
Appeal Decision

Inquiry opened on 6 January 2015

Site visit made on 6 January 2015

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 10 February 2015

Appeal Ref: APP/R0660/A/14/2221374

Saltersford Farm, Macclesfield Road, Holmes Chapel, Crewe CW4 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Russell Homes (UK) Ltd, GJ & MJ Pickering and GF Pierpoint & Son against the decision of Cheshire East Council.
 - The application Ref 14/0132/C, dated 20 December 2013, was refused by notice dated 29 May 2014.
 - The development proposed is a residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for a residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure at Saltersford Farm, Macclesfield Road, Holmes Chapel, Crewe CW4 8AL in accordance with the terms of the application Ref 14/0132/C, dated 20 December 2013, and the plans submitted with it, subject to the conditions set out in Schedule A.

Preliminary matters

2. Although originally scheduled for 4 days, the inquiry sat for 2 days on 6-7 January. I carried out an accompanied site visit in the afternoon of 6 January.
3. The application was refused for reasons relating to the existence of a housing land supply in excess of 5 years, an unsustainable location in open countryside and the loss of best and most versatile agricultural land. Before the inquiry the Council indicated that it had withdrawn the objections concerning the sustainability of the location and the loss of best and most versatile agricultural land, and acknowledged that it could not demonstrate a 5-year supply of housing land. The Council subsequently confirmed that its case rested on the extent of the harm caused to the intrinsic character and appearance of the countryside. This meant that it was not necessary to call the appellants' witnesses who had prepared proofs of evidence regarding the housing land supply position and the quality of agricultural land. That resulted in a shortened inquiry.
4. The application was made in outline with all matters except access reserved for future consideration. I have treated the housing layout shown on plan 13048/002 Rev C as illustrative for the purposes of this appeal.

Environmental impact

5. The Secretary of State has considered the application in accordance with Regulation 12(1) of the Environmental Impact Assessment (EIA) Regulations 2011. Taking into account Schedule 3 of the Regulations, he considers that the proposed development would not be likely to have a significant effect on the environment and directs that the proposal does not represent EIA development.

Agreed matters

6. Before the inquiry the parties submitted an agreed statement of common ground. The statement describes the site and its surroundings and gives details of the proposed development, setting out relevant planning policy and guidance. The statement confirms that the Council cannot demonstrate a 5 year housing land supply; that the site is in a sustainable location and would provide other sustainability benefits; that the loss of agricultural land is no longer an issue; that the proposal would have no significant impact on the character and appearance of the wider landscape; that the new site access would be of benefit to the safety and efficiency of the local highway network; that the scheme would provide 30% affordable housing, in compliance with existing and emerging policy; and that there are no arboriculture or ecology objections to the development of the site.
7. The statement helpfully sets out the remaining matter in dispute: that the Council considers the benefits of delivering housing at this site are outweighed by the negative impacts on the open countryside.

Planning Obligation

8. At the inquiry the parties submitted an Agreement as a deed of planning obligation under s106 of the Act. This commits the appellants, if planning permission is granted, to providing 30% affordable housing, in accordance with an agreed phased programme; to providing and maintaining Open Space on the site; and to making a financial contribution of £96,907 towards the provision of health care facilities at Holmes Chapel Medical Centre.

Main issue

9. Given the extent of pre-inquiry agreement and the fact that I have no reason to demur from the matters and conclusions that have been agreed, I consider the main issue in this appeal now to be whether the value of the site as an area of countryside outweighs the benefits of its development for housing.

Policy background

10. The local development plan currently consists of the saved policies of the Congleton Borough Local Plan First Review 2005 (CBLP). The Council refers to policy PS8, which restricts the type of development permitted in the open countryside, and policy H6, which sets out the limited categories of residential development permissible in the open countryside. While the CBLP covered the period to 2011, and so is out of date, the purpose of these saved policies is reasonably consistent with one of the core planning principles of the National Planning Policy Framework. This requires taking account of the different roles and character of different areas and recognising the intrinsic character and beauty of the countryside. Insofar as they protect the countryside, in

accordance with 215 of the Framework the saved policies carry due weight as part of the local development plan.

11. The Council also refers to draft policy PG5 of the emerging Cheshire East Local Plan Strategy Submission Version (CELP). This policy effectively brings forward CBLP policy PS8. The CELP Examination process has been suspended. The Local Plan Inspector has published his interim view that the Council's calculation of housing need is too low and further work is necessary to establish the appropriate figure. It is for that reason that the Council concludes that it cannot demonstrate a 5 year supply of housing land. CELP as a whole can carry little weight, as many inter-related policies may need revision. However policy PG5 itself is consistent with the Framework countryside protection objectives and in that respect, in accordance with Framework 216 carries weight.

Reasons

12. The fairly flat site is an elongated triangle of land on the north-eastern outskirts of Holmes Chapel. The long east side and short south side of the triangle are bounded by the A535 Macclesfield Road. The road takes a sweeping bend at the heel of the triangle and drops down at the north to the valley of the River Dane, leaving some of the northern part of the site elevated above road level. A scattering of dwellings in leafy grounds lie to the east of the road with open countryside beyond while to the south, beyond the junction with Manor Lane, are the substantial industrial-scale buildings of the Manor Business Park.
13. The hypotenuse of the triangle is formed by the main line railway, which runs in a cutting. Beyond the railway a prominent modern housing estate extends virtually the whole length of the site. Beyond the apex of the triangular site, the railway crosses the Dane valley on the imposing Twemlow viaduct. The site has no protective landscape, or other, designation, although the locally designated Dane Valley Area of Special Landscape Value (ASLV) boundary lies to the east of the A535. While it is illustrative, the site layout shows how major tree groups and hedgerows could be retained, helping the development to harmonise with its local context. The Council acknowledges that, given the prominence of urban development adjacent to the site, the proposed development would have no real impact on the wider landscape.
14. Currently the north-eastern third of the site, about 1.39 Ha, is in residential use. Residential development on this part of the site includes Saltersford farmhouse (which would be retained), substantial outbuildings, a tennis court and a pony paddock. Thus, surrounded by road, railway and residential uses, the agricultural field on the remaining two thirds, about 2.5 Ha, is somewhat isolated. The owner of the field (G F Pierpoint and Son, joint appellant) has an overall local land holding of 100 Ha and explains that this field, because of its location and limitations, is not a viable part of the main farming enterprise.
15. The site adjoins, but lies outside, the designated settlement boundary of Holmes Chapel formed by the railway, the A535 and Manor Lane. In policy terms, the site is in the open countryside. The proposed development does not fall within any of the categories of residential development permitted in policy H6. Since it conflicts with CBLP saved policies PS8 and H6, the proposal does not accord with the local development plan. However, that is not the end of the matter; planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include the Framework and the emerging CELP housing and countryside policies.

16. The Council acknowledges that, in bringing forward the CELP, it cannot demonstrate a 5 year supply of housing land. As 49 of the Framework makes clear, housing applications must 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 5-year supply of deliverable housing sites.
17. While the purpose of saved policy PS8 is to protect the open countryside, a principal effect of the policy is to set geographical limits, restricting the growth of settlements. The Council recognises that, in allocating sufficient land to meet projected housing need in the emerging CELP, in places settlement boundaries will have to 'flex' into adjacent open countryside. Thus the effective limits to development set by policy PS8 will have to be breached if the Council is to meet the future need for housing land; that means that planning permission will have to be granted for land which the CBLP currently defines as open countryside. Draft policy PG5 will apply to the countryside outside the flexed boundaries so, in this context, carries little weight.
18. There is therefore, in current circumstances, some tension between the purpose and the effect of CBLP policy PS8. I consider that, because of its restrictive effect on settlement boundaries, policy PS8 is relevant to the supply of new housing and, in the absence of a 5 year supply of housing land, cannot be considered to be up-to-date.
19. Framework 14 sets out how the presumption in favour of sustainable development is intended to operate. The approach to 14 was the subject of some argument at the inquiry. The Council takes the view, relying on Lang J's judgement in the William Davis case¹, that only sustainable development with the simultaneous consideration of all 3 limbs of sustainability is subject to the presumption under 14; since there would be harm to the countryside, the proposal would not be sustainable development, so 14 is not engaged and the proposal should necessarily be rejected.
20. The appellants argue that, in referring to the William Davis case, Patterson J in Dartford² found that such a formulaic and overly legalistic 'gateway' approach to 14 is to be avoided. Subsequently, in his Droitwich³ decision, the Secretary of State made it clear that he rejected the formulaic approach, relying on 3 other High Court judgements contrary to Lang J's view. On its face, 14 clearly refers to all development proposals and does not require an additional 'gateway' test; such a test also ignores the balancing exercise of 14 – it is that exercise which determines whether or not development is sustainable.
21. I recognise that the Secretary of State's decision is not law. It does however represent his interpretation and application of the relevant legal judgements. As I stand in his shoes in determining this appeal, in the absence of any contrary finding by the courts, his interpretation of the various provisions necessarily carries the highest possible weight. I consider that, since the relevant policies are out of date, Framework 14 is fully engaged.

¹ William Davis Ltd and another v Secretary of State for Communities and Local Government [2013] EWHC 3058 (Admin).

² Dartford Borough Council v Secretary of State for Communities and Local Government [2014] EWHC 2636 (Admin).

³ Secretary of State's decision, Droitwich Spa, reference APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426

22. Framework 14 explains that, where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. It is therefore necessary to identify the benefits and the adverse impacts of the proposed development and to weigh them in the balance.

The benefits of the proposal

23. Holmes Chapel is designated a Local Service Centre (LSC) with a good range of local services and amenities, where some additional development is acceptable in principle. It is agreed that the site is in a sustainable location with ready access to town centre shops, schools, services and other facilities.
24. The benefits of the proposal are not disputed by the Council and can be summarised as follows:
- The provision of up to 100 new houses in a sustainable location would make a substantial contribution towards reducing the current shortfall in the district's supply of housing
 - The inclusion of up to 30 affordable houses, in a range of tenures, would help to meet the acknowledged local deficit
 - The site is immediately deliverable and its development would boost significantly the supply of housing, a key Framework objective
 - The roundabout access to the site would enhance the safety and efficiency of all traffic using the A535/Manor Lane junction
 - Social and economic benefits for the area would derive from construction jobs, the New Homes Bonus, Council Tax receipts and increased consumer spending, thereby enhancing the local economy
25. The Council acknowledges that the proposal would be consistent with the economic and social dimensions of sustainability but argues that, since it would harm the open countryside, it would not achieve the environmental dimension so overall cannot be considered to be sustainable development.

The adverse impacts of the proposal

26. The only adverse impact identified by the Council is the loss of open countryside. The northern paddock is part of the residential curtilage of Saltersford Farm so, in terms of policy and use, the countryside essentially consists of the field on the southern part of the site. There are some attractive stands of mature trees in the field adjacent to the Saltersford farm boundaries. These would be retained. I heard that local residents value the view across the field, starting from the adjacent bridge over the railway, and consider that the site provides an attractive approach to the settlement. They maintain that this is where the countryside begins.
27. In terms of its character and appearance, the field can hardly be characterised as 'open' countryside. It is a field, but it is enclosed on all sides by urban development of different kinds and, while there are substantial trees on developed land to the east, there are no clear views across the field of open countryside beyond. It seems to me that the open countryside truly begins as the A535 approaches the bridge over the River Dane, beyond the site. Since

this is an outline application, concerns about the scale and location of development at the more exposed northern end of the site, on the approach to the village, can be addressed at reserved matters stage.

28. The site is not of sufficient landscape quality to be designated as part of the adjacent AGLV and there is no policy or particular landscape requirement for a 'buffer zone' between the AGLV and the built-up area. The Council acknowledges that the site has limited landscape value. I consider that the intrinsic character of the site is best depicted as a flat field surrounded by development and that the beauty of its landscape is limited, being marred by this urbanising enclosure.
29. While not alleging overdevelopment, the Council argues that Holmes Chapel has already had its fair share of additional housing and that this is not an appropriate site to 'flex' the settlement boundary. That assertion rests on an assumption that housing land allocated to the 13 LSCs will be divided equally between them. I heard that the LSCs vary significantly in size, with Holmes Chapel being the 2nd largest, and several are heavily constrained by Green Belt, so that an equal subdivision is unlikely.
30. This argument also takes no account of the strong probability, following publication of the Local Plan Inspector's interim view, that housing allocations will have to be increased substantially. Furthermore, since the Council cannot demonstrate a 5-year supply of housing, the argument is inconsistent with government policy intended to boost significantly the supply of housing. In these circumstances, action to address the housing shortfall should not be delayed to await adoption of the emerging CELP, and it is not necessary to consider whether unidentified alternative locations might be more acceptable.
31. Other objectors, including a campaigning local Sixth Form group, support the Council's stance. They also argue that the local schools and the village health centre are at capacity, and that increased traffic arising from the development would affect highway safety and increase congestion. I have considered these views against the consultation responses to the original application:
 - While local schools may currently be near full capacity, the Council's Education Department has taken into account other development already approved and has looked ahead to 2019, when this development would be completed. The Department forecasts that, by 2019, the 3 primary schools within a 2-mile radius of the site are expected to have a surplus of 36 places across all year groups and the comprehensive school is expected to have 96 surplus spaces across years 7-11. Even allowing for some flexibility in the assessment, that would be more than enough to accommodate the 18 primary and 13 secondary pupils likely to be generated by the development.
 - NHS England advises that Holmes Chapel Health Centre is currently operating above optimum capacity and that the proposed development would have a significant impact. It concludes that, to deliver health services to this number of additional patients, additional premises infrastructure would be essential. The appellants have committed to providing the appropriate financial contribution through the s106 planning obligation to meet the identified need. The impact would thus be fully addressed.
 - The Council's Strategic Highways Manager advises that the roundabout junction would improve highway safety and that any offsite impact of traffic generated

by the development would be offset by the benefits of upgrading the road network. Some of the footpath routes are not ideal, but the proposed highway improvements would include a pedestrian crossing of the A535, and all the local facilities are within reasonable walking distance of the site. I consider that to be acceptable. I note too that a Travel Plan for the site and the provision of electric car charging points, secured by condition, would encourage the use of more sustainable means of travel.

32. Thus, while I understand the local concerns, the Council on the advice of expert consultees has not raised them as objections. The schools are expected to have sufficient future capacity and I consider that the potential for health and traffic generation impacts could be met by appropriate conditions and legal obligations.

Planning Obligation

33. The s106 Agreement would secure the provision of up to 30 affordable houses in a 65% rented/35% intermediate split, in accordance with an agreed phased programme; the provision and maintenance of Open Space on the site; and a financial contribution of £96,907 towards the provision of additional health care facilities at Holmes Chapel Medical Centre.
34. The Council's CIL Regulations Compliance Statement shows that the provision, proportion and mix of affordable housing accords with CBLP policy H13 and the Interim Planning Statement on Affordable Housing, which is consistent with Framework objectives; the new affordable houses would help to meet a pressing local need. The Council's assessment of accessible amenity greenspace shows a substantial deficit in public open space and play areas so that further provision is necessary to meet the objectives of CBLP policies GR6 and GR22, the revised SPG and the Interim Policy Note on the provision of open space in new residential developments. Provision on site is necessary, since maintenance will be provided by a residents association. It has already been shown that a contribution to additional healthcare provision is essential. The contribution amount has been carefully calculated to reflect the population of the proposed development and accords with CBLP policy GR19, emerging CELP policies SC3, IN1 and IN2.
35. I consider that all these provisions are necessary to make the development acceptable in planning terms, they are directly related to the proposal and are fairly related to it in scale and kind. The Planning Obligation therefore meets the tests of CIL Regulation 122 and is an important material consideration.

The overall planning balance

36. The proposed development would conflict with the local development plan. However, the fact that the Council cannot demonstrate a 5-year supply of housing land means that relevant policies for the supply of housing land, including CBLP policy PS8 relied on by the Council, should be considered out of date. The consequent presumption in favour of sustainable development set out in the Framework means that planning permission should be granted for this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
37. In the circumstances where there is an identified shortfall in housing supply, I consider that the provision of up to 70 market houses and 30 much-needed

affordable dwellings carries substantial weight as a benefit that would boost significantly the supply of housing. The improvement in highway safety for all users of the local road network carries significant weight. The social and economic benefits of the scheme also carry significant weight.

38. Against that, while it currently allows some open views, I consider that the loss of a small area of enclosed countryside, which has minimal landscape value, carries limited weight. There would be no real harm to the intrinsic character and appearance of the open countryside beyond. Other potentially harmful impacts would be properly mitigated by binding legal obligation.
39. On balance I consider that the adverse impacts of the development are nowhere near sufficient to outweigh the substantial benefits of the scheme. I find that, assessed against the policies in the Framework as a whole, the value of the site as an area of countryside is clearly outweighed by the benefits of its development for housing. The site is adjacent to the existing settlement boundary and the proposal would effectively 'flex' the boundary so that it would be formed by the main road rather than, as at present, the railway line. As the Council acknowledges, that 'flexing' will have to happen in a number of locations in order to ensure an adequate supply of housing land. I find no objection to it in this location. Having the above in mind, with regard to its economic, social and environmental dimensions, I consider that the proposal would represent sustainable development.

Conclusions

40. In accordance with the Framework I therefore intend to allow the appeal and grant planning permission for the proposed development, subject to appropriate conditions.
41. The Council's list of suggested conditions (1-25) was discussed at the inquiry. The standard time conditions for outline permissions are necessary (1-3). I shall also require compliance with the submitted plans (although not the illustrative site layout) particularly since the access arrangements were a key part of the application (4).
42. It is appropriate at this stage to require details of existing and proposed ground levels and floor slab levels to ensure that the development properly relates to the site and its surroundings (5), although samples of materials are more appropriate to the reserved matters stage (6). Drainage details are necessary, particularly since there is a risk of surface water flooding (7-9). There is some potential for contaminated land on the site so an early assessment is needed (10). A Construction Method Statement is necessary to reduce disruption to local residents and road users (11).
43. A Travel Plan is necessary to reduce reliance on car travel, and the provision of details of Electric Vehicle Infrastructure, an emerging CELP policy requirement, is consistent with Framework low carbon energy objectives (12-13). The site's location adjacent to the railway requires the submission of a noise mitigation scheme (14).
44. The site has a number of trees and hedgerows so it is necessary to control the potential impact on breeding birds and roosting bats. It is also necessary to incorporate suitable new features for birds and bats and to eradicate Himalayan Balsam, a notifiable plant (15-16). It is not appropriate to require a

landscaping scheme to accord with the illustrative layout since that may change, although an Arboricultural Method Statement at this stage will guide the landscaping scheme to be submitted as a reserved matter (17-19).

45. It is important to ensure that an Open Space Scheme is provided, together with a Management Plan (20-21). It is also necessary to ensure that the highway improvement works are carried out at an early stage and that appropriate pedestrian and cycle routes are included in the site layout (22-23). Details of bin storage and boundary treatments are more appropriate to the detail design/reserved matters stage (24-25).
46. With the exception of those indicated above, I consider the conditions to be necessary and reasonable at outline planning permission stage. I have adjusted the wording and construction of some of the suggested conditions, as discussed at the inquiry, in the interests of clarity. The conditions to be attached to the planning permission are set out in Schedule A.
47. On that basis, for the reasons given above, I conclude that the appeal should be allowed.

Colin Ball

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Anthony Crean QC	Instructed by the Council's Solicitor.
He called:	
Ben Haywood BA(Hons) MA MBA MRTPI MCMi	Major Applications Team Leader, Development Management Section, Cheshire East Council.

FOR THE APPELLANT:

Paul Tucker QC	Instructed by Jonathan Vose.
He called:	
Jonathan Vose BA(Hons) DipTP MRTPI	Principal Consultant, Walsingham Planning.

INTERESTED PERSONS:

Cllr Les Gilbert	Ward Councillor.
Cllr Andrew Kolker	Ward Councillor.

ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Mr Tucker's opening submissions and attachment ('Droitwich' decision).
- 2 Council's Decision Record 15 December 2014.
- 3 Statement on Cheshire East Local Plan and five year supply.
- 4 Suggested planning conditions.
- 5 Copy of executed s106 Agreement.
- 6 High Court Judgement [2009] EWHC 1729 (Admin) 'Derbyshire Dales'.
- 7 High Court Judgement [2010] EWHC 2386 (Admin) 'Hulme'.
- 8 Appeal Court Judgement [2012] UKSC 13 'Tesco Dundee'.
- 9 Statement from Saltersford Corner Action Group, read out by Cllr Gilbert.
- 10 Written submission from Andrew and Glenn Hurst.
- 11 Council's CIL Regulations compliance statement.
- 12 Mr Crean's closing submissions.
- 13 Mr Tucker's closing submissions.
- 14 The appellants' costs application (withdrawn).

SCHEDULE A

Schedule of conditions to be attached to the outline planning permission granted for a residential scheme comprising up to 100 dwellings, amenity areas, landscaping and associated infrastructure at Saltersford Farm, Macclesfield Road, Holmes Chapel, Crewe CW4 8AL in accordance with the terms of the application, Ref 14/0132/C, dated 20 December 2013, and the plans submitted with it:

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 130488 00 A Location Plan and 1446-01-SK103A Macclesfield Road/Manor Lane Roundabout design (from the submitted Transport Assessment Addendum Report February 2014).
- 5) No development shall take place until details of the existing ground levels, proposed ground levels and the levels of proposed floor slabs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no dwelling on the site shall be occupied until the surface water drainage scheme has been completed.
- 7) No development shall take place until details of a scheme to manage the risk of flooding from any overland flow of surface water have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no dwelling on the site shall be occupied until the flood management scheme has been completed.
- 8) No development shall take place until details of a scheme for the disposal of foul water have been submitted to and approved in writing by the local planning authority. Foul water must drain separately from surface water and no surface water will be permitted to discharge directly or indirectly into the existing public sewerage system. Development shall be carried out in accordance with the approved details and no dwelling on the site shall be occupied until the foul water disposal scheme has been completed.
- 9) No development shall take place until a contaminated land phase 1 report to assess actual or potential contamination risks at the site has been submitted to and approved in writing by the local planning authority.

(a) Should the phase 1 report recommend that a phase 2 investigation is required, that investigation shall be carried out and the results submitted to the local planning authority for approval in writing.

- (b) Should the phase 2 investigation indicate that remediation is necessary, a Remediation Strategy shall be submitted to and approved in writing by the local planning authority. The remedial works shall be carried out in accordance with the approved Strategy.
- (c) If remedial works are carried out, no dwelling on the site shall be occupied until a Site Completion Report detailing the conclusions and actions taken at each stage of the remedial works, including validation works, has been submitted to and approved in writing by the local planning authority.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall include details of:
- (a) The hours of construction work and deliveries.
 - (b) the parking of vehicles of site operatives and visitors.
 - (c) loading and unloading of plant and materials.
 - (d) storage of plant and materials used in constructing the development.
 - (e) the erection and maintenance of security hoarding.
 - (f) wheel washing facilities.
 - (g) measures to control the emission of dust and dirt during construction.
 - (h) a scheme for recycling/disposing of waste resulting from demolition and construction works; no material to be burnt on site.
 - (i) the method and duration of any piling required, including prior notification to occupiers of nearby property.
 - (k) mitigation measures in respect of noise and disturbance during the construction phase, including construction traffic routes and monitoring methodology.
 - (l) the responsible person on site to be contacted in the event of a complaint.
- 11) No dwelling on the site shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include a timetable for implementation and provision for monitoring and review. No dwelling on the site shall be occupied until those parts of the approved Travel Plan identified as being capable of implementation upon occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, so long as any part of the development is occupied.
- 12) No dwelling on the site shall be occupied until details of an Electric Vehicle Infrastructure to be installed on the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no property shall be occupied until the approved infrastructure relating to that property has

been installed and is fully operational. Thereafter the approved infrastructure shall be kept in place.

- 13) No development shall take place until a Noise Mitigation Scheme based on the recommendations in the submitted Noise Assessment by Hepworth Acoustics dated October 2013 has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Scheme and no dwelling on the site shall be occupied until the approved Scheme for the phase of development to which it relates has been implemented.
- 14) No works shall commence between 1 March and 31 August in any year until a detailed survey has been carried out by a suitably qualified person to check for nesting birds and the results have been submitted to the local planning authority. Where nests are found in any building which is to be demolished or altered or in any hedgerow tree or shrub which is to be removed, a 4 metre exclusion zone shall be left around the nest site until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a completion report shall be submitted to and approved in writing by the local planning authority before any further works take place within the exclusion zone.
- 15) No development shall take place until detailed proposals for the following matters have been submitted to and approved in writing by the local planning authority:
 - (a) the incorporation of features into the scheme suitable for use by breeding birds including house sparrow and by roosting bats. Development shall be carried out in accordance with the approved details and no property shall be occupied until the approved features relating to that property have been installed. Thereafter the approved features shall be kept in place.
 - (b) a method statement for the eradication of Himalayan Balsam from the site. The eradication shall be carried out in accordance with the approved method statement and no dwelling on the site shall be occupied until eradication has been completed.
 - (c) a method statement relating to any category 1 trees with the potential to support roosting bats which are to be removed as part of the scheme. Removal shall be carried out in accordance with the approved method statement and no dwelling on the site shall be occupied until removal of the trees has been completed.
- 16) No development shall take place, including any tree felling, tree pruning, demolition works, soil moving, temporary access construction or widening or any operations involving the use of motorised vehicles or construction machinery until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statement. The method statement shall include the following details:
 - (a) a protection scheme relating to the retention and protection of trees, shrubs and hedges growing on or adjacent to the site including trees which are the subject of Tree Preservation Orders currently in force or are shown to be retained on an approved layout.

- (b) the implementation, supervision and monitoring of the approved protection scheme. The protection measures shall remain in place for the full duration of the development.
 - (c) the implementation, supervision and monitoring of all construction works within the protected areas. No excavations, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the protected areas.
 - (d) provision for replacement hedge planting for any hedgerows to be removed as part of the development.
 - (e) foul and surface water drainage works where this may affect retained trees.
 - (f) a detailed Treework Specification.
 - (g) the implementation, supervision and monitoring of the approved Treework Specification.
 - (h) The timing and phasing of all arboricultural works in relation to the approved development.
- 17) The first reserved matters application shall include an Open Space scheme showing all areas of open space to be provided within the site including public amenity space and an equipped children's play area. The scheme shall include details of the location and layout of open spaces, timing of provision, proposed planting, boundary structures, play equipment and materials. Development shall be carried out in accordance with the approved details and no dwelling on the site shall be occupied until the open space scheme has been completed.
- 18) No dwelling on the site shall be occupied until an Open Space Management Plan for the future management and maintenance of the open space scheme has been submitted to and approved in writing by the local planning authority. The Plan shall identify the maintenance requirements of the scheme including all ongoing regular maintenance operations. The open space on the site shall thereafter be maintained in perpetuity in accordance with the approved Management Plan.
- 19) No dwelling on the site shall be occupied until the approved works to form the site access, roundabout and associated works have been completed.
- 20) Each reserved matters application shall include a scheme of pedestrian and cycle provision and signage. The scheme shall include details of shared routes for pedestrians and cyclists through the site and a timetable for implementation. The approved scheme shall be carried out in accordance with the approved timetable.