

Application Number	21/00767/FUL
Site Address	15 Darwin Avenue, Worcester WR5 1SP
Description of Development	Demolition of three existing dwellings and erection of 50 affordable dwellings, access, public open space and associated development including re-routing of public footpath.
Expiry Date	9 November 2021. An extension of time is being sought.
Applicant	Bromford Developments Limited
Agent	Mr Oliver Marigold
Case Officer	Tom Gabriel
	thomas.gabriel@worcester.gov.uk
Ward Member(s)	Warndon Parish South Ward
Reason for Referral to Committee	Major application
Key Issues	The principle of development, whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role and whether the amended landscaping scheme is acceptable and whether it addresses the concerns with the previous application on the site.
Web link to application	
Recommendation	The Corporate Director – Planning and Governance recommends that Planning Committee is minded to grant planning permission subject to the applicant and all persons having an interest in the land entering into an agreement under Section 106 of the Town and Country Planning Act in accordance with the agreed Heads of Terms, and, delegates to the Corporate Director - Planning and Governance on her being satisfied with the nature of such an Agreement approval to grant the necessary planning permission, subject to the conditions set out in section 9 of this report.

1. Background

- 1.1 The application was registered on 10 August 2021 and was due for a decision on 9 November 2021. An extension of time is being sought.

1.2 The application has been referred to the Planning Committee in accordance with the adopted Scheme of Delegation.

2. The site and surrounding area

2.1 The application site comprises 1.78 hectares of land off Darwin Avenue. The site is immediately adjacent to existing housing at Darwin Avenue and the Latimer Court Care Home; previously forming part of the former Tolladine Golf Course (which closed in 2006), it is laid to grass with mature hedgerows to the south and east boundaries. Trees on site are the subject of a preservation order. The site boundary includes a terrace of 3 houses (nos.15-17 Darwin Avenue).

2.2 The site is partially allocated within the adopted SWDP, as part of a larger parcel of land under reference SWDP 43/1 (Land South of Leopard Hill), with an overall indicative capacity for 100 dwellings. To date, planning permission has been approved for 61 dwellings (P18Q0226) on part of the site: this has been built out by Elan Homes (immediately to the east of the current application site).

2.3 The application site features as part of the emerging South Worcestershire Development Plan Review (SWDPR). The proposed site allocation (SWDP NEW 7) proposes approximately 43 dwellings on an expanded area, which includes the remaining part of the current allocation under SWDP 43/1.

2.4 The indicative capacity on the proposed allocation SWDP NEW 7 (43 dwellings) would bring the total number of dwellings proposed on the two site allocations to 104, an increase of 4 dwellings when compared to the current allocation of 100 dwellings on SWDP 43/1. This planning application proposes 50 dwellings (47 net), which would bring the combined total to 111 (108 net).

2.5 The site is not within a Conservation Area and is does not affect any listed buildings. There are Public Rights of Way to the north and south of the site.



The application site



3. The proposals

- 3.1 It is proposed to demolish a terrace of 3 houses, owned by the applicants, Bromford Developments, to provide an access off Darwin Avenue and to construct a housing development of 50 affordable houses on the wider site: 1no. 4 bed; 18no. 3bed; 29no.2bed; 2no.1bed. The applicants are an established Registered Provider (Housing Association) and all of the houses would be affordable. It is stated that 15 units would be for affordable home ownership, with the remainder rented at affordable levels. The affordable dwellings would be secured through a S106 agreement.
- 3.2 Accessed by a central spine road which continues Darwin Avenue, the proposed roadway branches out into a "T" shape which provides for perimeter development with properties facing out onto the open space to the north and west.
- 3.3 The proposed dwellings would be two-storey and of traditional construction with facing brick and pitched tiled roofs. Parking would meet the standards in the adopted Streetscape Design Guide. The design and layout of the site would be similar to that of the existing housing to the south.
- 3.4 40% of the site area would be given over to Green Infrastructure and would include a SuDs balancing pond and associated open space in the south east corner.
- 3.5 The proposals would affect Public Right of Ways on the site - PRoW 660 (B), 659 (B) 661 (B) and 506 (B) – and the Applicant proposes diverting them accordingly to link up with nearby footpaths to aid connectivity. This requires a formal application under S257 of the Town and Country Planning Act which will be the subject of a future report to the Planning Committee to authorise the requisite diversion orders. However, the impact of the footpaths is considered in section 7 of this report and in addition, the County Council have been consulted and consider the proposals acceptable.
- 3.6 Extensive supporting documentation has been provided within the submission. In order to replace trees lost during construction, full landscaping plans are provided in accordance with this documentation. This application proposes significantly enhanced landscaping further to the concerns raised at the time of the previous application on the site.
- 3.7 The overall density would be 28 dwelling per hectare.



The proposed layout

3.8 The application is accompanied by a full set of plans together with an extensive suite of supporting documents as follows:

- Planning & Affordable Housing Statement
- Design & Access Statement
- Statement of Community Involvement
- Air Quality Statement
- Tree Survey
- Arboricultural Assessment
- Transport Assessment
- Flood Risk Assessment
- Historic Environment Assessment
- Energy Statement
- Waste Management Statement
- Utilities and Drainage Statement

- Health Impact Assessment
- Environmental DNA Analysis (eDNA)
- Reptile Survey Report
- Reptile Mitigation Strategy
- Preliminary Ecological Appraisal
- Planting Layout Plan
- Adoption Plan
- Planting Layout Plan
- Education Planning Obligations Assessment

3.9 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council’s website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. Planning Policy

- 4.1 The Town and Country Planning Act 1990 (‘the Act’) establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/ appeals to have regard to the Development Plan, insofar as it is material to the application/ appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/ appeal to be determined in accordance with the Plan unless material considerations indicate otherwise.
- 4.2 As stated above, the application site encompasses land that is not only within a current housing allocation in the adopted SWDP (SWDP 43/1), but also land beyond that to an area identified in the SWDP Review as SWDP NEW 7.
- 4.3 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy which was adopted December 2012.

South Worcestershire Development Plan

4.4 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 1	Overarching Sustainable Development Principles
SWDP 2	Development Strategy & Settlement Hierarchy
SWDP 4	Moving Around South Worcestershire
SWDP 5	Green Infrastructure
SWDP 6	Historic Environment
SWDP 7	Infrastructure

SWDP13	Effective use of Land
SWDP 15	Meeting Affordable Housing Needs
SWDP 21	Design
SWDP 22	Biodiversity & Geodiversity
SWDP 24	Management of the Historic Environment
SWDP25	Landscape Character
SWDP26	Telecommunications & Broadband
SWDP 27	Renewable and Low Carbon Energy
SWDP 29	Sustainable Drainage Systems
SWDP 30	Water Resources, Efficiency & Treatment
SWDP 33	Waste
SWDP 38	Green Space
SWDP 39	Provision for Green Space & Outdoor Community Uses in New Development
SWDP 43/1	Worcester City Housing Allocation - Land south of Leopard Hill

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

4.5 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

- WCS1 (Presumption in favour of sustainable development)
- WCS3 (Re-use and recycle)
- WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework

- 4.6 The National Planning Policy Framework (NPPF) has recently been revised (July 2021) and places a greater emphasis on design quality and beautiful places. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications.
- 4.7 The NPPF outlines a series of considerations against which delivering sustainable development should be assessed. The NPPF encourages Local Planning Authorities to approach decision taking in a positive way and to foster the delivery of sustainable development. LPAs are advised to look for solutions rather than problems and decision-takers are asked to approve applications for sustainable development where possible.
- 4.8 The Government believes that sustainable development can play three critical roles in England: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities; and an environmental role, protecting and enhancing our natural, built and historic environment.

2. National Planning Practice Guidance

- 4.9 On 6th March 2014 the Government published the National Planning Practice Guidance (NPPG) that has also been recently updated and comprises, amongst other matters, sections about Design, Determining a Planning Application, Health and Wellbeing, Noise, and Use of Planning Conditions.

3. Supplementary Planning Documents

4.10 The following Supplementary Planning Documents (SPD) are relevant to the application proposals:-

- South Worcestershire Design SPD

The South Worcestershire Design SPD was adopted on 5th March 2018 and replaces the previous Supplementary Planning Guidance Note 3: Design (SPG3). Both documents encourage high standards of design for development proposals in accordance with the aims and interests that the NPPF seeks to protect and promote in this regard. The Design Quality SPD is consistent with the planning policies in the SWDP.

- Planning for Health in South Worcestershire SPD

The Planning for Health SPD primarily focuses on the principal links between planning and health. It provides guidance and interpretation of the SWDP from a public health perspective. The SPD addresses following nine health and wellbeing principles:

- Sustainable development
- Urban form - design and the public realm
- Housing and employment
- Age-friendly environments for the elderly and those living with dementia
- Community facilities
- Green infrastructure and play spaces/recreation
- Air quality, noise, light and water management
- Active travel
- Encouraging healthier food choices

- Developer Contributions SPD

The Developer Contributions SPD - was adopted by the South Worcestershire Councils on the 20th October 2016. The Developer Contributions SPD sets out the South Worcestershire Councils' approach to seeking developer contributions via the SWDP for infrastructure or environmental improvements required as a result of development. The SPD provides guidance about when planning obligations will be expected, the scale of developer contributions, and how developer contributions will be used.

- Affordable Housing SPD

Adopted Affordable Housing SPD - The Affordable Housing Supplementary Planning Document covers the administrative areas of Worcester City Council, Malvern Hills District Council and Wychavon District Council and was adopted by The South Worcestershire Councils on the 20th October 2016. The SPD explains the details of the South Worcestershire Development Plan (SWDP) policies that relate to the provision of affordable housing.

It is a guide intended to help developers, landowners and applicants applying for planning permission, registered providers and others who are seeking to provide or benefit from affordable housing.

- Renewable and Low Carbon Energy SPD

The SPD relates to policy SWDP 27 of the South Worcestershire Development Plan, which seeks to promote a percentage of energy requirements on qualifying development sites to be provided from renewable energy and/or low carbon sources. The policy also requires large scale development to examine the potential for decentralised energy and heating networks, and also sets out the policy approach for stand-alone renewable and low carbon energy schemes (with the exception of wind turbines).

4. Worcestershire's Local Transport Plan (LTP4) 2018 – 2030

4.11 LTP4 set out issues and priorities for investment in transport infrastructure, technology and services, focussed on supporting travel by all modes. In accordance with national and local objectives, a series of local transport-specific objectives are identified in the LTP4:

- To support Worcestershire's economic competitiveness and growth through delivering a safe, reliable and efficient transport network.
- To limit the impacts of transport in Worcestershire on the local environment, by supporting enhancements to the natural environment and biodiversity, investing in transport infrastructure to reduce flood risk and other environmental damage, and reducing transport-related emissions of nitrogen dioxide, particulate matter, greenhouse gases and noise pollution. This will support delivery of the desired outcomes of tackling climate change and reducing the impacts of transport on public health.
- To contribute towards better safety, security, health and longer life expectancy in Worcestershire, by reducing the risk of death, injury or illness arising from transport and promoting healthy modes of travel.
- To optimise equality of opportunity for all of Worcestershire's citizens with the desired outcome of creating a fairer society.
- To enhance the quality of life for Worcestershire's residents by promoting a healthy, natural environment, for people, wildlife and habitats, conserving our historic built environment and preserving our heritage assets.

5. Worcestershire County Council Streetscape Design Guide

4.12 The 'Streetscape Design Guide' (SDG) was produced to aid architects, engineers, planners, developers, designers and other professionals in preparing transport infrastructure related to new developments. It is to be considered in conjunction with Manual for Streets 1 and 2, as well as the Design Manual for Roads and Bridges.

4.13 Chapter 4 relates to 'Planning for Parking' and seeks to provide an approach as to how car parking in Worcestershire should be provided to support development in a manner which embraces the NPPF.

4.14 Car and cycle parking standards are provided within the SDG which replace those contained in WCC's Interim Car Parking Standards (2016). With regard to car parking standards for residential development, the SDG states as follows:

'There is no direct relationship between car parking provision and choice of transport mode, so a minimum provision for residential need should be made to ensure suitable in curtilage storage.

The following are the minimum requirements:

1 Bedroom Unit	1 Space, 1 cycle space
2 – 3 Bedroom Units	2 Spaces, 2 cycle spaces
4 – 5 Bedroom Units	3 Spaces, 2 cycle spaces

These are the minimum requirements. They apply to both Affordable/Social Housing and Market Housing. The requirements apply to flats/apartments and houses. Cycle parking must be sheltered, secure and easily accessible.

6. Case Law

- 4.15 Reference has been made by local residents to whether the proposal is a departure from the Local Plan. Although there is a conflict with some adopted Local Plan policies, consideration of Development Plan policies is not a legalistic forensic exercise. Often policies will pull in different directions. Decision makers need to consider whether the proposal broadly accords with those policies as confirmed in the case of *R. on the application of Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited* [2001] in which Ouseley J. cited *R. v Rochdale MBC ex parte Milne* [2000]. As Sullivan J. said in the Milne case 48. *"It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: "is this proposal in accordance with the plan?" The local authority has to make a judgement bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach."*
- 4.16 Citing *City of Edinburgh Council v. Secretary of State for Scotland* [1997] Sullivan J. went on to say that *"I regard it as untenable to say that if there is a breach of any one policy in a development plan, a proposed development cannot be said to be "in accordance with the plan". Given the numerous conflicting interests that development plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive landscapes et cetera, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan. Numerous applications would have to be referred to the Secretary of State as departures from the development plan because one or a few minor policies were infringed, even though the proposal was in accordance with the overall thrust of development plan policies. For the purposes of section 54A it is enough that the proposal accords with the development plan when considered as a whole. It does not have to accord with each and every policy therein."*

7. The New Homes Bonus

- 4.17 The 'New Homes Bonus' is a Government scheme which is aimed at encouraging local planning authorities to grant planning permissions for the building of new homes in return for additional revenue. The Government provides additional funding for new houses by matching funding the additional council tax raised for new homes with an additional amount for affordable homes for six years. Having regard to Section 70 (2) of the Town and Country Planning Act 1990, the New Homes Bonus is statutory and a local finance consideration in the determination of planning applications. As such, it is a material planning consideration.

8. Relevant Legislation

- 4.18 The following legislation is also relevant and has been taken into account when considering this application:-

Town and Country Planning Act 1990 (as amended)
Planning Act 2008

Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Development Management Procedure)

(England) Order 2015
Localism Act 2011 - Section 143 (amending S70 of the Town and Country Planning Act 1990) regarding local finance considerations.
Growth and Infrastructure Act 2013
Accessibility and Equalities Act 2010
Natural Environment and Rural Communities (NERC) Act 2006
Wildlife and Countryside Act 1981 (as amended)
Conservation of Habitats and Species Regulations 2010
Flood and Water Management Act 2010
Water Frameworks Regulations 2011
Air Quality (England) 2000 Regulations
The Human Rights Act 1998 (Article 8)

5 Planning History

5.1 The site has been the subject of the following planning applications:

5.2 **P18Q0226** - Erection of 61 dwellings along with associated access, new public open space, landscaping and associated works. Diversion of footpath 660(B). Approved Dec 19 2018.

5.3 **20/00632/FUL** – Demolition of three existing dwellings and erection of 50 dwellings for affordable housing, access, public open space and associated development including re-routing of public footpath. Refused on the following grounds;

'The application site comprises 1.78 hectares of land off Darwin Avenue that includes land that is partially allocated for residential development by policy SWDP 43/1 of the adopted South Worcestershire Development Plan 2016 and land that is proposed for residential development by policy SWDP NEW 7 of the emerging South Worcestershire Development Plan Review (SWDPR) that also includes land that is currently designated as Green Space wherein Policy SWDP 38 states that development of Green Space will not be permitted other than in exceptional circumstances. This is consistent with the requirement to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure set out in the National Planning Policy Framework.

'In the opinion of the Local Planning Authority, exceptional circumstances which would justify the loss of this area of Green Space have not been demonstrated and the development of the area of the site currently designated as Green Space would be harmful to its visual and natural qualities.

'The proposal would thereby also be contrary to policy SWDP 38 of the South Worcestershire Development Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote'.

5.4 While the current proposal is not the same as the approved scheme on the site and there has been some change to the policy framework surrounding the application, the planning history of the site is a significant material planning consideration in the assessment of this application.

6 Consultations

6.1 Formal consultation, including the display of site notices, has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees have been received in relation to the proposal and are summarised as follows:

Neighbours and other third party comments: 58 comments and objections have been received from residents of the following properties that are summarised as follows:

- This invaluable green space is used by walkers, dog walkers, children and wildlife spotters;
- The area has been vital for mental health during lockdown;
- It is one of the highest points in Worcester with views over the city;
- The access from Darwin Avenue is totally unsuitable for the increase in volume of traffic as well as construction traffic. A road for the nearby development had to be widened for it;
- The fact that three homes would have to be demolished for the development clearly shows the unsuitability of the location; it would be environmentally unacceptable and a waste of resources;
- This would be a tragic loss for Worcester – there are not enough open areas and those there are should be protected;
- The term 'affordable' is being used here to make the development sound more acceptable;
- There are more suitable areas which could be developed which are not as valued as this;
- Increased flood risk;
- Adverse impact upon local services such as GP provision and schools;
- Roads are already congested and this is without the full effect of building in the surrounding towns and villages;
- There must be better sites for such developments;
- This is an historic Civil War site: at a time when Worcester wants to promote its history, the site should be retained;
- A detailed archaeological dig should be carried out in advance of works on the site;
- Police and ambulance crews are frequent visitors to affordable housing developments for anti- social behaviour: this development may end up the same;
- The hedgerow around the site must not be cut back in order to provide privacy for nearby residents;
- The proposal does not conform to the Development Plan. The plan is currently going through a revision but is not sufficiently developed to be given weight;
- The cited 'significant enhanced landscaping' is far from significant and relies upon extending the site to incorporate an existing green space to meet the green space requirements. The additional landscaping is not sufficient to render the proposal acceptable;
- The housing needs arguments are flawed;
- There is an adequate provision of housing land within the city;

- The proposal represents overdevelopment of the site as the housing is too dense: 50 appears to be too many for the site;
- The requirement for 371 affordable homes per annum in the emerging plan is wrong: the correct number is 353 and refers to market and affordable housing;
- The council has been providing affordable housing beyond the required rate up in the 13 years to 2018/19;
- The NPF makes clear the need to create high quality buildings and places: the proposal would achieve neither;
- The development would have an adverse impact upon the adjacent care home;
- Provision has been made in the plans for further future development of land, which is unacceptable;
- Loss of biodiversity;
- Saving green space is becoming more important than ever before;
- The application is not materially different from the previous submission;
- The changes to the accesses to the site would create a lot of visitor traffic that would be inconvenient to residents;
- The east- west footpath at the top of the development would be lost to a wildflower meadow and no provision is made to re- establish this important footpath linking Ronkswood Hill Meadows to the Warndon area;
- The justification for the loss of the green space in this application is marginal;
- There are errors in the application documents;
- The heritage impacts of the proposal are considered to be non- existent yet this is historical land;
- Site lines from the hill will be badly damaged;
- The site should be afforded local nature reserve status;
- Additional pollution in the area;
- Will the sewage system be able to cope?
- Having only social housing on a site goes against all modern thoughts on planning: it would result in mini ghetto style social housing;
- The junction between Darwin Avenue and Newtown Road will become an accident blackspot as a result of this proposal;
- The Council's Environmental Sustainability Strategy for 2020- 30 states 'The pressure on the natural environment is high with biodiversity and air pollution costing lives'.
- Green spaces are ever more important: the loss of this green space would result in people having to travel further to enjoy other such spaces with an increase in air pollution;

- Loss of established trees;
- The trees that would be affected have TPOs on them: losing them to the development make these statutory instruments worthless;
- The application is a waste of public money and officer time;
- The building design is in contravention to its surroundings;
- As this is a new application, the validity of the Statement of Community Involvement is questionable.
- The development would result in the loss of a significant area of the historic city;
- The Council needs to re- think much of its housing planning to balance it against climate emergency;
- There have been enough bad planning decisions in the city: no need to make another one. The amendments to the previous application have not overcome the concerns with it;
- There is insufficient investment in infrastructure;
- The qualities of Worcester are being eroded;
- The proposal symbolises a failure of the Council to ensure that the housing allocation SWDP 43/1 was comprehensively developed in one scheme. This has resulted in a fragmented scheme and will effectively 'ghettoize' an area of affordable housing;
- There is no Sustainability Report incorporating carbon emissions with the application so it questionable whether a decision should be made on the application;
- The development would remove the valuable sink to the urban heat island effect that the green space is;
- The green space is not necessarily surplus to requirements. Where such space is of lower quality, it should be enhanced rather than lost. The green space across the city should not be fragmented;
- The sustainability of the site is questionable;
- The design of the scheme is poor and would not complement the area; and
- The application should go to committee for a decision.

Warndon Parish Council: The amendments to the previous application are negligible and are insufficient to overcome the fundamental failing of the proposal for the wholesale removal of many trees. The proposal does not meet the requirements of Policy SWDP 38 as there is not a surplus of green space in Worcester.

It is questionable whether there is a shortfall in affordable housing delivery in Worcester, as the applicants claim.

The applicant's claim that there is a shortfall in the five year housing land supply in Worcester is incorrect and misleading.

It is questionable whether the applicant's statement concerning the comments of the SWDP Inspector about the site being suitable for development is correct.

Worcester City Council - Refuse and Recycling (from the previous application): No objection – provide detailed bin storage comments.

Worcestershire County Council – Education (from the previous application): In respect of planning obligations a total education contribution of £111,013 is requested. This is based on an Early Education Contribution of £36,124 (to provide additional early education places to serve the development) and a Secondary School Contribution: £74,889 (to be used to provide additional provision at a related secondary school).

Worcester City Housing Officer (from the previous application): No objection to the affordable housing element proposed. More than happy with the mix proposed and welcomes rented units as these are much needed in the city.

South Worcestershire Land Drainage Partnership (from the previous application): No objection – LLFA to respond on drainage matters as the application is a major scheme.

Worcester Regulatory Services (Air Quality) (from the previous application): No objection, subject to the imposition of conditions relating to cycle parking, electric vehicle charging points and low emission boilers.

Worcester Regulatory Services (Nuisance): No objection.

Worcester Regulatory Services (Contaminated Land): We do not anticipate any ground contamination issues.

Worcestershire County Council (Public Rights of Way Team): There are a number of obligations the developer must adhere to concerning the footpaths and rights of way.

Worcestershire County Council (Lead Local Flood Authority): (initial comments) Generally supportive of the scheme for managing surface water features. However, additional information regarding an unnamed watercourse is required. Until it is provided, the LLFA are unable to support the application.

(to the submitted Flood Risk Assessment) The FRA is acceptable and I have no objection to the proposals in principle, nor a requirement for conditions to be applied to any planning permission granted.

Worcestershire City Council (Landscape Officer): Although the ecological work on this site is welcomed, the layout and site area still differs substantially from that allocated by the Inspector for the SWDP. The line was allocated for good reasons as a smaller extension to the new development to the east to minimise habitat loss and intrusion. Any current layout should therefore be adjusted to comply with the SWDP.

Worcester City Council (Consulting Arborist): Whilst trees are being removed, a replacement plan is proposed with the oldest trees retained.

Worcester City Council (Highways): No objections subject to conditions.

Worcester City Council (Policy Section): The application partially accords with the adopted development plan and will contribute to the delivery of identified affordable housing need.

A judgement will need to be made on the green space considerations and it not clear whether the green energy generation requirements will be met by the development.

Worcester Civic Society: Object on the grounds of poor design and environmental damage.

Conservation Advisory Panel (from the previous application): Whilst the principle of the development can be supported, its is considered that the layout is not acceptable in its current format: it is overly-dense and uninspiring; existing trees/features should be kept and the street become tree lined.

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to Members verbally or in the form of a late paper, subject to the date of receipt.
- 6.3 In assessing the proposal, due regard has been given to local residents' comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7 Comments of the Corporate Director - Planning and Governance

- 7.1 The proposal is the same as the scheme considered by the Planning Committee at the 24th June 2021 committee meeting, with the exception of the enhanced landscaping. The development of the site has been accepted in principle through its having been allocated in the existing and emerging Local Plans for residential development. However, at the last meeting, the committee considered that the proposal would not meet the exceptional circumstances which would justify the loss of this area of Green Space, and that it was not demonstrated that the development of the area of the site designated as Green Space would not be harmful to its visual and natural qualities. This is material to the consideration of the current application. The principal considerations are set out below and where there have been amendments, this is set out.

Principle of Development

- 7.2 As stated above, the application was considered at Planning Committee on 24th June 2021. A new National Planning Policy Framework (NPPF) was published in July 2021. The new NPPF does not change the view of officers in relation to the consideration of principle matters, however a number of paragraph numbers will have been amended from the previous report.

7.3 There is no change to the recommendation based on the amended submission.

Amended Open Space Provision

- 7.3 The planting proposed in application 20/00632/FUL would have included approximately 50 native trees and shrubs of a variety of species planted with the Public Open Spaces to the north and south of the site as mitigation for the loss of the Tree Preservation Order trees in the development. The enhanced planting proposed in the current application would include 89 specimen trees, a number of native tree and shrub belts, a wide range of ornamental shrubs and ornamental and native hedgerows as well as a number of marginal and aquatic plants.

This would represent a significant enhancement of the remaining Green Space and the Public Open Spaces surrounding the proposed development and is considered acceptable from a landscape point of view. The loss of the established trees on the site would be offset by the additional proposed planting. Sufficient habitat to retain the biodiversity of the area would remain following the development.

- 7.4 I am satisfied that the proposed development is acceptable in planning terms, as with the previous application on the site, given the allocation of the land. There would be no adverse impact on the amenities of the future or neighbouring residents, including those of the adjacent care home, in terms of loss of privacy through actual, or the perception of overlooking, through noise/disturbance from the intensification in the residential use of the site or its visual impact. There is an oversupply of open land within Worcester and the loss of this allocated site would not result in a shortfall of such provision.
- 7.5 In terms of siting, design and appearance of the dwellings, this is unchanged from the previous application. There have been no material changes in the circumstances affecting this proposal and, for this reason I also remain satisfied that the site has the capacity to accommodate the development in an acceptable manner. The external appearance utilises acceptable design elements and will integrate into the locality in an acceptable manner. The loss of the three existing dwellings for the benefit of the provision of 50 dwellings is considered to be a satisfactory trade off. No objections are raised to the proposed diverted footpaths either, as at the time of the previous application. The County Drainage Engineer has confirmed that the application is acceptable from a flood risk point of view.
- 7.6 As approved under ref. P18Q0226, the scheme would include provision for car parking and cycle parking in accordance with the operative parking standards set out in the Streetscape Design Guide and I can confirm that there have been no material changes in the circumstances affecting this element of the proposal. These aspects of the proposal have been assessed by the Highway Authority and the scheme is considered to be acceptable in terms of the proposed access arrangements, subject to the recommended conditions. It is noted that in the current application, as at the time of the previous application on the site, the Highway Authority has recommended conditions concerning details of the proposed car parking within the development, pedestrian crossing facilities and a waste management plan. Notwithstanding that these conditions were not recommended upon the application at the time of the previous application on the site, it is considered necessary and appropriate to impose them now for the development in the interests of highway and pedestrian safety.

Contamination, Soil and Ground Conditions

- 7.7 The additional conditions regarding unidentified contamination and the importation of soil suggested by Worcester Regulatory Services were not included in the officer recommendation at the time of the previous application on the site as WRS were not consultees at that time. However, those conditions having now been suggested, it is recommended that they are imposed in order to ensure the health of the future residents of the development should members be minded to grant planning permission.

Other issues

- 7.8 A number of issues have been raised by the objectors to the proposed scheme: they will be considered here. A network of footpaths and other open land will remain for recreational use. Views over the city of Worcester and the benefits that open space provide for mental health will remain.

- 7.9 While there are other areas within Worcester that may be developable for residential purposes, the site at Darwin Avenue is allocated in the existing and the emerging Local Plan as being suitable for development. The principle of the site to be developed is therefore acceptable.
- 7.10 The hedgerow along the eastern boundary of the site is shown to be retained and this will help maintain the privacy of the adjoining residents.
- 7.11 A condition is recommended that in the event of the grant of permission, a Written Scheme of Investigation concerning archaeological finds, is imposed upon the permission.
- 7.12 Whether an application for the development of more land in the area is submitted in the future would be an issue to consider at such a time that the application is submitted. It may not be used as a reason for refusing the current application.
- 7.13 As a planning application submitted to the Local Planning Authority, it must be considered in accordance with the relevant local and national policies.
- 7.14 In terms of sustainability, the development would need to meet Part L of the Building Regulations. As these are the current national sustainability standards, it is considered that the scheme would be suitably sustainable.

Impact on public rights of way

- 7.15 The main impact of the changes to the public right of way in respect of Footpath 660 (B) is the increase to the length of the footpath routing as the footpath would in effect follow the route of the new estate road via an adopted footpath between the points A and I and as a result it would be less direct. It is not possible to divert the path through the landscaped area in the south eastern corner of the site due to an existing watercourse and the requirement for the construction of a new balancing pond to serve the development leaving insufficient physical space for the public footpath. The main impact of the changes to the public rights of way in respect of Footpath 659 (B) is to increase the length of the footpath routing as the footpath would in effect follow the route of the new estate road via an adopted footpath between points I and C – it would be less direct. This variation is required to allow the construction of the new affordable dwellings. It is not possible to divert the path through the landscaped area to the south west due to the presence of an existing watercourse.
- 7.16 A very slight alignment will also be required in respect of 506 (B) at Point I to join it to the proposed revised termination point of Footpath 660 (B). In addition, a slight alignment will also be required to the existing 7metre length of Footpath 661 (B) to re-align it with the other 3 paths.

It is acknowledged that the resultant footpath layout is less direct than the current situation but I am of the opinion that the disadvantages would be outweighed by the provision of affordable housing on what is a (mostly) allocated housing site.



Planning Obligations

7.17 It is recognised that new development can create the need for new or improved infrastructure and community facilities. Planning obligations mitigate the impact of development to make it acceptable in planning terms. Obligations should meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2012 and as policy tests in the National Planning Policy Framework.

7.18 In accordance with Community Infrastructure Levy Regulations 2012, the applicants are willing to enter into a legally binding agreement to deliver contributions to provide improvements to the infrastructure that the development will impact upon. This legal agreement will be made under Section 106 of the Town and Country Planning Act 1990 (as amended).

7.19 The following Heads of Terms have been identified:

- Affordable Housing

- Education Contributions

7.20 A contribution of £36,124 towards early years education and a contribution of £74,889 towards secondary school education is sought in the development (a total contribution of £111,013). This may be secured by a Section 106 agreement

7.21 Draft Heads of Terms for a s106 Agreement have been agreed with the applicants and are attached as **Appendix 1**.

Human Rights Issues

7.22 Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

7.23 The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

7.24 As part of the consideration of this application, human rights issues have been considered in so far as they are relevant. It is considered that an appropriate balance between the interests and rights of the applicants (to enjoy their land subject only to reasonable and proportionate controls by a public authority in the public interest) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties) has been achieved with conditions controlling the development where necessary.

Public Sector Equality Duty

7.25 In making this decision, the council has had due regard to the requirements of Section 149 of the Public Sector Equality Act 2010, which introduced a public sector equality duty that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These considerations are relevant to the duties that decision makers have under s149 (1) of the Equality Act 2010.

8. Conclusion

8.1 The proposal is the same as the scheme refused under application 20/00632/FUL by the Planning Committee on 24th June 2021 with the exception of the enhanced landscaping scheme. There have been no changes in the site circumstances and no material changes to the relevant policy considerations in the intervening period. The application site encompasses land that is within a current housing allocation in the adopted SWDP (SWDP 43/1) and also land beyond that to an area identified in the SWDP Review as SWDP NEW 7 as being for residential development. As such, I am of the opinion that the proposals constitute an acceptable and sustainable form of development when assessed against the policy framework both nationally and locally.

8.2 The site has the capacity to accommodate the development in an acceptable manner in terms of its siting, size, design, layout, appearance, impact on neighbouring residents' amenities, access arrangements and car parking. The comments of objection have not raised any material new issues since the previous application on the site while the enhanced landscaping proposed in this application is considered to sufficiently address the concerns that were expressed at the time of the previous application and the reason for refusal of that application. As such, it is recommended that planning permission is granted, subject to the conditions proposed at the time of the previous application on the site, the three additional highway conditions and the two conditions from Worcester Regulatory Services.

9. Recommended Conditions

9.1 In the event that members resolve to grant planning permission, the following conditions are recommended:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission;

40654 002 K Site Boundary Plan

40654 011 3B823 Plans And Elevations

40654 012 3b973 Plans And Elevations

40654 014 4b1072 Plans And Elevations

40654 015 A Material And Boundary Plan

40654 009 2B695 Plans And Elevations

40654 008 1B513 Plans And Elevations

40654 010 2b800 Plans And Elevations

40654 007 AF Site Layout

40654 18 A Adoption Plan

M19.155.D.002 A Planting Layout Plan

0206 06.m18 Health Impact Assessment

M18/ 0206-02.RPT Statement of Community Involvement

M18/ 0206-05.RPT Planning and Affordable Housing Statement

25377-04-AQA-01 Air Quality Assessment

RT-MME-150019-01 Tree Survey Final

RT-MME-152896-01 Rev A Arboricultural Impact Assessment

Design and Access Statement Rev C

Flood Risk Assessment and Drainage Strategy Issue 1

Gcn (edna) Survey Report

Reptile Survey Report

Pea With Ecia May 2020

Reptile Mitigation Strategy And Management Plan

Transport Statement

Historic Environment Desk Based Assessment (archaeology)

Landscape Layout With Tree Mitigation Strategy

665 A Topographical Plan

Utilities And Drainage Statement V1 14.08.2020

Site Waste Management Plan

AG-73404-LZCR-Rev A Energy Statement

Reason: To ensure compliance with the approved scheme

3. Prior to the commencement of development, details of refuse storage facilities to serve the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented prior to the first occupation of the associated development and/or building(s) and retained thereafter.

Reason: To ensure adequate refuse storage facilities are incorporated in the development and to ensure high quality design in accordance with policies SWDP21 and SWDP33 of the South Worcestershire Development Plan.

4. The development hereby permitted shall not be first occupied until the proposed dwellings have each been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case, the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities

5. The development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

6. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

7. The construction work on the buildings hereby approved shall not be commenced until the precise floor slab levels of each new dwelling, relative to the existing development on the boundary of the application site and the adopted highway, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the new buildings shall be constructed at the approved floor slab levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

8. No above ground building operations on any dwellings hereby permitted shall commence until a scheme showing details of the height, position and materials of all boundary and plot walls, fences or other means of enclosure to be erected on the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented with 3 months of each dwelling being occupied.

Reason: To ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

9. No development shall take place until a landscape plan and schedule of landscape maintenance, to cover a minimum period of 5 years post-construction, has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation, species mix and measures for monitoring and replacement of any trees, hedging or herbaceous species that fail within the stated period. Development shall be carried out in accordance with the approved schedule.

Notwithstanding the submitted details, within 3 months of commencement of the development hereby approved, method statements detailing creation of semi-natural habitats, and tree, hedgerow and scrub planting and establishment shall be submitted to and approved in writing by the Local Planning Authority. The method statements shall include:

- a. purpose and objectives for the proposed works;
- b. detailed designs and working methods necessary to achieve the stated objectives;
- c. extent and location of proposed works shown on appropriate scale maps;
- d. timetable for implementation;
- e. persons responsible for implementing the works; and
- f. initial aftercare and long-term maintenance.

Thereafter the development shall be carried out in accordance with the approved details and implemented within the first available planting season (the period between 31 October in any one year and 31 March in the following year) on completion of the development. Any new trees or shrubs, which within a period of five years from the completion of the planting die, are removed, or become damaged or diseased, shall be replaced on an annual basis, in the next planting season with others of a similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan 2016

10. Prior to the first occupation of the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details shall be implemented prior to the first occupation of the development as approved and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site.

11. Before development is first occupied, details of a scheme for all external lighting within the application site shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be implemented and retained.

Reason: To protect the natural habitats of foraging bats, birds and wildlife.

12. No development shall take place until a written scheme of investigation (WSI) for archaeological field evaluation including trenching and earthwork assessment, and

mitigation, has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works, the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To allow the historical and archaeological potential of the site/ to be recorded in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

13. If during the course of the works hereby approved any of the following features of interest are uncovered, the Local Planning Authority shall be notified immediately and no works affecting such features shall take place until they have been inspected by persons authorised by the Local Planning Authority and a scheme for their retention and/or treatment agreed in writing.

Schedule of features of interest:

Archaeological remains of prehistoric or Roman date
Archaeological remains of Civil War date

Reason: To allow the historical and archaeological potential of the site to be recorded in accordance with policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

14. No building operations hereby permitted shall commence until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:-

- type, colour, texture, size, coursing, finish, jointing and pointing of brickwork/stonework;

- type, colour, texture, size and design of roofing materials;

The development shall be carried out using the materials as approved.

Reason: To ensure that the new materials are in keeping with the surroundings and to represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

15. Prior to any demolition works hereby approved, details of making good or repairs to any building to be retained and affected by the demolition works shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include an implementation timetable and schedule of works. The development and making good/repair works shall be carried out in accordance with the approved details/schedule/timetable.

Reason: To ensure that the new materials are in keeping with the surroundings and/or represent quality design in accordance with policy SWDP21 of the South Worcestershire Development Plan.

16. Notwithstanding the submitted Drainage Strategy, no development shall commence until detailed design drawings for surface water drainage have been

submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details

Reason: To ensure that the site can be adequately drained in accordance with paragraph 165 of the NPPF 2018 and policy SWDP29 of the South Worcestershire Development Plan. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

17. Before the development is first brought into use a Travel Plan and Residential Welcome pack promoting sustainable modes of travel shall be submitted to and approved in writing by the Local Planning Authority. As part of this process, the applicant shall register for Modeshift STARS Business (www.modeshiftstars.org) and ensure that their targets have been uploaded, so that progress on the implementation of the Travel Plan can be monitored.

Reason: In the interests of sustainable travel.

18. Before development is commenced, full details of a scheme to address matters relating to the Public Right of Way shall be submitted to and agreed in writing by the Local Planning Authority in writing. The matters to be addressed are:

- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public.
- Buildings materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other
- No structures should be created on, or across, a public right of way without written consent of the Highway Authority.

The safety of the public using the right of way is to be ensured at all times.

Reason: To protect a Public Right of Way

19. Car parking spaces should be a minimum 2.4m x 4.8m. For residential development, circulation space around the vehicle is needed so dimensions increase to 3.2m x 6m. A minimum of 6m is required in front of a garage door.

Reason: In the interests of highway safety and to comply with Council standards.

20. Before development is commenced a Demolition Method Statement providing details of the demolition of the existing dwellings shall be submitted and approved in writing by the Local Planning Authority in writing. The Method Statement shall include the means of demolition, hours of working, dust suppression and details of wheel cleaning.

Reason: To prevent noise and nuisance to nearby residents.

21. The development hereby approved shall not commence until details of proposed car parking within the curtilage of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

22. The development hereby approved shall not be occupied until pedestrian crossing facilities, in the form of dropped kerbs, together with the provision of tactile paving where deemed appropriate, are provided at internal junctions and other suitable locations, to the satisfaction of the Council.

Reason: In the interests of highway safety.

23. No building or use hereby permitted shall be occupied or use commenced until a waste management plan, setting out how waste will be stored and collected, has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved waste management plan for the lifetime of the development.

Reason: To ensure appropriate waste management facilities are provided to accommodate all waste generated by the development.

24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation. No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation

carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25. Full details of any soil or soil forming materials brought on to the site for use in garden area, soft landscaping or filling and raising, must be provided to the Local Planning Authority. Where the donor site is unknown or is brownfield, the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site.

The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the local planning authority prior to any soil forming materials being brought on to site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.