



Appeal Decisions

Hearing held on 11 July 2013

Site visit made on 12 July 2013

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 1 August 2013

Appeal A: APP/T2405/A/13/2193758

Land east of Springwell Lane, Whetstone, Leicestershire LE8 6LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by David Wilson Homes East Midlands against Blaby District Council.
 - The application Ref 12/0952/1/OX is dated 21 November 2012.
 - The development proposed is residential development of up to 150 dwellings and parkland with associated access, infrastructure and landscaping.
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Appeal B: APP/T2405/A/13/2193761

Land off Countesthorpe Road and Springwell Lane, Whetstone, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by David Wilson Homes East Midlands against Blaby District Council.
 - The application Ref 12/0951/1/PY is dated 20 November 2012.
 - The development proposed is formation of access for use by construction traffic in conjunction with proposed residential development.
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Decisions

1. Appeal A is allowed and outline planning permission is granted for residential development of up to 150 dwellings and parkland with associated access, infrastructure and landscaping on land east of Springwell Lane, Whetstone, Leicestershire LE8 6LT in accordance with the terms of the application, Ref 12/0952/1/OX, dated 21 November 2012, subject to the conditions in the attached schedule.
2. Appeal B is allowed and planning permission is granted for formation of access for use by construction traffic in conjunction with proposed residential development on land off Countesthorpe Road and Springwell Lane, Whetstone, Leicestershire in accordance with the terms of the application, Ref 12/0951/1/PY, dated 20 November 2012, subject to the conditions in the attached schedule.

Preliminary Matters

3. The Appeal A application was submitted in outline form with all matters of detail, except access, to be reserved for later consideration. However, at the hearing the appellant confirmed that access is now to be considered as a reserved matter.

4. Subsequent to the submission of these appeals, the Council's Development Control Committee resolved on 28 March 2013 that it would have refused planning permission for both developments for the following reason: *'the residential development of this Greenfield site located within countryside (and its associated construction access road) would cause significant harm to the character and appearance of the landscape and thus would be contrary to Policy C2 of the Blaby District Local Plan (1999) and Policy CS18 of the Blaby District Local Plan (Core Strategy) Development Plan Document (Adopted February 2013)'*.

Main Issues

5. The main issues in both appeals are whether a 5 year supply of deliverable housing land has been demonstrated in accordance with the National Planning Policy Framework (Framework); and the effect of the proposal on the character and appearance of the surrounding countryside.

Reasons

Housing Supply

6. The Council has provided a housing trajectory that demonstrates about a 6.2 year housing supply at 1 April 2013. This is based on a 20% increase due to a record of persistent under delivery and the previous shortfall spread over the remaining years of the plan up to 2029. The Council adopted its Local Plan Core Strategy Development Plan Document (DPD) in February 2013. Policy CS5 sets out the approach to the distribution of housing in the District. The Inspector's Report on the Examination of this document indicates in paragraph 52 that he is satisfied that the Core Strategy will provide a five year supply of deliverable housing sites, based on the shortfall in housing delivery since 2006 being accommodated over the remaining plan period and including a 20% buffer in the early years until the issue of persistent under delivery has been addressed.
7. The Council's trajectory allows for a contribution of about 1000 new houses from a Sustainable Urban Extension (SUE) in Lubbethorpe over the 5 year period. The appellant has suggested that a more realistic maximum delivery of housing within this development would be about 650 houses in the 5 years, based on the required access bridge over the M1 being completed in 2015, 50 dwellings being completed in 2014-15 and 200 dwellings per annum in 2015-16 and 2016-17. Taking account of the evidence presented at the hearing, I find that the appellant's suggested figures would be more likely to reflect the actual delivery, given the levels of delivery on other sites within the District and that the appellant is one of the 6 potential developers of the SUE. On this basis, the Council has indicated that it can demonstrate a 5.56 year supply of deliverable housing sites.
8. The appellant has not provided sufficient evidence of under delivery on specific sites to justify a 10% reduction in the housing trajectory, even though some of the planning permissions are in outline form.
9. With regard to the method of spreading the shortfall, the 'Sedgefield approach', whereby the accumulated shortfall is spread over the 5 year period, is favoured. On this basis, and the reduced contribution from the SUE, the appellant has indicated that the Council would only have demonstrated a 4.52 year housing supply. In support of this approach, the appellant has referred to

the advice given in the Planning Advisory Service (PAS) Document¹ and other appeal decisions, including one in Essex where the appellant has claimed that the Examination Inspector applied the residual approach to the shortfall. However, the previous appeals involve significantly different circumstances from the current appeal, particularly with regard to the relative date of the Examination Inspector's Report and adoption of the relevant development plan policies. Therefore, whilst I note the points raised, no direct comparisons can be made with the current appeals.

10. The PAS Document indicates that its advice is based on previous Inspectors' decisions, and the Sedgefield approach being more closely aligned with the requirements of the Framework and the need to boost significantly the supply of housing and remedy the consequences of persistent under delivery. However, the Document accepts that there is no guidance or advice that sets out the preferred approach. Taking account of the recent date of the Examination and adoption of the Core Strategy, it would be premature to take a different approach to housing supply than that taken in the Examination Inspector's Report. Furthermore, that Report considered that further flexibility is given by the housing trajectory not including an allowance for windfall sites.
11. Based on the above, I find on this main issue that the Council has demonstrated a five year supply of deliverable housing sites in accordance with the Framework. As such, the relevant policies for the supply of housing are to be considered up-to-date in accordance with paragraph 49 of the Framework. However, the Framework also indicates that housing applications should be considered in the context of the presumption in favour of sustainable development.

Character and Appearance

12. The appeal sites include arable fields and hedgerows. They are outside the settlement boundaries of Whetstone and form part of the surrounding open countryside. The Appeal A site is bounded to the north and west by residential roads and to the east by mature vegetation alongside Whetstone Brook. The Appeal B site consists of a strip of land that is at least 7m wide.
13. The Blaby District Landscape and Settlement Character Assessment 2008 (BDLSCA) identifies the main features of the landscape in the area. These are given as the strong urban fringe characteristics of settlements, fields bounded by hedgerows, linear woodland planting and open space, fairly rural and wooded views across high ground, and a fragmented character with many human influences. It also gives 2 key pressures in the area as relating to settlement expansion and expansion of the urban edges.
14. The Appeal A proposal would develop the appeal site with up to 150 dwellings at about 30 dwellings per hectare, together with public open space and landscaping that includes balancing areas, structural landscape to the south and the Brook corridor and associated infrastructure. Although access is a reserved matter, the Indicative Masterplan indicates that it would be provided from Wright Close to the north. The buildings would range from 3 to 2 storeys, rising to about 8.5m to ridge height.

¹ Planning Advisory Service Document: Ten Key Principles for Owning Your Housing Number- Finding Your Objectively Assessed Needs, July 2013

15. The appellant has carried out a Landscape and Visual Appraisal of the likely landscape effects of the proposed development, with reference to the BDLSCA and based on the Guidelines for Landscape and Visual Assessment. It concludes that there would be no significant effects in terms of landscape resources and character and, on balance, the proposal would provide some beneficial effects. The Council has not shown that it has conducted a similar appraisal.
16. With regard to the concerns expressed by the Inspector in the previous appeals against the refusal of planning permission for residential development on the current Appeal A site, the Indicative Masterplan indicates a number of changes. These changes include an increase in the area of the site to the south to allow a 10m to 12m wide woodland belt; a reduction in the overall housing density to allow for planted avenues across the development; and an increase in soft landscaping along Springwell Lane frontage.
17. At my site visit, I observed the site from some of the most sensitive public vantage points to determine the effect of the proposals on public views. Whilst the Appeal A proposal would result in an urban extension into the countryside, the proposed landscaping would ensure that the edge of the development would be well screened from nearby public vantage points to the south. As such, the proposed woodland planting would provide a greater level of screening to the edge of built development than is currently provided to the southern edge of the existing development, as advocated by the BDLSCA. This would be sufficient to mitigate the harm resulting from the foreshortening of views from the south across the open countryside towards the urban area.
18. Views of the site from a higher vantage point on the Cosby Road at the western edge of Countesthorpe would include the proposed housing, which would appear as an extension to the urban area. However these views are a significant distance away from the site and the landscape planting that would be able to be provided on the boundaries of, and within, the site would mitigate the adverse effect of this encroachment into the countryside.
19. Views of the development from Springwell Lane would be screened by additional planting to supplement the existing hedgerow. This planting would be sufficient to reduce the dominance of the proposed built development on the eastern side of this lane.
20. The Appeal B proposal would provide a temporary access road for use in the construction of the Appeal A development. It would involve the removal of a section of hedgerow on the eastern side of Springwell Lane and the paving of most of the land. Its route would be near to the hedgerow boundary of the fields to the east of Springwell Lane. The impact of the paved area and vehicles using the access road would be limited by the position relatively near to an existing lane and hedgerows. Furthermore, the access road would be removed and the area restored following the completion of the Appeal A development. As such, I agree with the previous Inspector that the Appeal B proposal would not cause any significant harm to the character and appearance of the surrounding countryside.
21. With regard to development plan policies, the Council has referred to Blaby District Local Plan 1999 Policy C2 which states: *'within the area identified as countryside on the Proposals Map, planning permission will not be granted for built development, or other development which would have a significantly*

adverse effect on the appearance or character of the landscape'. The interpretation of this Policy given in the accompanying text would prevent any significant housing development in the countryside. This is inconsistent with the balance that is required in the Framework. At the hearing, the Council accepted that the Policy is out-of-date but suggested that it has not been deleted as it identifies the boundaries of the countryside on the Proposals Map. Therefore, I have attached limited weight to Local Plan Policy C2, based on the inconsistency with the Framework and the date of the Local Plan.

22. The other development plan policy that has been referred to is Core Strategy Policy CS18. This Policy reflects the wording of the 1999 Local Plan Policy C2 but balances the need to retain countryside against the need to provide new development, including housing, in the most sustainable locations. The balance that it provides ensures that its consistency with the Framework is greater than that of Local Plan 1999 Policy C2. It also requires the details of the boundaries of the countryside to be established through the forthcoming Allocations, Designations and Development Management DPD. At the hearing, the Council indicated that this DPD would not be submitted until summer 2014. As such, the countryside boundaries are those given on the Proposals Map in the Local Plan 1999, which are due to be the subject of an update.
23. Turning to the balance, the Core Strategy Examination Inspector has suggested in paragraph 54 of his report that the housing requirements of 380 houses per annum across the District should be regarded as a minima. Whetstone has been identified in the Core Strategy as one of the non Principal Urban Area parts of the District with regard to the provision of new development. It has an identified minimum requirement of 365 houses, of which the Council has indicated some 323 houses have been built or committed at 1 April 2013.
24. The Appeal A proposal would be in a relatively sustainable location, as it would be easily accessible to the wide range of facilities within Whetstone, which include schools, shops, leisure and employment, and public transport. It would also provide contributions towards cycling and public transport improvements, secured through planning obligations.
25. In terms of affordable housing in the District, the Council has accepted that there is a significant shortfall in delivery, including within Whetstone, as indicated in its latest update of the Strategic Housing Market Assessment. The Appeal A proposal would provide 25% of its dwellings as affordable housing, in accordance with Core Strategy Policy CS7.
26. The Council has not contested the appellant's estimate for the implementation of the proposed development should planning permission be granted, which is an August 2014 start date with 40 dwellings completed per year. The appellant has suggested that, should the appeal proposal be implemented, the minimum requirement in Whetstone would be exceeded by about 30%. I find that this would not be excessive, given the sustainability of the site location and the environmental constraints on the scope for growth in Whetstone as a result of strategically important areas of Green Wedge and the former Great Central railway line. The appeal proposals would result in the provision of additional housing to help to address the previous shortfall, including affordable housing, which is consistent with the government's objective to significantly boost the supply of housing given in paragraph 47 of the Framework.

27. Taking account of the above, I find that neither of the appeal proposals would have a significant adverse effect on the character and appearance of the surrounding countryside. Also, the need to retain countryside is outweighed by the benefits that the Appeal A proposal would provide in terms of additional housing in a sustainable location, particularly as the boundaries of the countryside are subject to a review. As such, both the Appeal A proposal and the Appeal B proposal would accord with Core Strategy Policy CS18.

Planning Obligations- Appeal A

28. The appellant has submitted an engrossed Section 106 Agreement for Appeal A after the close of the hearing. The planning obligations would secure 25% affordable housing, contributions towards public transport, cycling, a travel pack, highway improvements, healthcare, libraries, police and the maintenance of the public open space that would form part of the scheme. I have considered the evidence provided in writing and at the hearing in support of the contributions to satisfy myself that the obligations meet the tests in Community Infrastructure Levy (CIL) Regulation 122. These tests are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
29. The affordable housing obligation accords with Core Strategy Policy CS7 and the provision of affordable housing is an important consideration in deciding whether the proposed development would be an acceptable form of development in the countryside. Without the affordable housing that the obligation would secure, the proposal would have an adverse effect on the provision of affordable housing in the District.
30. At the hearing, the appellant confirmed that it is not contesting any of the contributions secured by the planning obligations. The contributions towards public transport, cycling and a travel pack are necessary to promote sustainable transport modes, in accordance with the Framework objectives and to ensure that future residents of the proposed housing would be able to access necessary facilities by means of sustainable transport. The off-site highways improvement contribution is necessary to ensure that the proposal would not have an adverse effect on the free flow of traffic at the A426/Enderby Road roundabout, as identified in the traffic analysis.
31. The healthcare contributions have been calculated by the Primary Care Trust with the aim of funding additional capacity at the Hazelmere Medical Centre, which is near to the appeal site. The evidence provided shows that the contribution secured by the obligation is reasonable to cater for the additional demands due to the future occupants of the proposed dwellings.
32. The County Council has provided sufficient evidence to demonstrate that the proposed development would place additional demands on library facilities that would not be able to be addressed without increased funding. The contribution has been calculated in accordance with the standards contained in the County Council's adopted *Statement of Requirements for Developer Contributions in Leicestershire*. I am satisfied that this contribution would be required to ensure that there would be adequate library provision to cater for future occupants of the proposed dwellings.

33. Leicestershire Police (LP) has supported the need for contributions towards policing services and facilities in its statement and at the hearing. The required contributions are significantly less than those considered by the previous Inspector, and LP have suggested that it has used a different method of calculation, based on the impact of the development itself. Therefore, I am satisfied that the sum provided for in the obligation is necessary to make the development acceptable in planning terms, having regard to the requirements in paragraph 58 of the Framework to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
34. A contribution towards the maintenance of the public open space that would be provided by the proposed development is required due to the additional expenditure that would be incurred. The amount of the contribution would be calculated in accordance with the Council's adopted policy document.
35. Having regard to the above, I conclude on the Section 106 Agreement that all the planning obligations meet the tests in CIL Regulation 122 and paragraph 204 of the Framework. Without the obligations, the proposal would fail to accord with the relevant development plan policies and would have unacceptable impacts on local facilities and services and affordable housing in the District.

Other Matters

36. I have considered the concerns expressed by local residents. With regard to wildlife, one of the reasons given by the previous Inspector for dismissing the appeals was the effect on protected species. However, since those appeals, the appellant has submitted an ecological report, including a recently updated survey of the area for the presence of water voles which confirms that there are no issues with relation to water voles on the development site. Natural England has not objected but has requested that it is contacted should any water voles be found during construction or the status of the species changes or the plans differ during the works. The Council has not given this matter as a reason why it would have refused planning permission and I am satisfied that a suitable planning condition would address it. Although the proposal would result in the loss of agricultural land, I have insufficient evidence to show the importance of the land for agriculture to give this matter any significant weight.
37. With regard to concerns about flooding, a Flood Risk Assessment has been provided, the Council has not expressed any concerns about this matter, and the Environment Agency has not objected to the proposals subject to conditions. I have not been provided with sufficient substantive evidence to support a refusal of planning permission on this basis, even though some of the identified open space would be liable to flooding. In terms of this open space, the Council has indicated that it is satisfied that the Indicative Masterplan identifies that there would be sufficient land outside the constraints provided by the flood zones to enable the provision of an equipped children's play area and a flood attenuation pond, in addition to landscaping.

Conclusions

38. For the reasons given, I have found that a 5 year supply of deliverable housing land has been demonstrated in accordance with the Framework and neither of the Appeal proposals would have a significant adverse effect on the character

and appearance of the surrounding countryside. On balance, the benefits of the Appeal A proposal outweigh the resulting harm due to the loss of countryside. Both of the proposals would represent sustainable development in accordance with the Framework. Therefore, having regard to all matters raised, I conclude that both Appeal A and Appeal B should succeed.

Conditions

39. I have considered the conditions suggested by the Council should the appeals be allowed. With respect to Appeal A, conditions regarding the submission of reserved matters details and the standard timescales are necessary as a result of the application being in outline form. Further details of the requirements for reserved matters, including reference to the Illustrative Layout and implementation of a landscaping scheme, are necessary for the avoidance of doubt and in the interests of proper planning and to protect the character and appearance of the surrounding area. A condition requiring adherence to a Construction Method Statement is necessary in the interests of residential amenity and health and safety.
40. A condition regarding drainage is necessary to reduce the risk of flooding and pollution, and secure the provision of adequate and sustainable drainage. A condition regarding contamination is necessary for health and safety reasons. A condition regarding bats and water voles is necessary to safeguard species protected under the Wildlife and Countryside Act 1981, given the evidence provided and the presence of Whetstone Brook.
41. A condition requiring archaeological survey work is necessary for historical recording reasons, based on the expert evidence provided. A condition to ensure that the proposal would meet the Leicestershire County Council design standards is necessary to make the development acceptable in terms of residential amenity and highway safety.
42. With regard to Appeal B, a condition regarding the standard time for commencement of development is necessary and I have included a condition to ensure compliance with the plans as being necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring the restoration of the site is necessary in the interests of the character and appearance of the area, given the temporary nature of the permission. A condition requiring archaeological survey work and a condition regarding water voles are necessary for the same reasons as in Appeal A.
43. I am satisfied that all the conditions in Appeal A and Appeal B are reasonable and necessary. I have combined some of the suggested conditions and worded them to reflect the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.
44. A condition in Appeal A regarding a Travel Plan is unnecessary to provide a choice of sustainable modes of travel, as this would be adequately secured by the Section 106 Agreement.

M J Whitehead

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jenny Wigley	Of Counsel, instructed by Pegasus Planning Group
Jeremy Peachey BSc(Hons) MLD CMLI	Landscape Design Director, Pegasus Planning Group
Gary Lees BA(Hons) BTP MRTPI	Director, Pegasus Planning Group
Robert Blaney	Appellant Company

FOR THE LOCAL PLANNING AUTHORITY:

Rob Thornhill BSc(Hons) DipSP MA	Principal Policy Officer, Blaby District Council
Ian Davies BSc(Hons) DipTP MRTPI	Planning Delivery Team Leader, Blaby District Council
Tony Greenwood	Deputy Leader of Blaby District Council

INTERESTED PERSONS:

Victoria Hutton	Of Counsel, instructed by Leicestershire Police
Michael Lambert	Leicestershire Police
Andrew Tyrer	Leicestershire County Council
Steve Kettle	Leicestershire County Council
Lee Breckon	Clerk, Whetstone Parish Council
Alice Tyler	Whetstone Parish Council
Alan Tanner	District and Parish Councillor
L Phillimore	Local Resident
Mark Jackson	Councillor, Whetstone Parish Council

DOCUMENTS SUBMITTED AFTER OPENING THE HEARING

- 1 Note on behalf of the Police and Crime Commissioner for Leicestershire, submitted by Leicestershire Police on 11 July.
- 2 Crime Mapping and trends, submitted by Leicestershire Police on 11 July.
- 3 Note by Michael Lambert addressing the 24 January 2012 Report, submitted by Leicestershire Police on 11 July.
- 4 Copies of submissions made by Leicestershire Police, submitted by Leicestershire Police on 11 July.
- 5 Draft Section 106 Agreement, submitted by the appellant on 11 July.
- 6 Local Government Association Planning Advisory Service Ten key principles for owning your housing number- finding your objectively assessed needs, submitted by the appellant on 11 July.
- 7 Addendum to Hearing Statement on Planning Issues, submitted by the appellant on 11 July.
- 8 Summary Note on 5 Year Housing Land Supply Calculations, submitted by the appellant on 11 July.
- 9 Amendment to Proof of Evidence of Rob Thornhill (para 7.17), submitted by Blaby District Council on 11 July.
- 10 Copy of Appeal Decision Ref APP/T2405/A/10/2135068, submitted by Blaby District Council on 11 July.

- 11 Copy of High Court Judgement: Anita Colman and Secretary of State for Communities and Local Government and others, submitted by the appellant on 11 July.
- 12 Copy of contributions requested by Leicestershire Policy for previous development of 178 Units, Springwell Lane, Whetstone, submitted by Leicestershire Police on 11 July.
- 13 Extracts from Secretary of State Report Ref APP/M1520/A/12/2177157, submitted by the appellant on 11 July.
- 14 Copy of Secretary of State Decision and Report Ref APP/F1610/A/10/2130320, submitted by the appellant on 11 July.
- 15 Extracts from Secretary of State Report Ref APP/M1520/A/12/2177157, submitted by the appellant on 12 July.
- 16 Copy of e-mail from Neill Talbot, Senior Conservation Officer, Leicestershire & Rutland Wildlife Trust, submitted by Mr Breckon on 12 July.
- 17 Statement by Mark Jackson, dated 11 July 2013, submitted by Mr Breckon on 12 July.
- 18 Statement and points made by Lee Breckon, read and submitted by Mr Breckon on 12 July.
- 19 Copy of a Section 106 Agreement, dated 16 July 2013, submitted by the appellant after the close of the hearing.

PLAN SUBMITTED AT THE HEARING

- A Plan of sites to visit, submitted by Mr Breckon on 12 July.

SCHEDULES OF CONDITIONS

Appeal A

- 1) Details of the access, 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 reserved matters details required under Condition 1 shall be in accordance with the principles and parameters indicated on the Illustrative Layout Drawing No EMS.2271_07-1E and shall include a landscaping scheme that shall be carried out within one year of completion of the development. Any trees, hedges, shrubs or plants as part of the approved landscaping scheme which within a period of 5 years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) the routing of construction vehicles; and
 - viii) the hours of construction and the hours for the loading/unloading of materials.
- 6) Notwithstanding the submitted details, no development shall commence on-site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the local planning authority. The details shall include the Sustainable Urban Drainage System including the proposed surface water balancing facility, with cross sections and boundary treatment, and oil separators that shall be designed and constructed to have a capacity compatible with the site being drained. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator. Roof water shall not pass through the interceptor. The drainage shall be carried out in

accordance with the approved details before any of the development is occupied and retained as such thereafter.

- 7) The development hereby permitted shall be carried out in accordance with remediation measures contained in the Phase II Site Appraisal document by GRM Development Solutions Ltd. If during the course of development contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until an amendment to the remediation strategy giving details on how to deal with this contamination has been submitted to and approved in writing by the local planning authority. The remediation measures shall be carried out in accordance with the approved amended details.
- 8) Notwithstanding the submitted details, no development shall take place within the site until precautionary surveys for the presence of bats and water voles have been secured in accordance with a written scheme that shall have been submitted to and approved in writing by the local planning authority. The surveys shall be undertaken in full accordance with the approved written scheme. If the surveys identify the presence of bats or water voles, a scheme of mitigation measures shall be undertaken in accordance with details and a timescale that shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development.
- 9) No development shall take place within the site until a programme of archaeological work has been secured in accordance with a written scheme of investigation and reporting programme that has been submitted to and approved in writing by the local planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written approval of the local planning authority.
- 10) All details of the development hereby permitted shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document: The 6 Councils Design Guide. The details shall include parking and turning facilities, access widths, gradients, surfacing, external lighting, signing and lining (including that for the cycleway and shared use footway/cycleway) and visibility splays and shall be submitted to and approved in writing by the local planning authority before the development commences. Development shall be carried out in accordance with the approved details.

Appeal B

- 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: 1:2500 Scale Location Plan and Drawing No NTT/540/004 Revision P4.
- 3) Within three months following the first occupation of the final dwelling constructed as part of the residential development to be accessed by the temporary access hereby permitted the use shall discontinue, construction material shall be removed from the site, hedgerows shall be replaced or

replanted and the land shall be restored to its former condition in accordance with a scheme of work that shall be submitted to and approved in writing by the local planning authority.

- 4) No development shall take place within the site until a programme of archaeological work has been secured in accordance with a written scheme of investigation and reporting programme that has been submitted to and approved in writing by the local planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written approval of the local planning authority.
- 5) No development shall take place within the site until precautionary surveys for the presence of water voles have been secured in accordance with a written scheme that shall have been submitted to and approved in writing by the local planning authority. The surveys shall be undertaken in full accordance with the approved written scheme. If the surveys identify the presence of water voles, a scheme of mitigation measures shall be undertaken in accordance with details and a timescale that shall have been submitted to and approved in writing by the local planning authority prior to the commencement of development.

Richborough Estates