



Appeal Decision

Hearing Held on 8 January 2020

Site visit made on 8 January 2020

by Graham Chamberlain, BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2020

Appeal Ref: APP/G2815/W/19/3232099

Land rear of 7 - 12 The Willows, Thrapston, Northamptonshire, NN14 4LY

- 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 Lourett Developments Ltd. against the decision of East Northamptonshire District Council.
 - The application Ref: 18/02459/OUT, dated 19 December 2018 was refused by notice dated 28 February 2018.
 - The development proposed is residential development to erect four dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for a residential development to erect four dwellings at Land rear of 7 - 12 The Willows, Thrapston, Northamptonshire, NN14 4LY in accordance with the terms of the application, Ref: 18/02459/OUT dated 19 December 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for 'access' and 'scale'. Drawings have been submitted with the application detailing the width and depth of each of the proposed dwellings. However, the appellant confirmed at the hearing that these should only be treated as presenting the potential maximum depth and width of the individual dwellings. This is because 'appearance' is a reserved matter and therefore the final form and size of the individual dwellings may be less than set out on the plans. I have considered the appeal on this basis.
3. Drawings have not been submitted confirming what the height of the proposed dwellings would be¹ and there is no reference to numeric dimensions in the submissions. The only reference is an indication that the dwellings could be two to three storeys. This is imprecise as there can be significant deviations in storey heights. The appellant therefore confirmed that 'scale', in so far as it relates to height, is not a matter before me. I have accepted this point and considered the proposal on this basis as it is possible to advance some aspects of a reserved matter for consideration but not others. For example, the access to a site may be advanced for assessment in an application but not the access within it, such as circulation routes.

¹ The drawings in Appendix 27 of the appellant's statement are indicative and thus not a firm proposal

4. The appellant originally signed Certificate A on the application form thereby confirming Lourett Development Ltd as the sole owner of the appeal site. It transpired that this was incorrect because there are two other freeholders. To address this, the appellant served notice on the freeholders and completed Certificate B. The appellant has therefore discharged the obligations imposed by The Town and Country Planning (Development Management Procedure) Order 2015 relating to the notice of planning permission.
5. During the hearing the Council produced late evidence (listed at the end of this decision). It was not extensive or overly technical and was capable of being dealt with by those present following a short adjournment. Accordingly, no party was significantly prejudiced when I accepted it. In addition, I requested the submission of evidence relating to the effect of the proposal on the Upper Nene Valley Gravel Pits Special Protection Area. I adjourned the hearing to enable me to consider this information, which was extensive, and consult Natural England. The hearing was subsequently closed in writing.
6. Applications for awards of costs were made by Lourett Developments Ltd against East Northamptonshire District Council and by East Northamptonshire District Council against Lourett Developments Ltd. These applications are the subject of separate Decisions.

Main Issues

7. The appeal was submitted with additional survey evidence relating to breeding birds and great crested newts. These details had originally been recommended as being necessary in the appellant's preliminary ecological appraisal and the absence of them had resulted in the Council's fourth reason for refusal. The Council's ecologist has reviewed the additional evidence and is content that it demonstrates protected species are unlikely to be present in the site and thus effected by the proposal. The Council has therefore withdrawn the fourth reason for refusal. I have no substantive evidence before me disputing the expert views of the ecologists advising the Council and appellant. Accordingly, this matter has been appropriately addressed by the additional evidence and therefore it is unnecessary for me to consider it further.
8. During the hearing the Council, Town Council and local residents confirmed that the developers of the Willows had originally intended to provide a public open space at the appeal site. However, due to the specific drafting of the planning obligation and a lack of monitoring, this never came to fruition. The appeal site is currently fenced off with no public access provided. The Council confirmed that there is no means of securing the appeal site as a public open space and therefore the enforcement investigation considering this matter was closed.
9. The Council accepted at the hearing that the appeal site has never been a public open space, that any public access to date has been informal and at the discretion of the landowner and there is no legal obligation on the appellant to provide public access. In the absence of such access, the appeal site cannot provide the public with important opportunities for sport and recreation and therefore cannot be considered an open space as defined in the National Planning Policy Framework (the 'Framework'), regardless of whether it offers a visual amenity. It therefore follows that the proposal would not result in the loss of open space. As such, the Council withdrew its fifth reason for refusal. Given what I heard at the hearing, I consider this was an appropriate course of action and therefore I have not considered this further.

10. Given the forgoing, the main issues in this appeal are:

- Whether the proposed development would be in a suitable location with reference to the relevant development plan policies concerned with the location of housing;
- Whether the proposed development would provide an appropriate mix of dwellings, including whether it would amount to an efficient use of land;
- The effect of the proposed development on the character and appearance of the area; and
- If there is a conflict with the development plan, whether there are other material considerations that indicate a decision should be taken other than in accordance with the development plan.

Reasons

Whether the proposed development would be in a suitable location with reference to development plan policies

11. In order to provide a planned approach to the location and extent of development that meets needs as locally as possible, Policy 11 of the North Northamptonshire Joint Core Strategy 2011 – 2031 (JCS) provides an overarching spatial strategy for the plan area. The broad aim is to direct development to urban and rural areas in a locally appropriate way.
12. Policy 11b) of the JCS refers to Market Towns such as Thrapston² and states that they will provide a strong service role for their local communities with growth in homes and jobs at an appropriate scale. Policy 11b) of the JCS should be read alongside the Rural North, Oundle and Thrapston Plan (RNOTP), which identifies several development sites for Thrapston. It also includes Policy 2, which permits windfall development within the defined settlement boundary of the town subject to criteria. The strategy in these policies makes no explicit provision for unallocated windfall development on the edge of Market Towns. The emerging Local Plan currently includes a specific policy dealing with windfall development on the edge of towns, but this is not at a stage of preparation where it can be afforded more than very limited weight.
13. Different criteria within Policy 11 of the JCS apply depending on whether a site is within an urban or rural area. However, the policy does not set out how the urban and rural areas should be differentiated and defined. For example, there is no reference in the policy to settlement boundaries as the means of doing this. Planning judgment is therefore required in the absence of any definition. A useful starting point in making this judgment is the settlement boundary placed around Thrapston in the RNOTP. This was identified following a rational assessment based on the criteria set out in Paragraph 4.5 of the plan.
14. Land on the periphery of towns has only been included in the settlement boundary where it is clearly distinct from the countryside. To this end the appeal site is not included in the settlement boundary of Thrapston, correctly in my view, because it has a rural appearance that provides a visual affinity with the river corridor. It is also beyond the rear elevations of the properties in The Willows, which functions as a discernible natural boundary of the town. As

² The Council erroneously referred to Policy 11a) in its reason for refusal, which relates to Growth Towns

such, the appeal site is in the open countryside, a finding supported by the appellant's Landscape and Visual Impact Assessment.

15. Given the foregoing finding that the appeal site is not within the urban area of Thrapston, the appeal site cannot be the type of windfall development supported by Policy 2 of the RNOTP and therefore it gains no support from that policy. Instead, the proposal falls to be considered against The Rural Areas criteria in Policy 11. To this end, no substantive evidence has been provided to demonstrate the proposal is required to support the rural economy or to meet a local need. It is not a rural diversification or the reuse of rural buildings. Moreover, the proposal would not represent the type of infilling permitted by Policy 11b, which relates to villages. Permitting infilling on the edge of towns would be to stretch the interpretation of the policy beyond what it says.
16. Policy 11d) states that other forms of development (those not referred to in the policy) will be resisted in the open countryside unless there are special circumstances as set out in Policy 13 of the JCS or national policy. There is nothing before me to suggest such special circumstances exist. Accordingly, the proposal would not be any of the types of development permitted by Policy 11 in the rural areas. The negative corollary being that the proposal is at odds with Policy 11 of the JCS.
17. In conclusion, the proposed development would not be in a suitable location when considering the relevant development plan policies concerned with the location of housing. As such, it would harmfully undermine the adopted spatial strategy and the consistency and relative certainty that should flow from a planned approach to the location of new development.

Whether the proposed development would provide an appropriate mix of dwellings

18. The 2015 Strategic Housing Market Assessment (SHMA) informed the JCS and demonstrated that the need in the market sector is for predominately smaller dwellings. It forecast that around 70% of new households would need 1-2-bedroom homes, 30% 3-bedroom and very few 4 or more. However, Paragraph 9.26 of the JCS recognises that it may not be advantageous to secure all housing as 1-3-bedroom properties and therefore it seeks to address the aspiration for additional bedrooms. To this end, the JCS indicates that a significant proportion of new homes (generally 70%) should be 1-3-bedroom properties with the remainder being larger, with proposals advocating a higher proportion of larger homes needing to be justified with evidence.
19. The above is encapsulated in Policy 30 of the JCS. It places an emphasis on the provision of small and medium sized dwellings, defined as properties with 1-3 bedrooms. This approach has regard to the findings of the SHMA whilst also allowing flexibility to provide larger aspirational homes. Policy 30 does not explicitly state that proposals should be refused if they fail to place an emphasis on smaller properties, but such a policy would not be positively prepared. There is a negative corollary that a mix at odds with that in Policy 30 will be at odds with the policy itself.
20. The Council has not suggested what an appropriate housing mix at the appeal site would be, but even in the absence of this clarification the appellant's initial suggestion that the proposal should provide four larger homes (4+ bedrooms) would clearly be contrary to Policy 30, as it would not place an emphasis on smaller homes (1-3-bedroom properties).

21. The appellant's justification behind the mix was not persuasive, advocating, without substantive evidence, that viability may be affected if smaller homes were proposed. However, as scale (in so far as it relates to height) and appearance are not before me the appellant convincingly argued at the hearing that the housing mix could be addressed at the reserved matters stage. For example, the proposal could entirely comprise of bungalows.
22. That said, even if bungalows were proposed the depth and width set out on the drawings would allow the dwellings to be larger three-bedroom properties or four-bedroom homes³. It is highly unlikely that any would be limited to 1 or 2 bedrooms given the likely floor area. That said, Policy 30 does not entirely rule out larger homes and it only defines smaller properties with reference to bedroom size and not floor area. Therefore, a mix with an emphasis on three-bedroom properties, even larger ones, alongside the provision of a four-bedroom home, need not be at odds with Policy 30.
23. Although not explicitly referred to in its second reason for refusal, the Council sought to develop an argument that the proposal would be an inefficient use of land because four large properties are proposed instead of a greater number of smaller homes. There is some traction to this argument because more homes could be provided within the built envelope of what is proposed, and little evidence has been submitted to suggest the access could not be delivered to an adoptable standard, thereby enabling more than four homes to be served off it. Even if it could not, the Highway Authority's indicative standard is for five homes to be served off a private drive. This could leave scope to increase the number of homes by at least one.
24. However, the access into the site would closely pass between the flank elevations of two homes. This would result in noise and disturbance to the occupants of these properties from passing traffic. On balance, I share the view of the Council that the activity from four homes would not be unreasonable. However, increasing the number of homes, even by one, would increase the impact and begin to tip the balance towards an unreasonable effect.
25. Moreover, the appeal site is on the edge of the town, where a tapering into the countryside can be advantageous to the character and appearance of the area. A lower site coverage and density can allow more opportunities for larger plots and gardens, and thus extra soft landscaping. This would provide a more sensitive and gentle transition from the urban area to the rural fringe. Accordingly, it seems to me that the number of homes proposed is about right to ensure the living conditions of neighbours are not unreasonably affected and the rural fringe character of the area respected. Consequently, the proposal would be an efficient use of land given the specific site constraints.
26. In conclusion, the proposal need not inherently result in a housing mix of larger properties. Instead, it would be possible to provide a mix that places an emphasis on smaller properties, thereby adhering to Policy 30 of the JCS.

The effect on the character and appearance of the area

27. The Willows is a small housing estate broadly characterised by repeated house types that are generally detached with driveways and garages and arranged within a conventional highway layout and design. This results in a suburban

³ The floorplans indicate the homes could have ground floors of around 86sqm-113sqm

- appearance, which is further reinforced by the position of the properties in diminutive clusters that branch off the main carriageway. The pattern of development is therefore one of small cul-de-sacs. The appeal scheme would broadly continue this arrangement, as it would amount to a small cluster of homes in a cul-de-sac accessed off the main carriageway. In this respect it would not jar with the overriding pattern of development in The Willows.
28. That said, the appeal scheme would be positioned in a 'back land' location as it would be behind Nos 7 - 12 The Willows. However, the houses need not appear discordant or unduly prominent from The Willows if their height (which is a reserved matter) is no greater than Nos 7-12 The Willows. This is because the existing properties would largely screen the new homes in views from The Willows thereby limiting their street presence.
29. Plot 2 would be the most prominent in views from The Willows, but it could be designed to appropriately punctuate the vista that would be created along the access drive. The indicative layout demonstrates that a feature cluster of trees, and landscaped front gardens, could also be used to further soften views.
30. The properties would have a similar depth to nearby houses but their width, particularly Plots 1 and 4, would be greater. Nevertheless, the homes could be articulated in the final design to lessen the impact of the massing. In addition, the proposed dwellings could also have similar finishing materials to nearby properties which would facilitate a complementary appearance that would integrate the dwellings into the street scene.
31. The appellant's LVIA demonstrates that the appeal scheme would have a limited visual envelope and therefore the urbanisation of the appeal site would have little visual impact beyond the immediate context of the site, thereby broadly preserving the wider landscape. Existing soft landscaping along the western boundary of the site would screen much of the development from the river corridor. The houses would be visible from the south/south west, but they would be viewed against the backdrop of housing in The Willows and Sedge Close. The development would not, therefore, appear as a discordant or unnatural incursion into the countryside. Moreover, there would be space along the southern boundary for a thick row of planting to provide further visual containment that would complement the existing planting along the western boundary of the site.
32. In conclusion, the proposal, subject to an appropriate reserved matters submission, would not inherently harm the character and appearance of the area and therefore a conflict with Policy 8 of the JCS, which seeks to secure development that responds to a site's context, need not occur.

Other Considerations

33. Paragraph 73 of the National Planning Policy Framework (the 'Framework') states that a local planning authority should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies. The JCS sets out the Council's housing requirement which, with a five percent buffer⁴, equates to 2205 homes over the five-year period (1 April 2019 to 31 March 2024). This is an annual requirement of 441 homes.

⁴ As required by Paragraph 73 of the Framework

34. The Framework defines what constitutes a 'deliverable' site for the purposes of a five-year housing land supply assessment. Category A sites in the definition are all minor sites with planning permission as well as all major sites with full planning permission. The second part of the definition sets out a list of certain types of site that can be considered deliverable if there is clear evidence that housing completions will begin within five years. The onus is on the Council to provide that evidence. These are sites with outline planning permission for major development, sites allocated in a development plan, sites with permission in principle or sites identified on a brownfield register.
35. The Council has recently published an Annual Position Statement approved by its Planning Policy Committee that suggests the housing supply over the relevant period is 2660 homes. This would amount to a 6.03-year supply⁵ against the housing requirement. The appellant has reviewed this and is of the view that the supply is nearer to 1269 homes, which is around 2.88 years.
36. Much of the discrepancy can be put down to the Council not adhering to the definition of what constitutes a deliverable site in the Framework. The Council has included sites allocated in the emerging Local Plan (around 549 homes) and unallocated unapproved development schemes that are likely to come forward on previously developed land in urban areas, two of which were discounted by the Council from the brownfield register⁶ (around 225 homes). This is a significantly flawed approach as the definition of 'deliverable' in the Framework is a closed list⁷. As such, at least 774 homes can immediately be removed from the Council's housing land supply. This alone means the Council is unable to demonstrate a five-year housing land supply, the supply being in the region of 4.28 years⁸.
37. During the hearing I heard evidence on the deliverability of some of the Category B sites (those with outline permission or allocated in the development plan) relied upon by the Council to demonstrate a five-year housing land supply. However, as will be apparent, it is enough to work with the 4.28-year figure for the purposes of my assessment.
38. Paragraph 11 of the Framework states that in situations where a Council cannot demonstrate a five-year housing land supply, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
39. In this instance, the conflict with Policy 11 of the JCS would be the only adverse impact of the proposal. Policy 11 is a strategic policy that is broadly consistent with several of the Framework's aims, such as the promotion of sustainable transport, recognising the intrinsic character and beauty of the countryside and delivering a genuinely plan led planning system, which can include land use designations. In this instance, the land use designations being urban and rural areas, which are used as a means of guiding the location and quantum of development to maximise its benefits and minimise its impacts.
40. However, a rigorous application of Policy 11 of the JCS would frustrate attempts to address the Council's current housing deficit. Settlements such as

⁵ 2660/441

⁶ Former Abbott House residential Home and Gells, 35 High Street – together these sites account for 14 homes

⁷ The appellant has referred to case law reinforcing this point

⁸ (2660-774)/441

Thrapston are well placed to accommodate additional homes given the services available, a point made in Policy 11 1b) of the JCS. In this respect, the appeal site, although outside the settlement boundary of Thrapston, and thus in a rural area, is very well connected to several facilities in the town centre.

41. Moreover, I have not been presented with substantive evidence to suggest the housing deficit can be remedied without releasing land outside settlement boundaries. If sites in the rural area must be released, then the appeal site is a good candidate given the absence of technical harm in respect of matter such as landscape impact, highway safety and flood risk. In the circumstances, the conflict with Policy 11 of the JCS is of moderate weight.
42. When considering the benefits of the appeal scheme, the proposal would provide some modest support to the construction industry and to the local economy through the subsequent spend of future occupants. However, given the modest scale of the development these benefits would carry limited weight, particularly as I have seen nothing of substance to suggest the contribution from future residents would make a significant difference to the local economy or the vitality of the community.
43. Similarly, the small size of the development means the contribution to housing land supply would be modest. Nevertheless, this attracts moderate weight given the housing supply shortfall. Overall, the benefits of the proposal are cumulatively of moderate weight. Thus, the moderate adverse impact of the appeal scheme would not significantly and demonstrably outweigh the moderate benefits. This is a material consideration that indicates the proposal should be determined other than in accordance with the development plan.

Other Matters

44. I share the view of the Council and Local Highway Authority that the use of the access would not harm highway safety because it would have a suitable width with adequate visibility. The development can be designed at the reserved matters stage to deliver satisfactory levels of parking and an appropriate refuse strategy. Moreover, with layout and height being reserved matters there is scope to design a scheme that would not harm the outlook, level of light and privacy of the occupants in The Willows. I understand that a gas main passes through the site, and wires over it, but these are constraints for the developer to address with the owners and operators of this infrastructure. Land contamination can be addressed through planning conditions.
45. Reference has been made to the Council's emerging Local Plan Part 2, but this has not been subject to examination and is therefore open to potentially significant changes. As such, it has limited non determinative weight. The Flood Risk Assessment has demonstrated that the houses can be sited within Flood Zone 1 and therefore the sequential test is not required. Substantive evidence is not before me to suggest the proposal would harm the aims of the Nene Valley Nature Improvement Area.
46. The Upper Nene Valley Gravel Pits is designated as a Special Protection Area (SPA). The Conservation of Habitats and Species Regulations 2017 requires that where a plan or project is likely to result in a significant effect on a European site such as a SPA, and where the plan or project is not directly connected with or necessary to the management of the European site, as is the case here, a competent authority is required to make an Appropriate

Assessment of the implications of that plan or project on the integrity of the European site in view of its conservation objectives

47. The qualifying features underpinning the SPA designation is the concentration of Great Bittern, Gadwell and European golden plover. The conservation objectives for the SPA can be summarised as ensuring that the integrity of the site is maintained or restored as appropriate so that it continues to support the population and distribution of its qualifying features.
48. Natural England's (NE) supplementary advice on conserving and restoring the site features of the SPA⁹ identifies recreational disturbance as one of the principle threats to the birds. Research evidence referred to in the Council's Upper Nene Valley Gravel Pits SPA Supplementary Planning Document 2015 (SPD), undisputed by the appellant, supports this conclusion. As does NE's consultation response. The presence of people can disturb the birds and dog walking can be particularly problematic in this regard, especially if dogs are let off their lead.
49. The appeal scheme would facilitate a permanent increase in the number of people living within a 'zone of influence' around the SPA and thus within a short journey of it. The SPA is an interesting and attractive semi-natural area and is therefore somewhere the future residents of the proposed homes would likely wish to visit for recreation, thereby increasing the risk of harmful recreational pressure. This would provide a pathway of effect for recreational disturbance. Accordingly, and when following a precautionary approach, the proposal, in combination with other plans and projects, would be likely to have a significant effect on the SPA. There is no evidence before me to suggest the proposal would have any other effects on the SPA.
50. NE, as the Statutory Nature Conservation Body (and the Council) have referred to the SPD, which sets out a mitigation strategy. This involves developers providing an evidence based financial contribution per dwelling that is used for Strategic Access Management and Monitoring at the SPA, such as fencing, screening and wardens. Such management will minimise the risk of recreational disturbance upon the qualifying features.
51. The appellant has paid the financial contribution to the Council in line with the methodology in the SPD¹⁰. In the absence of a planning obligation there is no legal requirement upon the Council to spend the money in the way envisaged, but as a responsible public authority with a publicly stated position and strategy, I am satisfied that they will. The overall approach, and the level of the financial contribution, is supported by NE. Thus, with this mitigation the proposal would not adversely affect the integrity of the SPA, as its condition need not deteriorate as a result of the appeal scheme.

Conditions

52. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. In the interests of certainty, it is necessary to secure details of the reserved matters and for the proposal to be implemented in accordance with them. In the interests of minimising the risk of flooding it is necessary to secure the implementation of the measures set out in the FRA. To safeguard living conditions, it is necessary to impose conditions

⁹ See Planning Practice Guide (PPG) Paragraph: 002 Reference ID: 65-002-20190722

¹⁰ A receipt has been provided as has a copy of the Habitats Mitigation Contribution Agreement

relating to land contamination and construction. In the interests of highway safety, it is necessary to secure parking and an appropriate surface treatment, pedestrian visibility splays, highway drainage and details of any gates.

53. As appearance and landscaping are reserved matters it is unnecessary to secure details of external materials, boundary treatment and levels. The burning of construction material can be dealt with through other legislation, with reference made to the Environmental Protection Act at the hearing. As such, a condition along these lines is not necessary to make the development acceptable.

Conclusion

54. The proposed development would not adhere to the development plan but material considerations, namely the Framework, indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal has succeeded.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Brett Mosely	Appellant
Kilian Garvey	Kings Chambers
Andrew Grey	Atchinson Raffety
Neil Tiley	Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY

Roz Johnson	East Northamptonshire DC
Michal Burton	East Northamptonshire DC
Dez Tanser	East Northamptonshire DC

INTEREST PARTIES

Peter Theakston	Local Resident
Chris Otterwell	Thrapston Town Council
Val Carter	Thrapston Town Council (and East Northamptonshire District Cllr)

DOCUMENTS SUBMITTED AT THE HEARING

By the Council

Doc 1 Appeal Decision APP/G2815/W/19/3230410
Doc 2 Appeal Decision APP/G2815/W/19/3235142
Doc 3 Council's Five-Year Housing Land Supply Update

By the Council upon my request

Doc 4 Comments from the Environment Agency (in full)
Doc 5 Plan of the Upper Nene Valley Gravel Pits SPA
Doc 6 Habitats Mitigation Contribution Agreement
Doc 7 Upper Nene Valley Gravel Pits Special Protection Area Supplementary Planning Document
Doc 8 Addendum to the SPA SPD: Mitigation Strategy
Doc 9 Natural England's consultation response to the Council

By Mr Theakston

Doc 10 Letter from Bramble Homes dated 14 April 2005 and accompanying plan

Schedule of Planning Conditions

1. Approval of the details of scale (in so far as it relates to height), layout, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the development is commenced.
2. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) (Ref: 120-FRA-01-C) dated October 2018 and the following mitigation measures it details:
 - Finished floor levels shall be set no lower than 30.83 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

5. No demolition or construction work (including deliveries to or from the site) that causes noise to be audible outside the site boundary shall take place on the site outside the hours of 08:00 and 18:00 Mondays to Fridays and 08:00 and 13:00 on Saturdays, and at no times on Sundays or Bank Holidays unless otherwise agreed with the local planning authority.
6. During site clearance and construction phases the developer shall provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the development site. The developer shall not permit the processing or sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise dust emission from the development site. The developer shall provide and use suitably covered skips and take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the development site
7. Prior to the commencement of piling operations, a scheme for the control and mitigation of noise, including vibration, affecting surrounding premises shall be submitted to, and approved in writing, by the local planning authority. Such measures shall operate throughout the piling operations in accordance with the approved details or amendments which have been submitted to and approved in writing by the Local Planning Authority.
8. The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority (LPA) and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the LPA without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA.

This must be conducted in accordance with the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

9. Where the risk 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 to and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the LPA.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. Reason: To ensure the proposed remediation plan is appropriate.

10. Remediation of the site shall be carried out in accordance with the approved remedial option.
11. On completion of remediation, two copies of a closure report shall be submitted to the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.
12. If, during development, contamination not previously considered is identified, then the LPA 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 LPA.
13. a. Prior to first use or occupation of the development hereby permitted, the means of access shall be paved with a hard-bound surface for at least the first 10m from the highway boundary. Such surfacing shall thereafter be retained and maintained in perpetuity. The maximum gradient over a 5m distance (from the highway boundary) shall not exceed 1 in 15.
- b. Prior to first use or occupation of the development hereby permitted, pedestrian visibility splays of at least 2m x 2m shall be provided on each side of the vehicular access. These measurements shall be taken from and along the highway boundary. The splays shall thereafter be permanently retained and kept free of all obstacles to visibility over 0.6 metres in height above access/footway level.

c. Prior to first use or occupation, the proposed vehicular access and parking facilities shall be provided in accordance with the approved plans and shall thereafter be set aside and retained for those purposes.

d. Prior to first use or occupation, suitable drainage shall be provided at the end of the driveway to ensure that surface water from the vehicular access does not discharge onto the highway or adjacent land.

e. No gate(s), barriers or means of enclosure shall be erected within 8m of the highway boundary. Any such feature erected beyond that distance should be hung to open inwards only. The gates shall be retained as such thereafter.