



## Appeal Decision

Hearing Held on 21 February 2023

Site visit made on 21 February 2023

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 07 March 2023**

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**Appeal Ref: APP/K2420/W/22/3311038**

**Land Off Workhouse Lane, Burbage, Hinckley LE10 3AS**

- 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 Mather Jamie (Central England Cooperative) against the decision of Hinckley and Bosworth Borough Council.
  - The application Ref 20/01012/OUT, dated 28 August 2020, was refused by notice dated 15 August 2022.
  - The development proposed is described as "outline planning application for the development of up to 40 dwellings, public open space and associated infrastructure with all matters reserved for subsequent approval other than access".
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### Decision

1. The appeal is allowed and outline planning permission is granted for the development of up to 40 dwellings, public open space and associated infrastructure with all matters reserved for subsequent approval other than access at land off Workhouse Lane, Burbage, Hinckley LE10 3AS in accordance with the terms of the application, Ref 20/01012/OUT, dated 28 August 2020, subject to the conditions set out in the schedule at the end of this decision.

### Application for costs

2. At the hearing, an application for costs was made by Mather Jamie (Central England Cooperative) against Hinckley and Bosworth Borough Council. This is the subject of a separate Decision.

### Preliminary Matters

3. Outline permission is sought with all matters except details of access reserved for future consideration. I have had regard to the submitted access details<sup>1</sup> in my assessment. A masterplan drawing that shows the layout of the proposed development is marked as illustrative and I have treated it as such. A parameters plan is not marked as being illustrative but it is schematic and it fails to show meaningful details of the proposal. As such, I have treated this plan as being submitted for indicative purposes only.
4. The day before the hearing, the Council submitted a CIL compliance statement which sets out evidence on suggested planning obligations. The appellant's representatives raised no objection to this being considered although it was

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<sup>1</sup> Drawing numbered JNY10215-01 revision C

late evidence. I am satisfied that no prejudice would be caused by taking this document into account.

5. At the hearing, the main parties advised that a planning agreement under section 106 of the Town and Country Planning Act 1990 (the s106 agreement) was being prepared. I allowed time following the close of the hearing for the agreement to be completed and submitted. I have had regard to the completed s106 agreement that has been provided.
6. Both main parties suggested at the hearing that an emerging local plan should be attributed little weight as it is at an early stage on the process towards adoption. I find no reason to disagree with the parties on this matter.

### **Main Issues**

7. The main issues are (i) whether the development would be served by a suitable and safe access, and (ii) the aforementioned planning obligations.

### **Reasons**

#### *Access*

8. The appeal site is a field to the west of Workhouse Lane. To the north, the site adjoins dwellings on Frezenberg Close and Jubilee Way, which form part of a wider residential area on the southern side of Burbage.
9. Workhouse Lane is an unclassified road subject to a 30 mph speed limit. It runs southwards from Britannia Road past Frezenberg Close and the appeal site to a few properties and allotments before coming to a dead end. To the south of Frezenberg Close the lane narrows and there are no pavements. However, it is generally wider between Frezenberg Close and the junction with Britannia Road and there is a footway on the west side. However, on this stretch the carriageway narrows at one point and road markings indicate to drivers travelling from the south to give way to vehicles coming from the north.
10. The development includes the creation of a new access point on Workhouse Lane. Also, the drawings indicate roadworks outside the defined appeal site, although at the hearing the main parties agreed that these would fall within the extent of the public highway. These works include the widening of the carriageway and a new roadside footway from the proposed access to Frezenberg Close.
11. The Council's objections are supported by the Leicestershire County Council (LCC) highways officer. However, the statement of common ground on highway matters clarifies that the objections do not relate to the proposed access or roadworks. These are accepted by the Council and LCC as being safe and suitable and I find no reason to disagree with the parties on this point.
12. Instead, the concerns relate to claimed deficiencies in the layout and design of the stretch of Workhouse Lane from Frezenberg Close to Britannia Road, even though the proposal involves no works to this length of highway. Firstly, there is a concern over the narrow carriageway on Workhouse Lane just to the north of Frezenberg Close. Secondly, it is claimed that the junction of Britannia Road and Workhouse Lane is too tight and that drivers' visibility to the left when turning out from Britannia Road is restricted. There is no pavement on the east side of Workhouse Lane and so the carriageway directly adjoins private land.

13. Through a combination of these factors, it is suggested that, on occasion, drivers wanting to turn towards the appeal site at the Britannia Road junction have to wait for vehicles travelling from the south. Also, there is a concern that drivers turning left out of the junction need to slowly edge out onto Workhouse Lane in order to see whether it is safe to turn. It is claimed that this leads to drivers travelling northwards along Workhouse Lane having to mount the pavement where there is a dropped kerb.
14. From the evidence and my observations, it would seem that Workhouse Lane and Britannia Road currently experience fairly low levels of traffic. The LCC highway officer accepts the appellant's trip rate predictions of 24 additional 2 way trips during the morning peak hour and 25 additional 2 way trips in the evening peak hour. These figures indicate the development would generate only a modest increase in vehicular movements.
15. Evidence provided at the hearing suggests that vehicles coming from different directions only infrequently meet on Workhouse Lane or at the Britannia Road junction. This is to be expected as there are a limited number of properties to the south of the junction. In light of the modest increase in traffic movements that would be generated by the development, the probability of vehicles meeting would remain fairly low.
16. There is little convincing evidence to show that traffic levels and the claimed deficiencies in the configuration of the road currently cause a significant highway or pedestrian safety problem. Indeed, at the hearing the LCC highways officer acknowledged that there is no evidence that Workhouse Lane is currently unsafe for road users. I saw that the bollard near to the give way markings has been knocked over but there is no information on how this occurred. Also, there are no accident records for this stretch of road.
17. The video clips shown at the hearing show that vehicular movements at the junction can be tight, particularly when involving larger vehicles and when parked cars cause obstruction. Nevertheless, none of the clips demonstrated that the road layout leads to unsafe driving behaviour. Instead, they showed that the roads were able to accommodate normal vehicular movements and turning at the junction.
18. I was shown a video with an example of a driver needing to wait in Britannia Road for a vehicle to turn right from Workhouse Lane. However, it is unclear how such situations prejudice highway safety. It is unlikely that they would cause a problematic build-up of waiting vehicles given the low level of traffic on the local roads. Also, the video clip of a driver ignoring the give way markings does not demonstrate the road layout is unsafe. Even with this incident of poor driver behaviour, the video evidence showed that 2 vehicles could pass on Workhouse Lane just to the south of the junction.
19. In support of the concerns, the Council and LCC refer to the Leicestershire Highway Design Guide (LHDG). This is not part of the development plan for the area but it is a material consideration in the assessment of this appeal.
20. With reference to Table DG1 of the LHDG, the LCC highways officer contends that Workhouse Lane should have a minimum carriageway width of 5.5m to be appropriate as an access road to the development. There is no dispute that parts of Workhouse Lane are narrower than 5.5m. However, paragraph 3.11 of the LHDG indicates that Table DG1 provides guidance on the geometry of

internal residential roads that only serve the development. Workhouse Lane would be outside the proposed development and it would serve not just the proposal but also existing properties. As such, I am unconvinced that Table DG1 is applicable in assessing the adequacy of the existing road layout.

21. Also, footnote (d) to Table DG1 states that LCC may be prepared to accept a narrower single carriageway width of 3.7m over short lengths as a speed control feature. At its narrowest, the Workhouse Lane carriageway is 4.1m wide and so in excess of the figure stated under footnote (d). The narrow stretch of roadway is quite short and it would seem that this and the give way road markings act as a speed control feature. Therefore, even if it is applicable, Table DG1 includes advice that allows the Workhouse Lane carriageway configuration. As such, the LHDG fails to support concerns over the carriageway width of Workhouse Lane.
22. In addition, I am referred by the appellant to section 7 of Manual for Streets' road geometry figure 7.1, which identifies various road widths and the types of vehicles that can be accommodated. This indicates that even at its narrowest point of 4.1m, 2 cars are able to pass each other on Workhouse Lane. Also, in normal circumstances there would be no need for vehicles to pass at the narrowest point as drivers from the south would give way as indicated by the road markings. As such, the evidence overall indicates the carriageway width is satisfactory, particularly given the fairly low level of traffic usage and the infrequency of vehicles needing to pass each other.
23. No video or any other evidence has been provided to demonstrate that vehicles pulling out of Britannia Road cause cars from the south to mount the pavement. Due to the visibility splay crossing private land, I would envisage drivers needing to edge out slightly onto Workhouse Lane to obtain sufficient sight of the road. However, the Workhouse Lane carriageway widens as it approaches the junction meaning there is space for vehicles to pass, even if drivers have edged forward. Also, there is good forward visibility along Workhouse Lane and I would expect low traffic speeds given the residential nature of the area. As such, it is highly unlikely that drivers travelling along the road need to move onto the footway to avoid cars pulling out of Britannia Road. The modest level of extra traffic generated by the development would not meaningfully increase the probability of drivers needing to mount the pavement. In the event that a driver felt the need to do so, forward visibility is good and so this could be done without risk of harm to pedestrians.
24. The Council's refusal reason claims that the appellant has failed to demonstrate a safe and suitable access. However, this is not the case as an independent safety auditor report has been submitted that finds no highway safety concerns with the development. Also, the proposed widening of the carriageway outside the site would allow vehicles to easily pass where currently the narrow road width prevents passing. Furthermore, the proposed pavement would allow pedestrians to be separated from vehicular movements for an additional stretch of Workhouse Lane. In these respects, the development would lead to minor enhancements in highway and pedestrian safety.
25. Policy DM17 of the Council's Site Allocations and Development Management Policies Development Plan Document 2016 (SADMP) looks for development to provide safe access for walking and cycling to services and to avoid a significant adverse impact upon highway safety. This policy accords with the

National Planning Policy Framework (the Framework) which seeks to ensure development provides safe and suitable access for all users. In addition, the Framework advises that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety.

26. In light of the above, I find that the configuration of Workhouse Lane and its junction with Britannia Road does not give rise to unacceptable highway safety issues. Even if I were to accept that there is a degree of deficiency in the current road layout, the development would not generate a level of additional traffic that would cause a significant, severe or unacceptable degree of harm to highway safety, particularly when the aforementioned benefits associated with the proposed roadworks are also taken into account.
27. Interested parties have raised other highway safety concerns, although none of these are supported by the LCC highways officer. The modest level of traffic generated by the proposal would be safely accommodated on local roads and without severe impact on the operation of the network. Also, any extra traffic would not unduly undermine the safety of pedestrians on Britannia Road, even though roadside pavements are not continuous along its entire length. No significant problems have been identified through the appellant's transport assessment in respect of any nearby road junctions. Despite concerns, there is no sound reason to consider the assessment is inaccurate or flawed. Through the reserved matters process, sufficient parking can be secured within the development to avoid inappropriate parking on local streets. As such, the concerns raised do not show the proposal would prejudice highway safety.
28. For the above reasons, I conclude the development would be served by a suitable and safe access. In these regards, it would accord with SADMP policy DM17 and the relevant parts of the Framework.

#### *Planning Obligations*

29. Paragraph 57 of the Framework states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind. These tests reflect the provisions of section 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL regulations).
30. The s106 agreement includes provisions on:-
  - i) affordable housing;
  - ii) open space facilities;
  - iii) a contribution towards health care facilities;
  - iv) a contribution towards library facilities;
  - v) a contribution towards waste services;
  - vi) bus passes and travel packs; and
  - vii) monitoring contributions.
31. The inclusion of affordable housing as part of the development is a requirement under policy 15 of the Hinckley and Bosworth Borough Council Core Strategy 2009 (the CS). The amount of affordable housing required is in line with the

- policy and the Council accepts that the planning obligation would secure a mix of units that would address an identified need. There is no reason for me to disagree with the Council in these regards and so the affordable housing planning obligation meets the relevant tests.
32. The reasons for planning obligations (ii) to (v) refer to SADMP policy DM3. This states that where development will create a need to provide or improve infrastructure, amenities or facilities developers will be expected to make such provision directly or indirectly through an appropriate funding mechanism. To my mind, it is insufficient to simply show that a development will lead to an extra demand for a service as the policy requires a need for improvement to be demonstrated in order for contributions to be deemed necessary.
  33. The case for planning obligation (ii) refers to the Council's Open Space and Recreation Study 2016. This identifies shortages in the quantity and quality of open space in Burbage. Also, it is obvious the occupants of the development would add to the use of and demand for such facilities. The development would create a need for extra and improved open and play spaces and so I am satisfied the planning obligations in these regards are necessary, fair and relate to the proposed development.
  34. The evidence on deficiencies in respect of healthcare facilities is less clear. Occupiers of the development are likely to attend Burbage Surgery and I am advised that the practice has seen significant growth due to housing development. However, there is limited evidence before me to demonstrate the surgery is working at or near its capacity. Therefore, I am unconvinced the development would result in a need to improve facilities. Moreover, the S106 agreement fails to specify how the health care contribution would be used. As such, the evidence fails to show the health care planning obligation is needed.
  35. The occupants of the development are likely to use the facilities at Burbage Library and Barwell Household Waste and Recycling Centre. However, there is little information before me to show that there are current capacity issues or deficiencies that justify the need for additional or improved facilities. As such, it has not been shown that the relevant planning obligations are necessary to make the development acceptable in planning terms.
  36. The justification for bus passes and travel packs relies on the aim set out in SADMP policy DM17 to maximise the use of sustainable modes of transport. There is no requirement under this policy for travel packs or bus passes to be provided to occupants of new dwellings. Moreover, the development would be located within reasonable walking distance of a fair range of local facilities. As such, travel packs and bus passes are not required to maximise the use of sustainable modes of travel as the location of the development will in itself ensure compliance with policy DM17.
  37. I am referred to no planning policy that requires planning obligations on monitoring costs. In any case, monitoring forms part of the general statutory duty of planning control and so these planning obligations are not needed to make the development acceptable in planning terms.
  38. Interested parties have raised concerns that the development would put an unacceptable pressure on the nearest school. However, the evidence before me indicates that there is sufficient capacity at all local schools when considered together to accommodate the extra demand for places generated by the

development. A contribution towards education is not sought by the Council nor LCC and so I find such a planning obligation would be unnecessary. Also, no contribution is sought by the Council towards local policing and so I am unconvinced any such planning obligation is needed.

39. In summary, I find the planning obligations on affordable housing and open space meet the tests as set out in the Framework and the provisions of section 122(2) of the CIL regulations. In these regards, I conclude the development would accord with CS policies 15 and 19 and SADMP policy DM3. From the evidence, I find that the other planning obligations numbered (iii) to (vii) above are not needed to make the development acceptable in planning terms. As such, they do not meet the tests as set out at section 122(2) of the CIL regulations and so they attract no positive weight in support of the scheme.

## **Other Matters**

### *Benefits of the development*

40. The proposal would boost the supply of homes, in line with the government objective as set out in section 5 of the Framework. Moreover, despite interested parties' concerns over the level of recent residential development in Burbage, the Council accepts that it is unable to show the minimum 5 years' supply of housing land as required under paragraph 74 of the Framework. The Council suggests that either a 4.89 year supply or a 4.76 year supply can be identified, which in either case is not a considerable shortfall. Nonetheless, in light of the housing land supply situation, I agree with both main parties that significant positive weight should be attached to the contribution the proposal would make towards the housing stock.
41. Furthermore, the main parties agreed at the hearing the provision of affordable housing in its own right should attract significant weight given the need for such properties. Other benefits such as the generation of construction employment and the provision of new public open space attract moderate positive weight given the scale of the proposal. Overall, the benefits of the development attract considerable weight in my assessment.

### *Suitability of the location of development*

42. The site is outside but adjoins the Burbage settlement boundary as defined in the Burbage Neighbourhood Plan 2021 (NP). Therefore, residential development on the site is supported by NP policy 1. Moreover, local shops, community facilities and bus stops with access to fairly frequent bus services would be within a reasonable walking distance for future residents. Therefore, the development would be located so as to ensure it supports the local community and where it would provide realistic opportunities for sustainable modes of travel. Accordingly, it would be in a suitable location.

### *Character and appearance*

43. The appeal site has a rural appearance and so adds to the intrinsic beauty of the countryside. However, it is not formally recognised for its landscape quality or value and it is heavily influenced by the adjacent residences on higher ground and traffic noise from the nearby M69. I am advised that the Council has identified the local area as having a low to medium sensitivity to change due to these influences.

44. The introduction of up to 40 dwellings with associated infrastructure is bound to lead to the site gaining a more urban appearance. The most obvious visual impact would be in views from Workhouse Lane and from the adjoining private properties, as well as from Britannia Park and a public footpath that runs through fields to the west of the site. However, in such views the development would be seen with existing properties on Frezenberg Close and Jubilee Way. As such, it would be viewed as a logical addition to the built up area of Burbage.
45. Moreover, the illustrative masterplan shows how the site could accommodate the development with sufficient space for the retention of existing planting on the north, south and west boundaries as well as significant areas of additional planting between and around the proposed residences. Over time, such planting would help lessen the visibility of the development and would ensure it assimilates with the local environment. As such, I am satisfied that a high quality design scheme could be secured through the reserved matters process. For these reasons, I find the proposal would cause no unacceptable harm to the character and appearance of the area.

#### *Ridge and furrow*

46. The site contains evidence of historic ridge and furrow earthworks. The appellant has identified these as being a non-designated heritage asset (NDHA). At the hearing, the appellant also accepted that the ridge and furrow features are bound to be destroyed by the development.
47. In such circumstances, the Framework states that the effect on the NDHA should be taken into account having regard to the scale of harm and the significance of the asset. The total loss of ridge and furrow earthworks of limited, local heritage significance attracts modest negative weight. The considerable benefits of the scheme clearly outweigh the harm caused in these respects. As such, the loss of ridge and furrow in this instance is acceptable.

#### *Wildlife features*

48. The appellant's ecological assessment identifies no features of particular interest on the appeal site. In the absence of any substantive evidence to the contrary, there are no grounds to find the assessment is flawed. However, the hedge on the roadside boundary is identified as being a local wildlife site and part of this would be removed to form the access and new pavement. Nevertheless, the indicative plans show significant scope for replacement planting and measures to promote the wildlife value of the site. These would offset the loss of the existing hedgerow and could be secured by a planning condition and through the reserved matters process.

#### *Flooding and drainage*

49. The appellant's flood risk assessment identifies that Workhouse Lane outside the site and the lower parts of the site itself are at risk of surface water flooding. Also, high groundwater levels have been identified.
50. The local lead flood authority has raised no objections to the proposal. The flood risk assessment recognises that a new drainage system would need to be provided to ensure the proposed dwellings are not at unacceptable flood risk and to ensure surface water is disposed of sustainably. The indicative plans show the provision of an attenuation basin on the lower part of the site towards

the western boundary. Also, it is suggested that high groundwater levels could be addressed through the raising of levels where houses are to be constructed. Subject to the imposition of appropriate conditions that cover these issues, I find no reason why the proposal would lead to an increase in flood risk to properties. Indeed, the provision of a new drainage system should ensure surface water runoff is better managed than is currently the case.

#### *Other concerns*

51. Interested parties have raised other concerns with the proposal. Through the reserved matters process, it would be possible to assess the effect of the development on the living conditions of nearby residences. Illustrative material indicates that the development could be designed so as to ensure the proposal does not cause unacceptable harm to living conditions by reason of loss of light or privacy. The views from adjoining dwellings would change but it does not follow that the outlook would be unacceptable. Concerns over the impacts of construction works could be appropriately addressed through the imposition of a condition regarding construction management measures. Also, there is no information to show the development would unacceptably harm air quality.
52. The need to approve further details of the scheme will ensure the development would provide acceptable living conditions for its occupiers, despite the presence of nearby overhead wires. Mitigation measures could be secured by planning condition to ensure the houses would not be unduly affected by noise.
53. My assessment is based on the details before me. Granting planning permission does not mean that any further development in the locality is also bound to be allowed. Any proposals that come forward would need to be considered on their own merits having regard to the circumstances at the time.
54. The concerns raised do not provide sufficient justification to refuse planning permission. Indeed, I find that the development would accord with development plan policies and would have benefits to which I attach considerable weight. As such, the other matters do not affect my overall conclusion.

#### **Conditions**

55. I have considered the conditions suggested by the Council, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for precision reasons.
56. The first 3 conditions are required by law. I have found the proposal would accord with development plan policies and so there is no reason to require the submission of reserved matters applications or commencement of development within a shortened period as suggested by the Council. Also, there is no need for a condition to explain the meaning of reserved matters as definitions are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
57. The mix of housing should be readily apparent from reserved matters applications and so a condition that requires such details is unnecessary. As appearance is a reserved matter a condition on materials is not required. Also, it has not been shown that a condition is needed that requires the development to be carried out in accordance with application documents as other conditions require the submission of further information where required. I am

unconvinced that only a development as shown diagrammatically on the parameters plan or on the illustrative masterplan would be acceptable and so the suggested conditions in these respects are not included.

58. A condition on levels is required to ensure the development takes account of groundwater and causes no inappropriate visual effects. Trial trench excavations have identified features of archaeological interest on the site. The appellant's archaeological evaluation report indicates that further excavations are required to establish the presence, extent and form of similar deposits. Therefore, to ensure the satisfactory recording of archaeological features, I impose a condition in line with that suggested by the Council.
59. Conditions on ground contamination are imposed to protect the environment and public health. A condition is imposed to protect trees to be retained. To safeguard and enhance the wildlife value of the site a condition that requires a biodiversity management plan is included. For the same reason, a condition preventing the removal of vegetation during the bird nesting season is imposed. At the hearing, the Council's representative accepted that there is no sound reason for a condition that specifically requires the provision of a 5m wide natural vegetation buffer zone and so this condition is not attached.
60. A condition regarding a construction environmental management plan is needed to safeguard the amenity of nearby residences. For highway safety reasons a condition on construction traffic is also imposed. To ensure a satisfactory living environment for future occupiers I attach a condition regarding noise mitigation. There is no need for a separate condition that requires reserved matters applications to include such details.
61. Conditions regarding drainage are included to ensure the development is not at flood risk and to ensure surface water is disposed of appropriately, both during construction and once the development is completed. In the interests of highway safety I attach conditions that require the proposed access and off-site roadworks to be completed prior to the first occupation of any of the dwellings. For the same reason, a condition on visibility splays is included.
62. A condition on external lighting is imposed to ensure a satisfactory night time appearance. A condition is included to ensure the proper management of waste generated by occupiers of the development. Conditions on electric vehicle charging points and cycle parking are included to promote sustainable and environmentally friendly modes of travel. No condition on the provision of full fibre broadband is imposed as the Council's representative accepted that it may not be possible to provide such a service to the site.

### **Conclusion**

63. I have found that the proposal would accord with development plan policies on the 2 main issues. Also, there are no other factors that would bring the development in conflict with development plan policies. As such, I conclude the appeal should succeed.

*Jonathan Edwards*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Simon Hawley	Harris Lamb
Melanie A'lee	RPS
William Thomas	Shoosmiths

### FOR THE LOCAL PLANNING AUTHORITY:

Alex Jelley	Planning witness
Ben Dutton	Leicestershire County Council highway witness

### INTERESTED PERSON

Barry Walker	Objector, Burbage Parish Councillor and Hinckley and Bosworth Borough Councillor
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## **LIST OF DOCUMENTS SUBMITTED AT THE HEARING:**

1. Policy 11, Hinckley and Bosworth Borough Council Core Strategy 2009
2. Hinckley and Bosworth Borough Council Open Space and Recreation Study October 2016.

## **SCHEDULE OF CONDITIONS**

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place 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 3 years from the date of this permission.
3. The development hereby permitted shall be begun either before: (i) the expiration of five years from the date of this permission, or (ii) before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of

all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

5. No development approved by this permission shall be commenced until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. For the land included within the written scheme, no development shall take place other than in accordance with the approved written scheme. The written scheme shall include (i) the statement of significance and research objectives, (ii) the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, and (iii) the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. The development shall be carried out in accordance with the approved written scheme of investigation and the approved scheme shall be fully implemented.
6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how any ground contamination shall be dealt with. The approved scheme shall be implemented in accordance with the approved details and any remediation works so approved shall be carried out prior to the development hereby permitted first being occupied.
7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination has been submitted to and approved in writing by the local planning authority. The addendum shall include details of how the unsuspected contamination is to be dealt with and the timing of any implementation measures. Any remediation works so approved shall be carried out in accordance with the approved implementation details.
8. No development approved by this permission shall be commenced until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans. If during construction of the development any of the trees or hedges shown to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and within 12 months of the original tree or hedge being removed, uprooted, destroyed or dying. Any replacement planting shall accord with details that have been submitted to and approved in writing by the local planning authority before it is provided.

9. No development approved by this permission shall be commenced until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed. Also, the plan shall include details of all retained and created habitats including bat and bird boxes. Development shall be implemented and thereafter maintained in accordance with the approved management plan.
10. During the construction of the development hereby permitted, no trees and shrubs on the site shall be removed during the bird nesting season (1st March to 31st July inclusive).
11. No development approved by this permission shall be commenced until a construction environmental management plan has been submitted to and approved in writing by the local planning authority. The approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment is to be prevented or mitigated from dust, odour, noise, smoke, light pollution and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.
12. No development approved by this permission shall be commenced until such time as a construction traffic management plan, including details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
13. No development approved by this permission shall be commenced until details of noise mitigation to be incorporated as part of the development as well as a timetable for the provision of mitigation measures has been submitted to and approved in writing by the local planning authority. The approved measures shall be provided in accordance with the approved timetable and thereafter they shall be retained.
14. No development approved by this permission shall be commenced until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall ensure that surface water does not drain into the public highway. The scheme shall also include a timetable for the implementation of the drainage system and details on its long term maintenance. A drainage system shall be provided in accordance with the approved details and timetable and maintained in accordance with the approved details.
15. No development approved by this permission shall be commenced until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and

approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

16. No part of the development hereby permitted shall be first occupied until such time as (i) the access arrangements, and (ii) the off-site roadworks as shown on RPS drawing number JNY10215-01 revision C have been implemented in full.
17. No part of the development hereby permitted shall be first occupied until such time as vehicular visibility splays of 2.4 x 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
18. No part of the development hereby permitted shall be first occupied until details of external lighting have been submitted to and approved in writing by the local planning authority. The details shall include a layout plan with beam orientation and a schedule of equipment proposed (luminaire type, mounting height, aiming angles and luminaire profiles). The approved lighting shall be installed prior to the first occupation of any part of the development hereby permitted and operated in accordance with the approved details.
19. No part of the development hereby permitted shall be first occupied until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the local planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. Waste and recycling storage and collection on the site shall be carried out in accordance with the approved details.
20. No part of the development hereby permitted shall be first occupied until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units as well as a timetable for the provision of the charging points. The approved scheme shall be implemented in accordance with the approved timetable.
21. No part of the development hereby permitted shall be first occupied until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for the provision of storage facilities. The approved scheme shall be implemented in accordance with the approved timetable.