

SMD/2014/0576 OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (SAVE ACCESS) FOR CREATION OF UP TO 168 RESIDENTIAL DWELLINGS (USE CLASS C3), UP TO 33,480 SQM OF USE CLASS B1, B2 AND B8 FLOORSPACE, ANCILLARY USES TO INCLUDE COMMUNITY CENTRE AND A SHOP (USE CLASS A1), TOGETHER WITH HIGHWAY WORKS, LANDSCAPING, PUBLIC REALM, CAR PARKING AND OTHER ASSOCIATED WORKS AT LAND AT BLYTHE PARK, SANDON ROAD, CRESSWELL, STAFFORDSHIRE FOR SCENTAREA LTD.

Parish: Draycott
Case Officer: Miss R.A Simpkin

Registration: 19/09/14
Grid Reference: E9786 N3897

Addendum Report

1. At the Planning Applications Committee on 26th February 2015, it was resolved that, contrary to officer recommendation, the application be approved for these reasons:

'In the absence of a 5 year housing land supply the proposal would bring forward much needed housing, including affordable housing in compliance with policy requirements (policy H2), together with an extension to a successful existing business park close to the strategic road network as supported by policy E1, to create jobs for local people and to allow the expansion, and retention, of existing businesses'.

2. Following a brief recess at the meeting, the Legal Advisor confirmed that the application would have to be referred to the Secretary of State due to its nature, scale and failure to comply with provisions of the Local Plan, and therefore the resolution of the Committee would be 'minded to approve' in these circumstances. It was recommended that the matter be referred back to a future meeting of this committee for approval of conditions and terms of the planning obligation required to support it.

4. The Council duly referred the application for planning permission to the Secretary of State for Communities and Local Government ("The Secretary of State") for the above development. On 13th April 2015, the Secretary of State directed the Council not to grant permission on the application without specific authorisation. This Direction was issued to enable the Secretary of State to have a further period in which to consider the proposal.

5. On 2nd July 2015, the Secretary of State responded as follows:-

'The Secretary of State has carefully considered the case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively.

The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

In deciding whether to call in the application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that applications should be called

in. The Secretary of State has decided, having had regard to this policy, not to call in the application. He is content that the application should be determined by the local planning authority.

In considering whether to exercise the discretion to call in the application, the Secretary of State has not considered the matter of whether the application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The local planning authority responsible for determining these applications remains the relevant authority responsible for considering whether these Regulations apply to these proposed developments and, if so, for ensuring that the requirements of the Regulations are complied with.

The Article 25 Direction issued pursuant to the Secretary of State's letter of 13 April 2015 is hereby withdrawn'.

The purpose of this report is to:

1. Confirm that planning consent for application SMD/2014/0576 is hereby granted
2. Agree to the draft Heads of Terms for an agreement under Section 106 of The Town and Country Planning Act 1990 and
3. Agree to draft conditions that will be attached to the council's decision to approve.

Members are asked also to note that the recommendation seeks delegated authority to the Head of Regulatory Services to complete negotiations with the applicant on the s106 terms and the conditions to be attached to the planning decision.

Section 106 Agreement

The applicant has acknowledged the need for a planning obligation under s106 of the Town and Country Planning Act 1990, but as yet no agreement has been concluded.

The proposed Heads of Terms, establishing development principles are as follows:-

1. Affordable Housing:

33% of the total number of dwellings will be affordable and shall comprise 70% Affordable Rented Housing and 30% Shared Ownership Housing or as may be agreed in accordance with the Affordable Housing Scheme.

2. Bus Service Contribution:

£270,000 payable in three equal instalments

3. Travel Plan Contribution:

£11,000

4. Education Contribution:

*£11,031 per Primary School place
£16,622 per High School place; and
£18,027 per Sixth Form place*

5. Provision of a Community Facility on Site

6. Provision of a Shop on Site (It has been requested that the S106 agreement to provide suitable flexibility to allow for the shop unit to be converted to a dwelling and / or other use subject to market conditions and demand).

7. Public Open Space:

Multi-Use Games Area (MUGA) – To be built to a specification agreed with the Council.
Neighbourhood Equipped Play Area - To be built to a specification agreed with the Council

Open Space Contribution - £226,780 as a contribution towards the development and maintenance of playing fields in the Vicinity of the Site

RECOMMENDATION:

That:

(1) Subject also to the prior completion of a S106 Planning Obligation (to secure the matters as contained in the Heads of Terms as detailed above) planning permission is **granted** subject to the conditions below, and

(2) Authority is delegated to the Head of Regulatory Services to complete negotiations with the applicant on the terms of the s106 Agreement and the planning conditions:

Conditions

General

1. No phase of the development (as approved under Condition 06) except for works of site clearance and demolition hereby permitted shall be commenced until full details of the layout, scale, appearance and landscaping (hereinafter called “the reserved matters”) for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
2. Application for approval of the first reserved matters (as identified in condition 01) shall be made to the Local Planning Authority no later than the expiration of 4 years from the date of this permission and the last application for reserved matters approval shall be made no later than 6 years beginning on the date of this permission.
3. Each phase of the development hereby permitted (pursuant to the details to be provided for condition 6) shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved for that phase.
4. The development hereby permitted shall not be carried out except in accordance with the access details shown on the following submitted plans:-
 - Location Plan drawing ref. 2500 BW1-00359737
 - 120314-08 rev B

- 120314-04 rev C
- 120314-06 Rev A

No more than 168 dwellings shall be developed on the site.

5. The total gross floorspace of the non residential elements of the development as defined by the Town and Country Planning (Use Classes) Order 2015 (as amended) hereby permitted shall be limited as follows:-
- Employment Units (B1b,c / B2/ B8): up to 33,480 sqm
 - Shop (A1) up to 250 sqm
 - Community Facility (D1) up to 250 sqm

The development shall be carried out in accordance with the approved details.

6. No development, with the exception of site clearance and demolition shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Phasing Programme. The Programme shall provide details of the phasing of the development including the extent and composition of the phases and the overall likely programme for the development. The development shall only be carried out in accordance with the approved Programme.
7. The Phasing Programme approved pursuant to condition 06 may be amended from time to time with the written approval of the Local Planning Authority. If the Local Planning Authority considers that such an amended Programme will result in a change to or extension of the development such that the development as changed or extended may have significant adverse effects on the environment for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the Regulations), then the amended Programme shall be accompanied by an appropriate Environmental Statement and the application for the amended Programme shall be determined in accordance with the requirements of the Regulations.
8. There shall be maintained at all times a Masterplan for the whole of the development site which shall be submitted to and approved in writing by the Local Planning Authority at the time of submission of the first application for approval of reserved matters. The Masterplan may be updated, from time to time with the written agreement of the Local Planning Authority, as each application for approval of Reserved Matters or other scheme in respect of each phase or part of the development is submitted. Development shall proceed in accordance with the approved Masterplan. Such Master Plan shall:
- (i) show connections through the site and onto the public highway for pedestrians and cyclists,
 - (ii) show residential street layout and character, and,
 - (iii) be in general accordance with the Design and Access Statement submitted with this application.

Highways

9. No phase of development hereby permitted shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase:
- layout of site including disposition of buildings and provision of parking, turning and servicing within the site curtilage;
 - means of surface water drainage from all areas intended to remain in private ownership, and,
 - full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.
- The development shall thereafter be implemented in accordance with the approved details and phasing plan and be completed in respect of each phase prior to first occupation of that phase of the development.
10. The development hereby permitted shall not be commenced until details of the access arrangements indicated on drawing no. 120314-04 rev C (including alterations to the existing access and provision of bus stops) have been submitted to and approved in writing by the Local Planning Authority. These shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and shall be constructed in accordance with the approved plans prior to first occupation of any part of the development.
11. The development hereby permitted shall not be commenced until details of the off site highway works at the junction of Cresswell Lane and Uttoxeter Road indicated on drawing no. 120314-08 rev B and footway works indicated on drawing no. 120314-06 rev A have been submitted to and approved in writing by the Local Planning Authority which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and shall be constructed in accordance with the approved plans prior to first occupation of development.
12. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising a signage scheme detailing the permitted routeing for HGV traffic accessing and leaving Blythe Business Park shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to first use of the commercial development in accordance with the approved plans.
13. The development hereby permitted shall not be commenced until a Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routeing of demolition / construction traffic (ensuring such traffic travels in a northerly direction to and from the site), traffic management measures, delivery times, internal compound arrangements and wheel washing facilities. The approved Construction Traffic Management plan shall be implemented on the commencement of construction and thereafter be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning Authority.

Flood Risk

15. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) reference JL30799_NHY-RP-001 Rev B produced by Jacobs dated August 2014 and the following mitigation measures detailed within the FRA:

- Limiting surface water run-off generated by all storm events up to and including the 1 in 100 year plus climate change critical storm so that it will not exceed run-off from the undeveloped site and not increase the risk of flooding off-site.
- Finished floor levels of the proposed residential units shall be set no lower than 650mm above the 1 in 100 year plus climate change flood level.
- Provision of compensatory flood storage if required.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

16. At reserved matters, a detailed hydraulic model of the River Blithe and the ordinary watercourse crossing the site shall be submitted to and approved in writing by the local planning authority in consultation with the Environment Agency. The scheme shall be implemented as approved.

17. No development shall take place including works of demolition until such time as a scheme for detailed surface water drainage works on the site, including the phasing of such works (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) has been submitted to and approved in writing by the Local Planning Authority. Any reference to a phase in Conditions 16 to 17 inclusive shall be to the phasing approved pursuant to this condition.

The scheme to be submitted shall include:-

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken;
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site;
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*';
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods, and,

- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The scheme for each phase shall also include:-

- Final drainage calculations for the site taking into account the drainage catchment areas from each phase of the development (determined through Condition 6) as they contribute to the site network;
- Infiltration tests for use of soakaways;
- Final drainage layouts including SuDS;
- Details of how the scheme shall be maintained and managed in perpetuity after completion, and,
- Details of the landscaping and safety features of any balancing ponds.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme.

18. No phase of the development hereby permitted shall be commenced until comprehensive details of permanent foul drainage proposals for that phase of the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling of the development hereby permitted shall be occupied in any phase until the foul drainage scheme for that phase has been implemented in accordance with the approved details.

Groundwater and contamination

19. No development except for works of site clearance and demolition (not to include break up or removal of hardstanding or other excavation) shall take place until such time as a phased remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. Any reference to phases in Conditions 17 to 18 inclusive shall be to the phases set out in the remediation strategy approved pursuant to this condition. The scheme to be submitted shall include:-

I. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors, and,
- potentially unacceptable risks arising from contamination at the site.

II. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

III. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

IV. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be fully implemented as approved and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme

20. No occupation of any phase of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved for each phase.

Design

21. No phase of the development hereby permitted shall be commenced until detailed plans and sections showing existing and proposed site levels for that phase and showing the proposed relationship with adjacent phase(s) have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.
22. No phase of the development hereby permitted shall be commenced until a landscaping strategy for that phase and showing the proposed relationship with adjacent phase(s) have been submitted to and approved in writing by the Local Planning Authority and the development thereafter shall only be carried out as approved.

Amenity

23. No phase of the development hereby permitted shall take place until a Construction and Environmental Method Statement for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
- I. The method and duration of any pile driving operations (expected starting date and completion date);
 - II. The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
 - III. Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
 - IV. The arrangements for prior notification to the occupiers of potentially affected properties;
 - V. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - VI. A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
 - VII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;

- VIII. A scheme for recycling/disposal of waste resulting from the construction works;
- IX. The parking of vehicles of site operatives and visitors;
- X. The loading and unloading of plant and materials;
- XI. The storage of plant and materials used in constructing the development;
- XII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XIII. Installation and maintenance of wheel washing facilities, and,
- XIV. Details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

All works within a phase of development shall be carried out in accordance with the approved details.

24. Except for works of site clearance and demolition, no phase of the residential development hereby permitted shall take place until a site specific noise assessment and scheme for protecting the proposed residential units for that phase of the site from external noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard 8233:2014 (Sound insulation and noise reduction for buildings) and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and less than 55 dB LAeq in outdoor living areas. Pre-completion tests shall be carried out to verify compliance with this condition. A report shall be produced containing all raw data and showing how calculations have been made. No dwelling within that phase hereby permitted shall be occupied until the approved works to that dwelling have been completed in accordance with the approved details.
25. Noise associated with plant or equipment ("machinery") installed or operated at the non-residential floorspace hereby approved shall not increase the background noise levels expressed as $L_{A90} [1\text{hour}]$ (day time 07:00-23:00 hours) and/or (b) $L_{A90} [15\text{ mins}]$ (night time 23:00-07:00 hours) at any residential dwelling above that prevailing when the machinery is not operating. Noise measurements undertaken to demonstrate compliance with this condition shall be pursuant to BS 4142:2014. If required, plant and machinery shall be mitigated in accordance with a scheme to be submitted to and agreed by the Local Planning Authority in writing, and the plant and machinery shall not be used until the mitigation has been implemented.
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26. The design and construction criteria for development of the buildings/premises falling within use class B1, B2 and B8 shall have regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document). The design criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the buildings/premises falling within use class B1, B2, or B8 shall not increase the background noise levels during day time expressed as $LA90 [1\text{hour}]$ (day time 07:00-23:00 hours) and/or (b) $LA90 [5\text{ mins}]$ during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.

27. The number of HGV vehicle movements into and from the Industrial Area is limited to 16 movements between the hours of 22:00 and 06:00. Records to prove compliance should be maintained and submitted to the Local Planning Authority upon request. All records should be retained for at least 12 months.

28. No overnight parking shall be allowed on the access road between the hours of 18:00 and 06:00.

Archaeology

29. No phase of the development hereby permitted shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and in particular:

- a) The programme and methodology of site investigation and recording;
 - b) The programme for post-investigation assessment;
 - c) Provision to be made for analysis of the site investigation and recording;
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation, and,
 - f) Nomination of a competent person or persons/organisation to undertake the works.
- No part of the development hereby approved shall be occupied in any phase until the site investigation for that phase has been implemented in accordance with the approved written scheme of investigation.

Landscape and Ecology

30. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators on areas of car parking associated with the B1, B2 and B8 Use Class uses has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

31. No phase of the development hereby permitted shall take place until detailed landscape plans and a Landscape and Ecological Management Plan (LEMP), including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following elements:

- detail extent and type of new planting (planting to be of native species wherever appropriate) ;
- details of maintenance regimes;
- details of any new habitat created on site, and,
- details of treatment of site boundaries and/or buffers around water bodies.

In detail, the plan shall include as a minimum:-

- Details of the favourable conservation objectives,
- Detailed prescriptions to meet objectives for creating and managing retained and created habitats.

- Design and location of bird boxes, planting and landscaping scheme (including hedge planting species composition) to benefit biodiversity.
- Design and provision of green roof for the industrial units;
- Provision of bat roosting, swift nesting and house sparrow nesting opportunities in the industrial units;
- Provision of swift nesting and house sparrow nest boxes in residential units;
- Details of baseline and periodic monitoring to ensure habitats are managed to achieve favourable conservation status as defined by the management plan objectives;
- Inclusion of a riparian buffer strip along the stream;
- In channel stream management as appropriate, and,
- Is fully referenced to justify management advocated.

The approved management plan shall be implemented prior to the occupation of any dwelling development of the first phase and land to which the plan relates shall subsequently be maintained in accordance with the approved details.

32. No tree/shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the site has been surveyed for that phase in advance for breeding birds and a scheme to protect breeding birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

33. No phase of development hereby approved shall be commenced until details of a Construction Ecology Management Plan (CEMP) for that phase, setting out the measures to protect retained features through appropriate fencing and site best practice to avoid pollution from run-off has been submitted to and approved in writing by the Local Planning Authority.

As a minimum the CMP shall include the following elements:

- machinery operation and fuel storage details;
- Fencing to protect retained habitats and trees (where appropriate in line with British Standards;
- providing briefing and instruction to contractors regarding the biodiversity issues present on site;
- Strict adherence to pollution prevention guidelines provided by the Environment Agency (PPG01, PPG02, PPG03, PPG05 and PPG06) to prevent pollution to the watercourse from chemicals or silt;
- A detailed method statement and plan to protect the adjacent medium sized breeding population of great crested newts;
- Measures to eradicate Monbretia on schedule 9 of the Wildlife and Countryside Act (WCA) and Japanese knotweed;
- Details of a control programme for Himalayan Balsam should be provided as part of the habitat management plan for retained and enhanced habitats.

The CMP shall follow best practice methods throughout and establish protocols and contingency plans to deal with incidents should they arise. The approved CMP shall be implemented in accordance with the approved details.

34. No phase of development hereby approved shall be commenced until details of a lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding

retained and enhanced habitat areas. The scheme shall be implemented in accordance with the approved details.

35. No development hereby approved shall be commenced in respect of the Blythe river bank until details of a crayfish survey has been carried out, which shall be submitted to and approved in writing by the Local Planning Authority. If crayfish are identified by this survey, a mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development. Any such mitigation strategy shall be implemented in accordance with the approved details and timescales.
36. No development hereby approved shall be commenced until details of an updated badger survey has been carried out to check for the presence of any newly dug setts, which shall then be submitted to and approved in writing by the Local Planning Authority. If a new sett is discovered during this updated survey, or if construction activities extend within 30.0m of a known sett, a mitigation strategy would be required (and depending on the level of disturbance might require a licence from Natural England). The mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development. Any such mitigation strategy shall be implemented in accordance with the approved details and timescales.

Trees

37. No phase of the development hereby permitted shall take place (except for works of site clearance and demolition) until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to that phase of the site has been submitted to and approved in writing by the Local Planning Authority. Development of that phase shall be carried out in accordance with the approved Statement and protection scheme, and in particular:
- a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
 - b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
 - c) No operations shall commence on site (including soil moving, temporary access construction and/or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the submitted/approved protection scheme are in place;
 - d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the site within any area designated as being fenced off or otherwise protected in the submitted/approved protection scheme;
 - e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.

Network Rail Emergency Access

38. The development hereby permitted shall not be commenced until details of the emergency access indicated on drawing no. 120314-09 have been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits and be constructed prior to first occupation of development in accordance with the approved plans.

