



Appeal Decision

Inquiry opened on 23 July 2013

Site visit made on 25 July 2013

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 August 2013

Appeal Ref: APP/P2935/A/12/2188374

**The Officers Club, Bassington Industrial Estate, Cramlington,
Northumberland NE23 8AH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Sizecheck Ltd Funded Unapproved Benefit Scheme against the decision of Northumberland County Council.
 - The application Ref 11/02409/OUT, dated 16 September 2011, was refused by notice dated 22 June 2012.
 - The development proposed is residential development (Class C3) and employment (Class B1 and/or B2 and/or B8), landscaping and associated highway works.
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Decision

1. The appeal is allowed and outline planning permission is granted for residential development (Class C3) and employment (Class B1 and/or B2 and/or B8), landscaping and associated highway works at The Officers Club, Bassington Industrial Estate, Cramlington, Northumberland NE23 8AH in accordance with the terms of the application, Ref 11/02409/OUT, dated 16 September 2011, subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. The inquiry sat for 3 days on 23, 24 and 25 July 2013.
3. At the inquiry, legal representations were made regarding the validity of the appeal, the effect of restrictive covenants on the proposed development, and the effect of an amendment to the red line boundary. My ruling on these matters is given below.
4. The application was submitted in outline form and indicates that access should be considered. It also includes site layout plans. However, at the inquiry the Council confirmed that it had determined the application based on all matters of detail being reserved for later consideration, as agreed with the appellant. I have therefore determined the appeal on this basis.
5. At the inquiry, the appellant submitted a Section 106 Unilateral Undertaking (UU), dated 25 July 2013, that the Council has accepted would secure 30% affordable housing, the required contributions towards open space, sport and recreation, and the clearance, servicing and marketing of the employment land. Based on the evidence provided by the Council at the inquiry, I am satisfied that the obligations in the UU meet the tests in Community Infrastructure Levy Regulation 122 and paragraph 204 of the Framework. I

have therefore taken the obligations into account in my determination of this appeal as, without them, the proposal would have an unacceptable harmful effect on the provision of affordable housing, employment land, open space and sport and recreation facilities in the area and would fail to accord with the relevant development plan policies, including BVDPD¹ Policy DC13, regarding recreation and sports facilities.

Legal Ruling

6. I have carefully considered the legal representations made in writing and at the inquiry in the light of sections 65, 79 and 327A of the Town and Country Planning Act 1990 (the Act) and articles 11, 12, 32, 33 and 34 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (DMPO). In this regard, I make the following rulings that I summarised at the inquiry.
7. A certificate of ownership has been completed. Whilst the error on the certificate is serious, it does not render it no certificate at all or make the application a nullity. The application has been determined and an appeal has been submitted within the 6 month deadline from the determination of the application. Although s65(5) of the Act provides that a local planning authority shall not entertain an application for planning permission unless any requirements imposed by virtue of the section and the DMPO have been satisfied, I find that s79(4) of the Act does not mean that this applies to appeals to the Secretary of State.
8. Whilst not all the owners and those with an interest in the land were notified at the time of the application and appeal, the Council has confirmed that it is satisfied that they were all served with notices on 12 March 2013. I am satisfied that there has been sufficient time between this notification and the inquiry to ensure that none of the parties have been prejudiced. Therefore, the determination of the appeal would not undermine the purpose of s327A of the Act.
9. The restrictive covenants on some of the land are not matters that affect the validity of the appeal. They can be taken into account in the determination of the appeal and would only need to be dealt with should planning permission be granted. In that situation, they should not act as an obstacle that would prevent the proposed development of the site.
10. The amendment to the red line boundary of the site indicated on Drawing No 10-049 PL03 Rev A, dated 03/13, is not a minor amendment under Wheatcroft². As such, the determination of the appeal on the basis of the amended red line boundary could prejudice the interests of relevant parties due to the lack of consultation that has been carried out. The appellant has accepted the determination of the appeal on the basis of the red line boundary of the site shown on the application plan Drawing No 10-049 PL01. I am satisfied that this would ensure that none of the interests of relevant parties would be prejudiced, as the consultation at the time of the determination of the application has been carried out for the site included within the original red line boundary.

¹ Blyth Valley Local Development Framework Development Policies Document Development Plan Document 2007

² Document 4

11. On the above basis, I ruled at the inquiry that there is a valid appeal to determine and that the site boundary should be that shown on the plan that was used for the determination of the application.

Main Issue

12. The main issue is the effect of the proposal on the provision of employment land in Cramlington, having regard to matters of viability and housing needs.

Reasons

Background

13. The appeal site consists of about 5 hectares of land containing buildings and hard surfacing. The site and buildings have been vacant since March 2011 and the buildings are in a poor state of repair. The site is located on Bassington Industrial Estate which lies inside the settlement boundary of Cramlington. It is accessed from Bassington Avenue off the A1172 and is within reasonable walking distance of a railway station, bus stops and the town centre. Adjacent to the north boundary is an area of woodland, and the north east boundary is near to a railway line. The A1172 Station Road separates the Industrial Estate from residential development to the south. Bassington Drive, which is a distributor road to the Industrial Estate, separates the site from a vacant site to the west, known as part of the Renolit site, on which planning permission was granted in December 2011 for a factory unit.
14. The appeal proposal would develop about 3.4 hectares of the site for housing, subject to the Council's agreement on areas of the site under its ownership and restricted by covenants, and would keep the remaining part of the site for employment use. The employment part of the site, which would be about 1.6 hectares, is defined on the plan accompanying the UU.

Policy and Housing Supply

15. Bassington Industrial Estate is within the North West Sector of Cramlington and is designated in Policy W1 of the Blyth Valley Local Plan 1999 as land 'primarily for work activity', with Class B1, B2 and B8 uses being allocated to it. BVDPD³ Policy DC5 allows housing development on previously developed windfall sites, subject to 8 criteria, which include requirement (d) that the site is not allocated or protected for any other purpose. In this respect, the appeal proposal would be contrary to Policy DC5. However, part of BVDPD⁴ Policy DC6 establishes criteria (E) to (J) for considering non-employment uses on Industrial Estates and land designated for employment development.
16. The Council has referred specifically to criteria (F) and (J) of Policy DC6 in support of its reasons for refusal. Criterion (F) requires the development to not significantly diminish the range of employment sites or premises available in the local area. Criterion (J) requires it to be demonstrated through an up-to-date Employment Land Review that there is not a realistic prospect of the allocation being taken up for its stated use in the plan period and its development for an alternative use would not undermine regional local strategies for economic development and regeneration. Having considered the

³ Blyth Valley Local Development Framework Development Policies Document Development Plan Document 2007

⁴ Blyth Valley Local Development Framework Development Policies Document Development Plan Document 2007

representations made at the inquiry, I find that the most logical interpretation of this part of the Policy is that only one of the criteria needs to be satisfied.

17. BVBCCS⁵ Policy SS1 seeks to achieve the regeneration of Cramlington by, amongst other things, continuing the town's strategic employment role within the Tyne and Wear City Region. It also seeks to ensure that new housing provision is at a scale that allows local needs to be met and is consistent with the town's role as an area of employment growth. The North East Economic Review, 2013, which has been referred to by the Council, encourages economic vitality and activity and also promotes housing development.
18. The Council has accepted that it can only demonstrate that it has about a 1.9 year housing land supply in the Northumberland Housing Market Area and that it should allow an additional 20% for persistent under-delivery. On this basis, I find that a five year supply of deliverable housing sites has not been demonstrated. Therefore, notwithstanding the reasons given by the Council for the under delivery, relevant policies for the supply of housing are not to be considered up-to-date, in accordance with paragraph 49 of the National Planning Policy Framework (Framework).
19. A presumption in favour of sustainable development should apply to the proposed development in accordance with paragraph 14 of the Framework. In the context of the relevant policies being out-of-date, the test in this appeal is therefore whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, as no specific policies in the Framework indicate development should be restricted.

Viability

20. The evidence that has been provided has demonstrated that the site has been marketed since September 2011 with no specified asking price. I am satisfied that the level of marketing has been sufficient to attract any potential purchasers. This evidence indicates that the market for employment land is currently relatively weak and there is little to show when the site would be significantly more attractive for employment use. The suggestion in recent correspondence from Mr Adams of Arch⁶ that there has been a perceptible increase in enquiries for business accommodation in 2013 is not supported by the evidence provided at the inquiry with regard to the appeal site.
21. Although the 'Valuation Advisory' report by Jones Lang LaSalle indicates that the appellant's instructions have set a minimum £1.4 million value on the site, there is no evidence to indicate that any offers have been declined that have been below this value. At the inquiry, the appellant stated that there have been 3 parties that have expressed an interest, including Newcastle College for education use. None of these parties have followed it up and Newcastle College has pursued an interest in the nearby Renolit site.
22. The Council has accepted that the appellant's viability appraisals have demonstrated that the existing buildings on the appeal site are not viable for re-use and that it is not currently viable to redevelop the site for employment uses. The Council has provided a Report⁷ which demonstrates that the

⁵ Blyth Valley Borough Council Core Strategy 2007

⁶ Business Development Manager of Arch- The Northumberland Development Company

⁷ Report on Viability for Redevelopment by David J Downing BSc(Hons) MRICS, Sanderson Weatherall, July 2013

employment use of the site would be viable for an owner/occupier, without the 20% profit margin. However, there is very little evidence to show that an owner/occupier would be likely to be interested in the site, given the limited number on the market for sites, or that there would be any grants available for the development of the site, as suggested in the Report⁸. Furthermore, the Council has been unable to support the relatively high figure that has been used for the land sales valuation in the Appraisal⁹ for a 'Single Owner Occupier'. Based on this, I find that employment use of the whole of the appeal site is not currently viable and would be unlikely to be viable in the foreseeable future.

23. The appellant has demonstrated that the appeal proposal would be viable if the employment part of the site is not built out. The Section 106 obligations would ensure that that part of the site would be cleared, serviced and marketed, albeit that a sub-station would not be provided. Although the proposed residential use could affect what type of Class B1, B2 or B8 use would be suitable on the employment part of the site, the Council's Public Protection Officer has not expressed any concerns regarding this matter when suggesting planning conditions to control noise and deliveries on that part of the site. These conditions are similar to those applied to other employment use sites and the appeal site already has a residential care home adjacent to its eastern boundary. As such, I find that the proposal should enhance the potential for the remaining part of the site to be used for employment.

Employment Land

24. The Northumberland Employment Land Review 2011 (ELR) was commissioned by the Council to provide robust evidence to demonstrate the need for, and deliverability of, employment allocations across the County. The Council confirmed at the inquiry that it will be used to inform the Core Strategy and gives the most up-to-date assessment of the quantity and quality of employment land in Cramlington and the wider area.
25. With regard to the quantity of employment land, the Council has agreed that in the Cramlington area there are about 98 hectares available and about 42 hectares held for expansion. The appellant has calculated that the take-up of employment land since 2000 has averaged about 2.22 hectares per year. As some of the land held for expansion sometimes becomes available on the open market, such as the Miller land on Bassington Industrial Estate, it would not be unreasonable to allow for some of the expansion land in the supply. Also, the 1.6 hectares that would be provided as part of the appeal proposal should be added to the available employment land. Even omitting land held for expansion and currently not available and the West Hartford Strategic Employment Site, which has been held for prestige employment, there would be sufficient for over 25 years supply, based on the calculated average take-up.
26. The recommended de-allocation of the Fisher Lane site in the ELR is not proposed in the recent Core Strategy Preferred Options consultation document. This document proposes using half of the West Hartford Site for general employment development, which would more than compensate for the loss of

⁸ Report on Viability for Redevelopment by David J Downing BSc(Hons) MRICS, Sanderson Weatherall, July 2013

⁹ Appraisal 4 in Appendix D of Report on Viability for Redevelopment by David J Downing BSc(Hons) MRICS, Sanderson Weatherall, July 2013

employment land due to a de-allocation of the Fisher Lane site. Furthermore, the ELR has indicated on page 82 that the Fisher Lane site is unlikely to generate significant interest whilst there are large available sites within Cramlington.

27. In terms of the wider area, the appellant has identified that more employment land has been brought forward in the Cramlington and Blyth Valley areas as a whole than is given as a requirement in the BVBCCS¹⁰. In addition, the appellant has identified that the South East Northumberland area has acquired about 100 hectares of new employment land that was not available at the time that the ELR was produced.
28. The above indicates to me that there is a large supply of vacant employment land in Cramlington and the wider South East Northumberland area. The Council has not provided any substantive evidence to show otherwise. In addition, it has not contested the appellant's claim that industrial unit availability in Cramlington is 11.47%, which is above the rate of between 8% and 10% that the ELR Executive Summary refers to as being typically observed in a healthy commercial property market. Therefore, I find that there are enough available employment sites to cater for the likely future needs until at least 2030, which is the end of the development plan period. Furthermore, this employment land supply is likely to be supplemented by the availability for redevelopment of existing developed employment sites.
29. Turning to the quality of employment land, paragraph 4.30 of the ELR states that there are very few vacancies on Bassington Industrial Estate and that the Estate benefits from ease of access to both the strategic road network and labour and services within Cramlington. It gives an overall score for the Estate of 31 out of 35 and rates it as 'higher' quality. However, all of the other estates within Cramlington, except Fisher Lane, are given as 'higher' quality in the ELR; most of them are given a higher or the same score for market attractiveness; and all of them have the same or higher combined scores for strategic access and local road access. Therefore, within Cramlington, Bassington Industrial Estate is not of such an exceptionally high quality to give it any great significance in terms of its attractiveness for employment use. Furthermore, the appeal site's location on the edge of the Estate near to a residential care home and housing in Nelson Village could make it a less attractive part of the Estate for a Class B2 use.

Housing

30. The Council has not provided any evidence to contest the appellant's claim that the proposal would be able to deliver up to 120 houses within the 5 year period, based on a completion rate of 60 dwellings per annum. The appellant has provided letters from 2 potential developers who have expressed an interest in the site for housing development. Given its sustainable location near to a railway station, employment, schools and facilities within Cramlington town centre, I find that it could well be an attractive site for housing development.
31. Although the Council has criticised the quality of the proposed housing indicated on the site layout plans, these are indicative only and matters of appearance, layout and scale are reserved matters. The Council accepted at

¹⁰ Blyth Valley Borough Council Core Strategy 2007

the inquiry that the indicative layout shown on Drawing No 10-049 SK13 Rev F would be technically acceptable. On this basis, I am satisfied that sufficient land would be available to provide an acceptable good quality housing scheme of up to 120 dwellings and that suitable planning conditions would adequately address any potential problems with noise from nearby industrial uses, the railway and main road.

32. In respect of housing need in the Cramlington settlement, only a deliverable housing land supply of about 0.6 years has been demonstrated in terms of the BVBCCS¹¹ housing requirements. Also, the Council has accepted that there is a shortage of affordable housing in Cramlington. Therefore, the proposal would deliver much needed housing in an area that is seriously short of new housing and, in particular, affordable housing. As such, it would boost the supply of housing in accordance with paragraph 47 of the Framework.

Other Matters

33. I have considered the concerns expressed by other parties, including Renolit who are located on Bassington Industrial Estate near to the appeal site. However, the proposed housing would be further way from the Renolit factory than the existing housing at Beaconhill Green and would be separated from the remaining part of the Industrial Estate by woodland, Bassington Drive or the railway. Taking these factors into account, I have been given insufficient evidence to show that the proposed housing development would result in any additional restrictions on noise and activities on the Renolit site or any other sites on the Bassington Industrial Estate that would unacceptably prejudice their future employment use.
34. With regard to concerns that allowing the appeal would result in the Council finding it difficult to resist other housing development on allocated employment sites, I have not been given any details of other similar proposals that would come forward. Also, the appeal site is the nearest part of Bassington Industrial Estate to other residential uses and the town centre and is separated from the remainder of the Estate by clear boundaries. Therefore, I find that, as each case should be determined on its own individual planning merits in the light of prevailing policies and guidance, the appeal development would not set a precedent that would unacceptably harm the future supply of employment land in the area.

Conclusions

35. For the reasons given, I have found that the proposal would not have a significant harmful effect on the provision of employment land in Cramlington. Whilst it would not accord with BVDPD¹² Policy DC5, as it would not meet the requirement in (d), it would be capable of providing a high quality development as required by (e) and would not adversely affect important features of the site or surrounding area, as required by (f). Also, it would accord with BVDPD¹³ Policy DC6, as it would not significantly diminish the range of employment sites or premises in the local area; and BVBCCS¹⁴ Policy SS1, as it would not significantly harm Cramlington's strategic employment role, and the housing

¹¹ Blyth Valley Borough Council Core Strategy 2007

¹² Blyth Valley Local Development Framework Development Policies Document Development Plan Document 2007

¹³ Blyth Valley Local Development Framework Development Policies Document Development Plan Document 2007

¹⁴ Blyth Valley Borough Council Core Strategy 2007

provision would allow local needs to be met and not significantly harm the role of Cramlington as an area of employment growth.

36. The proposed development would support sustainable economic growth by the construction of new housing and the improvement of employment land to meet the development needs of business, and would provide social and environmental benefits by the provision of housing, including affordable homes, on vacant previously developed land. As such, it would represent sustainable development in accordance with the Framework. Any resulting adverse impacts and conflict with development plan policy would not significantly and demonstrably outweigh the benefits, including the contribution that the proposal would make towards addressing the shortfall in housing supply. Therefore, having regard to all matters raised, I conclude that the appeal should succeed.

Conditions

37. I have considered the suggested conditions should the appeal be allowed that have been agreed in the Statement of Common Ground. Conditions regarding the submission of reserved matters details and the standard timescales for the housing development are necessary as a result of the application being in outline form. With regard to the employment land, I am satisfied that a 5 year timescale for an application for reserved matters approval is reasonable to increase the opportunities for development of that land for employment use. I have included a condition referring to the plan showing the site boundary, as it is necessary for the avoidance of doubt and in the interests of proper planning, given that the boundary had been amended following the determination of the application.
38. Further details of the requirements for reserved matters, including reference to details of materials and landscaping, are necessary to ensure that the character and appearance of the surrounding area would be protected. Conditions regarding acoustic fencing, the control of noise and the control of deliveries to the employment land are necessary to protect the living conditions of nearby residents.
39. Conditions regarding measures to take account of gas from former mine workings and contamination are necessary in the interests of health and safety, given the relative location of the site and its condition and former use. Conditions requiring adherence to a Construction Method Statement, including a Dust Action Plan, and a method statement for the demolition of buildings are necessary in the interests of residential amenity and health and safety.
40. A condition to control the construction of the carriageways, footways, cycleways and street lighting is necessary in the interest of highway safety and the appearance of the development. A condition regarding drainage is necessary to reduce the risk of flooding and pollution. Conditions to control boundary treatment and external lighting are necessary to protect residential amenity and the character and appearance of the area. A condition regarding energy efficiency is necessary to ensure that the development complies with development plan policies and would have an acceptable carbon footprint.
41. I am satisfied that all the above mentioned conditions are reasonable and necessary. I have combined some of the suggested conditions and worded

them to reflect the advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.

42. Conditions to protect the area of employment space and the provision of affordable housing are unnecessary as these matters would be adequately secured by the planning obligations in the Section 106 Unilateral Undertaking. A condition to control the access to the Employment Phase development is unnecessary as access is a reserved matter.

M J Whitehead

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sasha White	QC, instructed by the Chief Legal Officer, Northumberland County Council
He called	
Robert Patterson BSc FRICS	Partner, Sanderson Weatherall LLP
John Dowsett MA DipURP DipUD MRTPI	Principal Planning Officer, Development Services Department, Northumberland County Council

FOR THE APPELLANT:

Tim Corner	QC, instructed by Indigo Planning
He called	
Simon Hill BSc MRICS	Director, Jones Lang LaSalle
Tim Waring MRTPI	Director, Indigo Planning

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Copy of letter, dated 12 July 2013 from Indigo Planning accompanying enclosures, submitted by the appellant on 23 July.
- 2 Copy of a Section 106 Unilateral Undertaking, dated 22 July 2013, submitted by the appellant on 23 July.
- 3 Copies of extracts from the Town and Country Planning Act 1990 giving Sections 65, 79 and 327A, The Town and Country Planning (Development Management Procedure) (England) Order 2010 Articles 11, 12, 32, 33 and 34, submitted by the appellant on 23 July.
- 4 Copy of *Wheatcroft v Secretary of State*, submitted by the appellant on 23 July.
- 5 Copy of *Main v Swansea City Council*, submitted by the appellant on 23 July.
- 6 Copy of *Pridmore v Salisbury District Council*, submitted by the appellant on 23 July.
- 7 Copy of *O'Brien v West Lancashire Borough Council*, submitted by the appellant on 23 July.
- 8 Copy of *R v Warwickshire County Council*, submitted by the appellant on 23 July.
- 9 Opening Legal Submissions on behalf of the Local Planning Authority, submitted by the Council on 23 July.
- 10 Copy of letter, dated 2 April 2013, from Northumberland County Council serving notice of the appeal, submitted by the Council on 23 July.
- 11 Legal Submissions for the Appellant, submitted by the appellant on 23 July.
- 12 Copy of letter, dated 11 March 2013, from Northumberland County Council regarding the serving of notices, submitted by the appellant on 23 July.
- 13 Copy of letter, dated 8 March 2013, from Northumberland County Council regarding the validity of the appeal, submitted by the appellant on 23 July.
- 14 Copy of letter, dated 20 December 2011 from NLP objecting to the application on behalf of Renolit, submitted by the Council on 23 July.
- 15 Copy of Table 4.21.1- Available employment land in Cramlington 31 December 2011 with reference numbers, submitted by the Council on 24 July.

- 16 Copy of the Notice of Planning Permission for the Renolit site, submitted by the appellant on 24 July.
- 17 Copy of e-mail, dated 2 December 2011, from the Public Protection Officer regarding the appeal application, submitted by the appellant on 24 July.
- 18 Statement of Compliance with the Community Infrastructure Levy Regulations, submitted by the Council on 25 July.
- 19 Original copy of a Section 106 Unilateral Undertaking, dated 25 July 2013, submitted by the appellant on 25 July.

PLANS SUBMITTED AT THE INQUIRY

- A Extract of Blyth Valley Local Plan 1999 Proposals Map Cramlington identifying employment sites, submitted by the Council on 24 July.
- B Blyth Valley Local Plan 1999 Proposals Map, submitted by the Council on 24 July.

SCHEDULE OF CONDITIONS

- 1) Prior to the commencement of any relevant phase of the development (hereinafter referred to as 'the Employment Phase' and 'the Residential Phase'), details of the access, 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 begins on that phase and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters for the Residential Phase shall be made to the local planning authority not later than three years from the date of this permission.
- 3) Application for approval of the reserved matters for the Employment Phase shall be made to the local planning authority not later than five years from the date of this permission.
- 4) The development of any relevant phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase of the development.
- 5) The development hereby permitted shall be carried out on the site identified on Drawing No 10-049 PL01, dated 09/11.
- 6) The reserved matters details required under Condition 1 shall include details, and where applicable, samples of the materials to be used in the construction of the external walls and roofs of the buildings or building and a detailed landscaping scheme, showing both hard and soft landscaping, for the relevant phase. Development shall be carried out in accordance with the approved details. The landscaping scheme shall include, where applicable, a programme for implementation, a planting schedule setting out species, numbers, densities and locations, the provision of screen walls or fences, the mounding of earth, the creation of areas of hardstanding and pathways, areas to be seeded with grass and a maintenance schedule and shall be maintained in accordance with the approved maintenance schedule. Any trees, hedges, shrubs or plants as part of the approved landscaping scheme which within a period of 5 years from the completion of the planting 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.
- 7) Prior to the commencement of the Residential Phase development, details of the design and locations of acoustic fences located alongside the A1172 road and the East Coast Mainline railway for that phase shall be submitted to and approved in writing by the local planning authority. The acoustic fences shall be implemented in accordance with the approved details prior to the first occupation of any of the residential units.
- 8) The Employment Phase development shall not be brought into use until the recommendations of a noise report that shall have been submitted to and approved in writing by the local planning authority have been implemented. The noise report shall be based upon BS4142:1997 methodology and shall demonstrate that the operational noise from the development does not exceed 32 dB(A) during the night (2300 hours to 0700 hours) and 45 dB(A) during the daytime (0700 hours to 2300 hours) at the nearest noise sensitive premises.

- 9) No deliveries to the Employment Phase development shall be taken at or despatched from the development outside the hours of 0800 to 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 10) No development shall commence until a scheme, including an implementation programme, to protect the buildings from the ingress of gas from former mine workings, in particular Stythe (Blackdamp), has been submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented as approved.
- 11) Prior to the commencement of development an investigation and risk assessment report of any contamination on the site shall be completed in accordance with a scheme that shall have been submitted to and approved in writing by the local planning authority. If the report indicates that remediation is necessary, details of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any relevant phase of the development hereby permitted. If during the course of development contamination not previously identified is found to be present at the site, no further development other than that agreed in writing with the local planning authority shall be carried out until an amendment to the remediation scheme giving details on how to deal with this contamination has been submitted to and approved in writing by the local planning authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
- 12) No development, including any works of demolition, shall take place for the relevant phase of the development hereby permitted until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the local planning authority. The Statement shall include a 'Dust Action Plan' to mitigate the effect of any dust created during construction of that phase of the development on neighbouring premises, details of wheel wash facilities, provision of a compound for the storage of materials and temporary parking for site operatives and visitors, and the siting of construction accesses. The approved Statement shall be adhered to throughout the construction period.
- 13) No building on the site shall be demolished until a method statement for the demolition of that building has been submitted to and approved in writing by the local planning authority. The demolition of that building shall be carried out in accordance with the approved method statement.
- 14) All carriageways, footways, cycleways and street lighting serving the Residential Phase development shall be constructed in accordance with details that shall have been submitted to and approved in writing by the local planning authority.

- 15) No development shall commence on any relevant phase of the development hereby permitted until a scheme to dispose of surface water for that phase has been submitted to and approved in writing by local planning authority. The scheme shall include an implementation programme and maintenance schedule. The scheme shall be implemented and subsequently maintained as approved.
- 16) Prior to the commencement of any relevant phase of the development hereby permitted, details of any means of enclosure, boundary walls and fences to that phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 17) Prior to the commencement of any relevant phase of the development hereby permitted, details of any external lighting to that phase shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 18) Prior to the commencement of the Residential Phase development there shall be submitted to and approved in writing by the local planning authority a scheme to show either how 10% of the energy requirement for the development is to be produced from renewable sources or measures to be put in place to increase the energy efficiency of the development by 10% over the standard required by Part L of the Building Regulations (2012). Development shall be carried out in accordance with the approved scheme.