



Appeal Decision

Hearing Held on 25 November 2020

Site visit made on 9 December 2020

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/C1570/W/20/3242024

Land to the north of Stewarts Way, The Street, Manuden CM23 1DR

- 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 The Battlement Trust and W I Bampton against the decision of Uttlesford District Council.
 - The application Ref UTT/19/0022/OP, dated 4 January 2019, was refused by notice dated 7 June 2019.
 - The development proposed is outline application with all matters reserved except access, for up to 22 dwellings, including 40% affordable units. Provision for children's nursery/pre-school (Class D1), with associated car parking. Creation of vehicular and pedestrian access from The Street. Provision of public open spaces, play area, landscaping and Resource Centre. Provision of balancing pond and associated drainage infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for outline application with all matters reserved except access, for up to 22 dwellings, including 40% affordable units. Provision for children's nursery/pre-school (Class D1), with associated car parking. Creation of vehicular and pedestrian access from The Street. Provision of public open spaces, play area, landscaping and Resource Centre. Provision of balancing pond and associated drainage infrastructure at Land to the north of Stewarts Way, The Street, Manuden, CM23 1DR in accordance with the terms of the application Ref UTT/19/0022/OP, dated 4 January 2019 subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by The Battlement Trust and W I Bampton against Uttlesford District Council. This application is the subject of a separate Decision.

Procedural matters

3. The Hearing sat for 1 day. An unaccompanied site visit was undertaken on a separate day following the hearing which included visits to a number of viewpoints suggested by interested parties.

4. This appeal relates to an outline planning application with approval sought for access. All other matters are reserved - layout, scale, appearance and landscaping. I am treating the submitted drawings as only indicative of the reserved matters.
5. A certified and duly executed legal agreement was submitted under section 106 of the Town and Country Planning Act 1990 (s106). The s106 makes planning obligations relating to the provision of affordable housing, education contributions, and travel information packs.
6. The 40% affordable housing provision in the s106 is consistent with the requirements of Policy H9 of the Uttlesford Local Plan (Local Plan). It includes mechanisms to confirm the overall provision once the final mix of dwellings is agreed at the reserved matters stage.
7. The education contribution responds to comments made by the County Council in relation to early years provision and is consistent with Policy GEN6 of the Local Plan regarding infrastructure to support development.
8. The obligation relating to travel information packs is part of the package of measures designed to promote sustainable transport choices and compliance with GEN1 of the Local Plan.
9. I am satisfied that the obligations meet the tests in paragraph 56 of the National Planning Policy Framework (the Framework) and can be taken into account in reaching my decision.

Main issues

10. The main issues in the appeal are:

- The effect of the proposed development on the character and appearance of the surroundings, including the settings of nearby heritage assets.
- Whether the location of the proposal would meet sustainable transport objectives by encouraging movement by means other than driving a car.
- The effects on protected species, in particular an identified badger sett.

Reasons

Character and appearance

11. The appeal site is outside, but adjoining, the development boundary of the village of Manuden and is therefore regarded as countryside beyond the greenbelt for planning purposes. Policy S7 of the Local Plan seeks to protect the countryside for its own sake and only permit development that protects or enhances the character of the countryside.
12. Manuden has a linear settlement pattern that is dispersed along the bottom of the valley. It has a historic core that has been added to in a mostly piecemeal fashion over time. Buildings are therefore of varying age and appearance. The site is at the northern edge of the village and is a large agricultural field bounded on most sides by trees and planting. Due to the edge of village location, it forms part of the countryside setting of Manuden, and the gently rolling landscape beyond it.

13. The topography of the site slopes from west to east, and more profoundly on the southern side. This creates a rise in the land as you move away from the village and an increasing difference in ground levels between the site and The Street.
14. Particularly notable modern developments that inform the backdrop of the site are the houses on Stewarts Way, which extend up the valley along one boundary, and the lower density development on David Collins Drive and Langlands, which lie on the other side of The Street towards the foot of the valley. A small cluster of historic buildings is just beyond the south east corner, marking the start of the Manuden Conservation Area which extends towards the historic core of the village.
15. The appeal site has no landscape designation. However, interested parties at the hearing explained the value of the site as countryside just beyond the village. This includes use as a local walking route via the footpath that is within the site boundary and runs along the southern side. The footpath connects with the wider rights of way network and also Sheepcote Lane, which passes the site on higher ground to the west.
16. Notwithstanding the edge of village location, the natural rolling landscape provides an element of visual containment that prevents the site from being extensively visible in the landscape. As confirmed from my visit, views from the other side of the valley are very limited due to both the topography and intervening built forms. This includes the development on David Collins Drive and Langlands, which screens most of the site from views to the east.
17. Nevertheless, the site is seen more locally, most notably in close views from the footpath within the site and in medium views from Sheepcote Lane. The views from Sheepcote Lane are limited by the boundary planting and relative site levels. However, in gaps between planting the views across the site and the valley are far reaching, although disrupted to a degree by the development on Stewarts Way.
18. The effect of the proposal would be to increase the presence of built development in the countryside. This would naturally have an impact on the open character of the appeal site. The Appellant's Landscape and Visual Appraisal, coupled with the illustrative layout, demonstrates that a relatively low density development similar to that on Langlands could be contained to the eastern side of the site. This layout would keep the more visually exposed sections of the site that are on higher ground undeveloped and preserve much of the views seen from Sheepcote Lane.
19. Adopting such a layout would go some way to limiting the visual impact of the proposal on the wider landscape in most views. However, the appearance of built development from Sheepcote Lane would not be fully concealed and there would be times where the upper floors and roofscape of the dwellings would be more apparent than others.
20. However, having assessed the proposal from a range of wider viewpoints and considering all the other evidence on this matter, I am satisfied that most of the impacts on the wider landscape are either acceptable as they would be perceived within the context of existing built development or can be managed through landscaping and layout choices made at the reserved matters stage.

21. Concerns in relation to light spillage resulting from the proposal could be adequately managed using conditions.
22. Notwithstanding the conclusions relating to effects on the wider landscape, closer views across the field from the public footpath within the site would be more adversely affected. Whilst localised, the change in countryside character to a residential setting experienced from this viewpoint would be more profound. These impacts would result in a degree of harm to the character of the area and would therefore conflict with Policy S7.
23. Turning to the impact on the settlement pattern of Manuden, the layout indicated on the indicative plans would be consistent with the linear settlement pattern of the village. The proposal would therefore avoid reinforcing the appearance of buildings climbing the valley side that is evident from the Stewarts Way development. As such, I do not agree with the Council's assessment that the proposal would exacerbate what they see as an existing problem created by Stewarts Way.
24. The evidence regarding the location of the historic entrance to the village is noted, including the comments made by interested parties at the hearing. However, modern development has shifted the built envelope of the village towards the north. The northern boundary of the proposal would be consistent with that of David Collins Drive, including the sports and community centre. As such, the proposal would not extend the built envelope of the village in a way that would represent significant encroachment on the countryside.
25. Due to the difference in levels between the site and The Street, the proposed access would lead to significant changes to a section of banking. This would disrupt the rural character of this section of road that is identified by the Parish Council and others as part of the historic entrance to the village. The works would remove part of the high banking and introduce more formality in order to achieve the necessary visibility for vehicles entering and exiting the site.
26. This would result in a reduction in some of the rural character along this part of The Street. However, the visual impact would be highly localised due to the constrained nature of the immediate surroundings. The proposal would also retain the majority of the remaining banking, including the section closer to the main parts of the village. As such, the impact of the access on the character of the area would be acceptable.
27. In relation to heritage assets, the site is close to a number of Listed Buildings. This includes the cluster of Grade II listed properties at 97, 99, and 101 The Street that are beyond the south east corner of the site, and 88 The Street which is on the opposite side of the road. Whilst the site is not in a conservation area itself, the south east corner borders the Manuden Conservation Area.
28. I have considered whether the proposed development would preserve or enhance the settings of these heritage assets. I have also carefully considered the evidence, including the Appellant's Heritage Statement, the submissions of interested parties, and the contents of the Manuden Conservation Area Appraisal.

29. The setting of the frontages of the Listed Buildings and views into and out of the Conservation Area would be preserved as the embankment landscaping at the boundary of the site with this part of The Street would be maintained and therefore provide a substantial visual buffer. This would preserve the appearance of a rural road setting when travelling along The Street and therefore the settings of the heritage assets.
30. To the rear of 97, 99, and 101 The Street there would be an impact on the settings of the buildings. The change in the character of the site would affect the physical surroundings of the properties as seen from the rear and how they are visually interpreted as historic buildings with a link to the countryside. The embankment landscaping and retention of the allotments would lessen the impact. There is also scope to manage the effects further as part of a landscaping reserved matter. Nevertheless, and notwithstanding the Council's assessment of no harm, I conclude that a level of harm would occur to the setting of these Listed Buildings as seen from the rear, albeit limited due to the mitigating factors described above.
31. Paying regard to policy on heritage assets in Chapter 16 of the Framework the harm identified to 97, 99, and 101 The Street would be less than substantial.
32. In these circumstances, Paragraph 196 of the Framework requires me to consider whether the harm identified should be weighed against any public benefits. Considerations weighing in favour of the development are discussed in more detail below. I consider that the public benefits discussed attract the level of weight required to justify the limited harm identified to the settings of these Listed Buildings.
33. Whilst not a Listed Building, the Methodist Chapel is identified in the Conservation Area Appraisal as being of significance to the area. Although the upgrade to the footpath within the site would result in an increase in hard surfacing adjacent to the Chapel, the impacts on the setting of this building could be managed using conditions designed to secure compatible materials for the footpath.
34. In conclusion, the proposal would result in a moderate level of harm to the character and appearance of the area and conflict with the development plan resulting from the position of the site outside the defined settlement boundary of Manuden. Consequently, the proposal would conflict with Policy S7 of the Local Plan which seeks to protect the countryside for its own sake and only permit development that protects or enhance the character of the countryside.

Location – sustainable transport objectives

35. The Council clarified at the hearing that their principal concern relates to compliance with Policy GEN1(e) of the Local Plan which seeks to ensure that development encourages movement by means other than driving a car.
36. Manuden has access to a comparatively good range of day to day services, including a community centre, primary school, church, public house, and a range of sporting facilities. At the hearing it was confirmed that some of these facilities were introduced after the settlement hierarchy in the Local Plan was formally established in 2005.

37. The need for the resource centre and nursery that would be delivered as part of the proposal was debated at the hearing. However, it is common ground between the Council and the Appellant that at least the nursery is likely to serve a local need. As such, there would be a degree of enhancement of services available in the village as a result of the development itself. Although, as discussed at the hearing, the nursery is likely to attract users from outside the village and may therefore in itself encourage a moderate number of car trips.
38. The site is well located in order to access services within the village and includes an indicative layout that demonstrates that careful thought has been given to pedestrian linkages with the wider village. This includes upgrading the footpath within the site to provide separate access closer to the village for pedestrians and cyclists. As such, I am satisfied that the proposal does all it can to encourage future occupants of the dwellings to access services within the village by foot or bicycle.
39. The nearest settlement where a wider range of services can be accessed, including rail links, is Stanstead/Stanstead Mountfitchet, which is some 3 miles away. Bus services around Manuden appear to be mostly focused on transport to secondary schools, which is of benefit. However, public transport options to access services beyond the village for other users are limited. As such, there would be a degree of car reliance associated for accessing wider services.
40. Cycling to and from other areas will also be an option for some, and I noted from my site visit that Manuden is on a signposted national cycle route from Stanstead. Such cycling options would reduce car dependence to a modest degree and be encouraged further by the electric pool bikes proposed by the development.
41. Overall, taking account of the services available in the village, proximity to other settlements, and the efforts the proposal makes to encourage sustainable transport choices that are detailed in the Appellants evidence, I am satisfied that the proposal encourages movement by means other than driving a car and therefore accords with Policy GEN1(e) of the Local Plan .
42. In reaching this conclusion I have taken account of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, as recognised by the Framework. The need for evidence to demonstrate a significant improvement in sustainable transport opportunities, as set out in the officers report, is an over application of the requirements of GEN1(e) and the Framework.
43. It is common ground between the Council and the Appellant that policies in the draft local plan that has been withdrawn from examination carry no weight. As such, I do not attach weight to any changes in the settlement hierarchy that may occur as a result of a new plan in the future.
44. In conclusion, the location of the proposal would meet sustainable transport objectives by encouraging movement by means other than driving a car. Consequently, there is no conflict with Policy GEN1 of the Local Plan in relation to access.

Protected species

45. The Appellant has submitted an updated Ecology Report aimed at meeting the Council's concerns about lack of information in relation to protected species. Since the Council's decision the evidence indicates that a badger sett has become more established within the banking adjacent to The Street. This has led to the Appellant's conclusion that worst case scenario mitigation should be put in place involving moving the sett away from the road to elsewhere within the site.
46. This work would need to be undertaken under a licence from Natural England, which can only be given following the grant of planning permission. The evidence on this matter leads me to conclude that there is a reasonable likelihood that such a licence would be given. The undertaking of mitigation works under licence is a matter that could be the subject of a planning condition and would ensure adequate protection for protected species.
47. In conclusion, the available evidence demonstrates that the proposal would have acceptable effects on protected species. As such, I find no conflict with Policies GEN7 and ENV8 of the Local Plan in relation to protected and locally important wildlife habitats.

Other considerations – housing provision

48. It is common ground between the Council and the Appellant that a 5 year supply of deliverable housing sites cannot be demonstrated at present. The 2.68 years of supply now acknowledged by the Council is a deteriorated position from that stated in the officers report.
49. The addition of up to 22 houses proposed by the development would make a contribution towards addressing this shortfall on a site that is available in the short term. Whilst the contribution would be modest in the context of the overall shortfall, the Council's argument that it would not therefore be meaningful is not a credible position to take. It also fails to acknowledge the important contribution that small and medium sized sites can make to meeting the housing requirements of an area.
50. In conclusion, the delivery of housing, including affordable housing, is a consideration that should be given weight in this appeal decision.

Other matters

51. Comments raised by other interested parties have been carefully considered and taken into account, including the representations that were made at the hearing. Comments relating to the Council's reasons for refusal are discussed above.
52. In relation to highway safety the proposed development would create 2 points of entry on to The Street. A main access intended to also be used by motor vehicles would be further out of the village before the access to David Collins Drive. A further pedestrian/bicycle access would be closer to the village core as a result of the upgraded footpath within the site.

53. My visit to the site including observing the vehicle traffic movements around the proposed main access. Although the speed limit in this area is 30 miles per hour, a number of vehicles appeared to be travelling faster, particularly as they move out of the village and transition towards the quicker speed limits. This observation is consistent with the Appellant's own assessment of traffic speeds.
54. The general traffic conditions in this location appear similar to those that exist around the junction at David Collins Drive, which also provides access to the Community Centre and sports facilities, with no evidence of significant highway safety issues being drawn to my attention. Whilst the experiences of residents who use the road on a day to day basis are useful, the evidence does not lead me to conclude that the proposed development would add to traffic conditions on The Street in a way that would justify refusing planning permission on highway safety grounds.
55. The pedestrian/bicycle access from The Street already functions as a footpath with an associated level of movements to and from it. Following upgrade, the nature of the access would inevitably change both in terms of the level of movements and the nature of the use as it would become available to cyclists. I find little in the evidence, or from my site visit, that leads me towards concluding that this access would pose a risk in highway safety terms.
56. In relation to potential indirect effects on other heritage assets, I am sympathetic to the wish to make best use of existing community facilities in the village. Particularly where doing so may assist with the on going maintenance of assets such as St Mary church. However, there is limited evidence to demonstrate that the proposed development, including the nursery and resource centre, would lead to neglect of existing community facilities or prevent additional services to meet local needs coming forwards in the future.
57. It is common ground between the Council and the Appellant that the site is not an area at risk of flooding. Nevertheless, other interested parties make reference to relatively recent occasions where it is said that heavy rainfall has led to water run off from the site and consequent property damage.
58. The Appellant's Flood Risk and Surface Water Assessment (Flood Assessment) acknowledges that some areas beyond the site are at higher risk of surface water flooding. This includes the area around The Street just beyond the south east corner of the site. As such, a surface water drainage strategy would need to be designed to ensure that the development does not exacerbate flood risk in these areas.
59. The detail in the Flood Assessment is of a suitable standard to demonstrate that such a strategy is feasible, as recognised in the response from the Lead Local Flood Authority. However, the final approach would need to be subject to detailed design put forward at a later stage alongside finalising the layout and landscaping. Based on the evidence available, I am satisfied that the proposal makes adequate provision for managing flood risk, subject to conditions requiring a detailed surface water drainage scheme for the site to be agreed, which would also cover measures needed during the period of construction.

60. I have considered the effects on the living conditions of existing residents living close to the site. Whilst some effect on outlook would result from the change in character associated with residential use, the illustrative drawings demonstrate that a detailed design could be achieved at the reserved matters stage to ensure that there is no harmful loss of privacy, light, or noise and nuisance resulting from the development. Conditions could also be imposed to help manage the impact of construction work.
61. I have considered the evidence relating to air quality and land contamination, along with the responses from the Council's Environmental Health Officer. They demonstrate that these issues can be adequately managed through the use of conditions.
62. The land is regarded as best and most versatile agricultural land. However, as noted by the Council, it is a relatively small parcel of land in agricultural terms in an area made up of significant expanses of high quality land. As such, the loss of the site to other development would not impact significantly on the availability of best and most versatile agricultural land across the area as a whole.
63. In terms of biodiversity, it is common ground between the Council and the Appellant that the proposed development could achieve landscape improvements within the site as part of reserved matters that would lead to a net gain for biodiversity in the area. Reviewing the detail on this matter, I am in agreement with this view.
64. Reported conversations between the community and the developer relating to the development at David Collins Drive have not influenced my decision on this appeal, which has been made on the merits of the present proposal.
65. Other matters raised have been considered but do not affect my conclusions on the main issues.

Conclusions

66. It is common ground between the Council and the Appellant that a 5 year supply of deliverable housing sites cannot be demonstrated at present. The consequence of inadequate supply would be to render the policies which are most important for determining the application out of date and to trigger consideration of whether the presumption in Paragraph 11 of the Framework applies.
67. I have identified moderate harm in relation to the character and appearance of the area and conflict with the development plan resulting from the position of the site outside the defined settlement boundary of Manuden.
68. The main policy conflict is with Policy S7 of the Local Plan. However, as acknowledged by the Council, S7 is only partially consistent with the Framework as it seeks to protect the countryside for its own sake. The Council also recognise that the location of the site adjacent to the built up area of Manuden reflects compliance with paragraphs 78-79 of the Framework regarding accommodating some growth in existing settlements to facilitate the enhancement and maintenance of rural communities.

69. As such, the degree of policy conflict in this case is limited. In reaching this view I have paid regard to the previous appeal decisions cited by the Council and the Appellant that reach contrasting views on the degree of weight to be given to Policy S7 based on the specifics of the cases.
70. The main harm to the character of the area relates to the change in character of the land as perceived from the footpath within the site. I would characterise this harm as moderate due to the localised nature of the impacts and one that would lessen over time as the development becomes more established as part of the village.
71. The main benefit of the proposal relates to the provision of up to 22 homes, including 40% affordable housing, at a time where the Council describe the housing shortage in the area as severe and the shortfall as significant. As such, provision of housing, including affordable housing, is a significant benefit of the proposal.
72. Carefully considering the evidence, I conclude that the adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is the case even before factoring in the Appellant's other suggested benefits of the scheme, such as the provision of the nursery, resource centre, and upgrades to local footpaths, which attract more moderate weight.
73. Consequently, the presumption at paragraph 11 of the Framework points towards granting planning permission. As such, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

74. The conditions of this permission are set out in the attached schedule. I have imposed standard conditions relating to the submission and timing of reserved matters applications and the commencement of development. Other conditions are addressed below by reference to the numbers set out in the attached schedule.
75. Condition (4) sets out the submitted drawings, requiring compliance with them insofar as they relate to the matters that are not reserved.
76. Conditions (5), (6), (7), and (8) are necessary to ensure safe and effective access to and from the site and pedestrian links, including upgrade to the footpath within the site.
77. Conditions (9) and (10) are necessary in the interests of managing the effects of construction work on the highway and the surrounding area and to minimise risk associated with contamination. They need to be pre-commencement conditions as some of the measures would need to be in place before works start.
78. Condition (11) is necessary in order to safeguard the character and appearance of the area.

79. Condition (12) is necessary to ensure provision is made for archaeological recording and investigation. It needs to be a pre-commencement condition to ensure that investigation can be carried out before the site is substantially disturbed.

80. Conditions (13) and (14) are necessary in the interests of promoting sustainable travel choices.

81. Condition (15) is necessary in order to ensure effective drainage for the site and development. It needs to be a pre-commencement condition as some of the measures could not easily be retrofitted.

82. Conditions (16) and (17) are needed in order to make provision for ecological mitigation, enhancement, and wildlife protection. Condition (17) is a pre-commencement condition in order to ensure that measures are in place to safeguard the badger sett before the site is disturbed.

D. R. McCreery

INSPECTOR

Schedule of Conditions

1. Approval of the details of the layout, scale, landscaping and appearance (hereafter called "the Reserved Matters") must be obtained from the Local Planning Authority in writing before development commences and the development must be carried out as approved.
2. Application for approval of the Reserved Matters must be made to the Local Planning Authority not later than the expiration of three years from the date of this permission.
3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the Reserved Matters to be approved.
4. In so far as they relate to matters that are not reserved, the development shall be completed in accordance with the following details unless otherwise agreed in writing with the Local Planning Authority:
 - i. PI46X01A
 - ii. 486X4A
 - iii. 486X03G
 - iv. 486X200D
 - v. 486X06B
 - vi. 486X07C
 - vii. TSP/PSL/P3307/001B
 - viii. 486SUDSrevA
 - ix. 486X60A
5. Prior to occupation of the development the access to the site shall be formed from The Street as shown on DWG no. 486 x 03G and DWG no. 486 x 200D, to include but not limited to: minimum 5.5 metre carriageway width with appropriate radii, two 2 metre footways and visibility splays with dimensions of 2.4 metres by 90 metres, as measured from and along the nearside edge of the carriageway (including the necessary regarding works). The access and vehicular visibility splays shall be retained free of any obstruction above 600mm at all times for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
6. The gradient of the vehicular access from The Street shall be not steeper than 4% (1in 25) for the first 10 metres from the highway boundary and not steeper than 8% (1in 12.5) thereafter unless otherwise agreed in writing with the Local Planning Authority.
7. Prior to occupation of the development, a 2 metre footway shall be provided from the site access extending northwards along the western side of The Street towards David Collins Drive (DCD), to include but not limited to, the provision of a dropped kerb pedestrian crossing point of The Street and a section of footway on the eastern side of The Street to provide access into DCD. Details of the scheme shall be agreed prior to occupation with the Local Planning Authority and shall be implemented prior to occupation and retained thereafter.

8. Prior to occupation of the development, public footpath no. 16 (Manuden) shall be upgraded to a 3.5 metre shared cycle/footway for its entire length from The Street to Sheepcote Lane, with links into the development, as shown on DWG no. 486 x 200D, and a dropped kerb pedestrian crossing point of The Street. The materials to be used in resurfacing the footpath (including details of drainage ditches and channels) shall be agreed with the Local Planning Authority and shall be implemented prior to occupation and retained thereafter.
9. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period and shall provide for the following all clear of the highway:
 - x. Safe access into the site;
 - xi. The parking of vehicles of site operatives and visitors;
 - xii. Loading and unloading of plant and materials;
 - xiii. Storage of plant and materials used in constructing the development;
 - xiv. Wheel and underbody washing facilities.
10. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless otherwise agreed in writing with the local planning authority :
 - i. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - ii. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 - iii. A remediation scheme detailing how any necessary remediation will be undertaken and provision for ongoing monitoring.

The works shall be carried out in accordance with the agreed scheme. If during the works contamination is encountered which has not previously been identified, then the site shall be fully assessed and a remediation scheme shall be submitted to and approved in writing by the local planning authority, which will subsequently be implemented.

Prior to first occupation of the proposed development, a validation report detailing that includes quality assurance certificates to show that the works have been carried out in full accordance with the approved scheme shall be submitted to the Local Planning Authority.

11. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details and shall be retained as such.
12. No development or preliminary groundworks shall commence until a programme of archaeological investigation has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Following investigation, no development or preliminary groundworks can commence on any areas containing archaeological deposits until fieldwork has been carried out in accordance with a mitigation strategy which has been first agreed in writing by the Local Planning Authority.

13. Prior to occupation of the proposed development, Personalised Travel Plans for each dwelling as set out in the KMC Transport Planning Report dated August 2019 shall be implemented in accordance with details first agreed in writing with the Local Planning Authority.
14. Prior to occupation of the development, details of the two electric pool bikes and pool car sharing shall be submitted to the Local Planning Authority. The details shall include at least the following:
 - i. Location of the facilities and the pool car
 - ii. Security of facilities
 - iii. Confirmation of the electric charging arrangements and management plan for the use and hiring of the bikes and vehicle.
 - iv. Implementation timetable
 - v. Monitoring of use

The facilities shall be provided no later than:

- i. 50% occupation of the residential development, or
- ii. first use of the resource centre and/or nursery,

whichever is the sooner. The facilities shall be delivered as agreed and shall be maintained for the life of the development.

15. Prior to the commencement of the development a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and the area around The Street, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

The scheme should include but not be limited to:

- i. Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- ii. A full structural, hydraulic and ground investigation
- iii. Limiting discharge rates to the 1in1 Greenfield runoff rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- iv. Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- v. A 10% urban creep buffer. In any storage calculations, we would also want to see 'urban creep' included in line with Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority".
- vi. Demonstrate that features have suitable half drain times. If not then it needs to be demonstrated that the features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- vii. Final modelling and calculations for all areas of the drainage system and details of any mitigation measures necessary to minimise the impacts on the existing drainage systems beyond the site.
- viii. The appropriate level of treatment for all runoff leaving the site (including roof areas), in line with the CIRIA SuDS Manual C753.
- ix. Detailed engineering drawings of each component of the drainage scheme.
- x. A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- xi. A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- xii. Details to minimise the risk of offsite flooding caused by surface water runoff and groundwater during constructions.
- xiii. A maintenance plan to include details of who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies throughout the lifetime of the development.
- xiv. Applicant or successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan and must be available for inspection upon request.

- 16.No development shall take place until a licence has been issued by Natural England with regards to the badger Sett and badgers present on the site, or a statement from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, with reference to the ecology report prepared by Mr. A. Arbon dated September 2019.
- 17.As part of the Landscaping details to be submitted under Condition 1 (Reserved Matters), the scheme shall provide the ecological mitigation & enhancement measures set out in the ecology report by Mr. A Arbon dated September 2019 and shall follow the principles set out in Eco Drawing No 1 (486x04A -Pelham Structures Ltd, Nov 2017). Such mitigation works shall be carried out in accordance with the phasing set out in the ecology reports dated 25th November 2017 and September 2017.