



Appeal Decision

Hearing held on 5 and 6 February 2019

Site visit made on 6 February 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2019

Appeal Ref: APP/U2370/W/18/3208981

Land off Garstang Road/new link road, Claughton-on-Brock PR3 0PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Andrew Garnett (Beecham Developments Ltd) against Wyre Borough Council.
 - The application Ref 18/00337/FULMAJ, is dated 28 March 2018.
 - The development proposed is the erection of 40 no. two, three, and four bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 40 no. two, three and four bedroom dwellings at Land off Garstang Road/new link road, Claughton-on-Brock PR3 0PZ in accordance with the terms of the application, Ref 18/00337/FULMAJ, dated 28 March 2018, subject to the conditions set out in Annex A.

Application for costs

2. At the Hearing an application for costs was made by Mr Andrew Garnett (Beecham Development Ltd) against Wyre Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council adopted the *Wyre Local Plan 2011-2031* (WLP) on the 28 February 2019 after the close of the hearing. In the light of the advanced stage of its preparation, policies from the plan were discussed at the hearing alongside the then adopted Local Plan which has since been superseded by the WLP. There was therefore no need to revert to the parties when the WLP was adopted. I have determined the appeal based on the national and local policies as adopted at the present time.
4. The appeal was submitted due to the failure of the Council to give notice, within the prescribed period, of a decision on the application, and it is on this basis that the appeal has been determined. However, the Council produced an officer's report assessing the proposal and outlining what their decision would have been if an appeal against non-determination had not been submitted. The putative reasons for refusal in this included one relating to highway capacity and another relating to the on-site provision of green infrastructure.

Before the hearing was held, the Council indicated that in the light of recent evidence they would no longer be pursuing the matter of highway capacity. In addition, it was agreed that a contribution towards off-site provision of green infrastructure would be acceptable. Subject to a section 106 agreement to this end, the Council also indicated they no longer wished to pursue this matter. I have determined the appeal on this basis.

Main Issues

5. The main issues in the appeal are:

- The effect of the proposed development on the supply of employment land;
- Whether or not the proposed development would have a safe and suitable access;
- Whether or not the proposed development would provide an adequate housing mix; and
- Whether or not the proposed development would provide acceptable living conditions for future occupiers with particular regard to noise.

Reasons

Supply of employment land

6. The appeal site is currently an agricultural field that forms part of a wider site that was granted outline planning permission¹ in 2015 for a mixed-use development consisting of up to 200 dwellings, up to 42 1 bed independent living retirement apartments, employment development, a local centre and a family public house. The site lies immediately to the south of a new link road that has been constructed between Garstang Road and the A6. To the north of this link road, on the wider site, the new local centre is now open and houses are currently under construction. The surrounding area contains a mix of residential and employment uses.
7. The site forms part of a mixed-use allocation in the WLP (Policy SA3/2) for housing and employment. The policy requires the development of the new local centre and the provision of the link road, and that a masterplan for the whole site should be agreed before the granting of planning permission for any part of the site. Whilst a phasing plan was agreed as part of the 2015 outline permission, there is no agreed masterplan, despite various planning permissions having been granted on the wider site. The phasing plan indicates that the appeal site would be utilised for employment development and a public house.
8. However, although both the policy, and the outline permission, control the maximum level of housing and employment to be provided, neither sets any minimum requirement for either use. To date permission has been granted for 200 houses and the new local centre. Therefore, to accord with Policy SA3/2, the remainder of the site, which includes the appeal site and a parcel of land adjacent to the local centre, should provide up to 42 houses and up to 9,500 sqm of employment land. As a consequence, in proposing that the site would provide 40 houses the development would not be contrary to the policy.

¹ Application reference 15/00248/OULMAJ

9. Nevertheless, the Council are concerned that the loss of the site for employment purposes would be detrimental to the supply of employment land in the borough, and in particular, in the A6 corridor submarket. They consider that the development of the appeal site for housing would prevent any employment land coming forward within the allocation, and highlighted the need for employment land to balance the housing development taking place both on this site and in the wider area, and to help create sustainable development in the locality.
10. However, the appellant has argued that around 0.4 ha of land would remain available on the wider site, even if the appeal site was developed for housing and so the appeal scheme does not preclude employment development still coming forward on some of the wider site. To this end, at the hearing, the appellant put forward two potential layouts showing how office or small-scale industrial units could be accommodated on the remaining plot.
11. The WLP indicates that the objectively assessed need for employment land over the plan period is 43ha. In order to ensure flexibility and a diverse portfolio of sites, the overall employment land supply is 47.7ha, which comprises 32.89ha of allocations and 12.61ha of commitments.
12. Within the A6 corridor submarket Policy EP1 identifies 10.05ha of employment land, and the Council considers there to be a requirement of around 5.5ha until 2029 in this submarket. However, as part of this supply (Policy SA2/2) is expected to be used for the expansion of an existing firm, and if an alternative scheme to the one that already has planning permission on a site in Garstang (Policy SA3/5) came forward, this would reduce the supply in the corridor to 4.55ha. Thus, it was argued by the Council that whilst at a boroughwide level there would still be sufficient land, should no employment land come forward on the appeal site, the supply over the plan period within the sub-market would be inadequate and would lack flexibility.
13. The appellant has highlighted that as well as the allocations the WLP identifies over 32ha of land adjacent to the nearby Brockholes Industrial Estate as a development opportunity. Whilst acknowledging that there are a number of constraints affecting the site, it is argued that as some parts of it are not constrained, these could come forward over the plan period and so contribute to employment needs in the area.
14. On balance, given that the proposal would still leave some land on the site undeveloped and so potentially available for employment development, I consider that the amount of land that would be lost to the employment land supply would be a small area in relation to the overall quantum of allocated land.
15. The appellant's evidence shows that the appeal site, as part of the wider site has been marketed for employment purposes since 2017, both in the form of advertising boards on the site, and sales particulars that were sent to local employment agents and developers. This generated only one offer, which the appellant stated was barely more than the agricultural value of the site and so was rejected.
16. From the Council's evidence it is clear that the majority of the demand for employment land in the area comes from existing businesses that are seeking to expand, rather than from inward investment, and that many of the inquiries

to the Council's database are for smaller units. This could partially explain the lack of interest generated by the appellant's marketing.

17. The Council raised concerns regarding the marketing exercise, including the fact that the particulars relate to the entire site rather than being specifically for the employment use, the lack of visibility of the potential employment use on the site boards, the limited number of firms the particulars were sent to, and the lack of any evidence of marketing in the press or after late 2017. They also found that web-based searches they carried out only found details of the retail opportunities in the new local centre. Overall, I agree with the Council that the marketing evidence provided falls short of what Policy SP6 of the WLP indicates it should demonstrate.
18. The appellant considers that the biggest constraint to the site coming forward for employment purposes is the fact that it is not viable for either office or industrial development. Whilst it is agreed by the Council that office and speculative industrial development on the site is unviable, they consider that developer led, or owner-occupied, industrial development could be viable. Moreover, they highlight that at the time the outline application was made, the accompanying planning statement said that the employment development would be cross-subsidised by the housing development.
19. Whilst I accept that the Council's figures show a small excess over the benchmark land value for an owner-occupied industrial scheme, I agree with the appellant that this would be eradicated by costs such as drainage and the provision of other utilities that are not accounted for elsewhere in the appraisal. In addition, although there may be less risk with a design and build pre-let development, I am not persuaded that a developer would be prepared to accept a profit level as low as 5-6%. As such, I consider that these forms of development would not be viable.
20. Consequently, I am satisfied that the site would not be viable for employment development. I note the Council's suggestion that the profit from the sale of the land for housing development would be sufficient to cross-subsidise the employment development as well as the provision of the new link road. However, as the majority of the site is already being developed the opportunity for the housing development to cross-subsidise the employment has been lost. Furthermore, unlike the provision of the link road which was a requirement of the outline planning permission and Policy SA3/2, the provision of some employment is not a requirement.
21. I note that despite the appellant's evidence to the examination of the WLP, seeking the removal of the employment element of the allocation, the Inspector did not require any amendments to Policy SA3/2. However, the Inspector's Report on the WLP makes no specific comments with regard to this issue and there is no information on what evidence was before the Inspector and so went into his consideration of this matter.
22. The outline planning permission originally proposed that 42 retirement apartments would be provided on the remaining parcel of land on the wider site. However, the appellant has indicated that there has been no interest in the site from any of the specialist providers of such accommodation and given the rural location they do not consider that the site would be suitable for other high-density forms of accommodation. As such, the appellant has argued that

without housing on the appeal site, the overall site would not achieve the level of housing expected within the housing land supply.

23. Nevertheless, it is agreed that the Council can currently demonstrate a 5-year housing land supply. The Council have indicated that only 184 houses from the site contribute to the current 5-year housing land supply and so a shortfall in the overall amount of housing on the land would not have an impact on the current housing land supply. Thus, whilst the development would contribute to the supply of both market and affordable housing, it is not needed for the current 5-year housing land supply.
24. Bringing these points together, the development proposed would not be contrary to the allocation within the WLP, as this allows up to 242 dwellings on the entire site, and nor would it preclude the provision of employment development on the remaining parcel of land. Given that some employment could still be provided, the proposal would only result in a small loss to the employment land supply in both the sub-market and the wider borough. Moreover, whilst there may have been some inadequacies in the marketing of the site, I consider that the evidence shows that the site would not be viable for employment development.
25. In the light of this, I consider that the proposal would not have a detrimental impact on the supply of employment land. Therefore, it would not be contrary to Policies SP1, SP2 and SA3 of the WLP which seek to ensure that development and growth in the borough is sustainable.

Safe and suitable access

26. The access to the site from the new link road has already been created. As there was the potential for the site to be used for employment purposes the access has a 10m radius. Whilst I accept that a 6m radius is more typical for residential developments of this size, the appellant highlighted that it is not uncommon for residential developments to be served by radii ranging from 6-10m.
27. Although a smaller radius would reduce the speed of traffic entering the site, having observed the junction, I agree with the appellant that the reduction in speed is likely to be quite small. The Council also argued that the wider radius creates a longer distance for pedestrians to cross. However, the difference in the distance is limited, and I note that drop crossings have been provided for pedestrians to use where the road narrows, which if used reduces the distance across this junction. Given that the junction was considered safe for pedestrians to use if the site was in employment use, and the type and number of people crossing this bell mouth is unlikely to change significantly because housing is on the site rather than employment, I consider the junction would not be detrimental to pedestrian safety.
28. All in all, I consider that the existing access to the site would not be detrimental to highway or pedestrian safety. Therefore, I am satisfied that the proposed development would be provided with a safe and suitable access. Accordingly, there would be no conflict with Policy CDMP6 of the WLP that requires that developments do not prejudice road safety and provide safe and adequate access.

Housing Mix

29. Policy HP2 of the WLP requires that developments provide an appropriate mix in terms of the size, type and tenure of housing to meet the identified housing need in the most up to date Strategic Housing Market Assessment (SHMA). The Council has identified that this is the *Fylde Coast SHMA – Wyre Addendum 3 (May 2018)*. This says that, in terms of size, developments should provide 7% 1-bed, 31% 2-bed, 43% 3-bed and 18% 4-bed dwellings.
30. The proposed development would consist of 5 x 2-bedroom (13%), 23 x 3-bedroom (57%) and 12 x 4-bedroom (30%) dwellings, in the form of a mix of detached, semi-detached and terraced houses, of which 12 would be affordable houses. As such, it would not accord with the identified mix within the SHMA as it provides a greater number of 3 and 4 bed and less smaller dwellings. However, the appellant has highlighted that the SHMA states that it provides an overall indication of the broad mix of housing required and recommends that policies are not overly prescriptive in directly basing requirements on this illustrative mix.
31. The Council highlighted that the WLP Inspector's report shows that the policy's requirement to provide an appropriate mix taking into account the SHMA is consistent with the *National Planning Policy Framework* (the Framework). Nevertheless, given the comments in the SHMA itself highlighted above, and that the policy requires "an appropriate mix", in my mind there needs to be some degree of flexibility on a site by site basis.
32. In this case the site is in a semi-rural location where houses as opposed to flats are more typically found. Whilst the proposed mix predominantly consists of 3-bedroom dwellings, these take the form of semi-detached, link detached and detached houses. As such, there is a mix of house types within this size of dwelling. Given that some of the 3-bedroomed houses are not significantly larger than the 2-bedroomed houses, they are likely to be attractive and suitable for younger couples, which the Council indicated are those they are seeking to be able to retain in the area through the provision of smaller properties. To this end I note, that the appellant highlighted that many young people prefer the flexibility that comes with a 3-bedroom house, at little additional cost.
33. Policy HP2 also requires that at least 20% of dwellings are of a design suitable or adaptable for older people or those with restricted mobility. The appellant has highlighted that the housing proposed is capable of being adaptable, and the Council accepted that this can be dealt with by a condition.
34. Overall, in the light of these specific characteristics of the site and the proposed houses, I consider that the appeal scheme would provide an appropriate mix of housing. Therefore, it would accord with Policy HP2 of the WLP outlined above.

Living Conditions

35. The outline planning permission was accompanied by a noise assessment that was carried out in 2014. As this is now 5 years old the Council stated that a new assessment is needed. To make sure that adequate mitigation can be provided they consider this should not be left to a condition.
36. The 2014 assessment identified that the dominant noise source in the area is traffic on the A6 which concurs with what I observed on my site visit. Given

that the housing development already under construction on the wider site has houses located closer to the A6, it is clear that adequate mitigation can be provided for residential development and that this does not require significant acoustic treatments around the site.

37. Although the appeal scheme would result in houses located close to Garstang Road, and Brockholes Industrial Estate, neither of these were previously identified as significant noise sources, and I have not been made aware of any changes in the intervening period that would result in a substantially different finding in this regard. Whilst the new local centre has now been constructed, I understand that conditions control the delivery and operating times of these units. As a result, this should not create unacceptable levels of noise.
38. Therefore, in the absence of any persuasive evidence to indicate that the noise climate has significantly changed since 2014, I consider the existing noise assessment provides an acceptable basis for the consideration of this proposal. Moreover, I am satisfied that adequate mitigation measures would be able to be provided for the appeal scheme, and that this is unlikely to affect the layout of the proposal. Given this, I consider that these matters can be adequately addressed by condition.
39. Consequently, I consider that the proposed development would provide acceptable living conditions for future occupiers with particular regard to noise. Thus, it would not conflict with Policies CDMP1 and CDMP3 of the WLP which require that developments have a high quality of design, and do not lead to significant adverse impacts for occupiers and users of the development.

Section 106 Agreement

40. The appellant submitted a Section 106 agreement prior to the hearing, and in the light of discussions at the hearing, subsequently submitted a deed of variation. The obligation makes a contribution for off-site green infrastructure and secures the provision of affordable housing on the site. I have considered these in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the Framework.
41. Policy SP7 of the WLP indicates that where new or improved infrastructure is required to meet the needs arising from the development, or to mitigate any adverse impacts of a development on existing infrastructure, the development should make a financial contribution through a planning obligation. It states that these may include affordable housing and green infrastructure, which are the two matters covered in the submitted obligation.
42. *Affordable Housing.* The obligation makes provision for 12 affordable houses on the site which equates to 30% of the houses. This is supported by Policy HP3 of the WLP. The affordable housing would consist of 3 x 2-bed houses for affordable renting, and 9 x 3-bed houses for shared ownership. The obligation sets out the 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 obligation passes the statutory tests in this respect.
43. *Green Infrastructure.* Policy HP9 of the WLP seeks to secure new Green Infrastructure as part of housing developments, and on the basis of this policy

the Council have calculated that the development should provide 0.39ha of open space. However, it has been agreed that rather than on-site provision an off-site contribution is acceptable in this case. This would be utilised for improvements to the playing fields adjacent to the Village Hall in Catterall, which is identified within the local action plan of the *Wyre Planning Pitch Strategy (2015)* as being in need of improvement. The obligation makes provision for a contribution towards these works and the Council have confirmed that not more than 5 commuted sums have been utilised for this project. Whilst I have been provided with details of how the contribution has been calculated, there is no policy justification for the costings. In the absence of this I cannot determine whether the payments are fairly related in scale, and so this part of the obligation does not meet the statutory tests and I have given it no weight.

Conclusion and Conditions

44. For the reasons set out above, I conclude the appeal should be allowed.
45. To provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the dwellings. For the same reason, and also in the interests of nature conservation, conditions are required to control the boundary treatments and landscaping of the development, and to ensure the protection of the trees that are to be retained. For ecological reasons, a condition is required to ensure adequate protection is provided for protected species.
46. To ensure acceptable living conditions for future residents, a condition to ensure adequate acoustic mitigation is necessary, whilst to protect the living conditions of nearby residents a condition requiring a Construction Environmental Management Plan is needed. The latter needs to be a pre-commencement condition as it mitigates the effects of the construction phase.
47. Due to the sensitive nature of the end use, I consider it would be appropriate to have a condition to assess the potential for contamination and to outline measures of how any contamination would be dealt with. To prevent an increased risk of flooding and to ensure the satisfactory drainage of the site it is necessary to control details of the drainage systems. Both of these need to be pre-commencement conditions as they relate to works that need to be undertaken before the construction phase.
48. For reasons of highway safety, a condition to ensure the provision and maintenance of the visibility splays at the junction with the link road is needed. In the interests of sustainable development, conditions requiring the provision of electric vehicle charging points and the adaptability of some of the houses is required.
49. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the wording of the pre-commencement conditions was agreed by the appellant in the signed Statement of Common Ground.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Hunter	Kings Chambers
Paul Williams	Mosaic Town Planning
Andrew Garnett	Beecham Developments Ltd
Phil Wooliscroft	Croft Transport Planning and Design
Tony Straw	Rees Straw

FOR THE LOCAL PLANNING AUTHORITY:

Karl Glover	Senior Planning Officer, Wyre Borough Council
Fiona Riley	Planning Officer, Wyre Borough Council
Rea Psillidou	Planning Policy and Economic Development Manager, Wyre Borough Council
Jonathan Easton	Counsel for Wyre Borough Council
Neil Stevens	Lancashire County Council
Ged Massie	Keppie Massie
Jenny Adie	Keppie Massie
Len Harris	Senior Planning Officer, Wyre Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Set of documents referred to in the appellant's cost claim submitted by the appellant.
2. Viability Schedule showing areas agreed or disagreed submitted by both parties.
3. Information regarding the marketing of the site to date submitted by the appellant.
4. Copy of the Unilateral Undertaking with the complete A3 plan submitted by the appellant.
5. Photographs of the marketing boards on the site submitted by the local planning authority.
6. Planning Statement from the outline planning permission for the site (15/00248/OULMAJ) submitted by the local planning authority.
7. Decision notice for the outline planning application for the site (15/00248/OULMAJ) submitted by the local planning authority.
8. Response to the appellant's costs application submitted by the local planning authority.
9. Fylde Coast SHMA – Wyre Addendum 3 Supplementary Note – Size and Type of Housing Need in Wyre May 2018 submitted by the local planning authority.
10. Copy of an email to Mr K Glover from Environmental Health submitted by the local planning authority.
11. Note setting out the calculation of the Green Infrastructure Commuted Sum submitted by the local planning authority.
12. Extract from the Wyre Playing Pitch Strategy submitted by the local planning authority.
13. Statement of Common Ground for the appeal at Copp Lane, Great Eccleston (appeal reference APP/U2370/W/17/3179744) 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: Location Plan Drawing No. MCI/GRC/LP/01; Street Scene and Site Section Drawing No. MCI/GRC/SS/01; House Type AA Detached (corner) Plans and Elevations Drawing No. MCI/GRC/HT/01; House Type AA Detached (mid) Plans and Elevations Drawing No. MCI/GRC/HT/02; House Type BB Detached Plans and Elevations Drawing No. MCI/GRC/HT/03; House Type C/C Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/04; House Type E1 Detached Plans and Elevations Drawing No. MCI/GRC/HT/05; House Type E1 Crescent Plans and Elevations Drawing No. MCI/GRC/HT/06; House Type EE Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/07; House Type F Detached Plans and Elevations Drawing No. MCI/GRC/HT/08; House Type F/A2/A2/A2 Mews Plans and Elevations Drawing No. MCI/GRC/HT/09; House Type F/A2/A2/A2 Mews Plans and Elevations Drawing No. MCI/GRC/HT/10; House Type F/C Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/11; House Type F/E Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/12; House Type K Detached Plans and Elevations Drawing No. MCI/GRC/HT/13; House Type P Detached Plans and Elevations Drawing No. MCI/GRC/HT/14; Detailed Site Layout Drawing No. MCI/GRC/DSL/01; Boundary Treatment Plan Drawing No. MCI/GRC/BTP/01 Rev C; Materials Plan Drawing No. MCI/GRC/MP/01 Rev C; Storey Heights Plan Drawing No. MCI/GRC/SHP/01 – Rev C; Waste Management Plan Drawing No. MCI/GRC/WMP/01 – Rev C; Tree Protection Plan Drawing No. 4663.04; Double Garage Plans and Elevations Drawing No. MCI/GRC/GAR/02; Single Garage Plans and Elevations Drawing No. MCI/GRC/GAR/01; House Type R Detached Elevations Drawing No. MCI/GRC/HT/17 Rev A; and House Type R Detached Plans Drawing No. MCI/GRC/HT/15 Rev A.
- 3) The development shall be carried out using those materials specified on the approved plan Drawing No. MCI/GRC/MP/01 Rev C.
- 4) Prior to the commencement of development, a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken, and submitted to, and approved in writing by, the local planning authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to, and approved in writing by, the local planning authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved in writing by, the local planning authority and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the local planning authority prior to any works being undertaken.
- 5) The residential development hereby permitted shall be designed so that following acoustic monitoring noise levels at each and every dwelling do not exceed the following levels as assessed in accordance with British

Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance):

L_{Aeq} 55 dB 16 hours - gardens and outside living areas, daytime (07.00-23.00)

L_{Aeq} 35 dB 16 hours - indoors, daytime (07.00-23.00)

L_{Aeq} 30 dB 8 hours - indoors, night-time (23.00-07.00)

L_{AFmax} 45 dB 8 hours - indoors night-time (23.00-07.00)

L_{AFmax} 45 dB 4 hours - indoors evening (19.00-23.00)*

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

*The evening standard L_{AFmax} will only apply where the evening L_{AFmax} significantly exceeds the L_{Aeq} and the maximum levels reached are regular in occurrence, for example several times per hour.

Where noise mitigation measures are required to ensure compliance with the noise levels specified above e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted prior to construction of each and any given dwelling, demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

- 6) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the local planning authority. The CEMP (to include demolition work) shall include and specify the provision to be made for the following:
- i) dust and dirt mitigation measures during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection team;
 - ii) control of noise and vibration emanating from the site during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection team;
 - iii) hours and days of construction work for the development, expected to be 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday with no working on Sunday and Bank/Public Holidays;
 - iv) contractor's compounds and other storage arrangements;
 - v) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period;
 - vi) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
 - vii) the routing of construction traffic and measures to ensure that drivers use these routes as far as practicable;
 - viii) external lighting of the site during the construction period;
 - ix) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- x) recycling/disposing of waste resulting from construction work; and
- xi) measures to protect watercourses against spillage incidents and pollution.

The construction of the development shall be carried out in accordance with the approved CEMP.

- 7) No development above ground level shall commence until a phasing plan for the construction of the boundary treatments (in accordance with Boundary Treatment Plan Drawing No. MCI/GRC/BTP/01 Rev C) has been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved plan and the boundary treatments retained as such thereafter.
- 8) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include: areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows); hard surfaced areas and materials; planting plans and schedules (including plant size, species and number/densities); existing landscaping to be retained; details to show how account has been taken of any underground services; and an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the agreed implementation programme.

Any trees or shrubs planted in accordance with this condition which within a period of 5 years from 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.

- 9) Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage system and any flood risk mitigation deemed necessary, shall be submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Guidance for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance/standards. The scheme details shall include, as a minimum:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out in the Environment Agency's advice on Flood risk assessments: climate changes allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of the floor levels in AOD;

- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield run-off rate;
- c) Any works required to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates; and
- g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separate from the foul and, unless otherwise agreed in writing by the local planning authority, no surface water drainage shall discharge to the public sewerage system either directly or indirectly. No part of the development shall be first occupied or brought into use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

- 10) No part of the development shall be occupied or brought into use until visibility splays measuring 2.4 metres x 43 metres are provided on each side of the junction of the link road and site access to the satisfaction of the local planning authority. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.
- 11) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved Tree Protection Plan Drawing No. 4663.04. Any topping or lopping approved shall be in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified, in writing, by the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved Tree Protection Plan Drawing No. 4663.04.

- 12) No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (1 March – 31 August inclusive) unless a report, undertaken by a suitably qualified person, immediately prior to any clearance demonstrating that nesting/breeding birds have been shown to be absent, has been submitted to, and approved in writing by, the local planning authority.
- 13) No development above ground level shall take place until a scheme for electric vehicles charging points (EVR) has been submitted to, and approved in writing by, the local planning authority. This should detail the type of charging point and the location of such point, and shall be incorporated into each dwelling hereby permitted. No dwelling shall be

occupied until the charging point(s) for that dwelling has been made available for use, and all such charging points shall be retained at all times thereafter.

- 14) No development above ground level shall take place until a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility 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.

Richborough Estates