

PLANNING APPLICATION NUMBER:P09/1014

Type of approval sought	Outline Planning Permission
Ward	BROCKMOOR AND PENSNETT
Applicant	London & Cambridge Properties Ltd
Location:	LAND AT TANSEY GREEN ROAD AND OAK LANE, PENSNETT, DUDLEY, WEST MIDLANDS
Proposal	RESIDENTIAL DEVELOPMENT AND ASSOCIATED WORKS (OUTLINE)(ALL MATTERS RESERVED)
Recommendation Summary:	APPROVE SUBJECT TO A 106 AGREEMENT

SITE AND SURROUNDINGS

1. The application site is located to either side of Stallings Lane, Pensnett, some 4 km from Dudley Centre, to the east. Gornal local centre is 1 km to the north east, Pensnett local centre is 1 km to the south and Kingswinford local centre is 2km to the south west.
2. The site is split into two land parcels, generally to the north and south of Stallings Lane. Site 1, the larger site to the south, is defined along its western edge by Tansey Green Road and to the north by Stallings Lane. Site 2, is defined by Oak Lane along its western boundary and to the south by Stallings Lane.

Tansey Green Road (Site 1)

This site is 8.70 ha in size and is worked-out former opencast land which was subject to an extensive restoration programme including re-profiling. This has resulted in a site that is generally flat, though distinctly surrounded by a man-made grass bund. The site is designated as a Key Industrial Site within the adopted UDP (2005). The area to the north east, east and south east is landscape designated as Green Belt. The bund area within the site is a Site of Local Importance for Nature Conservation (SLINC), as is a good proportion of the adjoining Green Belt land to the north-east

and east which has designations as SLINC, a Site of Importance for Nature Conservation (SINC) and a Landscape Heritage Area (LHA).

Oak Lane/Stallings Lane (Site 2)

The topography of the Oak Lane/Stallings Lane site is somewhat different from Site 1 as this site has a more pronounced slope as it contains undulating mounds of former opencast spoil material which has since become covered over with self seeded vegetation and trees. Adjacent to the site in Oak Lane is a vehicle storage and dismantling yard. Across from the site on the west side of Oak Lane is a HGV yard. Oak Lane itself is a predominantly commercial/industrial area accommodating business such as metal recycling, waste transfer depots, haulage yards and a waste tip.

3. Adjoining the site at the corner of Oak Lane and Stallings Lane are 3 pairs of semi detached houses. As in the case of Site 1, the site is designated as a Key Industrial Site within the adopted UDP (2005). The site is also a SLINC and is bordered on its north and eastern boundaries by Green Belt, SINC, SLINC and Landscape Heritage Areas.
4. The character of the wider area is mixed with a combination of Industrial/commercial and residential uses. To the west of the application sites are brick works on land at the corner of Tansey Green Road and Stallings Lane and Pensnett Trading Estate. Further to the west along Stallings Lane are housing estates of differing eras and a supermarket. To the east of the application site and the Green Belt, along Cinder Road towards Gornal are residential areas from a variety of eras with differing styles of housing. To the south of the application site along Tansey Green Road towards High Street, Pensnett are further predominately residential areas again with a mixture of housing from a variety of eras.

PROPOSAL

5. The application seeks outline approval for residential development with all other matters comprising layout, access, appearance, landscaping and scale reserved for future approval.
6. As confirmed by the application forms, the applicants 'planning supporting statement' and the indicative masterplan for the site, this residential scheme would be for a maximum of 380 residential dwellings. The development would also include public open space and ancillary works.
7. The following documents have been submitted in support of the application:-
 - Planning Supporting Statement
 - Design & Access Statement
 - Landscape & Visual Impact Statement
 - Travel Plan
 - Transport Assessment
 - Ground Investigation Report
 - Noise Assessment
 - Tree Survey
 - Ecological Mitigation Survey
 - Bat Activity Survey
 - Badger Survey
 - Botanical Survey
 - Great Crested Newt Survey
 - Reptile Survey
 - Breeding Bird Survey
 - Phase I Habitat Survey
 - Summary of Community Consultation
 - Marketing & Viability Appraisal
 - Flood Risk Assessment/Drainage Strategy

- Statement of Community Involvement
- Air Quality Assessment
- An Indicative Materplan Layout of the Site

HISTORY

8.

APPLICATION No.	PROPOSAL	DECISION	DATE
81/50572	Corner of Stallings Lane and Tansey Green Road – erection of warehouse buildings	Granted	27/07/81
81/50573	Corner of Stallings Lane and Oak Lane – erection of warehouse buildings	Granted	27/07/81
90/50768	Concrete Plant (Outline)	Granted	26/07/90
99/51912	Erection of 1.8m high enclosure fence, cattle shelter, feed store, parking area and site access	Granted	06/11/00

PUBLIC CONSULTATION

9. The planning application was advertised by way of press notice, site notice and neighbour notification. Public consultation time expired 1 Sept 2009. Three letters of objection have been received raising the following issues:

- Traffic and noise during construction
- Increased traffic
- Amount of dwellings
- Overlooking
- Loss of Pensnett by pass
- There is no connection to existing mains gas and main sewerage for existing houses

10. Prior to the submission of the application, in February 2009, the applicants (LCP) and the agents (RPS) held a pre-application community consultation exercise. This exercise involved leafleting 732 households, business premises, ward councillors, local members of Parliament and a local school. An event was held at Pensnett Community Centre on 12th February 2009 and was staffed by representatives from RPS Planning & Development and LCP. The exhibition included display boards, which introduced the site, gave reasons for the event, gave an overview of the project and reflected the variety of survey work/research undertaken to inform and influence the development proposals.

OTHER CONSULTATION

11. Head of Environmental Health & Trading Standards – no objections subject to conditions relating to contaminated land, air quality, noise protection and the control of dust and emissions during construction.
12. Group Engineer (Development) – Confirms that the Highway Authority have now agreed a preliminary layout for the site access points off Stallings Lane and highway improvements at the junction of Tansey Green Road/Smithy Lane/Dreadnaught Road. Also agreed is a contribution to upgrading the traffic signal equipment at Bull Street/Himley Road, future improvements along High Street, Pensnett and sustainable travel measures (Residential Travel Plan) that will be included within the Section 106 Agreement. No objections are therefore raised, subject to the payment

of Section 106 monies and conditions relating to the provision of roads and parking areas prior to first occupation and details of proposed levels and drainage systems.

13. Severn Trent Water – no objections subject to a condition relating to the submission of surface water and foul sewage drainage plans.
14. Environment Agency – no objections subject to conditions relating to contaminated land and an Informative, regarding waste management legislation.
15. West Midlands Fire Service – no objections subject to the suitable provision of water supply for fire fighting and satisfactory access for fire fighting equipment.
16. Natural England – no objection subject to the proposal being carried out in accordance with the details of the application with offsite mitigation and measures to ensure the protection of protected species. Any development proposals for the site are considered to demand a landscape scale approach to biodiversity considerations and that the value of the site as an important green wedge for nature conservation must be retained.

RELEVANT PLANNING POLICY

17. Dudley Unitary Development Plan

- S2 Creating a More Sustainable Borough
- S3 Green Assets
- S8 Housing
- S11 Urban Renewal
- S16 Access & Movement
- DD1 Urban Design
- DD4 Development in Residential Areas
- DD5 Development in Industrial Areas
- DD6 Access & Transport Infrastructure
- DD7 Planning Obligations
- DD8 Provision of Open Space, Sport & Recreation Facilities

DD9	Nature Conservation and Development
EE1	Key Industrial Areas & Development Sites
AM3	Strategic Highway Network
AM11	Cycling
AM12	Pedestrians
AM13	Public Rights of Way
AM14	Parking
AM15	Personal Mobility
AM16	Travel Plans
H1	New Housing Development
H3	Housing Assessment Criteria
H4	Housing Mix
H5	Affordable Housing
H6	Housing Density
LR1	Open Space
LR2	Access to Public Open Space
LR3	Children's Play Areas
NC4	Local Nature Reserves and Sites of Importance for Nature Conservation
NC5	Sites of Local Importance for Nature Conservation
NC6	Wildlife Species
NC9	Mature Trees
NC10	The Urban Forest
HE2	Landscape Heritage Areas
SO1	Green Belt
S03	Access & Enhancement of Green Belt & Linear Open Space
EP5	Air Quality
EP6	Light Pollution
EP7	Noise Pollution
UR8	Derelict Land
UR9	Contaminated Land

18. Supplementary Planning Document

New Housing Development – A Guide to Establishing Urban Context
Parking Standards and Travel Plans
Open Space, Sport and Recreation Provision
Planning Obligations
Nature Conservation

19. Supplementary Planning Guidance

Planning Guidance Note No. 3 – New Housing Development

20. Regional Guidance

West Midlands Regional Spatial Strategy

21. National Planning Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 3 – Housing
Planning Policy Statement 23 – Planning and Pollution Control
Planning Policy Statement 25 – Development and Flood Risk

ASSESSMENT

22. The key issues to be addressed in this application are as follows:

- Principle
- Impact upon Residential Amenity
- Access & Highways
- Green Belt

- Ecology
- Planning

Principle

23. The application site (both site 1 and 2) are located within a designated Policy EE1 Key Industrial Area and Development Sites within the adopted UDP (2005). This policy requires that industrial and where appropriate, ancillary uses in these areas and sites are be encouraged. As such the following uses B1 – Research & Development and Light Industry, B2 – General Industrial and B8 – Warehousing, Storage & Distribution would be acceptable. All other uses would be resisted.
24. As part of the application submission the applicant submitted evidence in the form of a marketing and viability appraisal report to justify a departure from employment designated land. The report considered employment land supply and the current and future employment land and premises availability. The report makes the case that the two sites do not meet the requirements of modern business and should therefore be released for residential development.
25. The report has been considered by the Directorate of Law & Property, Management & Valuations Team. The Directorate of Law & Property response states that:

The Pensnett Estate is one of the largest industrial estates in Europe and provides over 2.3m sq ft of workspace on over 170 acres of employment land. Within the estate, a range of site development, redevelopment and refurbishment activities are provided by LCP (the applicants). The estate was originally developed in the 1960's and is located some 5 miles from junction 2 of the M5.

The reduction in manufacturing in the West Midlands between 2000 – 2007 has been more dramatic than experienced nationally, due particularly to the withdrawal of a number of high profile manufacturing companies, particularly in the automotive sector. The recycling of old industrial land through redevelopment of new premises will only take place in the better located employment locations in the region which

have access to good road networks, where national or regional companies are likely to wish to locate.

The Pensnett Estate provides a range of accommodation, within a gated environment with security, which is substantially cheaper than the costs of new industrial space which LCP are able to provide because they have a low historic cost for this estate. LCP currently have refurbished space to let, with other dated industrial property capable of being refurbished once this is taken up. In addition LCP have other land with industrial consent, adjacent to the main estate, which they would develop when they have disposed of their refurbished stock.

Modern industrial development, however, requires a rent in excess of £5.50 psf to be viable, which our experience indicates is only achievable close to one of the M5 motorway junctions. This is confirmed by a recent Employment Land Study, in which a location within a 15 minutes drive from a motorway junction in the West Midlands area was seen as a requisite, for modern industrial development to attract regional employers.

Having regard to the existing stock of industrial property at the Pensnett Estate, with the comparatively low rents being charged, it is concluded that speculative industrial development would be unviable on the two identified surplus sites.

26. In terms of national planning guidance, PPS3 – Housing, recommends that Council's consider alternative uses for redundant industrial land and premises, particularly in terms of residential development.
27. Accordingly, the loss of employment designated land for residential purposes is considered to be acceptable in principle. This application constitutes a departure from the Council's Unitary Development Plan, as a different use (in this case residential) is proposed to the designated employment use within the UDP. If Committee are therefore minded to approve the application it would be referred to the Government Office for the West Midlands (GOWM). Once referred the GOWM

have 21 days from their receipt date to determine whether the application is to be called in. If it is not, then the Local Planning Authority can determine the application as resolved by this Committee.

Impact upon Residential Amenity

28. In views of the site's location close to industrial/commercial uses in Stallings Lane, Oak Lane and Tansey Green Road noise and air quality assessments were submitted with the application.
29. There are no objections in principle to the residential development of the land by providing stringent mitigation measures. These could include the following use of buffer zones, acoustic barriers, the layout of properties and the internal arrangement of rooms and acoustic glazing and mechanical ventilation. These are matters that should be addressed at reserved matters stage when a housing layout has been prepared and submitted for detailed consideration.
30. With regard to the impact upon existing residential dwellings in the area, there are 3 no. pairs of semi detached houses adjoining the site at the junction of Stallings Lane and Tansey Green Road. These properties have residential garden lengths of between 25m and 30m. Any future reserved matters scheme would have to comply with the Council's PGN 3 – Residential Development and distance between dwellings. There are also residential properties some 60m from the application site at the junction of Cinder Road and Smithy Lane. Compared with a possible industrial use and the associated noise, disturbance and hours of operation associated with such, an appropriately designed residential estate would not adversely impact upon the residential amenities of these properties.

Access & Traffic Implications

31. The Group Engineer (Development) has agreed a preliminary location for the site access points from Stallings Lane and highway improvement works to the Smithy Lane/Tansey Green Road/Dreadnaught Road junction. Contributions have also

been agreed to upgrading the traffic signal equipment at Bull Street/Himley Road, future improvements along High Street, Pensnett and towards sustainable travel measures (residential travel plan) that would be included within the Section 106 Agreement. Accordingly, there are no highway objections in principle to the outline scheme subject to the contributions to the transport infrastructure improvements. If at the reserved matters stage when detailed layouts are submitted, these layouts will be assessed individually in respect of the impact on pedestrian and highway safety in accordance with adopted UDP Policy.

Green Belt

32. A small area of Site 1 is within the Green Belt and the two sites adjoin the Green Belt on their eastern boundaries. The open space proposals for the scheme would be located within the majority of the area designated as Green Belt that is sited within the red line application site. The small area of land towards the southern tip of Site 1 that is within the Green Belt but not 'proposed public open space' would be conditioned to ensure that any reserved matters application would not introduce inappropriate development into areas designated as Green Belt.
33. Green space boundary treatments facing onto the edge of the Green Belt would be important in order to help blend future detailed development proposals into the adjacent Green Belt and minimise visual intrusion. Softening the impact of new built development within the landscape are important considerations to maintain the openness and visual appearance of the Green Belt. These matters would be assessed at the Reserved Matters stage when detailed schemes are submitted.

Ecology/Open Space

34. The submitted Mitigation Strategy provides a wide package of actions that seek to address impacts on biodiversity, however there was limited scope for the protection and enhancement of any open grassland on immediately adjoining land. Consequently it was considered that there was the potential for residual impacts on skylark and possibly noctule bats.

35. In order to address such concerns, an area of land to the south of Smithy Lane was identified as an area for compensatory mitigation land for bird and bat species to provide a further opportunity for net gain to the wildlife corridor and compensation for the loss of habitats.
36. The blue line boundary for the planning application has therefore been revised to include the majority of the restored former marl pit extraction area to the south of Smithy Lane which is under the ownership of London and Cambridge Properties (LCP).
37. This former marl pit has a similar history and land use to the Site 1 development area, and an equivalent context within the wider landscape. Therefore, its enhancement is considered to be appropriate compensation for the loss of the naturally regenerated ground in the Site 1 development area.
38. Furthermore, the layout of public open space as detailed in the original planning application has been revised to provide a greater stand off between the base of the embankment and the closest built development. This would increase the width of the open green space where the wildlife corridor is narrowest. A new pond would be created at the northern end of the public open space to the south of Oak Lane. The grassland planting and pond would provide an effective buffer zone between established habitats and the residential development and would significantly increase the width of the wildlife corridor in this location.
39. The pond would have additional features specifically designed to benefit biodiversity including native aquatic marginal and submerged planting, the creation of shallows and enhancement of adjoining habitats through new planting.
40. These biodiversity benefits are in addition to the measures detailed in the Outline Mitigation Strategy with the new habitats in the public open space helping to further mitigate potential impacts on many of the species recorded as being present around the proposed development sites, including amphibians, reptiles, bats and birds.

41. The SLINC habitats alongside Tansey Green Road would also be protected from damage throughout the initial enabling works and construction phases and would form part of the completed development providing a semi-natural buffer between the residential houses and the road.
42. The established hedgerow at the southern end of the SLINC forms part of the integrated habitat creation proposals with additional shrub planting proposed to increase the connectivity of this feature (and the whole of the Tansey Green Road verge) to other habitats of biodiversity value.
43. In summary the additional land to be included in the revised blue line boundary would be enhanced and managed to provide compensatory habitat for species that utilise this area including nesting skylark and foraging noctule bat and would be comparable to the grassland which will be lost.
44. The ground conditions in the additional land provide good opportunities for wider biodiversity enhancement (dry grassland, waterbodies and marshy grassland) which are also being proposed.
45. The revised proposals in combination with the Outline Mitigation Strategy provide additional buffering and linkage of habitats units which in turn promote a green infrastructure of value to biodiversity and contribute to the existing integrated network of open spaces.
46. Enhancement and management of off-site land to the south of Smithy Lane provides good compensation in the form of potential skylark nesting habitat and noctule bat foraging habitat.
47. A detailed mitigation strategy would present the finalised plans and supporting information including targeted enhancement proposals for existing habitats, greater detail about the habitats being created and the broad objectives/rationale for the

management of each of the main habitat units to promote and maintain high biodiversity value into the future.

48. Positive management for biodiversity would be built into the strategy and included in a separate site-wide Management Plan which would detail the mechanism and actions that will deliver benefits for biodiversity over the long term.

Planning Obligations

49. The proposed development has a requirement to provide planning obligations to mitigate against the consequential planning loss to the existing community. Should permission be granted a S106 Agreement would be required in respect of the following contributions.

50. Offsite Contributions – The proposal attracts a requirement for a commuted sum to be paid towards the following infrastructure:
- Highway Improvements – To pay the offsite highway works contribution prior to the implementation works and to implement the travel plan for each phase of the development prior to the first occupation of any dwelling within such phase.
 - Libraries Improvements – To pay the library contribution for each dwelling within a phase prior to the commencement of construction works for the first dwelling within each phase.
 - Education – A financial contribution of £374,000 will be sought from the developer.

The contribution is based on current data and prior to any development, there is a surplus of 169 places, this is equivalent to less than 1% surplus (0.05%). 59 of the 169 places are to be taken by the pupils from Pensnett High School, which is closing due to a number of factors. This results in only a residual 0.03% surplus capacity.

It is considered that a development of the scale proposed will yield an additional 80 secondary school children and this will reduce the surplus to 0.01% which will not provide sufficient surplus places to maintain or run schools in this area effectively.

The national figures forecast that all schools will have an increased intake for Year 7 from 2010 onwards, thus further reducing the surplus, leaving no contingency and no flexibility for accommodating extra children from the development or addressing preferential choices, in addition to the expected rise in children.

Given the anticipated 80 extra pupils from the development there will be insufficient capacity to cater for them, as this would leave the area with a surplus of 0.01% versus a suggested tolerance of 10%.

Therefore it is concluded that 2 extra classrooms would be required to accommodate the extra influx of children from the Tansey Green Road/stallings Lane Development. To facilitate this, a financial contribution of £374,000 is sought from the developer. This is based on:

2nr classrooms at 66 m² (based on 30 children per classroom)
Corridor at 32m²
2nr classroom stores at 3m²

Totalling the m² needed as 170 m² (Sizes are taken from Building Bulletin 98 Area Guidance for Schools produced by the DCSF)

Based on the cost per square metre for new classroom builds of £2000 per square metre this gives a total of £340,000 and an additional design risk of 10% gives a total of £374,000.

If these 2 classrooms are built the surplus will stay at 0.03% therefore ensuring that the proposed development would not have a detrimental effect

on the places the Council can provide for the children in this area of Dudley Borough.

Onsite Contributions:

The proposal also attracts a requirement for the provision of the following onsite planning obligations:

- Transport Infrastructure Improvements - To pay the contribution for each dwelling within each phase prior to the commencement of construction works for the first dwelling within each phase.
- Affordable Housing – To provide up to 30% of the total number of dwellings for each phase pursuant to the planning permission as social housing. The numbers, type, tenure and location of the social housing shall be determined at reserved matters stage for that phase of development. In the event that there maybe less than 30% for each phase, then such provision shall be dependant upon the results of a viability assessment as agreed between the applicant and LPA.
- Monitoring and Management Fee - £1798.50

CONCLUSION

51. The residential redevelopment of the site from commercial/industrial has been justified. Consistent with national planning guidance, the proposed residential scheme would make efficient and effective use of land within the urban area for residential development.
52. The principle of residential use is considered to be acceptable and in compliance with adopted Unitary Development Plan Policy. All other matters are reserved for subsequent consideration. There would be no residential housing within the Green Belt and the openness of the adjoining Green Belts would not be adversely affected. With an appropriate form of layout, scale and design the proposed residential redevelopment of the two sites would be an attractive addition to the area and promoting regeneration of long term vacant land.

RECOMMENDATION

53. It is recommended that the application be approved subject to:

- a) The applicant entering into a Section 106 Legal Agreement for a contribution to:
 - Transport Infrastructure Improvements
 - Highway Improvements
 - Libraries Improvements
 - Affordable Housing
 - Education
 - Monitoring & Management Charge
- b) The Scheme shall include the method, timing and arrangements including a means to guarantee a financial payment, increased through index linking from the first April each subsequent year, in accordance with the Council's planning obligations policies.
- c) The following conditions, with delegated powers to the Director of the Urban Environment to make amendments to these as necessary.
- d) In the event that the Section 106 agreement has not been completed within two months of the resolution to grant approval, the application will be refused if appropriate.
- e) That the Secretary of State raises no objection to the proposal and/or does not request the application to be 'called in' for determination.

REASON FOR APPROVAL

The residential redevelopment of the site from commercial/industrial has been justified. Consistent with national planning guidance, the proposed residential scheme would make efficient and effective use of land within the urban area for residential development.

The principle of residential use is considered to be acceptable and in compliance with adopted Unitary Development Plan Policy. All other matters are reserved for subsequent consideration. There would be no residential housing within the Green Belt and the openness of the adjoining Green Belts would not be adversely affected. With an appropriate form of layout, scale and design the proposed residential redevelopment of the two sites would be an attractive addition to the area and promoting regeneration of long term vacant land.

The decision to grant planning permission has been taken with regard to the policies and the proposals in the adopted Dudley Unitary Development Plan (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further details on the decision please see the application report.

INFORMATIVE

The development hereby permitted shall be in accordance with the site location plan numbered JBB7434 RPS1 – REV. Please note that all matters are reserved for future approval.

NOTE TO APPLICANT

The grant of planning permission does not confirm the structural integrity of the proposed development. Local Planning Authorities do not have a duty of care to individual landowners when granting application for planning permission and are not liable for loss

caused to an adjoining landowner for permitting development. Sections 77 and 78 of the Building Act 1984, provides Local Authorities with powers to take action with respect to dangerous buildings/structures. Therefore, should the development raise concerns in the future with respect to its structural stability there are powers under separate legislation to planning that would enable the situation to be rectified.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Waste Management Licensing Regulations 1994 (as amended)
- Pollution Prevention and Control Regulations (England and Wales) 2000
- Landfill (England and Wales) Regulations 2002).

Severn Trent Water advise that there are public sewers located within the application site. Public Sewers have statutory protection and may not be built close to, directly over or diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Conditions and/or reasons:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of access, appearance, layout, scale and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority before any development is begun.
3. The reserved matters proposals for this site shall be in general accordance with the design and access statement submitted in support of this outline application.

4. No phase of development approved by this permission shall be commenced until a scheme to deal with contamination of land (including ground gases and vapours) has been submitted to and approved by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically in writing:

- i) A desk-top study to formulate a conceptual model of the site. The requirements of the LPA shall be fully established before the desk-study is commenced;
 - ii) Once the desk study has been approved by the LPA, a site investigation shall be carried out to identify and evaluate all potential sources and impacts of identified contamination in accordance with the conceptual model. The findings of site investigation shall be presented in report format for approval by the LPA and shall include a risk-based interpretation of any identified contaminants in line with UK guidance;
 - iii) Following the approval of both desk-top study and site investigation reports, a written remediation scheme and method statement (the contamination proposals) shall be agreed in writing with the LPA prior to commencement. The contamination proposals shall include provisions for validation monitoring and sampling, including a scheme and criteria for both the use of imported materials and reuse of site-won materials, and be retained throughout the lifetime of the development.
 - iv) The contamination proposals shall be implemented in full and no deviation shall be made from the contamination proposals without the express written permission of the LPA.
 - v) If during development works any contamination should be encountered which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals then the LPA should be notified immediately and remediation proposals formulated/amended for consideration.
 - vi) If during development work, contaminants are found in areas previously expected to be acceptable, then the LPA should be notified immediately and remediation proposals formulated/amended for consideration.
5. No part of the development shall be occupied until the LPA has been satisfied that the agreed scheme to deal with the contamination of land has been fully implemented and completed. A completion report confirming the objectives, methods, results and conclusions and demonstrating that the contamination proposals have been fully implemented and completed in accordance with condition 4 shall be submitted to the LPA for approval.
 6. Development shall not begin until a scheme to protect the proposed dwellings from noise from road traffic on Oak Lane, Tansey Green Road and Stallings Lane/Cinder Road and also noise from surrounding industrial uses has been submitted to and

approved by the local planning authority and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied and retained for the lifetime of the development.

7. Prior to the commencement of each phase of development a formal method statement for the control of dust and emissions from construction works shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.
8. Development shall not begin until additional information on the impact of the development on NO₂ levels in the area has been submitted to and approved in writing by the Local Planning Authority. Any works or measures identified in the report as necessary to avoid any increase in annual NO₂ levels at sensitive locations in the surrounding area (including the locations identified in the consultation response of Environmental Protection to Development Control dated 26th August 2009) shall be implemented in full before the commencement of development.
9. Prior to the commencement of each phase of development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
10. Masterplan and Public Realm
Prior to the submission of any Reserved Matters applications, a masterplan and public realm strategy for the development shall be submitted to and approved in writing by the local planning authority.
The masterplan will identify:
 - the location of vehicular access of Stallings Lane;
 - the street layout including public squares and spaces for which public realm schemes will be provided within reserved matters submissions;
 - the location, scale and nature of public art provision for which public art schemes will be provided within reserved matters submissions;
 - the location, extent and type of open space and play provision, including details of phasing and the arrangements for future maintenance;
 - the location of pedestrian and cycle routes, including links to bus stops adjoining the site;
 - the location of any buildings greater than 2 storeys in height and landmark buildings; and
 - density ranges for parts of the site consistent with the delivery of up to 380 dwellings, at not less than 35 dwellings per net developable hectare in the development as a whole.The Design and Access Statement for each reserved matters application shall include:
 - an explanation of how the detailed design conforms with the approved masterplan including any amendments agreed in writing by the Local Planning Authority; and
 - a public realm scheme and explanation of the design for each public square and space defined on the approved masterplan including any amendments agreed in writing by the Local Planning Authority.
 - Details of the laying out of the open space and play provision
 - A public art scheme and explanation of the integral provision of public art as

defined on the approved masterplan including any amendments agreed in writing by the Local Planning Authority.

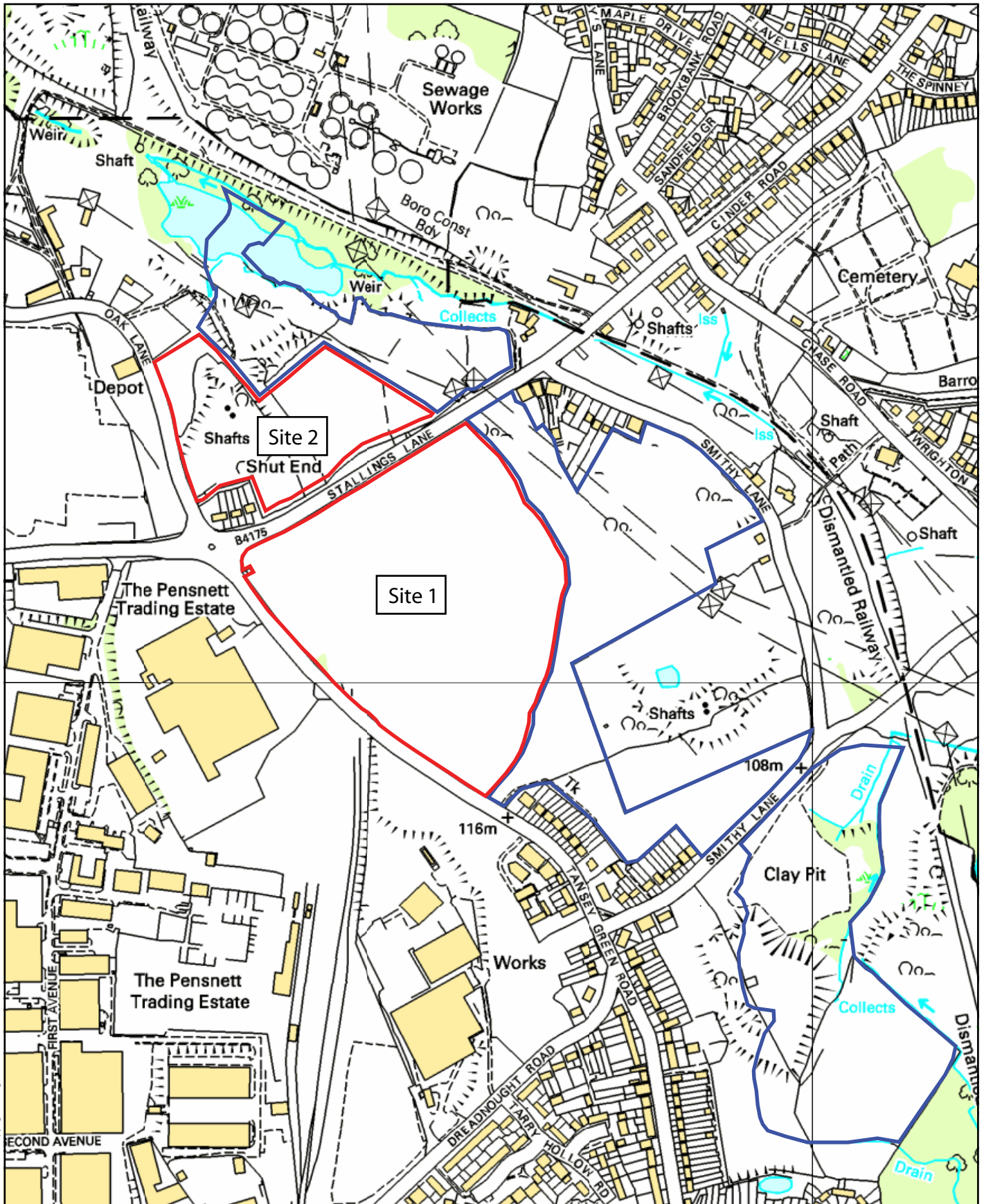
11. No dwelling hereby approved within a phase may be occupied until the area of open space within that phase has been laid out and is available for use in accordance with the approved open space scheme.
12. Prior to the submission of any Reserved Matters applications, a landscaping strategy for the site, including a landscape design method statement, phasing of implementation and arrangements for future maintenance shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy including any amendments agreed in writing by the Local Planning Authority shall be implemented in accordance with such approved detail.
Each reserved matters application shall include landscaping details which conform with the approved landscaping strategy including any amendments agreed in writing by the Local Planning Authority.
13. Prior to the commencement of the development, a nature conservation management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - Description and evaluation of the features to be managed;
 - Ecological trends and constraints on site that may influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives;
 - Prescriptions for management actions;
 - Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - Monitoring and remedial/contingencies measures triggered by monitoring.The management plan including any amendments agreed in writing by the Local Planning Authority shall be implemented in accordance with such approved detail.
Informative: The Nature Conservation Management Plan shall follow the principles of the Nature Conservation Supplementary Planning Document (September 2006).
14. A scheme detailing the developer's contribution towards economic and community development through job opportunities using locally sourced labour and materials for each phase shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works for that particular phase. Development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
15. Prior to first occupation of the dwellings of each phase, the means of access and parking areas will be provided in accordance with the approved details and graded, levelled, surfaced, drained and marked out. These areas will be maintained for no other purpose for the life of the development.
16. Prior to the commencement of each phase of development, parking layout details shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and all parking shall be provided on site prior to the occupation of the development hereby approved.

17. Prior to the commencement of each phase of development, details of the types, colours and textures of the materials to be used in the hard surfacing of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
18. Prior to the commencement of each phase of development, details of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.
19. Prior to the commencement of each phase of development, details of the types, sizes and locations of the boundary treatments around the site and between the proposed plots shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in complete accordance with the approved details prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
20. Each phase of development shall not begin until details of plans and sections of the lines, widths, levels, gradients and form of construction of service/access roads and drainage systems have been submitted to and approved by the local planning authority.
21. All the existing trees and hedges indicated on the approved drawings to be retained shall be protected by suitable fencing and at a suitable distance as outlined in BS:5837 – 2005 - 'Trees in Relation to Construction', or such alternatives as may be agreed in writing by the Local Planning Authority. Such fences shall be erected before any materials are brought onto site or development commences. No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Local Planning Authority.
22. The existing trees shown on the approved plans to be retained shall not be damaged or destroyed, uprooted, felled, lopped or topped during the construction period of the development without the prior written consent of the local planning authority. Any trees removed without such consent or dying or being seriously damaged or diseased during that period shall be replaced with healthy trees of such size and species as may be agreed in writing by the local planning authority.
23. All excavations to be undertaken within 6 metres of the stem of existing trees on site shall be undertaken in accordance with NJUG Publication number 10 'Guidelines for the Planning, Installation and Maintenance of Utility Services in proximity to Trees' .
24. If protected species are found during any stage of the development all works must stop immediately and Natural England, the project's ecologist and the Council's Nature Conservation Officer must be contacted immediately. Works should not recommence until relevant licences have been obtained and written permission is granted by Natural England and the Council.
25. Any landscaped areas shall be retained in their agreed form shown on the approved plan throughout the life of the development and shall not be used for any other purpose, unless otherwise agreed in writing by the local planning authority.

26. Prior to the commencement of each phase of development details of proposed levels of the site which should be related to those of adjoining land and Highways should be submitted to and approved in writing by the LPA. The development shall be built in accordance with the agreed details and maintained for the life of the development.

Informative: The landscaping strategy for the site should take account of Appendix 1 of the Open Space, Sport and Recreation Supplementary Planning Document (June 2007).

27. Any future Reserved Matters submission shall not introduce inappropriate development of any kind within the designated Green Belt boundary.



SCALE: NTS

REF: JBB7434
 CLIENT: London & Cambridge Properties
 DATE: April 2010
 STATUS: Final

CHECKED BY: JM
 DATE CHECKED: 01/04/10
 REVISION: A
 PREPARED BY: JP

RPS

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