



Appeal Decisions

Hearing held on 1 July 2014

Site visits made on 30 June and 1 July 2014

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 18 August 2014

Appeal A - Ref: APP/K2420/A/13/2202658

Land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Alexander Bruce Estates Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 12/01029/FUL, dated 21 November 2012, was refused by notice dated 28 June 2013.
 - The development proposed is the erection of 49 new dwellings, landscaped public open space and creation of a formal wetland habitat with boardwalk access.
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Appeal B - Ref: APP/K2420/A/13/2210904

Land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Alexander Bruce Estates Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 13/00735/FUL, dated 26 August 2013, was refused by notice dated 11 December 2013.
 - The development proposed is erection of 49 dwellings with landscaped open space.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of 49 dwellings with landscaped open space at land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire in accordance with the terms of the application, Ref 13/00735/FUL, dated 26 August 2013 subject to the conditions set out in the attached schedule.

Costs

3. An application for costs was made by Alexander Bruce Estates Ltd against Hinckley and Bosworth Borough Council (the Council). This application is the subject of a separate decision.

Procedural Matters

4. For ease of reference I have referred to the different cases as Appeals A (first application) and B (second application) in this decision letter as set out in the headers. Although I have dealt with each appeal on its individual merits, to avoid duplication I have considered the proposals together in this document. Although there are two appeals, I use singular terms such as "appeal site" for ease of reading.
5. Both proposals involve the same appeal site, number of dwellings and amount of the site given over to development. The appeal site has an overall area of about 6 hectares but the area given over to housing development is around 1.7 hectares, with 25 dwellings at the western end and 24 dwellings at the eastern end. The main differences between the schemes are the number of affordable homes proposed, the mix of dwelling types and the proposals for the wetland area central to the site. I deal with the details and implications of these differences in my reasoning below.
6. There was also a difference in the plans for Appeals A and B as determined by the Council in relation to the routing of Public Footpath No S38 through the area of housing at the eastern end of the site. Following a request by the Council in relation to the scheme subject to Appeal A, the footpath was shown routed between existing dwellings to the north on Newbold Road and proposed dwellings on Plots 29 to 34¹. However, as part of the appeal submissions the appellant is seeking to revert to proposals which would route the footpath through the development² as originally shown on the plans submitted to the Council for the Appeal A scheme and as proposed in Appeal B. The Council has no objection to the substitution of the plans at appeal stage.
7. As the amended plans would be similar to those originally proposed as part of the first application and also considered by the Council on the second application, the substance of the plans has been in the public domain and subject to consultation. Therefore, no party would be prejudiced by my consideration of Appeal A on the basis of the revised proposals.
8. Completed legal agreements under Section 106 of the Planning Act (S106) were submitted during the hearing³. These agreements include obligations relating to affordable housing and contributions to off-site open space, the police service, education and a civic amenity site.

Background and Main Issue

9. The first application was refused for three reasons relating to unsustainable development, a shortfall in affordable housing and the routing of Public Footpath No S38. The second application was refused for two reasons, those relating to unsustainable development and affordable housing.
10. A Statement of Common Ground (SOCG) between the appellant and the Council was provided as part of the appeal submissions in early June 2014. The SOCG records that the amended plans referred to in paragraph 6 above overcome the third reason for refusal for Appeal A. The document also states

¹ Masterplan LLC918_95 Rev D

² Masterplan LLC918_96

³ Documents 3 & 4

that the main parties now agree that the proposed development, albeit outside the settlement boundary, is sufficiently well-served by the village's infrastructure and is in a sustainable location. Therefore, the first reason for refusal for both appeals is no longer being pursued by the Council.

11. Taking into account this background, the main issue in both appeals is whether the amount and type of affordable housing is appropriate having regard to housing needs, density requirements and the characteristics of the site and village.

Reasons

Development Plan Context

12. The development plan, insofar as it affects the appeal proposals, is the Hinckley and Bosworth Local Plan 2001 (LP) and the Hinckley and Bosworth Local Development Framework Core Strategy adopted December 2009 (CS). The LP shows the appeal site lying outside the settlement boundary of Barlestone and, therefore, subject to Policy NE5. The housing does not fall within any of the forms of development allowed in the countryside and would be in conflict with Policy NE5. The proposal would also conflict with Policy RES5 of the LP as it is an unallocated residential site outside the boundary of a rural settlement.
13. However, the policies and proposals of the LP were formulated for a period up to 2006. Allocations and the extent of settlement boundaries within the LP were on the basis of the housing requirement not extending beyond 2006. The CS reflects a more up to date housing requirement of 9000 homes for the period 2006-2026, albeit based on the now revoked East Midlands Regional Plan (RS). The Council does not have a 5 year supply of housing against the RS figures, taking into account the need to make up any historic shortfall in the next 5 years⁴ and the need for a 20% buffer in accordance with paragraph 47 of the National Planning Policy Framework (the Framework). The SOCG states that the supply is no greater than 4.2 years. It is likely that the shortfall against current housing needs is even greater having regard to more recent objective assessment⁵. Taking into account the lifespan of the LP and the lack of a 5 year supply of housing land, the policies within the LP which relate to the supply of housing, including Policies NE5 and RES5, are not up-to-date.
14. The CS includes policies relating to key settlements. Barlestone is defined as a 'Key Rural Centre Stand Alone' and Policy 11 of the CS indicates that, to support the village's local services and maintain rural population levels, the Council will, amongst other things, allocate land for the development of a minimum of 40 new homes. The policy also states that developers will be required to demonstrate that the number, type and mix of housing proposed will meet the needs of Barlestone taking into account the latest Housing Market Assessment and the local housing needs surveys where they exist in line with Policy 15 (affordable housing) and Policy 16 (housing density, mix and design).
15. In order to meet the housing requirement both for the District as a whole and for individual settlements such as Barlestone, the Council is working on a Site

⁴ The Sedgefield approach

⁵ Leicester and Leicestershire Housing Requirements Project Final Report September 2011

Allocations and Development Management Policies Development Plan Document (SA & DMP). The pre-submission version of this emerging plan was subject to consultation up to the end of March 2014. It is anticipated that a publication version will be submitted for examination in August 2014 with adoption in early 2015. The SA & DMP identifies a residual requirement for at least 45 dwellings in Barlestone, defines a settlement boundary for the village and allocates a site on the north-east edge of the village for residential development at Garden Farm. However, objections have been made by the appellant to the SA & DMP and in particular non-allocation of part of the appeal site and inclusion of the allocation at Garden Farm. In view of the stage that the SA & DMP has reached and extent to which there are unresolved objections, limited weight can be given to it.

Affordable Housing

16. In view of the lack of a 5 year housing land supply, the CS requirement for at least 40 homes in Barlestone and the weight to be attributed to the SA & DMP, the Council does not object to the principle of the housing development proposed. The concern relates to affordable housing provision.
17. Policy 15 of the CS expects a proportion of affordable housing to be to be provided on sites. For rural areas such as Barlestone "the starting point for the level and target for affordable housing" on sites of 4 dwellings or more is 40% with a tenure split of 75% social rented and 25% intermediate housing. In the case of Appeal A the provision of 12 units on site equates to about 24% affordable units whereas for Appeal B the 15 units is just over 30% provision. Both schemes have a tenure split close to the policy requirement. However, in relation to Appeal B the S106 includes an off-site affordable housing contribution of £98,000 which the appellant estimates would enable the provision of 1 additional affordable unit which would be the equivalent of 32% of the total number of units being affordable. With Appeal A the equivalent monies would be committed to the enhancement and management of the wetland area central to the site.
18. Policy 15 indicates that the figures may be negotiated on a site by site basis taking into account identified local need, existing provision, characteristics of the site and viability. In terms of local need, two main sources of information are before me. A housing need survey was conducted in Barlestone in October 2013. The resulting report⁶ revealed a need for 10 affordable homes in the Parish. The second source, the Council's Housing Register, indicates a need for 22 affordable homes from those with a local connection. The Housing Register was refreshed recently when eligibility was refined and applicants had to reapply. Given that the survey only resulted in a return rate of 23%, the housing register has been updated in accordance with Government guidelines and the latter is the first place that those in need would go, I place more reliance on the affordable needs for the village being in the order of 22 homes. In this respect I consider that it is important that the scheme realises as many affordable homes as possible.
19. I have not been made aware of any provision being made elsewhere in the village. Although on the edge of the settlement, the site is relatively close to the facilities in the centre of the village with good pedestrian links. The site

⁶ A Detailed Investigation into the Housing Needs of Barlestone – Midlands Rural Housing November 2013

characteristics do not in themselves justify a lower affordable housing provision.

20. In terms of viability, the appellant has submitted appraisals of the schemes. The findings of these appraisals have not been disputed by the Council. There is nothing before me that suggest that the appraisals are not robust. However, the schemes produce different affordable housing numbers. The explanation is that in an attempt to gain permission from the Council following the initial refusal, the landowner was prepared to take less return on the land value with Appeal B than the 'industry standard'. It should also be noted that both S106 place obligations on the appellant to undertake revised viability appraisals if the development does not commence within 12 months of any permission such that a greater number of affordable homes could be provided but not a lesser number.
21. With regard to Policy 16 of the CS, the mix of housing, including the affordable housing, would be reasonably consistent with the profiles set out in the tables supporting Policies 15 and 16 of the CS and the house size requirements arising from the housing register. However, the density of the schemes, at 29 dwellings per hectare, falls short of the requirement of Policy 16 for at least 30 dwellings per hectare within Key Rural Centres. The Council argues that a higher density of development would realise a greater number of affordable homes.
22. Whilst there is some merit in the Council's argument I do not regard it as sufficiently strong on its own to justify refusal of the proposals. Firstly, the density is only marginally below the 30 per hectare minimum. Secondly, the schemes are well-designed as acknowledged by the Council in its Committee report, meeting the Building for Life criteria which form part of Policy 16. Thirdly, higher density schemes may not be similarly well-designed and the viability of such schemes has not been tested.
23. Having regard to the fact that 40% is a starting point and taking into account the housing needs, viability and density considerations, I conclude that the affordable housing provision associated with Appeal B would be acceptable and would comply with Policy 15 of the CS. The amount and type of affordable housing would be appropriate having regard to housing needs, density requirements and the characteristics of the site and village. As Appeal B demonstrates that a greater number of affordable units can be brought forward, it follows that Appeal A does not realise as many affordable units as possible, taking into account the starting point of the policy and the village's requirements. Appeal A would conflict with Policy 15 and the Framework's objectives of the provision of mixed, inclusive and sustainable communities.

Other Issues

24. The built development would extend beyond existing housing and lead to a change in the character of areas that are currently open. However, the areas of fenced paddocks at the western end of the site have no particular landscape value. The part of the field at the eastern end of the site that would be developed is arable in nature. No part of the site is recognised for its landscape value. The existing hedgerows and trees to the field boundaries would be retained. The central wetland area and its natural surrounds and access to it would remain and could be enhanced through sensitive

landscaping. There would be some harm by reason of the change in the character and appearance of parts of the site from open land to housing but the proposal would relate reasonably well to existing development and the harm would be moderate. The change also has to be considered in the context that development will need to take place on greenfield land to meet housing requirements both District wide and in Barlestone in particular.

25. The experience enjoyed by users of the public footpath that crosses the easternmost field would change as it would now pass through a housing estate. However, beyond the appeal site the footpath would continue across open countryside. The footpath central to the appeal site would continue to pass through an undeveloped area. The plans indicate that a footpath link would be provided along the southern and eastern boundaries of the site reflecting to an extent the informal footpaths currently evident. The overall experience of footpath users would not be significantly diminished.
26. I agree with the main parties that the site is in a sufficiently sustainable location being within walking distance of the small convenience store, doctor's surgery and other facilities close to the centre of the village. The primary school is a little further away but still within walking distance. Bus services pass through the centre of the village linking with larger settlements. Although the frequency of the services has reduced they are still reasonable, providing links to Market Bosworth, Leicester and other towns. The Council recognises that Barlestone is a suitable location for development through CS Policy 11 and that such development would support services.
27. The relationship of the development with existing housing would be acceptable providing sufficient separation distances so that there would be no significant loss of privacy or outlook for existing residents. It is noted that with Appeal B, bungalows are proposed for those units nearest the existing dwellings on Newbold Road which back onto the site.
28. The proposal would not materially impact on the central wetland area save that Appeal A indicates intentions for enhancement and Appeal B would also provide scope for some improvements. The existing trees and hedges on the site boundaries would be retained other than where identified as being in poor condition. There would no material harm to ecological interests.
29. The existing estate roads of Spinney Drive and Brookside which terminate at the site boundaries would provide good vehicular access to the appeal site. The additional traffic using the approach roads would not lead to highway dangers.
30. The residential development would not be in an area liable to flooding. Provision is made for the watercourses that pass through the site. Design details would be required to ensure that the specifications would be fit for purpose. For example the right angled bend shown for the culvert is only indicative and should not be taken as the final design solution.
31. There have been problems of backing-up of rainwater and sewage during heavy storms affecting existing dwellings. This appears to have been caused by the lack of fall on an existing combined sewer that passes through the housing estate to the north of the appeal site. There is no reason why the development should exacerbate these problems. The proposal would have separate foul and surface water drainage with the latter limited to greenfield

run-off rates. The new foul drains on the site would need to have sufficient capacity and fall to deal with the proposed development. If anything the proposal would be likely to improve flows for the existing development.

32. I did not notice any smells from the nearby sewage treatment works on the two occasions that I visited the site in warm and fairly still conditions. That said wind direction could have an effect on whether odours would impact on the new households. However, the evidence from the Odour Screening Assessment is that odour emissions would be below recognised limits and that future residents would be unlikely to complain. Reference was made to the smells arising from tankers that take solids away from the works but any adverse impacts have not been substantiated.

Obligations

33. The affordable housing obligations respond to identified needs and are supported by Policy 15 of the CS and the Council's Affordable Housing Supplementary Planning Document (SPD). The education contributions are also justified given the forecast deficit in pupil places in the High School and Sixth Form Academy which would serve the development. I am satisfied that it is necessary to provide contributions to off-site playing fields at Bosworth Road having regard to the recreation needs of the new residents.
34. The contribution to Leicestershire Police has been justified based on crime statistics within the area and demands that would arise from the development. It would fund equipment and infrastructure to support additional personnel within the beat area, not the staffing itself. In terms of civic amenity contributions, the nearest household waste and recycling disposal site is at Barwell. Figures were provided indicating that the site is at or above capacity at peak periods such as Bank Holiday weekends. The contributions would assist in the acquisition of an additional storage container to cater for the waste from this and other new housing developments in the area.
35. The Council considers that the police and civic amenity contributions do not meet the tests within Regulation 122 of the Community Infrastructure Regulations (CIL) but does not provide much evidence to support its position. In contrast Leicestershire Police and the County Council have provided significant justification for the contributions, including reference to a number of recent appeal decisions where such contributions have been supported by Inspectors and the Secretary of State.
36. The contributions would accord with Policies IMP1, REC2 and REC3 of the LP and the Council's Play and Open Space Guide SPD. In addition the contributions to the County Council are supported by the Statement of Requirements for Developer Contributions in Leicestershire.
37. The obligations within the S106 agreements are 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. Therefore, they meet the tests within CIL Regulation 122 and should be taken into account in the decision. I consider that the conditions set out in Paragraph 2.9 of the agreement are satisfied and that the obligations should become effective.

Conditions

38. In allowing Appeal B and granting planning permission I have considered the conditions contained in the SOCG and discussed at the hearing.
39. A condition is required specifying the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions are also required to control details of materials, levels, landscaping and tree and hedge protection in the interests of character and appearance and the living conditions of existing and proposed residents. The landscaping details would include boundary treatments and would also enable some enhancement work to be carried out around the wetland area (paragraph 28 refers). A condition relating to Level 3 of the Code for Sustainable Homes is justified by Policy 24 of the CS.
40. Requirements for details of access roads and car parking are necessary in the interests of highway safety. In view of the watercourses that run through the site and the need to ensure satisfactory drainage (paragraphs 30 and 31 refer) conditions are needed to deal with those matters. Further ground investigations and archaeological work are justified on the basis of the reports that accompanied the planning application. A requirement for a construction management plan would be reasonable in view of the need to use existing estate roads to access the site and taking into account the proximity of existing development.

Conclusions

41. Both proposals would not accord with the LP but for the reasons given in paragraph 13 the relevant policies for the supply of housing are out-of-date. In terms of the CS both appeals would meet the overall objectives of Policy 11 and Appeal B accords with Policy 15 relating to affordable housing. However, Appeal A conflicts with Policy 15 as it would not provide sufficient contribution to affordable housing to meet the identified needs of the village. Although the enhancements to the wetland area that would be secured through Appeal A would be of some benefit compared to the more limited works that could be secured through Appeal B, I do not regard the relative nature conservation benefits as sufficient to outweigh the harm caused by the greater shortfall in the provision of affordable homes against the level and target of Policy 15.
42. Because of the conflict with the LP and notwithstanding the consistency with the CS, I conclude that this is not a case where Appeal B could be said to accord with the development plan overall and should be approved without delay in accordance with the advice on decision-taking in paragraph 14 of the Framework. However, the proposal would provide much needed housing, including an appropriate number of affordable units. The provision of open space on the site and contributions to the village playing fields would benefit existing residents. Economic benefits would arise from construction jobs and additional spend in the local area. There would be significant economic and social benefits arising from the proposal.
43. There would be some moderate harm to the character and appearance of the area and the environmental role of sustainable development although this would be offset to a large extent by the high quality design of the scheme and the ability to integrate existing landscape features. In terms of other

harm, approval of the development in advance of the completion of the SA & DMP would be seen as being out of step with the plan-making process. However, this is not a case where the development is so substantial or its cumulative effect would be so significant that granting permission would undermine the process. Nor is the emerging plan at an advanced stage. Refusal on grounds of prematurity would not be justified. So the harm to be attributed to the effect on the plan-making process would be limited. Whilst noting that more objections were received against the appeal site in the SA & DMP consultation process than the Garden Farm site, it is not my role to consider the comparative merits of the two sites.

44. Overall, I conclude that Appeal B would comprise sustainable development for which there is a presumption in favour. The adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. There are no specific policies in the Framework that indicate that development should be restricted. For Appeal A the adverse impacts, primarily the shortfall in affordable housing provision, would significantly and demonstrably outweigh the benefits such that planning permission should not be granted and the presumption in favour of sustainable development does not apply.
45. For the reasons given above and having had regard to all other matters raised I conclude that Appeal A should be dismissed and Appeal B allowed.

Mark Dakeyne

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Hugh Richards	Counsel
Timothy Farley BA (Hons) Dip TP MRTPI	Copesticks Ltd
Martin Andrews M Eng (Hons)	JPP Consulting

FOR THE LOCAL PLANNING AUTHORITY:

Simon Wood BA (Hons) MRTPI	Urban Vision
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INTERESTED PERSONS:

Andrew Tyrer BA (Hons) MRTPI	Developer Contributions Officer, Leicestershire County Council
Paul McMorran	Senior Waste Officer, Leicestershire County Council
Thea Osmund-Smith	Counsel for Leicestershire Police
Michael Lambert MRTPI	Developer Contributions Officer, Leicestershire Police
William John Crooks	Ward Borough Councillor
David Lovett	Local Resident
Naomi Connelly	Local Resident
Shelia Lee	Local Resident
Elaine Berry	Local Resident
Paul Connelly	Local Resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 Statement by Andrew Tyrer for Leicestershire County Council
- 2 Statement by Michael Lambert for Leicestershire Police
- 3 Section 106 agreement dated 1 July 2014 relating to Appeal A
- 4 Section 106 agreement dated 1 July 2014 relating to Appeal B
- 5 Council's Response to appellant's costs claim
- 6 Statement from Naomi Connelly
- 7 Appeal Decision Ref: APP/K2420/A/14/2214818 dated 3 June 2014 submitted by Leicestershire County Council
- 8 Extract from SA & DMP – Pre-Submission Report showing allocations in Barlestone submitted by the Council

APPEAL B - SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan Drawing No: LLC918_100;
Master Plan Drawing No: LLC918_95 Revision H;
Site Layout Spinney Drive Drawing No: LLC918_102 Revision K;
Site Layout Brookside: Drawing No. LLC918_103 Revision M;
House Type Floor Plans and Elevations Drawing Nos: LLC918_132C, 135A, 137B, 138B, 139C, 140B, 141B, 142C, 144B, 147B, 148C, 151F, 156, 157C, 158A, 159E, 160B, 162D, 163D, 164F, 166A, 168C, 169A, 170A, 174C, 175B, 180A, 182A, 183, 184B, 200B, 201A and 202;
Car Port and Garage Floor Plans and Elevations Drawing Nos: LLC918 152A, 154B, 172A, 185A and 186.
- 3) No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 4) No development shall commence on site until existing and proposed ground levels and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with those approved details.
- 5) No development shall commence until full details of both hard and soft landscape works for the housing areas and publicly accessible parts of the site 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:
 - (i) proposed finished levels or contours;
 - (ii) surfacing materials, including for the network of footpaths indicated on Master Plan Drawing No: LLC918_95 Revision H;
 - (iii) boundary treatments;
 - (iv) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc);
 - (v) planting plans;
 - (vi) written specifications;
 - (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and,
 - (viii) an implementation programme.
- 6) The hard and soft landscaping scheme shall be carried out in accordance with the approved details and implementation programme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this five year period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be

replaced by trees or shrubs of a similar size and species to those originally planted.

- 7) No works, including ground preparation, shall commence on the site until all existing trees and hedges to be retained as indicated in the Arboricultural Assessment dated November 2012 are fully safeguarded by protective fencing and ground protection in accordance with details to be submitted to and approved in writing by the local planning authority. Such tree and hedge protection measures shall be retained for the duration of the construction works.
- 8) No development shall commence until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3 has been provided in writing to the local planning authority. In addition, within 3 months of the first occupation of each dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the local planning authority.
- 9) No development shall commence until details of the means of construction of the access roads, turning areas and car parking facilities and their surfacing materials indicated on the Site Layout Drawing Nos. LLC918_102 Revision K and LLC918_103 Revision M have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the associated dwelling(s) is/are first occupied and once provided shall remain available for such use at all times thereafter.
- 10) No development shall commence until a surface water drainage scheme for the site, based on Flood Risk Assessment (FRA) Revision A dated April 2013 Ref R-FRA-Q6253PP-01-A; 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:
 - i) Surface water drainage systems to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken;
 - ii) Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
 - iii) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm;
 - iv) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements; and,

- v) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 11) No development shall commence until a scheme for the detailed design of the diversion and opening up of the existing culverted watercourse (east drainage ditch) 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 prior to the commencement of the development on the eastern area of the site off Brookside shown on Site Layout Drawing No LLC918_103 Rev M. The scheme shall include:
- i) Diversion and opening up of the existing watercourse (east drainage ditch) where it currently runs in culvert underneath the area proposed for plots 42, 43, 48 and 49 (the inlet being identified by the word sink on the OS Map), and where it runs in a 300mm diameter culvert under the field on the western side of the eastern development area, as shown on the plan Drawing No. FRA04 in Appendix H of the FRA;
 - ii) Watercourse crossings required for the provision of access roads and footpaths;
 - iii) Provision of the proposed diverted watercourse within a watercourse corridor/easement and buffer/maintenance strip;
 - iv) Details of how the proposed watercourse (east drainage ditch) shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters; and,
 - v) A working method statement to cover the following requirements - timing of works; methods used for all channel, bank-side water margin works; machinery (location and storage of plant, materials and fuel, access routes, access to banks); protection of areas of ecological sensitivity and importance; and site supervision.
- 12) No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any of the dwellings hereby permitted are occupied.
- 13) 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 agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to any dwelling first being occupied.
- 14) 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 is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

- 15) No development shall commence until a programme of archaeological work, comprising an initial phase of trial trenching within the paddock at the western extent of the application site and any appropriate subsequent mitigation measures identified by this trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
- i) the programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
 - ii) the programme for post-investigation assessment;
 - iii) provision to be made for analysis of the site investigation and recording;
 - iv) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) provision to be made for archive deposition of the analysis and records of the site investigation;
 - iv) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- The development shall take place in accordance with the Written Scheme of Investigation.
- 16) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 17) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) details of access, including routing of construction traffic, and temporary pedestrian routes;
 - (ii) hours of construction and construction deliveries;
 - (iii) the parking of vehicles of site operatives and visitors;
 - (iv) loading and unloading of plant and materials;
 - (v) storage of plant and materials used in constructing the development;
 - (vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vii) wheel washing facilities;
 - (viii) measures to control the emission of dust and dirt during construction; and,
 - (ix) a scheme for recycling/disposing of waste resulting from construction works.

END OF SCHEDULE OF CONDITIONS