



Department for
Communities and
Local Government

Mr Michael Robson
Cerda Planning Ltd, Unit 322
Fort Dunlop,
Fort Parkway
BIRMINGHAM
B24 9FD

Our Ref: APP/K2420/A/13/2208318
Your Ref: 13/039

18 November 2014

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY RAINIER PROPERTIES LIMITED
AT LAND SURROUNDING SKETCHLEY HOUSE, WATLING STREET,
BURBAGE, LEICESTERSHIRE
APPLICATION: 13/00529/OUT DATED 24 JUNE 2013**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, D R Cullingford BA MPhil MRTPI, who held a public local inquiry on 25-28 February and 24-27 June 2014 into your client's appeal against a decision of Hinckley and Bosworth Borough Council (The Council) to refuse outline planning permission for the demolition of Nos.11 and 13 Welbeck Avenue to create vehicular and pedestrian access and redevelopment of the site to provide up to 135 dwellings, public and private open space together with landscaping and associated infrastructure (all matters reserved except for the point of access) in accordance with application 13/00529/OUT, dated 24 June 2013 which was refused by notice dated 6 October 2013.
2. On 5 June 2014, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 on the grounds that it involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed and planning permission granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his

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recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. The Secretary of State is in receipt of a post inquiry representation from the occupier of 39 Brockhurst Avenue which was received by the Planning Inspectorate too late to be considered by the Inspector. The Secretary of State has given careful consideration to this representation but, as it does not raise new matters that would affect his decision he has not considered it necessary to circulate to all parties. However, copies may be obtained, on written request, from the address at the foot of the first page of this letter.

Policy considerations

5. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan consists of the adopted Hinckley and Bosworth Core Strategy (2009)(CS) and the 'saved' policies of the Hinckley and Bosworth Local Plan (2001)(LP). The Secretary of State agrees with the Inspector's assessment of the most appropriate policies at IR4.2-4.11 and that those that are of most relevance in this decision are policy 4 of the CS and NE5 & BE1 of the LP. The Secretary of State has also had regard to the Inspector's assessment of the emerging Site Allocations and Development Management Policies DPD at IR4.13-4.15 but, as this document has not yet reached examination, he gives it little weight.
7. It is also noted that Burbage Neighbourhood Area has been designated as a Neighbourhood Plan area (IR9.5). However, as there has been no evidence of progression beyond designation of the area in early 2014, the Secretary of State has not given it any weight in this decision.
8. Material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework, March 2012) and the associated guidance issued in March 2014. He has also taken into account the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

Main issues

9. The Secretary of State agrees with the Inspector that the main issues in this case are those set out at IR11.2.

A full and objective assessment of housing need

10. The Secretary of State agrees with the Inspector, for the reasons he gives at IR11.4-11.9, that no significant alteration to the housing requirement identified in the CS is warranted (IR11.6-11.7& 11.9).

The 5-year housing land supply

11. The Secretary of State agrees that a 5-year housing land supply cannot be identified (IR11.10) and with the Inspector's assessment at IR11.11-11.13 that it would be inaccurate to denote the failure to deliver housing as 'persistent'. However, he also agrees with the Inspector that there has been a failure to deliver housing in accordance with the CS (IR11.14), that the failure to implement mechanisms to meet the housing target exacerbates the shortfall (IR11.15-11.16), but that if the current shortfall were made up in the plan period then provision would meet the full objectively assessed needs for market housing (IR11.17).
12. The Secretary of State agrees with the Inspector's assessment at IR11.18 that, as policies could be brought 'up-to-date' with the identification of additional housing land, they cannot be considered inherently outmoded or redundant as they would come back up-to-date with the appropriate identification of housing land supply (IR11.18). Nevertheless, the Secretary of State agrees with the Inspector that the lack of a 5-year housing land supply is an important material consideration. Therefore he also agrees with the Inspector at IR11.19 that, rather than negating relevant policies in the Development Plan, the Framework establishes a new balance in the weight to assign to these policies in decision making and that it is that balance that is crucial.

Affordable Housing

13. For the reasons given at IR11.20-IR11.23, the Secretary of State agrees with the Inspector's findings in relation to affordable housing, and with his conclusion at IR11.23 that the need for affordable housing is acute and warrants the provision offered by the appeal proposal.

The impact of the scheme

14. For the reason given by the Inspector at IR11.25, the Secretary of State agrees that the additional traffic generated would likely disperse evenly and represent modest traffic flows which would not significantly alter the quiet and safe character of the streets. Like the Inspector, the Secretary of State acknowledges the concerns of residents on the anticipated upheaval during the construction period, but considers that this does not warrant the refusal of planning permission. The Secretary of State agrees with the Inspector at IR11.26 that the volume of traffic, the noise it might generate or the use of the access road would be unlikely to have an unacceptable impact on residents.
15. The Secretary of State has had regard to the impact of the scheme on landscape at IR11.27-11.29 and accepts that a limited amount of harm would be caused by the development of this greenfield site which would be outside of the settlement boundary as defined in the LP. He agrees with the Inspector's conclusion at IR11.29 that the low density and landscaping of the development would ameliorate the harmful impact of the scheme on the character of Burbage.
16. The Secretary of State has had regard to the potential impacts on agriculture and agrees with the Inspector at IR11.30-11.31 that, through the application of

conditions, the scheme would not seriously impinge on the operations at Sketchley Grange Farm.

17. Turning to the impact of the scheme on ecology, the Secretary of State agrees with the Inspector at IR11.32-11.35 that, though disputed by local residents, the site is not inherently valuable for nature conservation (IR11.32) and the overall ecological impact would be limited, particularly by the incorporation of measures to increase biodiversity.

The merits of the scheme

18. The Secretary of State agrees with the Inspector at IR11.41-11.42 that the scheme, as illustrated in the proving layout, illustrative layout and Design and Access Statement, would represent good design with regard to layout, housing type, the provision of affordable housing, green infrastructure and location.

The planning strategy

19. The Secretary of State agrees with the Inspector that, although being in the countryside beyond the edge of Burbage would bring the proposal into conflict with saved policies of the LP (IR11.36), for the reasons given at IR11.36-11.40 it would achieve the aims set out in CS4 by using part of the countryside that is well contained within recognisable limits, and the impact of the development would be limited. The Secretary of State also notes the identification of the appeal site in the emerging Site Allocations DPD and that objections to its allocation over concerns regarding access have been removed by securing access via Welbeck Avenue (IR11.38).

The planning balance

20. The Secretary of State agrees with the Inspector's overall conclusions at IR11.43-11.47. Like him, The Secretary of State concludes that the scheme would largely comply with the CS in bringing forward development in a location beside part of the sub-regional centre; being largely in accord with CS4; and satisfying the requirements of BE1. The Secretary of State also agrees that, although the proposal would be contrary to policy NE5 the environmental impact would be limited and well confined. Having regard to paragraph 14 of the Framework, the Secretary of State shares the Inspector's view that there are no adverse impacts in this case that significantly and demonstrably outweigh the benefits of the development (IR11.46).

Conditions

21. The Secretary of State has considered the Inspector's comments at IR11.48-11.53 on the proposed planning conditions, the conditions he recommends in Annex 1 of the IR, and national policy set out in the Framework. The Secretary of State is satisfied that the conditions set out in Annex A to this letter are reasonable and necessary and would meet the other tests at paragraph 206 of the Framework.

Obligation

22. The Secretary of State has considered the terms of the planning obligation submitted at the inquiry and considered by the Inspector at IR11.54-11.57; and he agrees with him at IR11.57 that these contributions meet the Framework test and comply with CIL regulations.

Overall Conclusions

23. The Secretary of State concludes that, as a 5-year housing land supply cannot be identified, the decision falls to be made in the context of the presumption in favour of sustainable development as outlined at paragraph 14 of the Framework. The limited environmental and residential amenity harm identified would not be sufficient to significantly and demonstrably outweigh the benefits of the provision of up to 135 dwellings, 40% of which would be affordable, to be delivered in a sustainable location close to the sub-regional centre. The Secretary of State finds that the open space provision and diversity of housing type would add further weight in favour of the proposal. Overall he is satisfied that the scheme amounts to sustainable development and that planning permission should be granted.

Formal Decision

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission in outline for the demolition of Nos.11 and 13 Welbeck Avenue to create vehicular and pedestrian access and redevelopment of the site to provide up to 135 dwellings, public and private open space together with landscaping and associated infrastructure (all matters reserved except for the point of access) in accordance with application 13/00529/OUT, dated 24 June 2013 at land surrounding Sketchley House, Watling Street, Burbage, Leicestershire, subject to the conditions set out at Annex A to this letter.
25. An applicant for any consent, agreement or approval required by condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
26. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

27. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.
28. Copies of this letter have been sent to Hinckley and Bosworth Borough Council, Leicestershire County Council and The Police and Crime Commissioner for

Leicestershire. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Richborough Estates

Planning Conditions

- 1) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission.
- 2) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) The following details (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins:
 - i. The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces to areas outside the development.
 - ii. The scale of each building proposed in relation to its surroundings.
 - iii. The appearance of the development including details of the measures employed to create a defining identity for the buildings and spaces of the scheme.
 - iv. The landscaping of the site including the treatment of private and public spaces to enhance or protect the site's amenity through hard and soft landscaping.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 4) The development hereby permitted shall be carried out along the lines indicated in the Proving Layout PR/001, dated 30 January 2014 for about 127 dwellings, subject to the details to be submitted to, and approved in writing by, the Local Planning Authority in condition 3 above.
- 5) The existing vehicular access to the A5 shall be permanently closed to all vehicular traffic except that to and from Sketchley House in accordance with a scheme that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented within one month of the new access to the site from Welbeck Avenue being brought into use.
- 6) The scheme referred to in condition 5 above, shall also include measures to prevent all vehicular traffic from the site or the proposed development from entering the bridleway along the eastern boundary of the site.
- 7) Before first occupation of any dwelling hereby approved, a scheme to provide visibility splays of 2.4m by 43m at the junction of the site access with Welbeck Avenue (along the lines indicated in Leicestershire County Council's 6Cs Design Guide) shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include measures to prevent any object or vegetation above 0.6m from being positioned within the visibility splays.
- 8) Before any dwelling is first occupied, car parking shall be provided for that dwelling, hard surfaced and made available for use. For a dwelling with up to 3 bedrooms, 2 car parking spaces shall be provided: for a dwelling with 4 or more bedrooms, 3 car parking spaces shall be provided. The parking spaces so provided shall thereafter be kept permanently available for the parking of cars.

- 9) Any garage provided must have minimum internal dimensions of 6m by 3m; the garage shall, thereafter, permanently remain available for car parking.
- 10) Before first occupation of any dwelling hereby approved details of a Residential Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan shall address the full travel implications of the approved scheme and set out the facilities and measures, together with the associated measurable outputs and targets designed to:-
 - a) reduce single occupancy vehicle use, vehicular travel at peak traffic times and vehicle emissions for journeys made for all purposes to and from the development site;
 - b) increase the choice and use of alternative transport modes for any journeys likely to be made to and from the development site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel;
 - c) manage the demand by all users of the developed site for vehicle parking within, and in the vicinity of, the developed site.

The Plan shall also specify:-

- d) the on-site implementation of the Plan and management responsibilities, including the identification of a 'travel plan coordinator';
- e) the arrangements for undertaking regular travel behaviour and impact monitoring surveys and for reviews of the Plan covering a period extending to at least one year after the last approved dwelling is occupied or a minimum of 5 years from first occupation, whichever is the longer;
- f) the timescales for delivery of the specified outcomes and targets to be achieved through the implementation of the Residential Travel Plan; and,
- g) the additional facilities and measures to be implemented if monitoring shows that the outcomes and targets specified in the Residential Travel Plan are unlikely to be met, together with clear criteria for invoking those measures.

The Plan shall be implemented in accordance with the approved details, and it shall include provision of at least annual reports on its progress and effectiveness, to include information from the travel behaviour and impact monitoring surveys, to be submitted to the Local Planning Authority.

- 11) The development, hereby permitted, shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) issue 3 (dated 24 June 2013, Ref: AAC5034, undertaken by the RPS Group) and the following mitigation measures indicated within the FRA shall be implemented in accordance with a detailed drainage scheme to be submitted to and approved by the Local Planning Authority before development commences:
 - 1) measures to limit the discharge rate and to provide facilities for the storage of surface water run-off from the site so that for a rainfall event with a probable recurrence of up to 1:100 years and with a 30% addition (for climate change) surface water run-off will not exceed that from the undeveloped site and, thereby, not increase the risk of flooding elsewhere, as indicated in sections 4.3-4.4, 5.4 and 6.4 of the FRA.
 - 2) finished floor levels shall be set no lower than 150mm above external finished ground levels, as indicated in sections 5.2-5.3 of the FRA.

The mitigation measures shall be fully implemented prior to the occupation of any dwelling or in accordance with timing and phasing arrangements set out in the approved scheme.

- 12) Development shall not 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 before the development is completed.
- The scheme shall include:-
- a) measures and on-site storage facilities to limit the surface water run-off from the site generated by a rainfall event with a probable recurrence of up to 1:100 years and with a 30% addition (for climate change) so that surface water run-off will not exceed that from the undeveloped site and, thereby, not increase the risk of flooding elsewhere;
 - b) the provision of on-site storage facilities sufficient to limit the surface water run-off to that from the undeveloped site in the event of a critical rainstorm with a probable recurrence of 1:100 years plus 30% (for climate change);
 - c) detailed designs (plans, cross-sections, long-sections and calculations) in support of the submitted surface water drainage scheme, including details on any attenuation system, and the outfall arrangements;
 - d) details of how the on-site surface water drainage system shall be maintained and managed after completion and for the lifetime of the development.
- 13) The development hereby permitted shall not commence until a scheme for the disposal of foul sewerage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the first occupation of any dwelling on the site.
- 14) Notwithstanding the proposals contained within the noise impact assessment (SRL Technical Report ref: C/30501/R01v2/RM, 14 June 2014) development shall not begin until a scheme for protecting the proposed dwellings from traffic noise emanating from the A5 has been submitted to, and approved in writing by, the Local Planning Authority.
- 15) Prior to the removal of any trees identified in the ecological report prepared by FPCR dated June 2013, a bat survey shall be conducted (with appropriate mitigation measures), to be submitted to, and approved in writing by, the Local Planning Authority.
- 16) Prior to the commencement of any development a lighting scheme for the site that minimises light intrusion into bat foraging areas, in accordance with the principles set out at paragraph 4.29 of the submitted Ecological Appraisal (Rev A), October 2013 prepared by FPCR, shall be submitted to, and approved in writing by, the Local Planning Authority.
- 17) Prior to the commencement of development and the removal of any trees, 20 bat boxes and 20 bird boxes of varying designs (but including a range of bat boxes suitable for Leisler's bat) shall be provided on the retained trees, in areas not subject to light intrusion or disturbance. Those bat and bird boxes shall be provided in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority.
- 18) Prior to the commencement of any development, an updated badger survey shall be undertaken and its results, together with a scheme for appropriate mitigation measures derived from those results, shall be submitted to, and approved in writing

by, the Local Planning Authority. The mitigation measures shall be carried out in accordance with the approved details.

- 19) Prior to the occupation of any dwelling, hereby approved, a 'Landscape and Landscape Management Plan', including long term objectives and management responsibilities, together with maintenance and planting schedules for all landscaped areas (other than small privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority.
- 20) All planting, seeding or turfing comprised in the approved 'Landscape and Landscape Management Plan' shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development 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 give written approval to any variation.
- 21) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority before the first occupation of any dwelling, hereby permitted. Development shall be carried out in accordance with the approved details.
- 22) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details of the landscaping, boundary treatment and measures to maintain security at the dwellings adjacent to the new access (Nos.9 and 15 Welbeck Avenue). The approved details shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority before construction of the access commences.
- 23) In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the date of the first occupation of any dwelling, hereby approved.
 - i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS3998:2010 (Tree Work).
 - ii. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - iii. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the

ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

- 24) The plans and particulars submitted in accordance with the condition 19 above shall include:
- i. a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - ii. details of the species, diameter (measured in accordance with paragraph (i) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (iii) and (iv) below apply;
 - iii. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - iv. details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
 - v. details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (i) above.

- 25) Before construction of the access commences, an Arboricultural Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority specifying the method of construction to be employed for any part of the access within, or within 5m of, the identified 'root protection area' of any 'retained' tree, including specification of:
- i. the extent of the relevant 'root protection areas';
 - ii. the installation and removal of tree protection measures;
 - iii. supervision by a suitably qualified arboriculturalist and arrangements for monitoring;
 - iv. methods of excavation and the areas to be hand dug only;
 - v. ground levels;
 - vi. the storage of plant and equipment.
- 26) No demolition or development shall commence until a programme of archaeological work, commencing with an initial phase of trial trenching and subsequent appropriate mitigation, has been detailed within a Written Scheme of Investigation, to be submitted to, and approved by the Local Planning Authority in writing. Thereafter no demolition or development shall commence other than in accordance with the Written Scheme of Investigation. The scheme shall include an assessment of the archaeological significance of the site and of any archaeological remains identified and indicate potential lines for further research. The scheme will also include:
- a) the programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - b) the programme for post-investigation assessment;

- c) the means of securing provision for analysis of the site investigation and recording;
- d) the means of securing provision for publication and dissemination of the analysis and records of the site investigation;
- e) the provision to be made for archive deposition of the analysis and records of the site investigation; and
- f) the nomination of a competent person, persons or organisation to undertake the works set out within the Written Scheme of Investigation.

The Written Scheme of Investigation (WSI) must be prepared by a suitably qualified archaeologist.

- 27) Development shall not begin until a 'Construction Traffic Management Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The 'Construction Traffic Management Method Statement' shall include provisions for construction vehicle routing, the management of junctions and crossings of any public right of way. The 'Statement' shall aim to prevent any construction traffic from using Newstead Avenue and to minimise the number of construction vehicles using Brockhurst and Beechwood Avenues. As far as reasonably possible, the details listed in the 'Construction Traffic Management Method Statement' shall be carried out as approved.
- 28) No development shall take place, including any works of demolition, until a Construction Method Statements have been submitted to, and approved in writing by, the Local Planning Authority. One Statement shall deal with the construction of the access from Welbeck Avenue to a point aligning with the western edge of the bridleway: another separate Statement shall deal with the construction works required everywhere else. The approved Statements shall be adhered to throughout the construction periods. The Statements 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 including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling or disposing of waste resulting from demolition and construction works.
- 29) Except for the construction of the access, construction works and traffic movements to or from the site associated with the construction of the development, hereby permitted, shall not take place other than between the hours of 08.30hrs and 18.00hrs on weekdays and 09.00 hrs and 13.00 hrs on Saturdays and not at all on Sundays and Bank Holidays, except that emergency works may be carried out at any time provided that the developer retrospectively notifies the Local Planning Authority of the emergency works.
- 30) Works for the construction of the access to the site from Welbeck Avenue and traffic movements to or from the site associated with the construction of that access, shall not take place other than between the hours of 09.00hrs and 17.00hrs on weekdays and not at all on Saturdays, Sundays and Bank Holidays, except that emergency works may be carried out at any time provided that the developer retrospectively notifies the Local Planning Authority of the emergency works.