



Appeal Decision

Site visit made on 24 April 2019

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 05 June 2019

Appeal Ref: APP/T3725/W/18/3206423

Land south of Lloyd Close, Hampton Magna

- 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 Mr M Grimes, Richborough Estates Limited against the decision of Warwick District Council.
 - The application Ref W/17/2387, dated 20 December 2017, was refused by notice dated 11 June 2018.
 - The development proposed is the erection of up-to 147 dwellings together with vehicular/pedestrian access from Daly Avenue; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for erection of up-to 147 dwellings together with vehicular/pedestrian access from Daly Avenue; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure at Land south of Lloyd Close, Hampton Magna in accordance with the terms of the application, Ref W/17/2387, dated 20 December 2017, subject to the conditions in the Schedule to this decision.

Application for costs

2. An application for costs was made by Mr M Grimes, Richborough Estates Limited against Warwick District Council. This application is the subject of a separate Decision.

Procedural matters

3. The application was made in outline with means of access for consideration at that stage. I have dealt with this appeal on a similar basis. The application was accompanied by an illustrative masterplan showing a potential layout for the proposed development; I have used this plan on this illustrative basis.
4. The appeal was accompanied by two Planning Obligations by way of Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 2 April 2019 and 20 May 2019 in respect of a number of issues. I will discuss these below.
5. Since the application the subject of this appeal was refused planning permission the Budbrooke Neighbourhood Plan (the Neighbourhood Plan) has

been made and become part of the development plan for the area. I have been referred to various of its policies and will consider these.

6. I have also been advised that, on 29 January 2019, Warwick District Council's Planning Committee resolved to grant planning permission for an "Outline application with all matters reserved except for access, for the erection of up to 131 dwellings together with vehicular/pedestrian access from Daly Avenue with an emergency access from Mayne Close; Green Infrastructure including a play area, other open space and landscaping; sustainable drainage; and other related infrastructure" subject to the completion of a Planning Obligation. I have been provided with no further details of that proposal or its extent or whether outline planning permission has subsequently been granted. I therefore will deal with this appeal on the basis of the information I have been provided with.

Main Issues

7. The main issues are:
 - the effect on the character and appearance of the area;
 - the effect on highway safety;
 - the effect on a protected species, bats; and
 - whether the proposal makes adequate provision for affordable housing, infrastructure and associated facilities.

Reasons

Character and appearance

8. The appeal site lies to the southeast of the village of Hampton Magna and consists of part of an agricultural field. The landform slopes from the northwest to the southeast although there is a slight ridge across the southeastern portion. A footpath runs across approximately the northern third of the western edge of the site from Mayne Close, and then along the northern edge, although I noted a number of informal accesses from Daly Avenue to the north of the appeal site. A separate footpath runs to the south of the appeal site.
9. The northwestern majority of the appeal site makes up site allocation H51 in the Warwick District Local Plan 2011 – 2029 (the Local Plan), with Hampton Magna as one of the Growth Villages. The Local Plan anticipated this site would be developed for 115 dwellings. This allocation excluded this part of the appeal site from the Green Belt and it is not for me in a Section 78 planning appeal to go behind the exclusion or allocation.
10. However, the remainder of the appeal site remains in the Green Belt and also in the countryside. Policy DS18 of the Local Plan states that the Council will apply national planning policy to proposals within the Green Belt. The main parties agree that the use of this remainder area for sustainable drainage schemes (SuDs) and public open space would be not inappropriate development in the Green Belt and I have no reason to disagree with this.
11. The development of the allocation site would have an urbanising effect on the area in question, but this was considered as part of the allocation of the appeal site within the overall context of the needs for development in the area. It is

- also the case that, whatever quantum of residential development, other associated development, that is open space, drainage features, and the like, would also be required. The effect of the appeal proposal on the area needs to be considered in that context.
12. The Council's concern is that through the quantity and nature of the proposed development these associated elements would be more extensive and cover a greater area than anticipated the Local Plan and thus be more harmful to the character and appearance of the countryside outside the allocation site.
 13. In making this judgement the Council has referred to its document entitled "Garden Towns, Villages and Suburbs". However, this document pre-dates the adoption of the Local Plan and does not appear to have been prepared as a formal Supplementary Planning Document. In light of the information in front of me as to its status I can only give this limited weight.
 14. As set out above, the application was accompanied by an illustrative layout and the Council considers this shows a dense form of built development which is not adequately landscaped, contains substandard separation distances in places, and excessive levels of frontage parking.
 15. It must be remembered that the illustrative layout is just that, and any application for approval of reserved matters is not required to follow its form and it did not constitute part of the application drawings. This is unlike the Design Parameters Plan which did form part of the formal submission. It is also the case that the description of the proposal is "up-to" 147 dwellings.
 16. Although the number of dwellings here proposed is higher than that set out in the Local Plan there is nothing to indicate that this number was a maximum, provided the increased number did not have any harmful effects.
 17. While the Council has set out various criticisms of the layout, these appear to be of a general concern rather than specific; certainly, I was not directed to any specific areas of asserted harm. The reserved matters approval process allows for a good design to be developed which may or may not follow the illustrative layout. There is nothing to show that the lower number of dwellings set out in the Local Plan together with all the necessary ancillary facilities, such as open space and drainage facilities, could have been developed on the allocated site alone.
 18. I can therefore only conclude that the effect of the proposal on the wider area would have been similar to that required to facilitate the development of the appeal site at a lower number of dwellings, and the proposal would also have a similar effect on the setting of Hampton Magna.
 19. The Council has referred to two Local Plan policies; Policies BE1 and NE4. Policy BE1 is entitled Layout and Design and requires new development to positively contribute to the character and quality of its environment through good layout and design, and sets out various criteria that development is expected to demonstrate. Most of these would be applicable to the consideration of any application for approval of reserved matters. However, one of these criteria is that development should relate well to local topography and landscape features and this criterion references Policy NE4.
 20. Policy NE4 of the Local Plan is entitled Landscape and requires development to positively contribute to landscape character. In this regard it is necessary to

consider landscape context. Given the gently sloping nature of the site and the proximity to the existing built up area of Hampton Magna on two sides I am satisfied that the effects of the appeal proposal would be no more harmful than with the lower quantum of development identified in the Local Plan.

21. The appellant has referred to Policies BNDP5 and BNDP7 of the Neighbourhood Plan. These policies deal principally with detailed design matters appropriate for the reserved matters stage. However, Policy BNDP5 does state that the density of development on the allocation site should be in keeping with the existing residential development in the immediate surrounding area. The appellant has shown that, overall, the density would be similar to that in the surrounding area, and I am satisfied that the layout could allow for less dense development around the outer perimeter of the site to allow for a suitable transition to the open space and countryside beyond.
22. That being the case the proposal would have no greater effect on the character and appearance of the area than that envisaged in the Local Plan. Consequently, the proposal would be in accordance with Policies BE1 and NE4 of the Local Plan, and Policy BNDP5 of the Neighbourhood Plan as set out above. It would also comply with paragraph 170 of the National Planning Policy Framework (the Framework) in that the proposal would recognise the intrinsic character and beauty of the countryside within the terms of the development plan.

Highway safety

23. Access to the appeal site would be via Daly Avenue from the north. This is a single carriageway road with footways on both sides. Daly Avenue is a "loop road" with two junctions to Woodway Avenue allowing traffic to access the site from both east and west.
24. Woodway Avenue connects to the north with Slade Hill. To the north this connects with Field Barn Road which then connects to the main access road to Hampton Magna, Old Budbrooke Road, either directly to the west or via Blandford Way to the east. Alternatively, at the junction of Woodway Avenue with Slade Hill, it is possible to travel in a westerly direction via Cherry Lane and Damson Road to Old Budbrooke Road. I walked and drove around the highway network in the area as part of my site visit.
25. The reason for refusal considers that as a cul-de-sac would be created with more than 150 dwellings from a single point of access a secondary, emergency, means of access should be created. This follows the consultation response of the highway authority which stated that it "resists development proposals that create more than 150 dwellings from a single access point". Although the appellant sought to characterise this response not as an objection, the use of the word "resists" can only be properly understood as an objection to the proposal.
26. As described above the reality is that due to the looped nature of Daly Avenue there is only one section of Woodway Avenue that creates a single way of access. This is between the northern junction with Daly Avenue and the junction with Slade Hill/Cherry Lane. This section of Woodway Avenue also has two cul-de-sacs off it, Ryder Close and Church Path. Clearly, with the proposal for up-to 147 dwellings, with the existing dwellings the total of dwellings on this section of road would exceed 150.

27. No technical support for this reason for refusal has been provided by the highway authority. However, the appellant has identified a document from 2001 entitled 'Transport and Roads for Developments: The Warwickshire Guide 2001' (the Warwickshire Guide). This states that no more than 100 dwellings, as a benchmark figure, should be served to an all-purpose road which should be a link within the existing local or wider highway network capable of safely accommodating and distributing the generated traffic. It continues that this benchmark figure may be exceeded where it is considered reasonable to do so having regard to the likely influence of the cumulative effect of traffic on the dwelling or dwellings closest to the connection to the existing highway network, and the adequacy of any proposed emergency access arrangements. It can thus be seen that the concerns relate to the effect on the living conditions of occupiers of dwellings closest to the connection and emergency access arrangements. The reason for refusal relates only to highway safety and therefore my analysis will concentrate on this aspect.
28. Since 2001 both Manual for Streets (MfS) and Manual for Streets 2 (MfS2) have been published. The former of these was published in 2007 jointly by the Welsh Assembly Government, the then Department for Communities and Local Government and the Department for Transport. The latter by the Chartered Institution of Highways & Transportation in 2010. As these documents post-date the Warwickshire Guide I consider that more weight should be given to MfS and MfS2 as these flow from latest research and represent latest best practice. Neither of these documents indicates limits on the numbers of dwellings from single point of access. Rather, as MfS states (paragraph 6.7.3, third bullet) the fire service considers each application based on a risk assessment for the site, and response time requirements. I note that the Warwickshire Fire and Rescue Service has formally raised no objection to the proposal on consultation at the application stage.
29. As identified above the most sensitive section of the access is between the northern junction of Woodway Avenue with Daly Avenue and its junction with Slade Hill/Cherry Lane. At the time of my site visit during mid-morning on a working weekday there was little on-street parking and I noted that most adjoining properties had the ability to park cars on site, and there were also spaces on-street in the two side cul-de-sacs. This section of Woodway Avenue is between approximately 6.7 m and 7.0 m wide with footways on either side, and no parking restrictions. I have been provided with no evidence to show that there is a particular parking problem on this section of road or the immediate vicinity.
30. While this section of road does have the potential for parking, given the width of the highway it is likely that a fire tender would be able to pass a stranded or broken down vehicle of any size without leading to an unacceptable risk.
31. Local residents and the Parish Council have expressed concerns about the capacity of the local road network to accommodate the additional traffic caused by the increased number of dwellings above those indicated in the Local Plan. However, the highway authority has not objected to any aspect of the proposal apart from that discussed above. In light of this I am satisfied that the proposal would not give rise to severe residual cumulative impacts on the road network, which is the test set out in paragraph 109 of the Framework if development is to be prevented.

32. The appellant has offered, if necessary, an emergency access via Mayne Close. I do not consider that this is needed to ensure highway safety for the reasons given above.
33. The proposal would therefore be acceptable in terms of highway safety. That being the case the proposal would comply with Policy TR1 of the Local Plan which requires development to provide safe, suitable and attractive routes for highway users. It would also comply with Policy BNDP9 of the Neighbourhood Plan which requires development to provide a safe access, and with paragraph 108 of the Framework which requires a safe and suitable access to a site for all users.

Ecology

34. In support of the application various ecological appraisals were submitted. At this stage the County Ecologist at Warwickshire County Council was generally content with the information provided but noted that bat activity surveys were on-going and these needed to be completed prior to the determination of the application. These had not been completed at the time of the determination of the application which led to the third reason for refusal.
35. Following the determination, the bat activity surveys were completed and submitted to the County Ecologist who confirmed that there were no objections subject to conditions. This information and the correspondence were submitted as part of the appeal.
36. In light of this information, and subject to conditions, I am satisfied that the proposal makes adequate provision for protected species. As such the proposal would comply with Policy NE2 of the Local Plan which indicates that the Council will protect species of national and local importance for biodiversity. It would also comply with Policy BNDP8 of the Neighbourhood Plan which requires that species of national and local importance for biodiversity should be preserved, and would comply with paragraph 170 of the Framework which indicates planning decisions should minimise impacts on biodiversity.

Affordable housing, infrastructure and associated facilities

37. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) states a planning obligation may only constitute a reason for granting planning permission if the obligation passes three requirements. This is reiterated in paragraph 56 of the Framework. These requirements are that the Obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and is reasonably related in scale and kind to the development.
38. Regulation 123 of the CIL Regulations also states a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure where five or more separate planning obligations provide for the funding or provision of that project or provide for the funding or provision of that type of infrastructure.
39. Policies HS4 and DM1 of the Local Plan respectively seek contributions towards the provision, improvement and maintenance of appropriate open space, sport and recreational facilities to meet local and district-wide needs, and measures to directly mitigate and make acceptable in planning terms and physical, social

and green infrastructure to support needs associated with development. I also note that the area is covered by the Community Infrastructure Levy. Policy BNDP5 of the Neighbourhood Plan requires that development on the appeal site should deliver for 40% affordable housing subject to viability.

40. The Planning Obligations make provision for 40% of the overall total of dwellings to be affordable housing as defined in the Framework. They also would deliver and provide for maintenance of public open space and SuDs schemes areas, together with the transfer to the District and County Councils should the Councils wish to accept them. Further the Obligations would provide for biodiversity off-setting, and contributions towards Health Care, allotments, outdoor and indoor sports facilities, education facilities, highway infrastructure, public rights of way, libraries, sustainable travel pack and sustainable travel, and for monitoring of the Obligations. I have considered each of these contributions and consider that they meet the tests set out above and, based on the information provided, that none would either exceed the totting up provisions of Regulation 123 or represent double counting with the contributions to be made under the Community Infrastructure Levy.
41. The Council has also requested a contribution towards a cycleway link between the site and Hampton Road, together with dedication of land for that purpose. This is not provided for in either of the Obligations. In support of this the Council cites Policies TR1 and TR2 of the Local Plan.
42. Policy TR1 of the Local Plan indicates development will only be permitted which provides safe, suitable and attractive access for pedestrians, cyclists, public transport users, delivery vehicles and other users of motor vehicles and then goes on to set a number of criteria which include that the proposal is designed to provide suitable access and circulation for a range of transport modes including pedestrians, cyclists and public transport services. Policy TR2 of the Local Plan deals with traffic generation and sets out criteria requiring that all large scale developments are to be supported by a Transport Assessment, which was done, to mitigate negative impacts on health and wellbeing of people in the area as a result of pollution, noise or vibration, and none here is alleged, and, where appropriate an air quality assessment it undertaken; again no evidence has indicated that this is necessary. I therefore find there is compliance with Policy TR2 of the Local Plan.
43. The contribution is sought towards a cycle link from the site southwards to join up with Hampton Road and thence to Warwick town centre and schools. However, the justification uses the phrase that the County Council "is seeking to develop a dedicated, continuous traffic-free cycle route". This does not indicate that the contribution would be to an identified and costed programme rather for a potential route to be finalised in the future. I also note that the lack of contribution did not feature as part of the relevant reason for refusal. The second reason for refusal, dealing specifically with highway safety, did not make any reference to this being compromised by the lack of cycling facilities. Overall, I consider that it has not been demonstrated that the provision of a cycle route is necessary to make the scheme acceptable in planning terms and consequently the failure to make a contribution towards a cycle route does not count against the proposal. Consequently, the proposal would comply with Policy TR1 as set out above.

Other matters

44. Local residents have expressed concerns about a number of issues, some of which I have addressed above. Of additional concern are aspects relating to the increased number of dwellings in combination with another allocation site in Hampton Magna at Arras Boulevard. As noted above the figures in the Local Plan are not maxima and I am satisfied that together the two schemes would not result in a harmful adverse effect on the overall character of Hampton Magna by disproportionately enlarging the village.
45. I note that the Neighbourhood Plan in Policy BNDP5 indicates that proposals for self-build and custom-build dwellings on the appeal site will be supported, but this policy does not make this a requirement. As such the proposal is not contrary to the development plan by not making such a provision.
46. A number of detailed aspects of the proposal would be for later consideration, including ensuring an appropriate quantum of parking.

Conditions

47. Although the Council indicated that it would submit a list of suggested conditions in the event that I was minded to allow the appeal with its Statement of Case no such Statement or draft conditions were submitted. I have therefore considered the need for conditions using the list set out in the appellant's Statement of Case and those recommended by consultees at the application or appeal stages against the requirements of the national Planning Practice Guidance and the Framework.
48. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with. As an outline application there is no need to get the written agreement of the appellant to any pre-commencement conditions.
49. In addition to the standard timescale conditions (1, 2, 3), I have imposed a condition specifying the relevant drawings as this provides certainty (4).
50. I have imposed a condition (5) requiring the development to be in general accordance with the Design Parameters Plan in order to ensure that built development takes place outside the Green Belt in order to comply with relevant policies.
51. In order to protect the living conditions of occupiers of dwellings in the vicinity of the appeal site, to ensure highway safety and in the interests of biodiversity I consider a Construction Environmental Management Plan should be drawn up and implemented (6). This would provide for restrictions on working hours and should include checks for protected and notable species and subsequent mitigation and monitoring and appropriate working practices, and safeguards for other wildlife dependent of further survey work secured. This is needed as a pre-commencement condition due to the need to protect living conditions, highway safety and biodiversity from the outset of development.
52. There are a number of trees and hedgerows around the perimeter of the appeal site which need to be protected and their longevity secured through a condition (7). This protection needs to be secured at the outset of development.

53. Development needs to be constructed in accordance with the submitted Flood Risk Assessment, including at an appropriate discharge rate, and a detailed surface water drainage scheme delivered in order to ensure that flood risk is not increased (13,8). The latter is needed as a pre-commencement condition to ensure that flood risk is not increased from the outset of development. The surface water drainage systems are to be maintained through the Planning Obligation.
54. In order to ensure that fire risk is managed appropriately a scheme for adequate water supplies and fire hydrants needs to be submitted and approved prior to works commencing on site as this will need to be installed as part of the initial works. However, occupations only need to be restricted to dwellings which would not be safeguarded by an operational hydrant (9).
55. In order to protect the occupiers in case the land is contaminated, additional contaminated land surveys are required and any necessary remediation secured. This includes remediating any contamination found during construction activities (10, 11, 12).
56. Due to the proximity of the site to the A46 a scheme to protect the occupiers of the dwellings from traffic noise needs to be submitted and approved. As this partially relates to the layout this needs to be resolved as a pre-commencement condition (14).
57. In the interests of improving air quality a Low Emission Strategy needs to be submitted to and approved by the local planning authority (15).
58. In order to enhance biodiversity, in line with national and local policies, a Landscape and Ecological Management Plan needs to be submitted and approved (16, 17). In order to protect biodiversity that is susceptible to artificial light, a lighting scheme needs to be submitted and approved in writing by the local planning authority. Both matters are only required before above ground construction works take place.
59. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

60. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing No P16-0239_007 Rev I - Site Location Plan
 - Drawing No P16-0239_008_01 - Design Parameters Plan
 - Drawing No T16552/001 Rev D - Site Accesses
 - Drawing No 24094_T_Rev 0 - Topographical Survey
- 5) Any application for approval of reserved matters shall be in accordance with the general principles of the following plan:
 - Drawing No P16-0239_008_01 - Design Parameters Plan
- 6) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The CEMP shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from construction works;
 - viii) delivery, demolition and construction working hours;
 - ix) pre-commencement checks for protected and notable species and subsequent mitigation and monitoring; and
 - x) appropriate working practices and safeguards for other wildlife which are dependent of further survey work.

The approved CEMP shall be adhered to throughout the construction period for the development.
- 7) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until tree and hedgerow protection has been erected on site in locations in accordance with details submitted to and approved in writing by the local planning authority and agreed in writing as complete by the local planning authority. The protection shall be retained until the local planning authority has confirmed in writing that the development is complete in the vicinity of the specific tree

and/or hedgerow. Nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the local planning authority.

- 8) No development shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage principles and assessment of the hydrological and hydrogeological 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 to be submitted shall:
- i) demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in "Science Report SC030219 Rainfall Management for Developments";
 - ii) demonstrate that the surface water drainage system(s) are designed in accordance with "The SuDs Manual", CIRIA Report C753;
 - iii) where flooding occurs on site to store the 1 in 100 year plus climate change event, details should be provided of the storage capacity required outside the proposed formal drainage system. Details of the depths and locations of flooding should also be provided where the depths may be unsafe. Hazard mapping may be required to ensure the development remains safe to uses of the site;
 - iv) demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - v) provide evidence of a condition survey of the watercourse proposed outfall to demonstrate the watercourse is able to convey flows from the development; and
 - vi) provide plans in detail showing the allowance for exceedance flow and overland flow routing; overland flow routing should look to reduce the impact of exceedance event.
- 9) No development shall take place until a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the scheme has been implemented so that the dwelling in question is within the range of an operational fire hydrant.
- 10) No development shall take place until:
- i) a site investigation has been designed for the site using the information obtained from the desk-top study and any diagrammatical representations (conceptual model). This should be submitted to and approved in writing by the local planning authority prior to that investigation being carried out. The investigation must be comprehensive enough to enable:
 - a) a risk assessment to be undertaken relating to human health;

- b) a risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected;
 - c) an appropriate gas risk assessment to be undertaken;
 - d) refinement of the conceptual model;
 - e) the development of a method statement detailing the remediation requirements.
- ii) the site investigation has been undertaken in accordance with details approved by the local planning authority and a risk assessment has been undertaken.
 - iii) a method statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the site investigation, has been submitted to and approved in writing by the local planning authority. The method statement shall include details of how the remediation works will be validated upon completion.

All development of the site shall accord with the approved method statement.

- 11) If during development, contamination not previously identified is found to be present at the site then no further development shall take place unless otherwise agreed in writing with the local planning authority for an addendum to the method statement. This addendum to the method statement must detail how this previously unsuspected contamination shall be dealt with.
- 12) Upon completion of the remediation detailed in the method statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved method statement. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
- 13) The development hereby permitted shall be carried out strictly in accordance with the Flood Risk Assessment (FRA) "Proposed Residential Development, Land to the South of Lloyd Close, Hampton Magna, Warwickshire Flood Risk Assessment November 2017 Report Ref: 22356/10-17/5010 Rev B" and "Daley [sic] Avenue, Hampton Magna Addendum: LLFA comment March 2018 Ref. 22356/03-18/5831", and in particular the following mitigation measures detailed within the FRA:
 - i) limit the discharge rate generated by all rainfall events up to and including the 100 year plus 40% (allowance for climate change) critical rain storm to 14.3 l/s for the site; and
 - ii) surface water is to be provided by a minimum of two trains of treatment using the proposed above ground drainage features within the drainage design.

The mitigation measures should be fully implemented prior to any occupation in accordance with the timing and phasing arrangements embodied within the scheme.

- 14) No development shall commence until a scheme of mitigation including detailed arrangements to protect residents of the development from excessive traffic noise entering habitable rooms and the provision of quiet garden areas shielded from road noise shall be submitted to and approved in writing by the

local planning authority. The scheme shall be implemented in accordance with the approved details and shall be retained thereafter.

- 15) No development shall commence on site until a Low Emission Strategy has been submitted to and approved in writing by the local planning authority. The development shall take place in accordance with the approved Strategy.
- 16) No above ground construction works shall commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The plan should include details of planting and maintenance of all new soft landscaping together with details of species used and sourcing of plants. The plan shall also include details of habitat enhancement/creation measures and management, such as native species planting, wildflower grassland, woodland creation/enhancement, and provision for habitat for protected species. The approved measures shall thereafter be implemented in full.
- 17) No above ground construction works shall commence until details of all external light fittings and external lighting columns have been submitted to and approved in writing by the local planning authority. Development shall be carried out in full accordance with such approved details.

End of Schedule