



Appeal Decision

Inquiry held on 9, 10 and 11 May 2012

Site visit made on 11 May 2012

by John Papworth DipArch(Glos) RIBA

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

Decision date: 25 May 2012

Appeal Ref: APP/M1005/A/11/2163645

Land off Waingroves Road, Ripley, Derbyshire DE5 9TB

- 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 Peveril Homes Limited against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2011/0528, dated 8 June 2011, was refused by the Council by notice dated 17 October 2011.
 - The development proposed is outline application for a maximum of 98 dwellings, access onto Waingroves Road, and associated infrastructure, public open space potentially including informal open space, football pitch with car park and changing facilities, allotments, play area and 'community plot'.
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Decision

1. I allow the appeal and grant outline planning permission for a maximum of 98 dwellings, access onto Waingroves Road, and associated infrastructure, public open space potentially including informal open space, football pitch with car park and changing facilities, allotments, play area and 'community plot' at Land off Waingroves Road, Ripley, Derbyshire DE5 9TB in accordance with the terms of the application, Ref AVA/2011/0528, dated 8 June 2011, subject to the conditions 1) to 17) on the attached Annex 3.

Procedural Matters

2. The application was in outline with access only to be considered at this stage in addition to the principle of development. The Masterplan is illustrative only, and the description of development set out above provides potential for particular items to be included rather than being a firm commitment.
3. An accompanied site inspection was carried out late morning of the 11 May. In addition, unaccompanied inspections of the local traffic conditions were carried out during the morning peak time on each of the sitting days, and of the afternoon school collection time of 11 May after the closure of the Inquiry. At that time a group of local people were present at the site entrance and it was explained that the Inquiry had closed and that there could be no further representation; the inspection proceeded unaccompanied. Speaking notes were however accepted from a person who had previously indicated the intention of appearing at the Inquiry and were sent to the parties for comment.

Main Issues

4. These are;

- The effect of Development Plan policies for areas outside the built framework of settlements.
- The effect of the development on the character and appearance of the area between Waingroves and Codnor.
- The effect of the development on highway safety and the free flow of traffic.

Reasons

Countryside Policies

5. The site is adjacent to existing built development, close to employment and with access to the town centre, schools, shops and transport, and in those respects is in a sustainable location. However, it is agreed that the site is outside the built framework of settlements, although the physical nature of the area in the case of the appeal site is considered in detail in the second main issue. The policies referred to in the reasons for refusal are in the Amber Valley Borough Local Plan 2006 and were saved by direction dated 8 April 2009. Policy EN1 states that new development will only be permitted in particular circumstances which are not met in this case, and Policy H5 contains similar, and other, requirements with regard to housing development, which again, are not met.
6. It is useful to consider here the most recent planning history of the site;
- In autumn 1987 an Inquiry was held into proposals for residential development and open space on land at Codnor Common Farm and the Inspector reported that the site was part of an Area of Local Landscape Significance, the possibility of Green Belt designation having been considered during plan making but rejected. He further reported an inadequate supply of housing land and the view that the layout proposed would *'make a valuable contribution toward maintaining the separation of the 2 communities'* with the separation likely to become permanent if the open space proposed came into the public domain. He commented that the open space would provide ample opportunity for formal and informal activity without detracting from the overall space between the settlements. The recommendation to the Secretary of State was that the appeal be allowed and planning permission be granted.
 - The Inquiry was re-opened in February 1989 by a second Inspector and a second Report written, concerned mainly with policy matters including those which had caused the Inquiry to be re-opened. She concluded that, having regard to the first Inspector's views on the merits of the proposed development in relation to the site's allocation as an Area of Local Landscape Significance, as well as other matters of policy and land supply, permission should be granted.
 - The Secretary of State's Decision letter of 4 July 1989 referred to both of the Inspector's Reports recommending grant of permission but was not disposed to accept those recommendations. On the matter of the Area of Local Landscape Significance the Secretary of State noted the Inspectors'

conclusions that the open space provision would preserve the separation of Codnor and Waingroves but he shared the view of the Local Plan Inspector who concluded that development on the lines proposed for the site would change the nature of the open space to that of an urban amenity space.

From this it appears that the Secretary of State's main concern regarding the possibility of coalescence was over the resulting nature of the proposed open space. He concluded that the circumstances of the case and the policy background did not mean that the designation of the Area of Local Landscape Significance must be revised or that development which would change the nature of the open break should be approved.

7. Also relevant are the considerations leading to the adoption of the current Local Plan, and its effect on this area of land;
 - The Local Plan Inspector's Report referred to objections to the land's inclusion in Green Belt and found no exceptional circumstances to extend the Green Belt to include the land.
 - He referred to the findings of previous Inspectors that including the land in the Green Belt would not serve any Green Belt function and that some development would be compatible with maintaining the separation of the two communities, and suggested that protection provided through Policy EN5 would be more appropriate. This policy as adopted referred to another area of land between settlements, but not to the appeal site.
 - The Inspector's view was that as the housing requirements could be found without the need to build on green field sites in the Plan period, the site should remain open for the foreseeable future. As a result, the area of land including the present appeal site was not placed in the Green Belt, which extends only as far as the south boundary of the school and recreation ground, nor as part of an EN5 designation.

In the event, the housing land supply figures have not kept to the trajectory that the Inspector envisaged when he discounted the need for green field sites. Also, for that reason, it is difficult to read his reference to the 'foreseeable future' as extending past the currency of that Plan, 2011. As of the date of the present Inquiry no replacement Plan is available in the public domain, in draft or otherwise.

8. Whilst it is the case that the development of the land for housing would be contrary to Policies EN1 and H5 it is necessary to consider the effect of the publication of the National Planning Policy Framework and guidance on the transitional arrangements. Paragraph 214 of the Framework states that policies adopted since 2004 may be accorded full weight, the footnote making clear that this refers to policies adopted under the Planning and Compulsory Purchase Act 2004, which is not the case here. Paragraph 215 therefore applies where due weight should be given according to the policy's degree of consistency with the Framework.
9. Within Section 6 on delivering a wide choice of high quality homes, paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites, which is the case in the Amber Valley Borough Council area. Whilst policies such as EN1 and H5, which both seek to protect the countryside, could be envisaged to have a place in a future Plan

and hence could not be considered out of date as such, the extent of land to which they apply could be open to variation in light of the need for housing land and the constraints of the existing Green Belt locations.

10. The agreed failure to show a five year land supply lessens the importance of considering an additional 5% buffer as set out in the Framework, but such a buffer would add emphasis to the need. The matter of a 20% addition in cases of persistent under delivery is less clear cut, as there are conditions outside the Council's control that would have affected the recent delivery figures. Nevertheless, housing numbers will need to be considered afresh in the replacement Plan and on a new evidence base, given the signalled abolition of the Regional Spatial Strategy which provides the present requirements. There is evidence of formation of new households added to which any backlog would need to be addressed. In addition it is the Government's stated aim that house building should assist with the promotion of economic growth.
11. In conclusion in this section, the site is presently outside the built framework of settlements, and development would be contrary to Policies EN1 and H5 of the Local Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan. However, that Section continues '*unless material considerations indicate otherwise*' so that being contrary to the Plan, even if afforded full weight, need not be conclusive. Following consideration of the remaining two main issues, the final paragraphs in this reasoning will look at material considerations and the resulting planning balance.

Character and Appearance

12. Although not disputed to be outside the built framework of the settlements, the nature of the land as countryside is somewhat unusual. There is a 'girdle' of Green Belt around Ripley, including Waingroves and Codnor, and a finger of Green Belt extends between these latter two settlements as far as the school and recreation ground which are notated as 'playing fields, parks and informal open space' on the Local Plan map. North of that is the appeal site and further open land bounded by properties on Waingroves Road, Steam Mill Lane, Nottingham Road (A610), and on Holborn View and other roads on the edge of Codnor. In addition, whilst there is Green Belt to the north of Nottingham Road, there is the significant depth of the Codnor Gate employment area between.
13. The result of this arrangement is of the open area just described being hemmed-in by a depth of built form on three sides and effectively divorced from open countryside by the incursion of the school and its vegetated curtilage, together with the maintained recreation ground, on the other. Nevertheless, the openness of the land is clearly of value to local residents and does provide a visual relief to the built-up area. It performs a role in maintaining the identity of Codnor as an older settlement, albeit that it is the modern extension of that settlement that abuts the land. The retention of an effective physical and visual gap would be desirable and the effect of the school and recreation ground demonstrates forcibly the harm that can occur through development and the formation of urban-style grass areas causing coalescence.
14. The edge of Codnor is a strong landscape line and although the stub ends of Mill Lane appear to invite extension, and as was proposed in the 1980's appeal

scheme, such breach would consolidate the harm caused by the school and recreation ground. On the other side however, the geometry of Waingroves Road and Steam Mill Lane/Woodfield Drive widens the gap; it is in this widening that the proposed housing development would be located. The indicative form of development would place buildings and roads in an area effectively 'rounding-off' between the curtilage of the dwelling adjacent to the site entry and curtilages against Footpath 60.

15. The effect of this rounding off would be to accommodate the housing as an extension of the Waingroves side of the land and the built development would appear as an acceptable extension of the urban grain without appearing as an incongruous incursion into the wider north-south open land. There would remain substantial areas of open land to the north of the appeal site and to the east, nowhere would the gap be reduced to as little as that between the school building and the buildings off Thomson Drive, not allowing for the fact that the gap there is further reduced visually by the nature of the school's boundary treatment. The gap would be greater also than that left in the 1980's appeal proposals. Having regard only to the residential buildings, there would remain sufficient land to ensure that the two settlements retain separate identities, do not appear to merge or coalesce visually and would continue to provide amenity land close to where people live.
16. There would be change to the landscape character of the site and the land to the north outside the site boundary, and when looked at close-to, that change would be adverse because of the replacement of part of the open land with buildings. However, the quality of the built form and its immediate landscaping is a reserved matter subject to further control, and the wider landscape that provides the setting for Ripley and its associated settlements, encircled by the Green Belt, would not be seriously affected, as there are only limited peripheral viewpoints. The overall appearance would remain as a green finger of land extending north-south between built-up areas, albeit the width of open land would have reduced.
17. As with the Secretary of State's conclusions in 1989, the nature of the reduced width of open land would be crucial to the acceptability of the proposals as a whole due to the importance that should attach to the maintenance of the gap and to the landscape contribution of the present open land. The indicative drawings of the Masterplan show two possibilities but it was agreed that there were many others. The Council submitted their Supplementary Planning Document '*Development and Recreational Open Space*' which sets certain requirements, but this was agreed to be guidance and to allow flexibility according to circumstances. Various elements of the amenity land require consideration;
 - Access at present is restricted to the line of the footpaths, whereas this could be allowed over a greater area of land, going some way to addressing a shortfall in public open space referred to at the Inquiry. Such access need not materially alter the look of the land.
 - Some form of sustainable urban drainage is required to ensure control of run-off from roofs and paved areas to prevent it being greater than the undeveloped land to the extent of causing problems down-stream or downhill. The initial Masterplan showed a series of open lagoons and these would aid biodiversity, but at the same time present a possible hazard and could change the nature of the land from being natural to an engineered

appearance. The Option B drawing indicated a more limited, natural form of retention, whilst there would be other ways of holding water flow back on the individual roofs or plots, or collectively within the built area. The existence of a marshy area of land indicates that retention need not significantly alter the terrain or its appearance. Sufficient flexibility is available to ensure no detriment to the appearance and function of the land.

- The existing paths could be left as informal links, but there may be a need for a more accessible type of paving to serve any formal play areas and possibly lighting. These however need not be of the type presently in place across the recreation ground; black tarmac and standard lights.
- Play areas, including a Multi Use Games Area, would require fencing, and the Supplementary Planning Document lists that which would comply. The siting and precise type could be chosen to limit the impact.
- Similar considerations apply to the possible football pitch, or other sports provision, and any associated changing rooms. There are various ways of providing and maintaining outdoor sports facilities to avoid the area becoming akin to a school playing field, and storage of nets, cutting of grass and the layout of landscaping could all assist in maintaining the natural, countryside character and appearance.

In these considerations there is sufficient flexibility in the requirements and in the ways of meeting them to give confidence of an acceptable treatment of the remaining land coming forward as part of the reserved matters. At that stage control is available to the Council to ensure the necessary balance between the land's function as a gap and as usable amenity space.

18. In conclusion on this main issue, development along the lines indicated in the illustrative material, with built form to the west and open space to the east, would not unacceptably alter the character and appearance or the function of the land and would accord with requirements of the Framework on the quality of design and layout.

Highways

19. This is not a matter supported by the Council in the reasons for refusal, having adopted the view of the County Council as highway authority that the development can be accommodated on the local road network without undue effects. However, local residents expressed concerns over those effects in written representation and in submissions to the Inquiry, and the appellant put forward a witness to present their case and to be open to questions. As stated previously, observations were made at both school peak times.
20. Looking at the present situation referred to in local residents' submissions and the 'snapshot' available during observations the following points arise;
- To the north-west along Waingroves Road there is a medium density of development with a proportion having parking within their plots, and the carriageway width is sufficient for some kerbside parking. Queues were seen at the junction with Steam Mill Lane/Peasehill Road but the operation of the nearby crossing lights tended to allow gaps in the major road flow. Some congestion occurred with buses stopping close after turning into the road.

- Traffic proceeding along Peasehill Road has a reasonable exit onto Derby Road at a roundabout, and that going east along Steam Mill Lane tended to queue at the junction with Nottingham Road, caused by right turners, but again nearby lights gave a pulse of traffic and intervening gaps.
 - To the south along Waingroves Road there is a marked narrowing at Church Street and evidence of this being a shortcut to and from the A6007 Heanor Road. Here parking on one side only is possible and there tends to be less on-plot parking and a higher density of dwellings. A chicane nearer the foot of the hill with priority for downhill traffic allows some clearance of the narrow part before proceeding. However, mounting onto the footway was seen when two vehicles met.
 - The morning school peak witnessed did not cause significant congestion as cars stopping to let children out or parking to walk children to the gate did so for only a relatively short time. The afternoon peak did have more cars parking for longer waiting for the school day to end, and including parking on the footway on the west side, causing a restriction in width for through traffic and diminishing intervisibility between drivers and pedestrians.
21. These observations lead to the view that, given the choice, there would be a greater likelihood of new traffic using the section of Waingroves Road to Steam Mill Lane and that is borne out by the appellant's traffic impact assessment. Also, there are existing problems of overrunning of the footway or parking on it and if considered a hazard these could be addressed now. Having regard to the information in the assessment, the proposed development would not be likely to materially affect the operation of the local roads. The effect on all but three locations has been found to be below the Department for Transport threshold, and the three locations (the site entry onto Waingroves Road, Waingroves Road with Peasehill Road/Steam Mill Lane and Peasehill Road/Derby Road) would still operate within their capacity.
22. The evidence presented is robust, making use of the 85th percentile, has addressed the likely level of traffic affecting each of the possible routes away from and back to the site, and uses an assessment year of 2018, in excess of that recommended by national guidance. The operation of the Travel Plan, which could be secured by condition, should be able to achieve reductions in traffic to below that tested. In all, the effect as tested is likely to be an over-estimate of the actual effect. Although there appears room for improvement of the present situation, highway safety would not be likely to be further compromised by the addition of the proposals.

Planning Balance

23. The development of the land outside the built framework of settlements would be contrary to the Development Plan policies referred to, but Section 38(6) of the 2004 Act provides for material considerations indicating a decision other than in accordance with the Plan. Those considered are;
- The Council is unable to demonstrate a deliverable five year supply of housing land.
 - No proposals are forthcoming for a replacement plan in a draft form to which weight might have been attached.

- Previous decisions at both appeal and in the Local Plan Inspector's Report have not ruled out the use of the land at some time, but have recognised that the land performs a valuable function.
 - That function can be safeguarded under the present proposals.
 - On the matter of purported prematurity, the size of this development is not such as to be of strategic importance that might jeopardise the making of the next Local Plan, that Plan is not well advanced in the public domain and there is evidence of the site's ability to provide housing now.
 - The extent of Green Belt and the seeming shortage of suitable previously developed land indicate a need to look at suitable areas of land such as this.
 - The provision of affordable housing is a significant benefit.
 - Public access to land can be made available, and this is not otherwise achievable.
 - There is no significant demonstrable harm through development as proposed.
 - The Framework policies on the delivery of sustainable housing development carry significant weight, and specific policies do not indicate that development should be restricted.
24. Evidence was presented on behalf of a developer for a nearby housing site, largely in favour of the appeal development together with their development in providing housing but expressing the view that if a choice had to be made, their's was the superior case. That other site is the subject of a planning application being considered by the Council at the time of writing. It does appear to be the case that even if both were to be allowed, there would still be a requirement for more housing to meet land supply requirements and no such choice is required to be stated in this decision.
25. In the planning balance, the benefits of the scheme taken together outweigh the policy objection contained in the 2006 Local Plan and the detailed effects of the development can be satisfactorily controlled by condition now or by consideration of reserved matters.

Agreement and Conditions

26. A signed and sealed S106 Agreement was presented making provision for a Public Open Space Scheme, its implementation and the transfer and dedication of the space to the Council with a commuted sum for its future maintenance, calculated in accordance with the '*Development and Recreational Open Space*' Supplementary Planning Document previously referred to. Provision is also made for the delivery of affordable housing on site at a rate of 30% by plot numbers, at least 90% for affordable rent and 10% as intermediate dwellings. In light of the policy requirements the Agreement is necessary to make the development acceptable in planning terms. It is also directly related to the proposed development, and is fairly and reasonably related in scale and kind to it. The Agreement therefore satisfies the tests in Regulation 122 of the '*Community Infrastructure Levy Regulations 2010*' and can be accorded full weight.

27. Various conditions were agreed by the main parties in the Statement of Common Ground. In addition to the need to submit details of reserved matters as the application was in outline with access only to be considered, there is a series of conditions controlling the nature of the access and timing of its work together with on-site operations and storage during building operations, and these need to be attached at this stage. In view of concerns over the narrowing of the carriageway at Church Street, restrictions should be attached preventing construction and delivery lorries using this route.
28. There was some debate about the possibility of internal works being carried out to the new buildings outside the hours specified, it being argued that the result would be little different to the comings and goings associated with the occupation of the houses. However strict control of working hours is readily enforceable and any dilution of that strictness risks dispute over borderline issues of noise through open windows, use of power tools outside albeit for internal work, and the like. The strict control is reasonable but provision for extension of hours on the merits of particular applications allows flexibility.
29. One of the matters considered in the reasoning to this decision is the beneficial effect of a Travel Plan, and this needs to be secured by condition. Some flexibility in timetabling is acceptable. Similarly, details of surface water drainage are to be submitted, and these would also have an effect on the character and appearance of the land, a matter over which the Council would be able to exercise control. The condition requiring a full arboricultural implication assessment needs to have an implementation clause added.
30. Lastly, a condition is required to specify the drawings to accord with guidance in *'Greater Flexibility for Planning Permissions'* regarding applications for minor material amendments to planning permissions. As this application is not wholly in outline it is appropriate to attach this condition with regard to the access arrangements for the avoidance of doubt and in the interests of proper planning. With that addition, the conditions are necessary to make the proposal acceptable and also pass the other tests in Circular 11/95 *'The Use of Conditions in Planning Permissions'*, being relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable.

Conclusions

31. Whilst there are shortcomings in the operation of the roads, particularly to the south of the access and at certain times of the day, the development would not be likely to add materially to congestion or threaten highway safety and the proposal is acceptable to the highway authority.
32. The proposal for housing development outside the built framework of settlements is contrary to the relevant policies of the Local Plan but material considerations indicate a decision other than in accordance with the Plan. The proposal would preserve a desirable separation between settlements whilst providing housing development in a sustainable location. Consideration of reserved matters can ensure the required balance between the facilities provided by the amenity land and the functions of separation and openness. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

ANNEX 1

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Hogan of counsel
he called;

Richard Pigott BA(Hons) MSc MRTPI Senior Planner
Planning Design Practice

FOR THE APPELLANT:

Andrew Williamson BA DipTP MRTPI
he called;

Simon Chadwick BSc(Hons) MRICS Managing Director
Signet Planning

Aled Roderick BSc CMILT MIHT Transport Planner
Armstrong Stokes and Clayton

Brian Denney BA(Hons) DipLA CMLI Landscape and Environmental Planning
CENV MIEMA Director
Pegasus Planning Group Ltd

FOR HALLAM LAND MANAGEMENT
LIMITED:

Christopher Waumsley DipTP MRTPI Head of Planning
Freeth Cartwright LLP

INTERESTED PERSONS

Cllr Chris Emmas-Williams
Cllr Bob Moon
Sylvia Mason
Paul Gibbons
Janice Byron
Margaret Pepper
John Stamp
Margaret Hogben

ANNEX 2

DOCUMENTS

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| Document | 1 | Notification letters submitted by Council |
| Document | 2 | Supplementary Planning Document ' <i>Development and Recreational Open Space</i> ' submitted by Council |
| Document | 3 | Drawings list submitted by Appellant |
| Document | 4 | Location plan Site 148 submitted by Appellant |
| Document | 5 | ' <i>Inset B</i> ' Local Plan Proposals Map submitted by Appellant |
| Document | 6 | Agreement and Planning Obligation dated 11 May 2012 submitted by Appellant |
| Document | 7 | Additional condition wording submitted by Appellant and Council |
| Document | 8 | Illustrative Masterplan submitted by Hallam Land Management Limited |
| Document | 9 | Speaking Notes Jonathan Hunt |
| Document | 10 | Speaking Notes Sylvia Mason |
| Document | 11 | Speaking Notes David Williams |
| Document | 12 | ' <i>Study Highlights Benefits of Green Infrastructure</i> ' |
| Document | 13 | CD Coppice Farm Planning Application submitted by Hallam Land Management Limited |

Richborough Estates

ANNEX 3

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.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Access Plan FO903001, but only in respect of those matters not reserved for later approval.
- 5) Before any other operations are commenced (excluding demolition/site clearance) a temporary access for construction purposes shall be formed to Waingroves Road, to be laid out, constructed and provided with visibility splays in both directions, all in accordance with detailed designs that have first been submitted to and approved in writing by the Local Planning Authority. Approved sightlines are to be cleared of all obstructions greater than 1m in height or 0.6m in the case of vegetation prior to first use of the access and the access and sightlines shall be maintained in accordance with the approved scheme throughout the construction period free from any impediment to its designated use, or until the formation of the permanent access pursuant to Condition 7).
- 6) Before any other operations are commenced (excluding demolition/site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, all laid out and constructed in accordance with detailed designs that have first been submitted to and approved in writing by the Local Planning Authority and the provision shall be maintained throughout the construction period in accordance with the approved designs free from any impediment to its designated use.
- 7) Prior to the first occupation of a dwelling on the site, a new estate street junction shall be formed to Waingroves Road in accordance with the application drawings, laid out, constructed to base level and provided with 2.4m by 43.0m visibility splays in both directions, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.
- 8) Prior to the commencement of development a phasing plan for the residential development shall be submitted to and approved in writing by the Local Planning Authority. No dwellings within an identified phase shall be occupied until the new estate road within that phase has been designed and laid out in accordance with the County Council's design guide and constructed to base level, drained and lit to adoptable standards all as first agreed in writing with the Local Planning Authority.

- 9) No part of the development permitted by this consent shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes. The approved Travel Plan shall be implemented in accordance with the timetable set out in that Plan unless otherwise agreed in writing by the Local Planning Authority.
- 10) Reports demonstrating progress in promoting sustainable transport measures shall be submitted to the Local Planning Authority for approval annually on the anniversary of the date of the planning consent for a period of five years from first occupation of the development permitted by this consent.
- 11) No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable and phasing plan. The scheme to be submitted shall demonstrate:-
- a) The utilisation of sustainable drainage techniques;
 - b) The limitation of surface water run-off to equivalent greenfield rates;
 - c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and;
 - d) Responsibility for the future maintenance of drainage features.
- And shall include a timetable and phasing plan to show that provision will be in place as development proceeds.
- 12) No development shall commence until further intrusive site investigation works, as recommended by the Phase I Desk Study, have been undertaken and submitted to and approved in writing by the Local Planning Authority. The information submitted for approval shall include proposals for remedial works or mitigation measures if required.
- 13) Should the site investigations (as required under Condition 12) above) confirm the need for remedial works to treat areas of shallow mine workings and/or any other mitigation measure to ensure the safety and stability of the proposed development, no development shall be carried until the approved remedial works or mitigation measures have been carried out.
- 14) No development shall commence until:
- a) The application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority in consultation with the Council's Environmental Services Department;
 - b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved in writing by the Local Planning Authority;

- c) For each part of the development, 'Contamination Proposals' relevant to that part shall be carried out either before or during such development as appropriate;
- d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the 'Contamination Proposals' then the revised 'Contamination Proposals' shall be submitted to and approved in writing by the Local Planning Authority;
- e) If during development work site contaminants are found in areas previously expected to be clean then their remediation shall be carried out in line with the agreed 'Contamination Proposals';
- f) Prior to the commencement of any construction works in any area that has been subject to remediation, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

All reports must be submitted in both paper and digital formats.

- 15) All demolition and construction activities shall be conducted in accordance with the following:
- a) No construction works or LGV movements to and from the site shall occur other than between 0800hrs and 1800hrs Mondays to Fridays and 0800hrs and 1300hrs Saturdays and shall not occur at any time on Sundays, Public and Bank Holidays. Any proposed extension of these hours or other changes to the restrictions, other than for emergency works, shall be agreed in writing by the Local Planning Authority before any change is made.
 - b) No LGV deliveries to and from the site, shall occur between 0800hrs and 0900hrs and 1500hrs and 1600hrs weekdays, during the term time of Waingroves Primary School and Mill Hill School.
 - c) All LGV vehicle movements leaving or arriving at the site shall make use of the section of Waingroves Road from the site entrance to Steam Mill Lane only.
 - d) No piling, blasting, dynamic compaction, or use of vibrating rollers, shall occur on the site before a scheme has been submitted to, and approved in writing by, the Local Planning Authority, detailing the provisions to be made for the control of associated environmental noise and vibration. All such activities must take place only in accordance with the approved scheme.
 - e) All construction (and any remediation) activities must comply with the guidance in British Standard BS 5228-1 & 2:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites; efficient silencers must be fitted, used and maintained in accordance with the manufacturers' instructions, on all vehicles, plant, and machinery used on the site. Save for the purposes of maintenance, no machinery must be operated with the covers open or removed.
 - f) During dry and/or windy weather, dust suppression methods, such as water bowsers or hosepipes, shall be used to prevent dust being blown off site. At such times as the prevention of dust nuisance by these means is not possible, the movement of vehicles, soils, or dusty materials shall temporarily cease until such time as conditions allow effective resumption.

- g) The arrangements for dealing with any asbestos-containing materials known, or subsequently found, to be on site must be agreed with the Local Planning Authority prior to its disturbance.
 - h) All vehicles entering or leaving the site and carrying materials likely to deposit dust or mud on the highway must be adequately sheeted. No vehicle must leave the site unless in a clean condition such that it does not deposit dust or mud on the highway. Any dust or mud deposited on the highway must be removed at a frequency and at times agreed with the Local Planning Authority.
 - i) Throughout the period of construction within any phase vehicle wheel cleaning facilities shall be provided and retained within the site. Where necessary construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous materials on the highway.
 - j) No waste arising from demolition or construction activities shall be disposed of by burning without the prior approval of the Local Planning Authority.
- 16) Notwithstanding any information submitted with the application no development shall commence until a full arboricultural implication assessment has been submitted to and approved in writing by the Local Planning Authority, such assessment to be submitted at reserved matters stage. Development shall be carried out in accordance with the approved details.
- 17) No development shall commence until a detailed phasing scheme, including the full implementation of Section 5 of the Habitat and Enhancement Strategy, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.