



Appeal Decision

Hearing held on 19 October 2016

Site visit made on 19 October 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/R0660/W/16/3153797

Land to the North of 24 Church Lane, Sandbach, Cheshire CW11 2LQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chelmere Homes (Ltd) against the decision of Cheshire East Council.
 - The application Ref 15/5259C, dated 18 November 2015, was refused by notice dated 5 May 2016.
 - The development proposed is the erection of 12 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 12 dwellings at Land to the North of 24 Church Lane, Sandbach, Cheshire CW11 2LQ in accordance with the terms of the application, Ref 15/5259C, dated 18 November 2015, subject to the conditions set out in Annex A.

Procedural Matter

2. The Council have confirmed that the information submitted in relation to noise and air quality has shown that the proposed development would provide adequate living conditions for future residents in this regard. As such they are no longer pursuing the third reason for refusal. I have determined the appeal on this basis.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the settlement pattern for the area;
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not the proposed development would provide adequate living conditions for the future occupiers of plot 1 with particular reference to light and outlook.
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Reasons

Effect on settlement pattern

4. The appeal site is located in open countryside, adjacent to the settlement boundary for Sandbach, as defined by the *Congleton Borough Local Plan First Review (adopted January 2005)* (CLP) and updated by the *Sandbach Neighbourhood Plan ('made' April 2016)* (SNP). In order to protect the character and appearance of the countryside both national and local policies seek to restrain new development in such areas unless it meets specific criteria. Policy PS8 of the CLP sets out the circumstances when new development in the open countryside is acceptable, and Policy H6 provides the specific circumstances when new housing in the open countryside is allowed. Similarly Policy PC3 of the SNP sets out the types of developments that will be permitted in the open countryside. It is no part of the appellant's case that the proposal would meet the criteria in any of these policies. As such, the proposed development would be contrary to these policies.
5. The *National Planning Policy Framework* (the Framework) sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. It is accepted by both main parties that the Council cannot do this, and although the Council did not have a precise figure, it accepted that the shortfall is substantial.
6. In such circumstances paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In the light of this it is agreed by both main parties that the above policies in both the CLP and SNP, are out-of-date, even though the SNP was only 'made' earlier this year.
7. Paragraph 14 of the Framework states that where the development plan is absent, silent, or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. This does not mean that the policies are irrelevant, but that the decision maker must determine the weight that they should be given. In this case, as there is a substantial shortfall in the 5 year housing land supply, I consider that only limited weight can be given to these policies.
8. I note that paragraph 198 of the Framework indicates that when a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, given that Policy PC3 of the SNP is out of date, this cannot be considered a 'normal' position, and only limited weight can be given to the policy.
9. I appreciate that such a conclusion is disheartening for the local community who put considerable time and effort into the production of the Neighbourhood Plan, especially when the plan received overwhelming support from local people. I also accept the matter of the 5 year housing land supply in the borough is not one that they have any control over, and that a significant

- number of permissions for new housing in Sandbach have already been approved. Nevertheless, the government's aim is to significantly boost the supply of housing, and at present the borough is not delivering that aim.
10. I note that Policy PC3 is one of a number of policies within the SNP that aim to protect and enhance the open countryside setting of the town. However, it seeks to do this by controlling the places where development can take place, and the two roles of the policy cannot be separated and given different weight.
 11. At the time of the hearing, the emerging Cheshire East Local Plan was in the final week of its examination. Paragraph 216 of the Framework indicates that decision makers may give weight to policies in such plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies in the plan; and the degree of consistency of relevant policies in the emerging plan to the policies in the Framework. To this end my attention was drawn to an appeal decision made by the Secretary of State¹, dated 20 September 2016, which concluded that only limited weight can be afforded to the emerging policies. I understand that whilst in relation to Sandbach, the main issue related to the amount of housing on a strategic site, overall the examination was considering a significant number of unresolved objections, many of which related to the supply and distribution of housing. As such, I consider that only limited weight can be given to the emerging policies of the plan at this stage.
 12. To conclude; the proposed development would conflict with Policies PS8 and H6 and Policy PC3 of the SNP. However, in the absence of a 5 year housing land supply, these policies cannot be considered up-to-date.

Character and Appearance

13. The appeal site is a triangular piece of open land. To the east lies the M6 at a lower level, housing is located to the south and south-west, and Church Lane forms the other boundary, beyond which is agricultural land. It is not covered by any statutory or local landscape designations. Moreover, the existing boundary hedging and the landscape bank between the site and Church Lane at the northern end of the site, means there are limited views of the site from the surrounding roads, or from the footpath that crosses the field opposite, other than through the gated access point.
14. The development of the site would inevitably erode its open nature, but the relatively enclosed nature of the site means that the scheme would be able to be accommodated on the site without any significant impact on the landscape, character, and setting of the area. In addition, as the site is bordered by housing to the south, the development would form a natural extension to the housing on this side of the road, and would not be seen as physically or visually isolated from the town.
15. As part of the development a 4m high acoustic fence would be required along the boundary to the motorway and the north-western boundary of the site. Given the existing and proposed vegetation around the site boundaries only limited views of this would be possible from Church Lane, and the proposed houses would also limit views of it. As such, I consider that this would not have a detrimental impact on the character and appearance of the area. This

¹ Appeal Reference APP/R0660/W/15/3136524

conclusion is supported by the finding of the previous Inspector dealing with a similar scheme for housing on the site in 2015². I note the concerns regarding the future maintenance of the fence, but this can be secured by a condition.

16. Although dwellings in the immediate vicinity largely comprise bungalows, the wider area has a mix of single and two storey properties that vary considerably in age and design. The appeal scheme proposes a mix of detached and semi-detached houses, some of which would have accommodation in the roof space. Given the variety of properties in the area, I am satisfied that the proposed dwellings would not appear an incongruous, or overly dominant, feature in the street scene. In addition, the plot sizes would be similar to others in the locality, and so the site would not appear cramped or over-developed.
17. Although some of the trees on the edge of the site would need to be removed, and some boundary hedging would be lost to create the new access, the Council have indicated that the hedge is of a poor quality. Other than this the majority of the vegetation around the edge of the site would be retained and would be enhanced by further planting that can be secured by a landscaping condition. This vegetation would not help to screen the development from view but would continue to make a contribution to the more rural character of Church Lane on the approach to the motorway bridge and beyond.
18. Overall, I consider that the site would not have an unacceptable impact on the character and appearance of the area. Accordingly, there would be no conflict with Policy GR1 of the CLP and Policy H2 of the SMP which require developments to have a high standard of design, in keeping with the character of the surrounding area, and which are appropriate and sympathetic to their setting.

Living Conditions – Plot 1

19. The northern most part of the site would be occupied by a 5 bed house with a detached double garage. This would be set in a substantial plot. The rear elevation of this property would face the 4m high acoustic fence and would be around 8.3m from it. It was agreed at the hearing that the height of the first floor windows on the rear was such that a person standing at these windows would be able to see over the top of the fence. As a consequence, I consider that the two bedrooms with windows on this elevation would have an adequate outlook.
20. On the ground floor there would be a set of patio doors serving the dining room, and 2 windows for the kitchen / family room area. I accept that it is likely that the latter would be a well-used room. Whilst the fence would have some impact on the outlook from, and light received by, these rooms, the distance is sufficient to ensure that it would not be overbearing. Given the north-westerly orientation of the rear elevation it would not have an adverse impact on sunlight. Furthermore, as the house would also have a separate lounge and a study with a front facing aspect, I am satisfied that the future occupiers would be provided with adequate living conditions.
21. Whilst the acoustic fence would enclose much of the garden for this property, given the size of the garden, in my opinion, it would not create an unduly

² Appeal Reference APP/R0660/W/15/3002860

- oppressive impact for those using the garden area. Moreover, it is probable that in time, garden planting would screen much of it from view.
22. I note that the Inspector dealing with the previous appeal on the site considered that the fence would create unacceptable living conditions for future occupiers. However, that scheme proposed that 2 pairs of semi-detached houses would be situated in this area. These were much smaller houses with only one main living room which had its only window directly facing the fence, with the front elevation of the nearest house being only 4m from the fence. As such, the previous scheme had many differences to that before me.
23. Therefore, I consider that the proposed development would provide adequate living conditions for the future occupiers of plot 1, with particular reference to light and outlook. Consequently, it would not be contrary to Policy GR1 of the CLP and Policy H2 of the SNP which, amongst other things, require that developments would not have detrimental impact on amenity. Whilst the reason for refusal made reference to policy GR6 of the CLP, it was accepted at the hearing that this policy was not applicable in this case.
24. A number of local residents have raised concerns regarding the impact of noise and air quality on the living conditions of future occupiers. The application was accompanied by an Air Quality Report and a Noise Assessment that concluded that, subject to mitigation measures, the scheme would be acceptable in regard to these matters. These reports took account of the fact that the motorway is currently being upgraded to a Smart Motorway. In the absence of any substantive evidence to the contrary, I see no reason to come to a different conclusion.

Other Matters

25. A number of concerns have been raised about highway safety. The scheme would be served by a new access onto Church Lane, and the evidence shows that adequate visibility splays can be provided. I understand that Church Lane is often used by traffic going to and from the motorway, as well as by farm traffic. I also note that on the same side of the road there is no pavement beyond No 6, although on the other side of the road it extends to No 25. Nevertheless, there is no objection to the scheme from the Highways Engineer. In the light of this, and my own observations on site, I am satisfied that the proposal would not significantly harm highway, or pedestrian safety, in the area.
26. It has been suggested that the scheme would result in a loss of privacy to existing residents. However, the layout shows that none of the proposed dwellings would directly face any existing property, and given the separation distances that would be maintained, I am satisfied that the proposal would not result in overlooking of the nearest houses. In addition, any disruption during the construction period would only be for a limited period of time.
27. Concerns have been raised about drainage and flooding. I note that, subject to conditions, there is no objection to the scheme from United Utilities, or the Council's flood risk management team. Given that there is no substantive evidence to the contrary I am satisfied that the proposal would not have any significantly adverse effects in respect of these issues.

28. It has been highlighted that there is limited public transport provision in the locality and that the site is not in an accessible location. However, in this regard I note that the previous Inspector concluded that the site was sustainably located. I have not been aware of any significant changes since then, and therefore see no reason to come to a different conclusion in this regard. Details of how the scheme will accord with Policy CC1 of the SNP and minimise the use of water and energy can be secured by condition.
29. A Phase 1 Habitat Survey was submitted with the application. As outlined above, the Section 106 agreement provides compensation for the loss of habitat as a result of the development. Furthermore as the majority of planting around the site would be retained and enhanced, I am satisfied that the scheme would not have a detrimental impact on wildlife or biodiversity.
30. Whilst it has been suggested that the proposal may result in pressure for further development in the area, such schemes are not before me at this appeal, and the acceptability of future housing proposals in the area would have to be considered by the Council. As such, this does not constitute a reason for refusing the application that is before me.
31. A number of residents have suggested that the site is in the Green Belt, but the Council have not given any indication that this is the case. There is no evidence that the site constitutes the best and most versatile agricultural land, and given its size its use for agricultural purposes is severely limited. In addition, I note the concerns regarding various inaccuracies in the documents submitted with the application. Nevertheless, I am satisfied that these have not unduly affected the determination of the application, or the appeal, in any way.

Planning Obligation

32. The appellant has submitted a signed Section 106 agreement which makes contributions towards open space, education, and nature conservation, as well as securing the provision of 4 affordable housing units on the site. I have considered this in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 204 of the Framework.
33. *Open Space.* It is agreed that due to the size of the site it is impractical to provide amenity open space or play facilities on the site itself. The Obligation makes provision for the funding and maintenance of improvements on the existing green space and play facility on Church Lane, which is easily accessible from the site. This is supported by Policy GR22 of the CLP and the *Interim Policy Note: Public Open Space Provision for New Residential Development* sets out the justification for the costings. The Council have indicated that there is only 1 other scheme on which a commuted sum has been received which will go towards the improvement of the existing open space facility on Church Lane. I consider that the contribution sought by the Council in this respect is directly related to the development and is fairly related in scale and kind. As such it would accord with the statutory tests.
34. *Education.* Policy GR19 of the CLP indicates that new developments will be required to make adequate provision for any infrastructure requirements which arise as a consequence of the development. The Council have indicated that this development would generate 2 primary aged pupils and 2 secondary aged

pupils and no Special Education Needs pupils. This is forecast to have no impact on primary school provision in the area, but would increase an existing shortfall predicted for 2016 and beyond, in secondary school provision in the area. Justification has been provided for the financial contribution being sought, and is provided for within the agreement. The Council have shown that there are no pooling concerns with this contribution. Given this I consider that this obligation would meet the statutory tests.

35. *Nature Conservation*. The Council have calculated that the appeal scheme would result in the loss of approximately 0.5ha of semi-improved grassland habitat. In such circumstances Policy NR3 of the CLP requires mitigation to be provided, and in this case a commuted sum is sought to fund habitat creation works at the Meres and Mosses Nature Improvement Area. The method for calculating the contribution has been set out, and this is provided for in the agreement. The Council have indicated that 3 other obligations make contributions to this Nature Improvement Area but these are funding separate projects. I consider that the contribution sought by the Council in this respect is directly related to the development, and is fairly related in scale and kind. As such it would accord with the statutory tests.
36. *Affordable Housing*. The Obligation makes provision for four 2-bed affordable housing units on the site, of which 3 would be affordable rented housing and 1 would be a shared ownership dwelling. This is supported by policies in the CLP and the *Interim Planning Statement on Affordable Housing* which sets out a minimum requirement of 30% affordable housing on all unidentified windfall sites of 15 dwellings, or more than 0.4 hectares in size. The Strategic Housing Market Assessment shows that the majority demand in the area is for 2 bed housing. The Obligation sets out detailed arrangements for the transfer and management of these units. As such, I am satisfied that the agreement would ensure the development contributes to affordable housing needs within the borough, and I consider the obligations passes the statutory tests.

Planning Balance, Conclusion and Conditions

37. The proposed development would be contrary to Policy PS8 of the CLP and Policy PC3 of the SNP. However, it is accepted by the Council that it cannot demonstrate a 5 year housing land supply, and that the size of the shortfall is substantial. Therefore, even though the SNP was only made this year, as policies for the supply of housing, these policies are considered out of date, and only attract limited weight. In such circumstances paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development.
38. The Framework (paragraph 7) states that there are three dimensions to sustainable development. In terms of the economic role the proposal would enhance the economy of the community by the creation of jobs associated with the construction phase, and spending by the new residents would be beneficial to the economy of the area.
39. The scheme would provide new market and affordable housing in an accessible location. This would help to maintain the diversity within the local population. Given the significant shortfall in housing supply in the borough, this carries significant weight.

40. I have concluded above that, although the proposal would inevitably change the open nature of the site, it could be accommodated without causing unacceptable harm to the character and appearance of the area, and that the proposal would not be detrimental to biodiversity and wildlife. However, an absence of harm in this regard is a neutral factor.
41. Having considered the economic, social and environmental dimensions of the scheme, and finding that that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, I consider that the proposal would be sustainable development. As such the presumption in favour of sustainable development set out in paragraph 14 of the Framework does apply, thus warranting a decision other than in accordance with the development plan.
42. For the reasons set out above, I conclude the appeal should be allowed.
43. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. In the interests of the character and appearance of the area conditions are required to control the external appearance of the dwellings, to ensure the development takes place in accordance with the Arboricultural Statement, and to secure the landscaping of the proposed development. As the latter can include details of boundary conditions, a separate condition on this is not required.
44. For reasons of highway safety conditions are needed to ensure the provision of visibility splays and a construction management plan. To ensure the satisfactory drainage of the site it is necessary to control details of the drainage systems. For ecological reasons, conditions are required to protect and ensure adequate mitigation is carried out for protected species.
45. To ensure adequate living conditions for future residents are provided it is necessary to ensure the provision of the acoustic fencing and adequate glazing and ventilation systems for certain dwellings. Whilst to protect the living conditions of existing residents, a condition requiring an environmental management plan is needed.
46. Given the findings of the submitted ground investigation report, I do not consider that a further survey is required. However, given the sensitive nature of the end use, conditions outlining how any unexpected contamination would be dealt with, and to ensure that any soil brought onto the site is not contaminated, are required. For environmental reasons, details of how the development will minimise energy and water use needs to be submitted.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Julie Clark BA(Hons) MCD DMS MRTPI	Clark Planning Consultants
Geoff Clark DipTP MRTPI	Clark Planning Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Nick Hulland BSc MSc MRTPI	Senior Planning Officer, Cheshire East Council
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INTERESTED PERSONS:

Councillor Sam Corcoran	Ward Councillor – Cheshire East Council and Sandbach Town Council
Barbara Kay	Local Resident
Anthea Buxton	Local Resident and representative for Sandbach Heath Neighbourhood Forum

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal Decision Reference APP/R0660/W/15/3136524 made by the Secretary of State on 20 September 2016 submitted by the appellant.
2. Court of Appeal Decision [2016] EWCA Civ 168 – “the Richborough Case” – submitted by the local planning authority.
3. Addition Ecology Condition submitted by the local planning authority.

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Site Layout Dwg No CH/24S/DL9AA/-C; Proposed Floor Plans and Elevations House Type A Dwg No CH/HT/PLA/-; Proposed Floor Plans House Type C Dwg No CH/HT/PLC/1; Proposed Elevations House Type C Dwg No CH/HT/PLC/2; Proposed Floor Plans House Type F Dwg No CH/HT/PLF/1; Proposed Elevations House Type F Dwg No CH/HT/PLF/2; Proposed Floor Plans and Elevations House Type K Dwg No CH/HT/PLK/2a; Alternative Garage – Dwg No CH HT DG1/SAN; Topographical Survey Dwg No SSL:15413:200:1:1; and Acoustic Fence Details – hales Sawmills Limited.
- 3) No development involving the use of any facing or roofing materials shall commence until details of all such materials have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Any obstructions within the visibility splay shown on the Proposed Site Layout Dwg No CH/24S/DL9AA/-C shall be removed prior to the commencement of development. No structure, erection, plant or tree exceeding one metre in height shall subsequently be erected or allowed to grow within the visibility splays hereby approved.
- 5) No development shall take place until a Construction Management Plan detailing construction vehicle parking and contractor car parking has been submitted to, and approved in writing by, the local planning authority. The development should proceed in accordance with the approved plan.
- 6) No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s. The development shall proceed in accordance with the approved scheme.
- 7) Foul and surface water shall be drained on separate systems.
- 8) No development shall take place until a scheme for the landscaping of the site has been submitted to, and approved in writing by, the local planning authority. The landscaping scheme shall include details of hard landscaping, boundary treatments, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme. In addition, further hedgerow planting should be included.

- 9) The approved landscaping scheme shall be completed in accordance with the following.
 - i) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or the occupation of the last dwelling, whichever is the sooner, or in accordance with a programme agreed with the local planning authority.
 - ii) The boundary treatments for each dwelling shall be completed before the first occupation of that dwelling.
 - iii) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification -for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - iv) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations).
 - i) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 10) Prior to the removal of any vegetation between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds. Where nests are found in any hedgerow, tree or scrub or other habitat to be removed a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person, and a report submitted to, and approved in writing by, the local planning authority before any further works within the exclusion zone taking place.
- 11) No development shall take place until detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and roosting bats have been submitted to, and approved in writing by, the local planning authority. The approved features shall be permanently installed prior to the first occupation of any of the hereby approved dwellings, and thereafter retained.
- 12) Prior to the first occupation of any of the hereby approved dwellings the acoustic fence, as detailed in the updated noise report P15-019-R02 v1, shall be installed. The fence shall be constructed of 20mm minimum thickness solid timber, with no holes or gaps and shall either be dark brown or stained a dark brown. The acoustic fence shall be maintained throughout the life of the development.
- 13) Prior to first occupation of any of the hereby approved dwellings, the acoustic glazing and ventilation systems as detailed in the updated noise report P15-019-R02 v1 shall be installed to the properties identified in that report and retained in perpetuity.

- 14) No development shall take place until a scheme of mechanical ventilation to the properties closest to the M6 (Plots 1 and 7-12) has been submitted to, and approved in writing by, the local planning authority. The scheme shall show air drawn from the "clean" façade (furthest from the M6). Prior to the first occupation of any of the hereby approved dwellings, the agreed ventilation scheme shall be installed. The ventilation system shall not be capable of being disabled by the end user (except in emergency, for maintenance, or repair). The agreed ventilation scheme shall be maintained in perpetuity.
- 15) No development shall take place until an Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The plan shall address the environmental impact in respect of air quality and noise on existing residents during the construction phase. In particular the plan shall include:
 - i) mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening and a detailed specification of plant and equipment to be used, and construction traffic routes;
 - ii) hours of construction work and deliveries;
 - iii) there shall be no burning of materials on site during construction;
 - iv) mitigation measures in respect of dust generated by construction activities; and
 - v) details of the phased occupation of the site to protect new residents.The approved Environmental Management Plan shall be implemented, and in force, throughout the construction phase of the development.
- 16) If during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area, and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the local planning authority.
- 17) Any soil, or soil forming materials, brought to site for use in garden areas or soft landscaping shall be tested for contamination and suitability for use. Relevant evidence and verification information (for example, laboratory certificates) shall be submitted to, and approved in writing by, the local planning authority.
- 18) The development hereby approved shall be implemented in complete accordance with the Arboricultural Impact Assessment and Method Statement (tba landscape architects) dated March 2016.
- 19) No development shall take place until details of all service routes (e.g. pipelines) to and from the application site have been submitted to, and approved in writing by, the local planning authority.
- 20) No development shall take place until details of how the proposal will minimise the use of energy and water has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.