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## Appeal Decision

Site visit made on 1 June 2015

by **S.D.Harley BSc(Hons) MPhil MRTPI ARICS**

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

Decision date: **10/09/2015**

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### Appeal Ref: **APP/J1860/W/15/3002412**

#### Land off Eastward Road, Malvern

- 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 Ms Sarah Milward, Taylor Wimpey Midlands against the decision of Malvern Hills District Council.
  - The application Ref 13/01587/OUT, dated 5 December 2013, was refused by notice dated 9 July 2014.
  - The development proposed is outline application with means of site access to be determined all other matters reserved for the erection of up to 55 dwellings (Class C3), public open space including woodland/amenity area, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works.
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#### Preliminary Matters

1. The description of development changed slightly during the course of the application. For clarity and the avoidance of doubt I have taken the description of development from the decision notice and the appeal form, as set out in the banner heading above.
2. The application is in outline only with internal access, layout, scale, appearance and landscaping reserved for subsequent approval. An "Application Master Plan" showing one way of developing the site has been submitted but is for illustrative purposes only. A plan showing the access arrangements from Eastward Road is for consideration as part of the appeal. The submitted plans have been amended to exclude land where the ownership is uncertain. I have considered the appeal accordingly.
3. The appellant has submitted a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990. The appellant has assigned the interest in the land to Lioncourt Homes Limited, who is also party to the Unilateral Undertaking, as are Taylor Wimpey Developments Limited who has been assigned the benefit of Option Agreements by the original developer, Bryant Homes.

#### Decision

4. The appeal is allowed and planning permission is granted for outline application with means of site access to be determined all other matters reserved for the erection of up to 55 dwellings (Class C3), public open space including woodland/amenity area, balancing pond and associated earthworks to facilitate surface water drainage, landscaping, car parking and other ancillary works on

Land off Eastward Road, Malvern in accordance with the terms of the application Ref 13/01587/OUT, dated 5 December 2013 and subject to the conditions set out in the attached schedule.

### **Main Issue**

5. The main issue is whether or not the proposed housing would be in a suitable location having regard to local and national planning policies and other material considerations.

### **Reasons**

#### *Planning Policy and the location of the site*

6. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise. However, the weight to be attached to policies in the development plan should be according to their degree of consistency with the National Planning Policy Framework (the Framework), which sets out the Government's planning policies and is a material consideration, and the degree to which they have progressed to adoption.
7. The Malvern Hills District Local Plan (the LP) was adopted in July 2006. Saved Policy DS1 of the LP sets out a settlement hierarchy for the location of development and identifies Malvern as the principal urban area and main town centre and as the focus for most new development. The South Worcestershire Development Plan (emerging DP) is at submission stage, which attracts lesser weight, but also envisages the urban area as the focus for most new development.
8. Saved Policy DS17 of the LP designates key areas between rural settlements and urban areas as 'Significant Gaps'. The policy seeks to protect such gaps in order to maintain a clear separation and openness between rural settlements and urban areas and to prevent coalescence. Saved Policy DS17 therefore restricts development in the Significant Gap to that which is appropriate to rural areas and which would have no demonstrably adverse effects upon the existing open and undeveloped character of the land. This is a policy protecting a specific characteristic rather than a general protection policy and therefore is not merely a policy regulating housing land supply. The appeal site is outside, but adjacent to, the settlement boundary of Malvern and in the designated Significant Gap.
9. The explanatory text to Saved Policy DS17 identifies the area between Malvern and Leigh Sinton, particularly along Leigh Sinton Road, as being subject to development pressures. Although the LP is of some age, I conclude that Saved Policy DS17 is broadly consistent with those principles of the Framework that seek to conserve and enhance the natural environment and therefore has significant weight in considering this appeal. Policy SWDP 2 of the emerging DP, amongst other things, carries forward the Significant Gap designation and that aspect of the policy attracts some weight.
10. The edges of development and the edges of the defined Significant Gap, for both Malvern and Leigh Sinton are jagged. The distance between the built up areas therefore depends on where the measurements are taken, but the text to the LP indicates a distance between them of 1600m.

11. The appeal site lies to the north and east of existing residential development on Tayson Way, Sycamore Close and Eastward Road. To the west of the appeal site is open land and the Worcester-Malvern railway line. Beyond the railway line residential development accessed off Lower Howsell Road extends northwards towards Leigh Sinton. To the south east of the site is a ditch/stream with a belt of vegetation and an area of grassland through which runs the unpaved Footpath FP69.
12. Although the site is within the Significant Gap, behind existing development, the proposed development would not encroach any further into the Significant Gap beyond the extremities of existing development to either side and would amount to essentially rounding off the edge of development. It is next necessary to consider the effect such rounding off would have on the Significant Gap.
13. The submitted Landscape and Visual Impact Assessment and Landscape Strategy describes the land in the Significant Gap as gently undulating and mainly comprised of mixed farmland, significant hedges with hedgerow trees, pockets of woodland and minor watercourses and wetland areas. During my site visit I observed that, given the topography of the land and the existing trees and hedgerows, the site is not particularly prominent in views from Leigh Sinton Road or Lower Howsell Road. From footpaths the site is substantially screened by intervening hedges and trees. The boundary of the site itself appears mainly as a line of hedges/trees/woodland which screens the site as a self contained entity.
14. The illustrative Master Plan indicates how development could be laid out to take advantage of the open areas of land and retain the majority of the trees and woodland. The submitted Design and Access Statement indicates the proposed houses as 2 and 2.5 storeys with maximum heights of 10m and 11.5m respectively. On this basis I conclude that the trees would predominantly shield the proposed buildings and that limited harm would be caused to the perceived width and openness of the Significant Gap. Moreover, even with the appeal proposal combined with the planning permission for the Cala Homes development at Kiln Lane, Leigh Sinton, application ref 13/00952/OUT (the Cala Homes permission), the retained extent of open land between Malvern and Leigh Sinton would be some 1900m, which would be greater than the 1600m referred to in the LP. Accordingly the proposal would not significantly erode the open character of the area between Malvern and Leigh Sinton.
15. Within the appeal site a hedgerow with significant mature trees divides the site. The western part is an area of grassland bordered by mature trees. The eastern part is a wooded area with open glades. An overgrown tongue of land extends towards Eastward Road. I accept that the character would change within the appeal site and as viewed from a number of houses, particularly some of those on Tayson Way and Sycamore Close. I recognise that local residents might wish to retain their existing outlook but this alone would not be sufficient reason to refuse permission.
16. Part of the site is Grade 3 agricultural land which is of reasonable quality. The remainder of the site is woodland some of which has regenerated on a former sewage works. Whilst the loss of agricultural land counts against the scheme, it would be a relatively small loss, of land not of the highest grade of agricultural classification on the edge of the urban area and its loss would not

appear to disrupt the operation of any farm holding. In order to meet the housing need of the District it is likely that sites such as these will be required for development and for these reasons I consider that the loss of agricultural land in this case attracts relatively little weight.

17. For reasons set out above I conclude that the proposal would not conform with Saved Policy DS17 of the LP or Policy SWDP 2 of the emerging DP. The proposal would result in the permanent loss of two fields and some trees; the loss of openness of part of the Significant Gap and some limited harm to landscape character. However, given the location of the site, on the edge of the gap and not encroaching beyond the extremities of existing development I conclude that the harm which would be caused to these policy objectives would be moderate.

*Other material considerations*

18. The Framework seeks to boost significantly the supply of housing and states that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years supply of housing against their objectively assessed housing needs. The Council cannot demonstrate a deliverable five year housing land supply and its policies for the supply of housing are therefore not up to date in the context of the Framework. Paragraph 49 of the Framework says that housing proposals should be considered in the context of the presumption in favour of the social, economic and environmental dimensions of sustainable development.
19. The proposal would add up to 55 dwellings to the stock of market and affordable housing, for which there is an unmet demand. The overall benefit towards meeting unmet housing need attracts substantial weight in respect of the social dimension of sustainable development.
20. The employment and spending that would result from the construction of the dwellings would provide some economic benefits. There would also be benefits in terms of support for local shops and facilities. Overall the proposal would provide modest economic benefits.
21. The environmental dimension includes contributing to protecting our natural, built and historic environment. At Paragraph 17 one of the core planning principles of the Framework is recognising the intrinsic character and beauty of the countryside. The grassland and trees within the site, many of which are protected by a Tree Preservation Order, contribute positively to the countryside. The appearance and character of the site itself would change and the Council argues that the harm to character and appearance of the open countryside renders the proposal unsustainable in the environmental dimension.
22. However, the effects of the changes can be managed by careful retention of trees and hedgerows augmented with additional landscaping. I note that the Council's Landscape Officer considers that due to the contained nature of the site there are no major concerns with regard to the visual impact of the proposal and the extent of the arboricultural implications appear acceptable. From my site visit I see no reason to disagree with these views.
23. Local residents have raised concerns about the loss of wildlife habitat. An Ecological Appraisal, a Protected Species Report and an On-Site Ecological

Mitigation Strategy, together with updates, were submitted with the planning application. These found no protected species living on the site and make recommendations to enhance its biodiversity value. Natural England has raised no objections. The Worcestershire Wildlife Trust confirms that the proposed ecological mitigation strategy is appropriate and in line with the relevant guidelines and legislation. I see no reason to disagree as appropriate conditions could be attached to secure ecological mitigation should planning permission be granted.

24. Malvern is a sustainable settlement offering a wide range of services. The site is in a sustainable location within 400m of local shops and services along Tanhouse Lane/ Upper Howsell Road, is within about 600m of Dyson Perrins Academy and Somers Park Junior School and there are bus services and a railway station nearby. A Transport Assessment and Travel Plan were submitted with the application and the appellant also offers pedestrian and highway improvements in the area, two free 6 month bus passes for future occupiers of each dwelling and a Travel Plan together with contributions via a Unilateral Undertaking.
25. The site is in flood zone 1, with a low probability of flooding. Whilst I note the concerns of neighbours about the existing sewer and drainage capacity, the submitted Flood Risk Assessment (FRA) states that, if the surface water run off is managed correctly, through sustainable drainage systems, then there would be no increased flood risk to the development or to surrounding properties. I note that the Environment Agency raises no objections and the South Worcestershire Land Drainage Partnership propose a number of conditions that could be attached should planning permission be granted. On this basis I see no reason to suppose that the measures recommended in the FRA would not have the desired effect.
26. In terms of environmental factors, I have set out the limited harm to landscape character and moderate harm to Significant Gap objectives above. Taking all of the above matters into account I conclude that, on balance, the proposal would represent sustainable development.

#### *Unilateral Undertaking*

27. I have considered the submitted Unilateral Undertaking in the context of the Framework, the Planning Policy Guidance (the Guidance) and the Community Infrastructure Levy Regulations 2010 (the CIL regulations). Planning obligations must be 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.
28. The Supplementary Planning Guidance "Affordable Housing In Malvern Hills District" dated June 2004 supports Saved Policy CN2 of the LP, which requires up to 50% of dwellings on larger housing sites to be affordable housing. The more recent emerging policy SWDP15 seeks the provision of 40% affordable housing on sites of 15 or more units. The parties agree that 40% of the development would be affordable housing and have agreed trigger points and tenures. I conclude that the affordable housing provisions within the Unilateral Undertaking are necessary and appropriate.
29. Saved Policy CN12 of the LP requires public open space on new housing developments of five dwellings or more. The adopted Open Space

Supplementary Planning Document 2008 (the SPD) provides for financial contributions towards public open space and sport and recreation which would be reduced should on site provision for children's play be made. A play area is included on the Application Master Plan and contributions would be made for the provision and/or maintenance of open space, sports and recreation, equipment and other open space facilities to meet the need arising from the development. I have seen no substantial evidence indicating that the demand arising from the development could be met elsewhere and I conclude that a financial contribution in relation to open space and sports facilities is justified and meets the terms of the SPD and the CIL Regs.

30. The Supplementary Planning Document "Malvern Hills District Council Education Contributions" seeks contributions towards provision of school capacity to provide for the need generated by developments. The local primary schools are at capacity. The appellant has offered contributions towards educational facilities at schools in the catchment area namely Somers Park School, Malvern and St Matthias CE Primary and any other school for which the County Council as Education Authority is responsible should the catchment area of schools change. I am satisfied that the contribution secured by the Unilateral Undertaking meets the policy and statutory tests.
31. The financial contribution for transport infrastructure and improvements has been calculated by reference to the Worcester Transport Strategy and would be used to support public transport, bus stops and upgrading of pedestrian/cycle routes. The parties are agreed that this element passes the policy and statutory tests and I see no reason to disagree.
32. Overall I consider that the proposed contributions meet the tests in the LP, the Framework, Guidance and CIL Regs and would serve to meet the infrastructure needs of the proposed development.

### **Other Matters**

33. I acknowledge that some of the streets nearby are relatively narrow and that the proposal would result in additional vehicles with potential for additional congestion and inconvenience. However, some highway improvements are proposed, together with measures to promote travel by means other than the private car. The Highway Authority does not object on highway safety grounds and the Framework advises that development should only be refused on transport grounds where the residual cumulative effects would be severe. On this basis I give relatively little weight to the overall effects on highway safety.
34. Local residents are concerned about the likely impact of the proposed development on their living conditions. The proposal is in outline and the detailed arrangements of the positioning of dwellings and windows in relation to existing properties remains to be considered at the reserved matters application stage. Due to the size of the site and the provision of landscaping areas as shown on the Application Master Plan, I consider that the occupiers of neighbouring properties could be safe guarded from an unacceptable degree of overlooking, over shadowing and loss of privacy at the detailed design stage. I recognise that local residents would not wish to lose the benefit of open countryside around them. However this, in itself, would not justify the refusal of permission for sustainable development to meet housing needs.

35. Concerns have been raised about the impact of construction works and associated traffic on the living conditions of local residents, particularly the elderly, who live in bungalows nearby including on Eastward Road. Whilst I acknowledge these concerns the effects could be ameliorated by a condition requiring the implementation of a Construction Environmental Management Plan and the disruption would be for a relatively temporary period.
36. Local residents have raised concerns about on the railway crossing. The proposals have been revised to remove a proposed footpath within the site that would link with the existing crossing. Network Rail is responsible for safety on the railway line and raises no objections in principle to the proposal. Appropriate boundary treatment could be secured by planning condition and on this basis I cannot give much weight to concerns about safety on the railway line.
37. Local residents have suggested that the proposed development could have a negative impact on tourism. However, I have seen no evidence to substantiate this claim and accordingly give any potential impact on tourism very little weight in the context of this appeal.

### **Planning Balance**

38. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development and states that planning permission should be granted unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits. The proposal would be contrary to Saved Policy DS17 of the LP and Policy SWDP 2 of the emerging DP and would cause moderate harm to policy objectives in relation to the Significant Gap. There would also be limited harm to landscape character.
39. There is a presumption in favour of housing applications and the provision of market and affordable housing in the Framework in the face of the lack of a demonstrable five year housing land supply, a district need for affordable housing. I have concluded above that the proposal would amount to sustainable development. These matters all weigh in favour of the proposal. For the reasons set out above on balance I conclude that the adverse effects identified do not significantly and demonstrably outweigh the benefits.
40. I have taken account of the decisions drawn to my attention in relation to other sites in the Significant Gap. Individual sites within the Significant Gap have different site characteristics and their development would have different effects. An appeal decision APP/J1860/A/13/2201174 granted permission for 120 homes in the Significant Gap on land at Kempsey and an appeal decision APP/J1860/A/14/2219414 granted permission for 35 homes at Hereford Road Leigh Sinton on the grounds that it did not result in a material narrowing of the Significant Gap. The Council has recently granted the Cala Homes permission as rounding off development with limited harm being caused.
41. By contrast in appeal decision APP/J1860/A/10/2143116 on land at Lower Howsell Road was made some time before the advent of the Framework. The harm to the Significant Gap was an important factor leading to dismissal of the appeal as the site is not on the edge of the Significant Gap. Similarly appeal decision APP/J1860/C/10/2138446 predated the Framework and related to a manufacturing and storage use outside a settlement.

42. I acknowledge that there is a local view that too much housing development is being permitted. However, as there is an unmet demand for housing in the District it is inevitable that sites will be developed, and the cumulative impact on the Significant Gap between Malvern and Leigh Sinton of the appeal proposal in addition to other proposals would not outweigh the benefits of meeting housing need.
43. The individual decisions demonstrate that the effect of development in the Significant Gap will vary in each case, dependant on the location of the site and the different considerations that apply. For this reason the granting of permission in this case would not necessarily set a precedent for further development in the Significant Gap.

### **Conclusion**

44. For the reasons set out above and taking account of all other relevant matters raised, I conclude that the proposed housing would be in a suitable location having regard to local and national planning policies and other material considerations. Accordingly the appeal should be allowed.

### **Conditions**

45. I have considered the suggested conditions and have assessed them in the light of the CIL Regs, the Framework and the Guidance and where appropriate I have amended the wording and combined some of the conditions. A number of the conditions require submission of details of reserved and other matters and the timing of development, all of which are necessary to ensure the development is carried out appropriately. Similarly implementation in accordance with the approved plans and details and retention of the approved measures is appropriate and necessary.
46. Conditions relating to levels, heights of buildings, landscaping, tree protection and replacement tree planting are necessary in the interests of the appearance of the development. Limitations on the timing of the removal of trees and hedges are required to protect nesting birds. A condition relating to ecological mitigation is needed in the interests of protected species and biodiversity. Conditions requiring the provision and implementation of a Travel Plan and the provision of electric vehicle charging points, energy, waste, recycling and water management are necessary in the interests of air quality and climate change.
47. A condition limiting lighting levels is required in the interests of the appearance of the area, and to protect the living conditions of adjacent residents and protected species. The approval and implementation of access and parking arrangements and appropriate drainage are necessary in the interests of highway safety and public health and to avoid adverse effects elsewhere. A scheme for an investigation before development commences is required in the interests of recording the historic environment. Conditions requiring the investigation of contamination and appropriate remedial measures are necessary to protect the health of occupiers of the proposed dwellings. A construction method statement and control of hours of piling lace are required to minimise harmful effects of construction work on residents.



48. Conditions 11, 17, 18, 22 and 24 restrict the commencement of development until details have been agreed. This is necessary to ensure that appropriate measures are incorporated in the design of the development.

*SDHarley*

INSPECTOR

#### Schedule of Planning Conditions

- 1) 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.
- 2) 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.
- 3) 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.
- 4) The development hereby permitted shall be carried out in accordance with the approved plans 20179\_03\_001 Revision E and the amended plan 10904 1000 Rev G.
- 5) The development hereby permitted shall be carried out in accordance with the height parameters set out in the submitted Design and Access Statement dated November 2013.
- 6) Details of the following shall be submitted with the reserved matters:
  - a. external lighting including street lighting lux levels;
  - b. design construction plans for the access road and realignment of Eastward Road including engineering details and specifications of roads and highway drains;
  - c. car/cycle parking and turning areas;
  - d. existing and proposed ground levels;
  - e. finished floor slab levels of proposed dwellings relative to the existing site boundary;
  - f. a specification for electric vehicle charging points for 10% of the allocated parking spaces at the development.
- 7) With respect to any condition that requires the prior written approval of the local planning authority, the works thereby approved shall be carried out and retained thereafter (unless otherwise specified) in accordance with the approved details.
- 8) The development hereby permitted shall not be occupied until the access to the site from Eastward Road has been constructed in accordance with details shown on submitted plan 20179\_03\_001 Revision E.
- 9) No dwelling shall be occupied until space has been laid out and surfaced within the site for cycle storage and cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear in accordance with the Council's standards.

- 10) Notwithstanding the information provided, the development hereby permitted shall not be brought into use until a Travel Plan that promotes sustainable forms of access to the site, including provisions for updating, has been submitted to and approved in writing by the local planning authority and has been implemented and updated in accordance with the approved details.
- 11) No development shall take place until full details of proposed hard and soft landscape works and trees/hedgerows to be retained have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc), measures for the protection of retained trees and hedges and an implementation programme.
- 12) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the agreed implementation programme.
- 13) If within a period of two years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted or destroyed or dies, [or becomes, in the opinion of the local planning authority, seriously damaged or defective,] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.
- 14) No removal of hedgerows, trees, shrubs, brambles or ivy shall take place between 1 March and 31 August inclusive, unless a survey has been undertaken by a competent ecologist to assess nesting bird activity on the site during this period, and details of measures to protect nesting birds have first been submitted to and approved in writing by the local planning authority and then implemented as approved. Completion of nesting shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the local planning authority before any removal of hedgerows, trees, shrubs, brambles or ivy takes place.
- 15) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Assessment and Protected Species Survey dated November 2013 and the principles of the On-Site Mitigation Strategy (refer to Waterman Report reference EED12102-R-5-6-1-HMB) with regards to habitat retention, enhancement and creation.
- 16) 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 1 year from the date of the occupation of the last dwelling.
  - 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 British Standard 3998 (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.
- 17) Prior to the commencement of development details of sustainability measures (including energy, waste, re-cycling and water management) to be incorporated into the design of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and retained thereafter.
- 18) No development shall take place until a detailed site investigation and risk assessment has been carried out. Where that assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted for the approval of the local planning authority. No works, other than investigative works, shall be carried out on the site prior to the confirmation in writing of approval of the preferred remedial option by the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11".
- 19) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. No deviation shall be made from the approved scheme without the express written agreement of the local planning authority. The local planning authority must be given two weeks written notification of the date of commencement of the remediation scheme works.
- 20) No development works other than that required to carry out the remediation shall be carried out until after the completion of the works required by the remediation scheme, the submission of a written closure report to the local planning authority and the local planning authority have confirmed the closure report is satisfactory. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved remediation scheme, and confirmation of the effectiveness of the scheme in ensuring the site does not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land as a dwelling and

garden. Post remediation sampling and monitoring results shall be included in the closure report.

- 21) If during development, contamination not previously considered is identified, then the local planning authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the local planning authority in accordance with the terms of Condition 18 above and implementation of any necessary remediation works has taken place and a closure report has been approved by the local planning authority in accordance with the terms of Conditions 19-20 above.
- 22) No development shall take place until details of the drainage of foul and surface water (including sustainable drainage systems) to serve the development hereby permitted, including an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the local planning authority.
- 23) No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 24) No development shall take place until a Construction Environmental Management Plan 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 and manoeuvring of vehicles of site operatives and visitors;
  - ii. deliveries, loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the method of construction including, as appropriate, methods of piling, noise and vibration level targets at existing residential properties and the means to meet these targets;
  - v. delivery, demolition and construction working hours;
  - vi. measures to control the emission of dust and dirt during construction including to ensure no mud or other detritus is deposited on the public highway.