



Appeal Decision

Site visit made on 13 September 2022

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/H1840/W/22/3299691

Land east of Tagwell Road, Droitwich

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Countrywide Project Management Ltd, c/o St Phillips Homes against Wychavon District Council.
 - The application Ref 20/00183/OUT, is dated 24 January 2020.
 - The development proposed is up to 100 new dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for up to 100 dwellings at land east of Tagwell Road, Droitwich in accordance with the terms of the application, Ref 20/00183/OUT, dated 24 January 2020 subject to the conditions set out in the schedule to this decision notice.

Preliminary and Procedural matters

2. The application was made in outline form, with all matters reserved except for the means of access. However, two parameter plans regarding land use and scale give a broad indication of the location of the development and its height. I have determined the appeal on that basis. Although a masterplan has been submitted, I have treated this as indicative only.
3. The appeal is regarding the non-determination of the planning application. The Council confirmed though that, had it been in a position to determine the planning application, there would have been one reason for refusal regarding the location of the proposed development outside of the development boundary of Droitwich Spa within the open countryside where development is strictly controlled.
4. Following the receipt of three appeal decisions¹ the Council now accepts that it is unable to demonstrate a five year housing land supply at the current time. It considers that on application of paragraph 11d of the National Planning Policy Framework (the Framework) then its one proposed reason for refusal would fall away and therefore it is not contesting this appeal.
5. With agreement of the parties therefore, the Council wrote to interested parties and advised that the appeal would now be determined by way of written representations rather than a Hearing. Interested parties were allowed time to submit comments and I have taken these into account in determining the appeal.

¹ APP/J1860/W/21/3289643, APP/H1840/W/21/3289643 and APP/H1840/W/22/3290275

6. A legal agreement under S106 of the Town and Country Planning Act 1990 has been submitted (the S106). This secures contributions towards the provision of education, highways work, off site formal sports facility, off site public open space, travel plan and monitoring fees together with the provision of on-site public open space and its maintenance. It also includes for the provision of 40% affordable housing. The S106 is a material consideration to which I return later in the decision.

Reasons for the decision

7. Although the Council is not contesting the appeal, I am mindful that some correspondence was submitted in relation to the application and the appeal before me now. I shall therefore address the issues raised.

Whether or not the appeal site is in a suitable location for housing having regard to local and national policy.

8. The appeal site is located beyond the settlement boundary of Droitwich Spa and therefore, for the purposes of the development plan, is located within the open countryside. Policy SWDP2 of the South Worcestershire Development Plan 2016 (the SWDP) strictly controls growth in the open countryside to protect its high quality and direct development to the most accessible locations. Development is therefore restricted to a number of specific types which do not include open market dwellings as proposed in this appeal.
9. The appeal site is allocated for housing in the Councils review of the SWDP. However, this document is at a very early stage of preparation and therefore I attach only minimal weight to its contents. Consequently, the proposal would be in conflict with Policy SWDP2.
10. However, Droitwich Spa is a Main Town within the SWDP with a wide range of services and facilities. Furthermore, the appellant's Transport Statement (TS) details that the appeal site is within walking and cycling distance of local facilities and a bus stop with services further afield. I saw this to be the case at my site visit. Accessibility would be enhanced by the provision of a controlled pedestrian crossing on Primsland Way to enable pedestrian and cycle access to safely reach facilities, secured by a contribution in the S106 agreement. While residents may need to travel further afield for large grocery shopping or work and health facilities, I am satisfied that the need to travel would be limited and there would be a genuine choice of transport modes as required by the Framework.
11. The site is a field bounded mainly by hedgerow. Mature trees are present, some of which are protected by a Tree Preservation Order. Although in the countryside, the site is well contained by residential development and the M5. The only boundary with open countryside is the southern one which is marked by a row of sporadic trees. As a result, long views into the site are limited.
12. The character would undoubtedly change as a result of the erection of up to 100 houses. Nevertheless, with the exception of the requirements for vehicular and pedestrian access the hedge and trees would be retained and reinforced with further planting. I have before me an indicative layout which shows a possible layout of housing surrounded by green space. The layout and form would reflect that of development in the local area. The new planting and provision of open areas would allow the proposal to effectively integrate into

the surrounding area which is mainly characterised by relatively modern housing estates within established and more recent planting.

13. The proposal would therefore accord with the environmental objective of the Framework and Policy SWDP25 of the SWDP which requires that proposals are appropriate to and integrate with the character of the landscape setting.
14. Consequently, while the proposal would be contrary to the spatial strategy of the SWDP, any harm caused to its aims to protect the countryside and direct development to accessible locations would be limited.

Highway safety

15. A number of concerns have been raised regarding the amount of traffic in the local area, its speed and the lack of visibility. The appellant's TS details that there would be an adverse impact on junction reserve capacity for the Holloway/B4090 & B4090/Queen Street/Bromsgrove Road junction at the AM and PM peak periods, a junction which is already operating above capacity. The proposed development would increase vehicle demand at the junction by 22 vehicles across the peak period. While this is a relatively low number, it would nevertheless cause further queueing at the junction. Worcestershire's Local Transport Plan states that a comprehensive review of the junction is planned and therefore a contribution to that review together with one towards mitigation works would be justified. These would be secured by a S106 Agreement.
16. I saw at my site visit that vegetation does obscure visibility at the proposed access, but this could be remedied by means of a condition. The TS states that a survey measuring vehicle speed and flow on Tagwell Road recorded an 85th percentile speed of 34.2mph northbound one of 35.5mph southbound, marginally above the local speed limit. In addition, the roads were not found to be at capacity. There is no harmful effect on the other junctions modelled within the TS and, following alterations to the site access itself and a satisfactory Stage 1 Road Safety Audit, the Highway Authority has raised no objections to the scheme subject to appropriate conditions and planning obligations. While I acknowledge the comments of local residents regarding the existing traffic in the area, the only substantive evidence before me, leads me to the view that the proposal would not be materially harmful to highway safety.
17. Consequently, there would be no conflict with Policy SWDP21 which requires that vehicular traffic should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic generated from the development.

Drainage

18. The appellant has submitted a Sustainable Drainage Statement, Water Management Statement and Flood Risk Assessment which demonstrates that the site is acceptable in flood risk terms and no objections have been received from the Council's Drainage Engineer. Therefore, there is no meaningful evidence before me to suggest that the proposal would not accord with Policies SWDP28 and SWDP29 of the SWDP which require that drainage and run off must be managed in a sustainable and co-ordinated way.

Air Quality/Noise

19. Although the appeal site is not within or near an Air Quality Management Area (AQMA) an Air Quality Assessment (AQA) has been submitted. An interested party states that Tagwell Grange WR9 7FD is ranked as a 4 out of potential 6 on a scale of pollution: "A rating of 4 means there is a strong chance of nitrogen dioxide levels exceeding the annual legal limit. Just 1 in 200 GB postcodes reach this category or higher."
20. However, the AQA submitted by the appellant details data taken from a local monitoring location which is in a residential area close to the M5 motorway similar to the appeal site. It concludes that 2018 and 2022 background concentrations are below the relevant annual mean air quality objectives for nitrogen dioxide. The AQA then goes on to assess the likely effects during construction and the impact of road traffic emissions. With mitigation measures the impact of construction phase dust emissions is considered to be 'not significant' in accordance with Institute of Air Quality Management guidance. Furthermore, concentrations of nitrogen dioxide, PM10 and PM2.5 were all predicted to be below the relevant air quality objectives.
21. The appeal site is located close to the M5 motorway, and I could clearly hear noise from the motorway at the time of my site visit. The proposal includes for an earth bund and a 5 metre high acoustic fence near to the M5 to ensure that levels of noise in the proposed houses are at an acceptable level. Although high, the acoustic fence would be placed some distance from the houses and there would be sufficient room to incorporate landscaping in order to mitigate its appearance. Following negotiation, the Council's Regulatory Services Officer raised no objections to the scheme subject to the imposition of a condition requiring post completion testing.
22. Therefore, based on the evidence before me the proposal would not be harmful to air quality and would provide acceptable living conditions for future residents having regard to noise and air quality. There would be no conflict with Policy SWDP31 of the SWDP which requires that development be designed to avoid significant adverse impacts from pollution on human health and wellbeing and any AQMAs.

Infrastructure/Legal Agreement

23. Some concerns have been raised by interested parties regarding the lack of infrastructure to serve this development.
24. Policy SWDP15 of the SWDP requires that on sites of 15 or more dwellings on greenfield land, 40% of the units should be affordable. This level of provision is secured in the S106 together with a requirement for an affordable housing scheme.
25. Policy SWDP39 of the SWDP sets out the requirement for green space and outdoor community uses. The S106 secures the provision of on-site public open space and its maintenance as well as an off-site contribution to be paid in accordance with a set formula towards improving and enhancing local open space. In addition, a sum of £59,965 is included to improve changing rooms for Phase 2 at Briar Mills. This local provision will serve the increased demand due to the development proposals.

26. Contributions towards the study of and improvement works at the Hollway/B4090 & B409/Queen Street/Bromsgrove Road junction are necessary as the junction is currently operating at capacity and the proposed development would lead to increased queuing times. Furthermore, contributions to improving the Tagwell Road bus stop, a Travel Plan, and the provision of a pedestrian controlled crossing would improve methods of travel other than the car improving the accessibility of the location in accordance with the requirements of the Framework.
27. Obligations regarding the payment of a contribution towards both the monitoring of the education and highways obligations are in accordance with the guidance in the PPG². Although limited, I am satisfied, based on the evidence before me, that the costs are proportionate and reasonable and reflect the actual cost of monitoring especially given the number of obligations involved for each.
28. The evidence before me shows that there is an immediate and sustained need for a number of different stages of education provision in the vicinity of the appeal site and it is accepted that the proposed development would increase demand for places. The S106 makes provision for contributions towards education facilities, to increase capacity at local facilities based on standard formula.
29. Therefore, based on the evidence before me, the submitted obligations are necessary, and meet the statutory tests contained in Regulation 122 of the CIL, and the requirements of paragraph 56 of the Framework.
30. The Worcestershire Acute Hospitals NHS Trust submit evidence that demonstrates that the Trust is operating at full capacity in the provision of acute and planned healthcare. The proposed development would lead to an increase in local population that will provide further demand for the services. The Trust therefore request a sum of £80,339.56, to provide services needed by the occupants of the new homes for the first year of occupation. I have had regard to the comments of the Council on this matter together with relevant appeal decisions. It seems to me that the requirement is for revenue funding. Furthermore, while the Council raise a number of concerns regarding the formula used, I note that it cannot be guaranteed that the new occupiers of the development would all be new users of the service, as there appears to have been no allowance made for relocation within the service area. I am not convinced therefore that the requested contribution would be necessary to make the development acceptable in planning terms or would be directly related to the development. It would not therefore meet the relevant tests.
31. Therefore, for the reasons above I conclude that the proposed development would provide the necessary infrastructure and would be in compliance with Policy SWDP7 of the SWDP which requires that development will be required to provide or contribute towards the provision of infrastructure needed to support it.

Conditions

32. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the

² 036 Reference ID: 23b-036-20190901

- advice in the PPG, making such amendments as necessary to comply with those documents.
33. In the interests of certainty, it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
 34. Details of protection of existing hedgerows and trees on site are required prior to work commencing on site to ensure that the existing landscaping is protected from construction damage.
 35. A condition regarding a construction management plan is necessary to protect existing and future residents' living conditions. The Construction Management Plan is required prior to work commencing on site to ensure that all construction activities are included.
 36. Conditions 8-12 are required to protect highway safety and promote alternative methods of transport to the car. Conditions regarding contamination are required given the findings of investigations and to ensure that the site is safe for the end user.
 37. Details of electrical charging points and low emission boilers are necessary to facilitate moving towards a low carbon economy.
 38. Details of the disposal of surface water, the management of the system used, and a verification report are required to ensure that appropriate systems are in place and that the development does not cause flooding elsewhere. Details of the disposal of foul water are also required to ensure the proper drainage of the site.
 39. A condition requiring a Construction Environmental Management Plan for Biodiversity and associated landscape and ecology management plan is necessary to protect the ecology on the site and ensure that biodiversity on the site is improved.
 40. Details of a noise attenuation scheme, which should include how post completion testing will be carried out, are required to be approved given the proximity of the site to the M5 to ensure appropriate living conditions for future residents.
 41. A condition is necessary to require the provision of tree and hedges protection measures prior to development commencing to ensure that they are protected from all forms of development.
 42. Details of superfast broadband facilities are necessary to ensure appropriate levels of communications infrastructure is in place and planned prior to work commencing on site.
 43. I have not imposed the suggested condition regarding materials as this would fall within the requirement to submit details of appearance as a reserved matter.

Planning Balance and Conclusion

44. To develop the appeal site as proposed would be contrary to SWPDP2 regarding the spatial strategy of the development plan. I am mindful that the Framework recognises that the planning system should be genuinely plan led. However, I have found in this instance that the aims of the spatial strategy regarding

directing growth to locations depending on their sustainability and to safeguard the countryside would not be unacceptably harmed.

45. The development would provide up to 100 dwellings. Following the receipt of three appeal decisions³ the Council accepts that it is unable to demonstrate a five year housing land supply. On that basis I give the proposed housing significant weight.
46. The provision of 40% affordable housing, secured by the S106 agreement, would be a benefit of significant weight given the shortfall in affordable housing being currently experienced within the district.
47. There would be economic benefits through the creation of construction jobs and the increased local spend within the economy. I give these modest weight based on the scale of the development.
48. The provision of new open space within the development, which could be used by existing residents, would be a benefit attracting moderate weight.
49. The intention of the development is to provide biodiversity net gain through the provision of open space and planting. As this is yet to be quantified, given the outline nature of the proposal I only give the benefit minor weight.
50. Consequently, I am of the view that the adverse impact of the development would not significantly and demonstrably outweigh the considerable benefits when assessed against the policies in the Framework as a whole. Therefore, in this instance the presumption in favour of sustainable development in the Framework applies and it is a material consideration which outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it.
51. For the reasons given above I conclude that, on balance, the appeal should be allowed and planning permission granted.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

³ APP/J1860/W/21/3289643, APP/H1840/21/3289569 & APP/H1840/W/22/3290275

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents –
 - i) Site Location Plan Dwg No 9000 Revision A received 28th January 2020
 - ii) Parameter Plan Land Use Dwg No 9600 received 28th January 2020
 - iii) Parameter Plan Scale Dwg No 9601 received 28th January 2020

Contaminated Land

- 5) The development hereby permitted shall be carried out in accordance with the recommendations contained in the Phase 1 Geo-Environmental Assessment (TRD-BWB-ZZ-XX-RP-YE0001-Ph1) written by BWB Consulting, dated November 2018 and received on 11th March 2020 and unless otherwise agreed in writing by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions at i to v have been complied with
 - i) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - ii) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - iii) 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.
 - iv) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

- v) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.
- 6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary a remediation scheme shall be submitted in writing to and approved in writing by the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.

Construction Environmental Management Statement

- 7) Prior to the commencement of the development hereby permitted a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:
- i) Construction working hours
 - ii) Parking and turning facilities for vehicles of site operatives and visitors
 - iii) Loading and unloading of materials
 - iv) Storage of plant and materials used in constructing the development
 - v) A scheme for recycling/disposing of waste resulting from construction works
 - vi) Temporary portacabins and welfare facilities for site operatives
 - vii) Site security arrangements including hoardings
 - viii) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
 - ix) Measures to prevent flying debris
 - x) Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
 - xi) Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
 - xii) Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

Construction on site shall abide by the approved Construction Environmental Management Statement at all times.

Highways

- 8) Prior to commencing any construction work or preparatory earthworks affecting the Strategic Road Network earthworks assets, the applicant shall prepare geotechnical assessment, designs and reports in accordance with the Design Manual for Road and Bridges (DMRB), which shall be

certified by Highways England in accordance with the standard CD622 therein.

- 9) Upon completion of works affecting the Strategic Road Network earthwork asset, the applicant shall prepare a geotechnical feedback report to Highways England in accordance with Standard CD622.
- 10) Prior to the first occupation of the development hereby permitted, the scheme of works to create the highways access shall be implemented in full to the written satisfaction of the local planning authority (in consultation with the Highway Authority). These works shall be generally in accordance with the proposed site access preliminary design drawing 04671-A-001 P1 Proposed Access Strategy, subject to any necessary changes identified during the detailed design and Road Safety Audit process.
- 11) Prior to the first occupation of the development hereby permitted, visibility splays shall be provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 52m to the north and 55m to the south, measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Existing trees and vegetation shall be pruned and trimmed to the satisfaction of the Local Highway Authority and thereafter maintained on the triangular area of land so formed so as not to obstruct the visibility described above.
- 12) The Development hereby approved shall not commence until appropriate detailed drawings of the highway improvements/offsite works/site access works comprising:
 - i) Details of the new section of footway, on the east side of Tagwell Road between the site access and Tagwell Road/Jackdaw Road/Falcon Road roundabout;
 - ii) Provision of dropped kerbs and tactile paving on the new section of footway, with corresponding dropped kerbs and tactile paving installed on the Tagwell Road/Jackdaw Road/Falcon Road roundabout;
 - iii) Details of the Cyldesdale Road bus stop relocation to the north of the site access, including hardstanding;
 - iv) Details of changes to road markings and signageHave been submitted to and approved in writing by the Local Planning Authority; and the site shall not be occupied until these works have been constructed in accordance with the approved details. All elements of the approved details on private land outside of the public highway shall be retained as approved thereafter.
- 13) In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of a dwelling, prior to occupation, there shall be installed in an appropriate location a suitable facility to permit the recharge of an electrical battery-powered vehicle that may be used in connection with that dwelling. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1.

Drainage

- 14) Prior to the installation of any drainage infrastructure, a scheme for the disposal of foul and surface water (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) shall be submitted to and approved in writing by the Local Planning Authority. The aforementioned scheme shall make provision for the disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and National Planning Practice Guidance.

Where a sustainable drainage scheme is to be provided, the submitted details shall include but are not limited to:

- i) Details of the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, the measures taken to prevent pollution of the receiving groundwater and/or surface waters and increasing flood risk to downstream land;
- ii) Design details of all components and in accordance with CIRIA report C753 The SuDS Manual;
- iii) A timetable for its implementation; and
- iv) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme (including all physical measures and the management and maintenance measures) shall be implemented prior to the first occupation of the development and shall be so retained thereafter in a functioning and effective state.

- 15) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Biodiversity and Landscape

- 16) Prior to the commencement of the development hereby permitted a Construction Environment Management Plan (Biodiversity) and incorporated Landscape Ecological Management Plan (LEMP) shall be submitted in writing to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- i) Risk assessment of potentially damaging construction activities.
 - ii) Identification of biodiversity protection zones (to include the river and adjacent areas)
 - iii) Practical measures to avoid or reduce impacts during construction.
 - iv) The location and timing of sensitive works to avoid harm to biodiversity features.
 - v) The times during construction when specialist ecologists need to be present on site to oversee works.
 - vi) Responsible persons and lines of communication.
 - vii) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.

- viii) Use of protective fences, exclusion barriers and warning signs.
- ix) Details of ecological surveys that need to be conducted prior to commencement of construction activities.

The approved CEMP (Biodiversity) and LEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 17) Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commences, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

Noise

- 18) Before the first use/occupation of the development hereby permitted a scheme of noise attenuation measures shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before the first use of the development and shall be retained thereafter.

Broadband

- 19) Prior to the first occupation of the development hereby approved, details of superfast broadband facilities or alternative solutions to serve the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.

Boilers

- 20) Details shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NO_x boilers with maximum NO_x Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.