude that, as agreed by the Council at the Inquiry, the relevant policies for

the supply of housing are not up-to-date and therefore carry very limited weight.

31. Where the relevant policies of the development plan are out-of-date, the second bullet point of paragraph 14 of the Framework, applicable to decision-taking, indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Whether or not the proposal for housing on the appeal site would be acceptable having regard to the principles of sustainable development in the Framework and local development plan policies

32. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role. These roles are mutually dependent and should be jointly sought.
33. In terms of the economic and social role, there is no dispute between the main parties that the appeal proposal would provide economic and social benefits. It would contribute to the supply of housing which in the light of my findings above and the need to boost significantly the supply of housing indicated in the Framework is a significant benefit in support of the proposal to which I attach great weight. It is also proposed that in line with the policy requirement a proportion of the dwellings on the site would be affordable. Therefore, having regard to paragraph 50 of the Framework, including its aims to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities this adds significant further weight to these benefits.
34. The appeal proposal would have economic benefits providing employment opportunities and support for local businesses and services, initially during the construction phase and following during occupation. These benefits also weigh in favour of the scheme.
35. In addition as indicated below the appeal scheme would also, through the provisions of the submitted S106 Agreement, provide an area of public open space within the site and make provision for a financial contribution towards primary education provision to mitigate the effects of the proposal.
36. In terms of the environmental role, the appeal proposal would be located on the edge of the relatively sizeable settlement of Blackrod and within comfortable walking and cycling distance of a good range of local facilities. Notwithstanding that the bus stops immediately opposite the site are no longer in operation, regular services are provided to the larger towns of Wigan and Bolton from the bus stops near to the junction of Hill Lane and Chorley Road which are in close proximity to the site within about a 5 minute walk. The towns of Wigan and Chorley are accessible from the site by bicycle, although I appreciate that much of the route is off road. Furthermore, at a distance of about 1.7 kilometres, the site is within walking distance of the railway station at Blackrod, albeit towards the maximum end of what could reasonably be considered acceptable. The station provides an hourly daytime service to other major centres including Manchester, Preston and Blackpool, as well as peak period services to Manchester Airport. Accordingly, the future occupants of the

proposed houses would be able to access higher order leisure, retail and employment opportunities without necessarily being reliant on the use of private motor vehicles. The Framework indicates, at paragraph 17, that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable, this therefore also weighs in favour of the proposal.

37. The appeal proposal would result in the development of a greenfield site on the edge of the urban area of Blackrod. Accordingly, the physical appearance of the site would inevitably change. However, the main parties agree that the proposal would not have any unacceptable adverse impacts on the character and appearance of the area. From the evidence I see no reason to take an alternative view. It is also common ground between the main parties that the proposal would not have an unacceptable impact on biodiversity and there is no substantive evidence to lead me to conclude otherwise.

Section 106 Agreement

38. The parties have submitted a completed, signed and dated Section 106 Agreement which includes a number of obligations to come into effect if planning permission is granted. I have considered these in the light of the Framework, the PPG and the CIL Regulations (CIL Regs).
39. The obligation in relation to the provision of affordable housing to be delivered on site is supported by policies SC1 and IPC1 of the Core Strategy and the Council's Affordable Housing Supplementary Planning Document.
40. The obligation relating to on-site public open space is supported by policy IPC1 of the Core Strategy, the Council's Planning Control Policy Note No.8: The Provision for Children's Play within Residential Developments and the Council's draft Infrastructure and Planning Contributions Supplementary Planning Document (IPCSPD).
41. The obligation relating to the financial contribution in respect of primary education provision to be split equally between Blackrod Church School and Blackrod Primary School is supported by policies A1.4 and IPC1 of the Core Strategy, the Council's Planning Control Policy Note No.30: Education and the Council's draft IPCSPD.
42. I am satisfied that the obligations within the S106 Agreement meet the statutory tests and are compliant with the CIL Regs. Therefore, I have taken them into account in the decision.

Other considerations

43. In accordance with the advice at paragraph 32 of the Framework the planning application was accompanied by a Transport Assessment (TA). I note the concerns raised by interested parties about the validity of the submitted TA and its findings. However, I am mindful that both the scope and content of the TA, including the timing of the traffic surveys, the junctions to be analysed and the extent of already committed development to be taken into account in assessing highway capacity was agreed with the Council as the relevant highway authority and that the Council has raised no objection to the proposal in relation to its effect on highway safety.

44. Whilst I appreciate that any development which would be likely to result in a further increase in traffic on the local highway network is a matter of concern to local residents there is no substantive technical evidence to indicate that the appeal proposal would cause material harm to pedestrian and/or highway safety or that the residual cumulative impacts of the development would be so severe, as required by the Framework, such as to warrant the refusal of the proposal on transport grounds.
45. A number of other concerns have been raised about the proposal including the effect on drainage, flooding, ecology, archaeology, pollution and the loss of agricultural land. However, little substantive evidence has been provided on these matters and there is nothing before me to indicate that the relevant statutory or specialist consultees have raised any objections in principle to the proposal in respect of these matters. Accordingly, on the basis of the evidence before me and subject to the application of appropriate conditions on any permission granted, I am satisfied that none of these concerns would be an appropriate reason to find against the proposal in this particular case.
46. Concerns have been raised about the effect of the proposal on the living conditions of neighbouring residents with regard to privacy. However, I am mindful that the appeal proposal was submitted in outline and that layout is a reserved matter. Accordingly, I am satisfied that this matter could be adequately addressed at a later stage of the planning process.
47. I note the suggestion of interested parties expressed at the Inquiry that there may be better alternative sites to address the shortfall in housing land supply than the appeal site. I have not been provided with the details of any such sites. Furthermore, I have not been provided with any evidence to indicate that there would be unacceptable harm if alternative sites were not considered.
48. I note the concerns expressed by interested parties that the grant of planning permission on the appeal site would set an undesirable precedent for other proposals of a similar nature, which the Council may find difficult to resist and which could, cumulatively have a harmful effect. However, my attention has not been drawn to other cases of a similar nature elsewhere but, should these come forward, it would be necessary to consider them on their merits having regard to the policy context and evidence available at that time. Consequently, I am not persuaded that a favourable decision in this case would provide support for unacceptable development elsewhere.
49. The PPG indicates that the courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or the loss of a view could not be a material consideration.

Planning Balance

50. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is such a material consideration.
51. The appeal proposal would accord with policy 8 of the GMJMP. It would also accord with policies SC1, IPC1 and A1.4 of the Core Strategy by providing a

- proportion of on-site affordable housing, the provision of on-site public open space and a financial contribution in respect of primary education provision.
52. The appeal proposal would be contrary to Strategic Objective 15 and policy OA1 of the Core Strategy and policy CG6AP of the Allocations Plan which operate together to apply policies of restraint to all areas outside the urban area in support of the Council's regeneration objectives. However, these policies cannot be considered to be up-to-date in the context of paragraphs 14 and 49 of the Framework. Accordingly, they are afforded very limited weight.
53. The proposal would deliver significant social and economic benefits and would be in a sustainable location. Any harm caused to the Council's regeneration objective of focusing new housing in the urban area by virtue of the proposal being contrary to the above policies of the development plan would be significantly and demonstrably outweighed by the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Overall therefore, the proposal for housing on the appeal site would be justified having regard to the presumption in favour of sustainable development indicated in the Framework.

Conditions

54. A list of planning conditions suggested by the Council was discussed at the Inquiry. I have considered these in the light of the Framework and the PPG. I have amended some of the suggested wordings for clarity, to ensure compliance with national policy and guidance and in the light of the discussion between the main parties at the Inquiry.
55. The proposal seeks outline planning permission with all matters other than access reserved. Conditions relating to the submission of reserved matters are therefore necessary.
56. Policy IPC1 of the Core Strategy indicates that all development above one hectare in area will be expected to deliver public art. The appeal site exceeds this size therefore the provision of public art as an integral part of the design of the development is necessary to make the development acceptable. Therefore I am satisfied that the condition suggested by the Council to require the details of the public art to be provided to be submitted and approved as part of the reserved matters meets the tests set out in national policy and guidance and is necessary in the interests of the character and appearance of the area.
57. In the interests of the character and appearance of the area a condition is necessary to control the levels across the site and the floor levels of the proposed dwellings.
58. For reasons of highway safety conditions are necessary to ensure that the means of vehicular access to the site is constructed in accordance with the approved plan and that the necessary visibility splays are provided at the site access with Hall Lane.
59. A condition is necessary to ensure the site is properly drained. In the interests of public health a condition is necessary to ensure the testing of any soil or soil forming materials brought to the site. A condition is also necessary in the interests of the living conditions of future residents requiring the erection and retention of an acoustic fence along the perimeter of the site adjacent to the school.

60. At the Inquiry the Council agreed with the appellant that the suggested condition relating to Traffic Regulation Orders in the locality did not meet the tests set out in national policy and guidance. I see no reason to take an alternative view. Accordingly, I have not included this condition.

Conclusion

61. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ruth Stockley, of Counsel

She called

Andrew Chalmers BA
(Hons) MTRP MRTPI

Principal Development Officer, Bolton Council

Helen Williams BA
(Hons) MTP MRTPI

Principal Development Officer, Bolton Council

FOR THE APPELLANT:

David Manley, QC

He called

Paul Sedgwick DipTP
MRTPI

Sedgwick Associates

Philip Wooliscroft MSc
HNC (CivEng) MCITL

Director Croft Transport Solutions

INTERESTED PERSONS:

Isobel Seddon

Town Councillor representing Blackrod Town
Council

Michael Wilkinson

Local Resident

Jean Rosslowe

Local Resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Copy of email dated 14 March 2016 re Housing Sites from Mike Dracup BSc MRICS, Principal Estates Surveyor, Bolton Council to Paul Sedgwick.
2. Copy of judgment SSCLG v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East Borough Council Court of Appeal [2016] EWCA Civ 168; C1/2015/0583 and C1/2015/0894
3. Copy of judgment West Berkshire District Council v SSCLG and HDD Burghfield Common Ltd [2016] EWHC 267 (Admin)
4. Copy of judgment Phides Estates (Overseas) Limited v SSCLG and Shepway District Council and David Plumstead [2015] EWHC 827 (Admin)
5. Copy of judgment Wainhomes (South West) Holdings Limited v SSCLG [2013] EWHC 597 (Admin)
6. Appellant's Opening Note.
7. Copy of plan Drawing number 0968-F02 titled Proposed Site Access Arrangements
8. Copy of S106 Agreement dated 23 March 2016
9. Appellant's Closing Note

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than whichever is the later of the following dates:
 - i) The expiration of five years from the date of this permission, or
 - ii) The expiration of two years from the final approval of the Reserved Matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 3) Details of the public art to be provided within the development shall be submitted with the application for the approval of "the reserved matters" and approved in writing by the local planning authority. The public art shall be installed in full accordance with the approved details, in a timeframe agreed with the local planning authority, and retained thereafter.
- 4) Details of the existing and proposed ground levels within the site and on adjoining land including spot heights, cross sections and finished floor levels of all buildings and structures shall be submitted with the application for the approval of "the reserved matters" and approved in writing by the local planning authority. The approved details shall be implemented in full and retained thereafter.
- 5) Prior to the development hereby approved/permitted being first occupied or brought into use the means of vehicular access to the site from Hill Lane shall be constructed to a minimum width of 5.5 metres with 2no. 2 metres wide footways, a right-turn pocket and running lane widths in accordance with the drawing ref 0968-F02.
- 6) Prior to the development hereby approved/permitted being first brought into use a visibility splay measuring 2.4 metres by 43 metres shall be provided at the junction of the site access with Hill Lane, and subsequently remain free of all obstructions between the height of 1.05 metres and 2 metres (as measured above carriageway level).
- 7) No development approved by this permission shall be commenced until a drainage strategy to include a Sustainable Urban Drainage System (SUDS) has been submitted to and approved in writing by the local planning authority. The strategy should detail the pre-development discharge rate for the site, a plan demonstrating the impermeable areas/permeable areas of the site, a network drawing annotated clearly (manhole numbers, invert/cover levels, pipe sizes, pipe number) that can be referenced to the model, network and manhole details and results for a 1 in 1, 1 in 30 and 1 in 100 year return periods, all durations (plus the appropriate allowance for climate change) both summer and winter storms (a summary of results for these storms is acceptable), the method employed to delay and control the surface water discharged from the site, storage requirements and the measures taken to prevent

pollution of the receiving groundwater and/or surface waters; as detailed in the CIRIA SUDS Manual (C697). The approved strategy shall be carried out in full accordance with the approved plans and it shall be retained thereafter.

- 8) No soil or soil forming materials shall be brought to the site until a testing methodology including testing schedules, sampling frequencies, allowable contaminant concentrations (as determined by appropriate risk assessment) and source material information has been submitted to and approved in writing by the local planning authority. The approved testing methodology shall be implemented in full during the importation of soil or soil forming material. Prior to the development being first brought into use or occupied a verification report including soil descriptions, laboratory certificates and photographs shall be submitted to and approved in writing by the local planning authority.
- 9) The development hereby approved/permitted shall not be brought into use unless and until a 2.4 metre high, acoustic close boarded fence has been erected along the perimeter of the proposed development next to the school and retained thereafter in the approved position.