
Statement of Common Ground

between

Summix BLT Developments Limited

and

Lichfield District Council

regarding

Land North of Browns Lane, Tamworth

APP/K3415/W/24/3340089

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1. INTRODUCTION

1.1 This Statement of Common Ground (“SoCG”) has been drafted by Marrons on behalf of Summix BLT Developments Limited (“the Appellant”) and agreed by the local planning authority, Lichfield District Council (“the LPA”). It relates to outline planning application reference 18/00940/OUTMEI for the following development:

“Outline application for up to 210 dwellings, public open space, landscaping, sustainable urban drainage, access, and associated infrastructure. (All matters reserved except access).”

1.2 This SoCG has been prepared in accordance with the online Procedural Guide for Planning Appeals.

1.3 The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Public Inquiry to focus on the most pertinent issues.

2. APPEAL SITE & SURROUNDING AREA

- 2.1 The Appeal Site is identified in the Site Location Plan [400] submitted with the outline planning application edged in red.
- 2.2 The Appeal Site is currently accessed off Browns Lane which lies to the south. The Appeal Site itself extends to circa 12.65 hectares and consist of two medium sized fields of a broadly regular shape, which are in arable use.
- 2.3 Levels across the site reflect the generally sloping landform north of Tamworth ranging from circa +80m AOD adjacent to the south-west boundary to circa +70m AOD in the north-east corner of the Appeal Site.
- 2.4 The south/south-west boundary of the Appeal Site lies adjacent to the existing urban edge of Tamworth, which comprises two storey dwellings along Browns Lane and a recently constructed development to the south-east.
- 2.5 Beyond the eastern boundary of the Appeal Site lies a railway line beyond which, to the east, lies a consolidated pattern of recently constructed residential development associated with Arkall Farm.
- 2.6 To the Appeal Site's western extent lies Main Road; the northern section of the western boundary is adjacent to several properties on the southern edge of Wigginton village. Field hedges define the northern and north-eastern boundaries of the Appeal Site.
- 2.7 Further beyond the northern boundary of the Appeal Site lies a number of gently undulating agricultural fields and Wigginton village and its associated Conservation Area which also contains 2 No. Grade II Listed Buildings.
- 2.8 An existing Public Right of Way 'Wigginton and Hopwas No.1' crosses the westernmost field of the Appeal Site on a north/south axis. To the North of the

site (and east of the railway line) is public right of way 'Wigginton and Hopwas No.3'.

- 2.9 The Appeal Site straddles the administrative boundaries of Tamworth Borough Council and Lichfield District Council. The administrative boundary runs along the rear boundaries of houses fronting onto Browns Lane resulting in the 'lionshare' of the application site falling under Lichfield District Council. The access to the site, between No's 60 and 68 Browns Lane falls under the jurisdiction of Tamworth Borough Council. The administrative boundaries between these two local planning authorities is shown on the Indicative Masterplan Drawing [501].

3. PLANNING HISTORY AND BACKGROUND TO THE APPEAL

3.1 The Appellant and Local Planning Authority (LPA) agree that there is no relevant planning history.

3.2 The planning application which forms the subject of this appeal was received by the LPA on 2nd August 2017 and was validated 31st May 2018. Planning permission was refused by way of a Decision Notice dated 28th November 2023. On 31st October 2023 an addendum to the planning statement was submitted and an update to the description of development was agreed to incorporate the change put forward within the addendum to include 100% affordable housing.

3.3 The Reasons for Refusal (RfRs) were as follows:

- 1. The site is not allocated for development and is located outside of any defined settlement boundaries within the adopted Lichfield Local Plan Strategy. Furthermore, the level of housing growth from this development would be contrary to the spatial strategy as set out in the adopted Local Plan Strategy which seeks to concentrate a proportionate level of growth to the North of Tamworth in line with the settlement hierarchy of approximately 1,000 units. Whilst the housing figure is an approximate, it is considered important to maintain the general thrust of the adopted Local Plan Strategy. To date the current committed development and completions in this location equates to 1,165 units and it is considered that an additional 210 units would result in an alteration to the proportionate level of growth set out within the adopted Local Plan. Whilst the proposed housing would provide affordable units, there is no evidence to conclude that such housing is necessary in this location and could not be provided within more sustainable locations where there is an evidenced need. The proposed scheme of development is therefore contrary to the spatial plan for new housing and requirements set out in policies CP1 (The Spatial Strategy), CP3 (Delivering Sustainable Development), CP6 (Housing Delivery),**

Policy Rural 1: Rural Areas of the Local Plan Strategy 2015, Policy NT1 (North of Tamworth Housing Land Allocations) of the Local Plan Allocations Document and the National Planning Policy Framework.

- 2. The proposed development would extend the northern edge of Tamworth much closer to the village of Wiggington, of which the historic part is a designated Conservation Area. The proposed development would cause less than substantial harm to the significance of the Conservation Area by virtue of causing detriment to its setting, in particular with regard to views in and out of the Conservation Area, which make a positive contribution to its setting. None of the public benefits associated with the proposal would outweigh this harm. The proposals are therefore contrary to policies CP1 (Spatial Strategy), CP3 (Delivering Sustainable Development), CP14 (Our Built and Historic Environment), BE1 (High Quality Development) and NR5 (Natural and Historic Landscapes) of the Local Plan Strategy 2015, Policy BE2 (Heritage Assets) of the Local Plan Allocations Document, the Historic Environment SPD, the Sustainable Design SPD, Policies W1, WHC1 and WHC3 the Wiggington Hopwas & Comberford Neighbourhood Plan (2016) and the National Planning Policy Framework.**

4. THE APPEAL PROPOSALS

- 4.1 The Appellant seeks outline planning permission with all matters reserved except for access for the erection of up to 210 dwellings alongside public open space, landscaping, sustainable urban drainage, access and associated infrastructure (“the Appeal Proposal”).
- 4.2 The site access arrangements for which approval is sought are illustrated on submitted drawing reference JS32-4320-PS-001 [629].
- 4.3 In addition to the proposed site access works, the Appeal Proposal will deliver off-site highway works along the Gungate Corridor. These off-site highway works are shown in the following drawings:
- **GG-LE-HAD-OF-DR-CE-100-S2-A1-RevD - Overview Layout [614]**
 - **GG-LE-HAD-OF-DR-CE-101-S2-A1-RevD - General Arrangement [615]**
 - **GG-LE-HAD-OF-DR-CE-121-S2-A1-RevC - Vehicle Tracking [616]**
- 4.4 The submitted Development Parameter Plan drawing reference DPP.01 [635] shows the disposition of the proposed developable area and green spaces across the Appeal Site, as well as the key features of the Appeal Proposal. The Development Parameter Plan indicates public open space and green infrastructure planting to the western and northern portion of the Appeal Site.
- 4.5 The Appellant and LPA agree that should the Inspector be minded to allow the appeal and grant planning permission, that a planning condition should be imposed to require the Appeal Proposal to be carried in broad accordance with the Development Parameter Plan.
- 4.6 The Sketch Layout drawing reference SKL 01 is submitted for illustrative purposes only and demonstrates how 210 dwellings could be accommodated on the Appeal Site.

4.7 The Appellant and LPA agree that the Appeal Proposal is for 100% affordable housing and that this could be secured by way of Section 106 agreement.

5. RELEVANT DEVELOPMENT PLAN POLICIES

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 In this case, the relevant parts of the Development Plan for Lichfield District are the Local Plan Strategy (2015), the Local Plan Allocations Document (2019) and the Wigginton, Hopwas and Comberford Neighbourhood Plan (2016).
- 5.3 Given the matters of difference between the parties, the Appellant and LPA agree that the most important Development Plan policies for determination of this appeal are:

Local Plan Strategy (2015)

- **Policy CP1: Spatial Strategy**
- **Policy CP3: Delivering Sustainable Development**
- **Policy CP6: Housing Delivery**
- **Policy CP14: Our Built and Historic Environment**
- **Policy BE1: High Quality Development**
- **Policy H2: Provision of Affordable Housing**
- **Policy NR5: Natural and Historic Landscapes**
- **Policy: North of Tamworth**

Local Plan Allocations Document (2019)

- **Policy BE2: Heritage Assets**
- **Policy NT1: North of Tamworth Housing Allocations**

Wigginton, Hopwas and Comberford Neighbourhood Plan (2016)

- **Policy WHC1: (dealing with protection of rural environs)**
- **Policy WHC3: (dealing with historic environment)**
- **Policy W1: (dealing with coalescence between Wigginton and Tamworth)**

5.4 In addition to the policies of the adopted Development Plan, the following Supplementary Planning Documents (SPDs) and Guidance is also relevant to the determination of this appeal:

- **Historic Environment SPD (2015)**
- **Sustainable Design SPD (2015)**
- **The Wigginton Conservation Area Appraisal and Management Plan (2018)**

6. MATTERS AGREED

6.1 This section sets out the matters on which both parties agree and therefore the following matters are not considered to be an issue for this appeal except where otherwise stated.

Access & Highways

6.2 The Appellant and LPA agree that suitable and safe access off Browns Lane can be accommodated to the Appeal Site for all users. The proposed principal access from Browns Lane as shown on submitted drawing reference JS32-4320-PS-001 [629] is acceptable in highways terms and not subject to any objection from the Local Highway Authority (LHA).

6.3 The Appellant and LPA agree that subject to a suitable mitigation, there would be no residual cumulatively severe impacts to the road network. There is no objection from the LHA on highway capacity grounds.

6.4 The Appellant and LPA agree that the Appeal Site occupies a sustainable location which would limit the need to travel and offers a genuine choice of transport modes.

6.5 The Appellant and LPA agree that the Appeal Site is close to a range of services and facilities as set out in the Table below:

Facility	Address	Distance (as the crow flies)	Distance (via road)
Bus Stop	Lyneham Close, Tamworth, B79 8TF <i>Stop ID: stagpgwj</i>	70 metres	80 metres

Train Station	Tamworth Railway Station, Victoria Road, Tamworth B79 7JT	0.91 miles	1.4 miles
Convenience Store	Central Co-op Food, Brooklime Way, Tamworth, B79 0FD	575 metres	0.5 miles
Supermarket	Aldi, Saxon Drive, Tamworth, B79 7HY	1.15 miles	1.6 miles
Doctors Surgery	Aldergate Practice, 10 Salters Lane, Tamworth, B79 8BH	0.8 miles	1.4 miles
Dentist	Dale House Dental Practice, 15-16 Albert Road, Tamworth, B79 7JN	0.95 miles	1.2 miles
Primary School	Ashcroft Infants & Nursery School, Mildenhall, Tamworth, B79 8RU	430 metres	0.4 miles
Secondary School	The Rawlett School, Comberford Road, Tamworth, Staffordshire, B79 9AA	875 metres	0.7 miles
Public House	The Wigginton, Wigginton Road, Tamworth, B79 8RW	90 metres	150 metres

Affordable Housing

- 6.6 The Appellant and LPA agree that as a matter of fact the Appeal Proposal will incorporate 100% affordable housing and this will be secured via Section 106 agreement.

Agricultural Land Quality

- 6.7 The Appellant and LPA agree that 63% of the Appeal Site (8.2ha) is “Best and Most Versatile” (BMV) agricultural land.

Air Quality

- 6.8 Air Quality was considered as part of the Environmental Statement (ES), most recently within the Further Environmental Information (FEI) submitted by the Appellant in November 2022 [L1335].
- 6.9 The Appellant and LPA agree that based on the technical information submitted, the residual effects of the construction phase on receptors are not significant, subject to a Dust Mitigation Plan to be implemented during the construction phase which can be secured by way of a suitably worded planning condition.
- 6.10 The Appellant and LPA agree that during the operation phase of the Appeal Proposal, the effects arising from the Appeal Proposal in respect of air quality can be addressed through a suitably worded condition.

Arboriculture

- 6.11 The Appellant and LPA agree that the Appeal Proposal would not result in the removal of any protected trees. Detailed planting proposals can be secured via planning condition.

Built Heritage & Archaeology

- 6.12 The Appellant and LPA agree that the Appeal Site is not located within a conservation area, nor does it host any designated heritage assets. The parties agree the Appeal Site is within the setting of the Wigginton Conservation Area.
- 6.13 The Appellant and LPA agree that the Appeal Site hosts potential for archaeological remains but this matter can be addressed by way of a suitably-worded planning condition for a programme of archaeological work.
- 6.14 The Appellant and the LPA agree that harm to the Conservation Area through changes in setting would be less than substantial.
- 6.15 The Appellant and LPA agree that the heritage significance of any listed buildings would not be harmed by the proposed development.

Biodiversity & Ecology

- 6.16 The Appellant and LPA agree that the Appeal Site is not subject to any European, national or local ecological designations.
- 6.17 The Appellant and LPA agree that the ecological information provided demonstrates that the Appeal Proposal would not adversely impact upon protected species. Mitigation and monitoring measures can be secured by a suitably-worded planning condition.
- 6.18 The Appellant and LPA agree that a 20% Biodiversity Net Gain (BNG) can be achieved across the Appeal Site. Specific biodiversity management and enhancement measures can be secured by way of a suitably-worded planning condition.

Design & Residential Amenity

- 6.19 The Appellant and LPA agree that the Appeal Proposal is made in outline with matters of appearance, landscaping, layout and scale reserved for future

consideration and that matters relating to residential amenity can be considered at Reserved Matters stage.

- 6.20 The Appellant and LPA agree that there are no land use conflicts or sources of noise, odour or other disturbance that would adversely affect residential amenity subject to a suitably-worded planning condition for a full noise survey at Reserved Matters stage.

Environmental Impact Assessment (EIA)

- 6.21 The Appeal Proposal is subject to EIA. The Appellant and LPA agree that the Environmental Statement and Further Information submitted complies with the procedural requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Flood Risk and Drainage

- 6.22 The Appellant and LPA agree that the Appeal Site lies within Flood Zone 1 (land at the lowest risk of flooding) and that therefore there are no reasons why the Appeal Proposal cannot come forward on flood risk grounds.
- 6.23 The Lead Local Flood Authority (LLFA) has raised no objections to the Appeal Proposal subject to securing drainage details, which can be secured by way of a suitably-worded planning condition.

Planning Conditions and Planning Obligations

- 6.24 The Appellant and LPA will work together to produce an agreed list of planning conditions which will be appended to the final SoCG.
- 6.25 The Appellant and LPA agree that planning obligations are required towards local infrastructure to mitigate the impacts of the development. The parties agree that the likely Heads of Terms of the Section 106 agreement will include:

- **Education**
- **Affordable Housing**
- **Healthcare**
- **Public Open Space Maintenance**
- **Off-site Highway Works**
- **Travel Plan Monitoring fees**

6.26 It is agreed by both parties that all planning obligations must be reasonably related in scale and in kind to the proposed development and must also meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6.27 There is no objection on infrastructure grounds to the Appeal Proposal from statutory consultees.

Planning Policy

6.28 The Appellant and LPA agree Tamworth is categorised within the settlement hierarchy as a “Neighbouring Town”. By definition the “Neighbouring Towns” are outside of the administrative area of Lichfield District.

6.29 The Appellant and LPA agree that the town of Tamworth does not have a defined settlement boundary in the Tamworth Local Plan.

6.30 The Appellant and LPA agree that the emerging Lichfield Local Plan to 2040 was withdrawn from examination in October 2023. The Council published a Local Development Scheme (LDS) for a new Local Plan in March 2024.

Public Open Space and Green Infrastructure

6.31 The Appellant and LPA agree that the Appeal Proposal is capable of delivering significant public open space and green infrastructure, including between the proposed developable area of the Appeal Site and Wigginton. The quantity of

public open space and green infrastructure provided through the Appeal Proposal is well in excess of the open space standards set out at Policy HSC1 of the Local Plan Strategy (2015).

7. AREAS OF DISAGREEMENT

7.1 This section of the SoCG sets out the areas of disagreement between the appeal parties.

Spatial Strategy

7.2 The parties disagree on whether the Appeal Proposal is contrary to the spatial strategy for housing growth set out within the Local Plan Strategy (2015) and, correspondingly, whether the Appeal Proposal would undermine the general thrust of the spatial strategy, resulting in a disproportionate level of growth beyond that envisaged within the Development Plan to the North of Tamworth.

7.3 The parties disagree on whether the Appeal Site is a sustainable location for residential development in general and on whether Appeal Site is physically and functionally well-related to Tamworth.

Affordable Housing Provision

7.4 The parties disagree on the need for affordable homes in Lichfield District and neighbouring Tamworth Borough and accordingly the weight to be attached in the planning balance to the benefits of providing of up to 210 affordable homes.

7.5 The parties disagree on whether the Site can come forward quickly to make a significant and prompt contribution to affordable housing provision in the area.

7.6 The parties disagree on whether a suitable housing mix and tenure split is achievable.

Impact to Wigginton Conservation Area

7.7 The parties disagree on the level of less than substantial harm that would accrue as a result of the Appeal Proposal to the heritage significance of Wigginton, and

in respect of whether the public benefits arising from the Appeal Proposal would outweigh the less than substantial harm arising. The parties disagree on whether the Appeal Proposal would result in less than substantial harm to the setting of Listed Buildings.

Planning Conditions

- 7.8 The parties disagree on the drawings and details subject to which development should be carried out if the appeal is allowed and planning permission granted.

8. DOCUMENTATION & PLANNING CONDITIONS

8.1 The Appellant and LPA agree that the following plans and documentation informed the LPA's decision:

CORRESPONDING DOC SCHEDULE NO.	DOCUMENT NAME	DATE RECEIVED
400.	1:7500 Location Plan	07 June 2018
1300-1326.	Environmental Statement and Appendices	07 June 2018
625.	Gungate Corridor Stage 1&2 Road Safety Audit	17 March 2022
604.	Gungate Corridor Improvement Scheme	17 March 2022
627.	GGLE-HAD-OF-DR-CE-SKO6 Gungate Improvements	17 March 2022
614.	GG-LE-HAD-OF-DR-CE-100 Rev D S278 Overview Layout	17 March 2022
615.	GG-LE-HAD-OF-DR-CE-101 Rev D S278 General Arrangement	17 March 2022
616.	GG-LE-HAD-OF-DR-CE-121 Rev C S278 Vehicle Tracking Sheet 1	17 March 2022
626.	211019_Traffic Flows_REV3_DTA_mode (traffic flow diagrams)	17 March 2022
628.	Highways Technical Note 21017	17 March 2022
612.	Highways Technical Note (Response to SCC Highways Comments)	17 March 2022
613.	Residential Travel Plan rev C	22 March 2022
629.	J32-4320-PS-001 Site Access Arrangements	18 March 2022
1328.	Environmental Statement Update (September 2022)	12 September 2022
1330.	Environmental Statement - Figure 2.1 Updated Off Site Junction Locations	12 September 2022
1331.	Environmental Statement - Updated Highways and Transport Technical Notes 002, 003, 004 Rev C	20 September 2022
1333. & 1334.	Environmental Statement - Updated Air Quality Information	15 November 2022
1332.	Environmental Statement - Updated Cover Report (Air Quality)	15 November 2022
632.	Planning Statement Addendum	31 October 2023
633.	Planning Statement Addendum Appendix A- Platform Housing	31 October 2023

634.	Planning Statement Addendum Appendix B- Affordable Housing Supply Review	31 October 2023
635.	Planning Statement Addendum Appendix C- Proposed Parameter Plan, drawing no. DPP.01 rev P1	31 October 2023
636.	Planning Statement Addendum Appendix D- Sketch Layout, drawing no. SKL01 rev P2	31 October 2023
631.	Biodiversity Net Gain Update reports	11 April 2023
606.	S278 Vehicle Tracking Sheet 2, drawing no. GG-LE-HAD-OF-DR-CE-122	-
607.	S278 Geometry Layout, drawing no. GG-LE-HAD-OF-DR-CE-131 rev A	-
506.	Landscape and Visual Impact Assessment	-
601.	Landscape & Visual Note rev A	-
602.	Built Heritage Assessment (Updated)	-
617.	Highways Construction Cost Estimates Report	-
507.	Verified Views Report	-
509.	Air Quality Overview Report	-
510.	Desk-Based Archaeology Assessment	-
512.	Flood Risk Assessment and Drainage Strategy	-
513.	Draft Noise Screening Report	-
514.	Phase 1 Geo-Environmental	-
515.	Preliminary Ecological Appraisal	-
516.	Transport Assessment	-
517.	Utilities Technical Note	-
518.	Statement of Community Involvement	-
700.	Design and Access Statement	-
1327.	Environmental Impact Assessment Non-Technical Summary	-
1335.	Environmental Statement Update (November 2022)	-
1336.	Environmental Statement Updated Ecology Chapter	-

8.2 The Appellant and LPA agree that the following plans and documents have been/will be submitted that have not been previously seen or consulted upon by the LPA:

- Design Statement

8.3 The Appellant and LPA will work together to produce a Core Documents list that will be appended to the final SoCG.

8.4 The Appellant and LPA agree that the following planning conditions should be imposed should the Inspector be minded to allow the appeal and to grant planning permission:

Condition 1

An application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Condition 2

No development shall take place until plans and particulars of the layout, scale and appearance of the buildings to be erected and the landscaping of the site (hereinafter called "the reserved matters") have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details that have been approved in writing by the Local Planning Authority.

Condition 3

The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.

Condition 4

The development authorised by this permission shall be carried out in complete accordance with the following approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.

Condition 5

Prior to the submission of any reserved matters application in relation to the proposed development hereby approved, a Masterplan shall be submitted to and approved in writing by the Local Planning Authority. The submitted Masterplan shall include the following: • Movement Framework; • Connections within the development and to the surrounding area (including the Chestnut Walk development) for all modes of transport; • Connection through the site for all modes; • Street layout and character

including measures to restrain the speeds of vehicles to 20mph; • Parking strategy including the provision of safe, secure and weatherproof cycle storage facilities for all uses on the site including cycle parking in POS/ play areas; • All residential dwellings within 350m of a bus stop; • Development Phasing. • The layout of the public open space, including pathways and benches • Refuse Strategy. The development shall thereafter be built in accordance with the approved Masterplan.

Condition 6

Before the development hereby approved is commenced, a noise survey to demonstrate that the proposed dwellings will be protected from noise from the railway shall be submitted to and approved in writing by the Local Planning Authority. The approved survey shall include a scheme of noise protection where necessary which shall thereafter be implemented before the development is first occupied. The approved measures shall thereafter be maintained for the life of the development.

Condition 7

Before the development hereby approved is commenced above damp proof course samples and details of all materials to be used externally ensuring the product name and manufacturer is provided (including details of coursing of brickwork, rendering finish and roof tiles) have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.

Condition 8

Before the development hereby approved is commenced, the detailed drainage design to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first occupation.

Condition 9

Before the development hereby approved is commenced, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include details relating to construction access,

hours of construction, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of noise, vibration, dust and mud from construction activities including the provision of a vehicle wheel wash. The development shall only be undertaken in strict accordance with the approved details of the CEMP for the duration of the construction programme.

Condition 11

Before the development hereby approved is commenced details of the following shall be submitted to and approved in writing by the Local Planning Authority, which shall thereafter be implemented in accordance with the approved details: • Layout of site including disposition of buildings and provision of adequate parking, turning and servicing within the site curtilage; • Vehicular visibility splays from the proposed access points and driveways within the development; • Means of surface water drainage from all areas intended to remain in private ownership; • Surfacing materials; • Full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.

Condition 12

Before the development hereby approved is commenced full details of the proposed bus stop infrastructure improvements for the bus stop closest to the site on Browns Lane shall have first been submitted to and approved in writing by the Local Planning Authority, which shall thereafter be implemented in accordance with the approved details.

Condition 13

The proposed site access from Browns Lane shall be completed within the limits of the public highway broadly in accordance with approved Plan J32-4320-PS-001. The visibility splays of 2.4m x 53m shall be kept free of all obstructions to visibility with nothing placed or allowed to remain forward of the visibility splats over a height of 0.6m above the adjacent carriageway level. The access and visibility splays are then to be retained for the life of the development.

Condition 14

The development hereby permitted shall not be occupied until the off-site highway improvements to the Upper Gungate corridor, broadly in accordance with approved Plan GG-LE-HAD-OF-DR-CE-SK06 Rev A, have been implemented.

Condition 15

Before the development hereby approved is commenced, the application site shall be subject to a detailed scheme for the investigation and recording of any contamination of the site and a report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify any contamination on the site, the subsequent remediation works considered necessary to render the contamination harmless and the methodology used. The approved remediation scheme shall thereafter be completed and a validation report submitted to and approved in writing by the Local Planning Authority within 1 month of the approved remediation being completed, unless otherwise agreed in writing by the Local Planning Authority.

Condition 16

Before the development hereby approved is commenced a scheme of biodiversity enhancement to indicate 20% gain on site from the baseline set out within the submitted documents (Biodiversity Net Gain Update reports dated as received 11 April 2023) shall be provided and agreed in writing by the Local Planning Authority. The Enhancement measures shall be provided prior to the first occupation of the dwellings hereby approved and retained for the lifetime of the development.

Condition 17

Prior to the first occupation of any of the residential units hereby granted permission a scheme of cycle storage facilities to serve each dwelling shall be submitted to and agreed in writing by the local planning authority. Each dwelling shall be provided with cycle storage in accordance with the approved details and they shall be thereafter retained for the life of the development.

Condition 18

Before installation on site, an external lighting strategy shall be submitted to and approved in writing by, the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details and shall be maintained thereafter in accordance with these details. The approved details shall be implemented as approved prior to the first occupation of the development.

Condition 19

The details required under condition 2 above shall include details showing the existing and proposed land levels of the site including site sections and the finished floor levels, ridge and eaves heights of all proposed buildings with reference to the finished floor levels, ridge and eaves heights of neighbouring buildings. The development shall be undertaken in strict accordance with the approved details.

Condition 20

If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 2A, and appropriate remediation proposals has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Condition 21

All planting, seeding or turfing shown on the details of landscaping required under condition 2 shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Condition 22

Any scheme of walling and fencing approved as part of the landscaping scheme required by Condition 2 above shall be completed prior to the development first being brought into use.