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## Appeal Decision

Site visit made on 26 August 2015

**by Karen L Ridge LLB (Hons) MTPL**

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

**Decision date: 25 February 2016**

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**Appeal Ref: APP/A0665/A/14/2227851**

**Land to the rear of 32 and 32A High Street, Tarporley, Cheshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by P.E Jones (Contractors) Limited against the decision of Cheshire West and Cheshire Council.
  - The application Ref. 14/00732/FUL, dated 19 February 2014, was refused by notice dated 1 July 2014.
  - The development proposed is a residential development comprising demolition of existing outbuilding, partial demolition of wall, relocation of existing post box and erection of 28 dwellings including access, parking, landscaping and associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential development comprising demolition of existing outbuilding, partial demolition of wall, relocation of existing post box and erection of 28 dwellings including access, parking, landscaping and associated works on land to the rear of 32 and 32A High Street, Tarporley, Cheshire in accordance with planning application Ref. 14/00732/FUL, dated 19 February 2014 and subject to the conditions set out in the attached schedule.

### Preliminary matters

2. A unilateral undertaking dated 14 December 2015<sup>1</sup> made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal (hereafter referred to as the Unilateral Undertaking). The Unilateral Undertaking secures financial contributions in relation to education, highways, play space and playing pitches, as well as a promise to submit a scheme for the management of the public open space on the site. It was agreed between the parties that the provision of affordable housing on-site should be secured by condition in the event that planning permission is granted.
3. Following the site visit I requested further representations from the parties in relation to the implications of regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010. In response to this matter the Council revised its figures for some of the financial contributions to reflect changing circumstances. I then requested further justification from the Council for the new figures. The appellants were afforded the opportunity to comment on the

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<sup>1</sup> This was submitted in replacement for the executed agreement date 22 October 2015.

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request and given time to submit an amended undertaking which has now been received. I shall return to the Unilateral Undertaking later.

4. During the course of these further representations I was also made aware of the position regarding the progression of the Tarporley Neighbourhood Plan (NP). The Examiner's Report into the NP has been received and both parties have had the opportunity to comment. I consider that these matters are material to my decision and I have had regard to all of the additional representations in my determination.

### **Main issues**

5. The appeal site is made up of two green fields on the western side of the High Street. It is within the Tarporley Conservation Area. The main issue between the Council and the appellants is the effect of the development on the character and appearance of the conservation area.
6. In addition there have been a number of objections from Tarporley Parish Council, local residents and the former Member of Parliament for the area, regarding the principle of development on this green field site. I shall therefore examine the acceptability of residential development in this location.

### **Reasons**

#### ***The effect on the character and appearance of the area, including the conservation area***

7. Tarporley is a large, picturesque rural village. Its linear pattern is still evident, with the High Street remaining at the heart of the village and larger areas of development on the eastern side of this main thoroughfare. The western side of the street is characterised by courtyard type development behind verdant frontages. The whole appeal site is within the Tarporley Conservation Area which encompasses much of the village and some of the agricultural fields surrounding it.
8. The conservation area contains a diversity of architectural styles. Its significance is derived from the historic rural settlement pattern and the quality of much of the built development within it. Features such as chimneys, vertical sash windows and traditional six panel doors are evident, both in the older buildings and in some of the more recent developments. These factors render Tarporley a most attractive place in which to live and to visit.
9. The development plan for the area includes saved policies from The Vale Royal Local Plan (VRLP). Policies BE10 and BE1 are relevant to this issue. Policy BE10 confirms that, within conservation areas, development should preserve or enhance the character or appearance of the conservation area. This is in accordance with objectives in The National Planning Policy Framework (the Framework). Policy BE1 is a more general policy requiring high standards of design in order to safeguard the quality of the existing built environment.
10. The site comprises a piece of agricultural land at the centre of the village which makes a positive contribution to the conservation area and is characteristic of a rural village within the Cheshire countryside. Development of the site would result in the loss of this green space which would inevitably change the character and appearance of this part of Tarporley.

11. The two agricultural fields are roughly L-shaped, divided by a small hedge and with a narrower section adjoining the High Street. The northern, western and southern boundaries of the site are demarcated with established hedgerows, some containing mature trees which, from inside the site, creates an enclosed feeling. From outside the site, views into the fields are limited by virtue of the boundary hedgerows and trees, the sandstone wall and adjoining development on the High Street. Public footpaths run along the northern and western boundaries of the site, linking into the countryside footpath network beyond. A string of detached houses face onto the site, adjoining part of the site's long northern boundary. The shorter, southern boundary is next to the public car park, with residential houses on the eastern boundary. Open countryside falls away to the east.
12. The development would comprise some 28 dwellings in courtyard arrangements including a mix of property types. A wedge of open land, described as a 'green finger' would be retained as public open space along the northern boundary, running from the High Street to the agricultural fields to the west. The public open space would be bounded by the rear elevations of the nearest new houses which would reinforce the impression of the space being public and available to all. The open space would have the advantage of connecting into the wider footpath network. The design and location of the internal road is such as to minimise it in views across the public open space, making it low-key and unobtrusive.
13. The mature trees on the site, as well as the majority of the established hedgerows, would be retained. Replacement planting would further enhance the boundaries around the site, as well as have a greening effect within it. Most of the internal hedge which separates the two fields would also be retained.
14. The affordable dwellings within the scheme would be located within a row of terraced houses. The Parish Council objects on the basis that the emerging Tarporley Neighbourhood Plan requires affordable housing to be pepper-potted throughout a development. However, the scheme is relatively small and I am satisfied that the affordable housing would sit alongside the market housing and be fully integrated into the scheme. The approach taken is realistic and practical given the nature of the housing proposed and the scale of the development. I conclude that the layout is satisfactory in relation to this matter.
15. All of the proposed dwellings have been designed to reflect characteristics of built development elsewhere in the conservation area. They include key features such as pitched slate roofs and chimneys with traditional window openings and materials. The bespoke houses would be arranged in attractive courtyards, with parking tucked away. I conclude that the dwellings would be high quality and their interesting layout would make a sympathetic and positive addition to this part of the conservation area.
16. Concern has been expressed about the loss of the sandstone wall and the loss of the Victorian post box. The proposal determined by the Council would result in the retention of the post box and the removal of part of the relatively modern wall to 'punch through' the access. This would have the effect of opening out views from the High Street, through the open space of the development, to the open countryside beyond which would be a net benefit. The access road would wind its way into the development such that it would

not be in direct view from the High Street. The opening out of views would represent an enhancement of the character and appearance of this part of the conservation area when viewed from the High Street.

17. From the public car park the rear of the houses would be seen at close quarters, with the new parking spaces in front but the retention of some of the existing trees along this boundary would help to soften the development. Other public views from the two adjoining footpaths and nearby houses would be changed. Along the site's western boundary the new houses would be seen behind the existing hedgerow. However this established hedgerow already creates a sense of enclosure around the site and separates it from the rolling countryside beyond. Along the northern boundary the new houses would be seen across the stretch of public open space as a sympathetic addition to the village. The appeal site is, for the most part, visually enclosed and as such the effect of building on part of the site in terms of landscape character would be minor which I consider acceptable in planning terms.
18. Finally I note that the Council's Conservation and Design team expressed themselves satisfied with the development, commenting that it would be seen as a positive addition to the village. In their view whilst there would be a change in character of the conservation area, the positive benefits mitigated against the land which would be lost to development.
19. Having regard to all of the above I conclude that there would be some enhancement in terms of the addition of the green finger and high quality properties in attractive layouts which would more than compensate for the loss of the agricultural fields. I further conclude that, on the whole, the proposal would preserve the character and appearance of the conservation area. As such it would be in accordance with VRLP policies BE1 and BE10 as well as design objectives in the Framework.

#### ***Location of development***

20. Policy considerations: VRLP policy GS5 has been saved and concerns land outside settlement boundaries. It provides that the character and appearance of the open countryside will be protected and that new buildings will not be allowed in the open countryside unless provided for by other LP policies. There are no other LP policies which are applicable in this case. Given that the proposal is for new buildings within the open countryside it is contrary to policy GS5.
21. In addition the '*Cheshire West and Chester Council Local Plan Part One: Strategic Policies*' was adopted in January 2015 (Part One LP). It states that settlement boundaries will be identified in Part Two of the Plan and that land beyond the settlement boundaries will be classed as open countryside. The site is outside the settlement boundary for Tarporley which is classified as a key service centre within the new Part One LP.
22. Development in the open countryside is to be assessed under policy STRAT 9 which confirms that, other than in some limited circumstances, housing is not permitted in the open countryside. None of the listed exceptions apply in this case. Policy STRAT 9 currently relies on settlement boundaries set by the old VRLP. Consequently the proposal conflicts with VRLP policy GS5 and STRAT 9 and this is accepted by the appellants.

23. The Part One LP sets out a housing requirement for of at least 22,000 new dwellings borough-wide by 2030, with 'at least' 4,200 new dwellings within the rural areas. The housing requirement set for Tarporley is at least 300 net dwellings up to 2030. It is agreed by the main parties that, as at 1 April 2015, there is a supply of 265 dwellings, made up of completions and dwellings with planning permission. I shall make one observation in relation to the above and that is to note that the requirement is for 'at least' 300 dwellings. It is a minima figure not a maxima.
24. The Framework is, of course, a material consideration of significant weight. It seeks to boost significantly the supply of housing and states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing against their housing requirements (the 5-year HLS). The issue of a 5-year HLS was initially in dispute between the parties. Prior to the site visit the appellants confirmed<sup>2</sup> that, for the purposes of this appeal, it was conceded that the Council has a 5-year HLS. I shall determine the appeal on this basis.
25. Paragraph 49 of the Framework requires housing applications to be considered in the context of a presumption in favour of sustainable development. Given that the Council can demonstrate a 5-year HLS, relevant policies for the supply of housing should not automatically be treated as being out of date. However, I bear in mind that the settlement boundaries set out in the VRLP were decided upon some 14 years ago and are now somewhat dated. They will be subject to review in Part Two of the Local Plan. Whilst the Council can demonstrate a 5-year HLS, I consider policy GS5 to be somewhat out of date because it applies to settlement boundaries set some 14 years ago. Whilst policy STRAT 9 is recently adopted its remit, in terms of the range of its application, is dependent upon a review of the settlement boundaries in the second part of the LP. This reduces the weight which I give to these policies.
26. The emerging Tarporley Neighbourhood Plan is also a material consideration. It has been subject to public consultation and examination and I have been provided with a copy of the Submission Draft Neighbourhood Plan and the Examiner's Report dated February 2016. I propose to firstly consider the degree of conformity with this emerging plan before going on to establish the weight which should be given to it.
27. Draft NP policy TEH1 seeks to protect local distinctiveness and the rural landscape character. More particularly part B seeks to protect important views out of and into the village. Whilst the site does not currently contribute to a key viewpoint, I have already concluded that the proposal would provide a positive enhancement in terms of the creation of a view point out of the village through the public open space.
28. Part C of policy TEH1 concerns 'green spaces' and provides that existing green spaces within the village must be retained. The northern field of the appeal site is identified as a green space. The Examiner's Report points out that national policy confirms that the local green space designation will not be appropriate for most green areas or open space<sup>3</sup>. He further comments that the requirement that existing green spaces '*must be retained*' is at variance with

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<sup>2</sup> By emails dated 11 June 2015 and 7 July 2015.

<sup>3</sup> Paragraph 77 of The Framework.

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national policy and recommends a change of wording to '*development of local green space is not permitted, other than in very special circumstances*'.

29. The northern field of the appeal site falls under the designated green space, the southern field does not. Development on the northern portion would include the provision of a swathe of open space which, unlike the agricultural field, would be publicly accessible. In addition there would be the provision of high quality market housing and affordable housing in a highly accessible location. These are all positive benefits which attract weight. On balance I am satisfied that it is likely that the 'very special circumstances' envisaged by the revised wording exist.
30. Policy TEH2 of the submission draft NP relates to settlement pattern and seeks to restrict schemes to 20 dwellings with layouts being in small clusters. The appeal scheme is for 28 dwellings but the courtyard layout lends itself to the idea of small clusters and I conclude that the development would be readily assimilated into the wider village. In any event I note the Examiner's recommendation to delete this policy given that it is at variance with national policy.
31. Submission NP policy TH1 supports new development within the settlement boundary other than in limited circumstances which do not apply here. Again the Examiner recommends deletion of policy TH1 and deletion of the settlement boundary from the maps on the basis that the existing development plan policies are unaffected<sup>4</sup>. It is also relevant to note the Examiner's comments that the NP, as submitted, fails to provide certainty with regards to meeting its housing land requirement or to it being met within the proposed settlement boundary<sup>5</sup>.
32. Taking all of the above into account I conclude that the proposal would broadly be in accordance with the emerging NP policies as set out in the submission draft and subject to the Examiner's recommendations. I also bear in mind that the NP is an emerging plan which does not have the full force of an adopted plan. It could be subject to change and the weight it attracts depends on the stage of preparation, objections and the degree of consistency to policies in The Framework. This is particularly so given the recommendations in the Examiner's Report. In addition The National Planning Policy Guidance<sup>6</sup> advises that a neighbourhood plan must not constrain the delivery of important national policy objectives, including those set out in The Framework.
33. Having regard to all of these matters, I conclude that the emerging NP is well-advanced but that, in light of the Examiner's Report, it is likely to be subject to further change. The policy most relevant to the appeal proposal is policy TEH1, which has been subject to a number of recommendations for change. Accordingly the weight I accord to the relevant policies of the NP, and in particular policy TEH1, is reduced.

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<sup>4</sup> Page 35, Examiner's Report.

<sup>5</sup> Page 34, Examiner's Report.

<sup>6</sup> Paragraph: 069 Reference ID: 41-069-20140306.

## **Other matters**

### *Other objections*

34. The Parish Council has objected to the proposal citing a number of concerns, some of which I have already addressed. The ecological survey which accompanied the application identified the presence of Great Crested Newts in a pond to the south west of the site. A mitigation strategy has also been submitted to address the effects upon any Great Crested Newts with the creation of an 'artificial refugia' and hedgerow protection and enhancement measures.
35. Local residents have also objected on the basis of the effect on traffic along the High Street. There is parking along both sides of the High Street in the vicinity of the site. However there is no dispute that the relevant visibility splays could be achieved subject to the imposition of additional parking restrictions. I note the comments of the Council's Highways Engineer to the effect that these changes would result in additional passing place on the High Street which would ease traffic flow, as well as improving general visibility for vehicles exiting both the new access and The Close. As such these changes would represent an improvement which is a small benefit of the scheme.
36. The additional traffic resulting from the development would not be so great as to cause material harm to highway safety. Having regard to the existing traffic situation and the proposed changes in terms of the new access I conclude that the additional traffic could be satisfactorily accommodated. A handful of car parking spaces on the High Street would be lost but these would be compensated for by additional spaces created within the public car park to the south which bounds the appeal site.
37. I have also seen references to the site being used as a burial site for cattle following the outbreak of food and mouth disease in 1967. The Council's environmental protection team have raised no objection in relation to this matter subject to a condition ensuring appropriate contamination investigation.
38. Some residents have pointed out that local services including schools and medical services are at capacity and would struggle to cope with additional residents. However the financial contributions secured by the unilateral undertaking are intended to address any increased demand.

### *Planning obligations*

39. The Council has requested financial contributions in relation to education, highways, play space and playing pitch provision. The requirement for financial contributions towards additional educational provision is set out in policy BE4 of the VRLP and policy STRAT11 of the Part One LP. I have been provided with the Council's Education Provision Practice Note which sets out a methodology for making calculations. In this case there is evidence of a lack of additional capacity at primary, secondary and tertiary level within the locality. Given the likely demands which new residents of the appeal site would place on the school system I am satisfied that the education contributions of £117,139.24 is reasonably related to the development and necessary to make it acceptable.
40. Financial provision in relation to play areas and relevant standards are set out in VRLP policy RT3 and the Council's Supplementary Planning Document entitled 'Provision of Outdoor Play Space'. The sum of £14,420 requested

would provide off-site enhancements to an existing play area at the rear of the community centre or towards the creation of a new play area at an identified location. A contribution of £5,802 is made in relation to the improvement of the nearest off-site playing pitch at Brook Farm Community Centre. Again I am satisfied that these contributions fairly and reasonably relate to the development and are necessary to make it acceptable.

41. Finally a highways contribution of £6,500 is to be made in relation to the maintenance and improvement of the public car park to the south. This is in accordance with VRLP policy T13 and Part One LP policy STRAT10. It is fair and reasonable and necessary to render the development acceptable.
42. I agree that the payments are reasonably related to the development and are necessary to make it acceptable. As such they satisfy the tests set out in the National Planning Policy Framework and regulation 122 of the CIL regulations. I also requested information from the parties regarding pooled contributions towards the provision of each of the above matters. I am informed that there have been no more than three of each such contributions since the relevant date and therefore the payments do not fall foul of regulation 123 of the CIL regulations. As such I shall take the Unilateral Undertaking into account in my determination of this appeal.

### **Overall conclusions**

43. The Framework sets out a presumption in favour of sustainable development and confirms that there are three dimensions to sustainable development in terms of an economic role, a social role and an environmental role.
44. The appeal proposal would offer social and environmental benefits. A wedge of the site would be publically accessible open space which would connect into the wider footpath network. In addition there would be some benefits to the character and appearance of the conservation area in terms of the opening up of views out from the High Street across this public space towards the open fields beyond. I attach some weight to these matters in support of development. The proposal would bring economic benefits in that it would create a number of construction jobs and would bring residents into the town. Part One LP policy STRAT 2 seeks to maintain the vitality and viability of rural areas by bringing forward appropriate levels of development to support such areas.
45. The appeal proposal would also provide market housing in an accessible location. Importantly the houses would be within walking distance of a good range of day to day facilities in Tarporley and close to bus stops with regular services. This would accord with Part One LP objectives in policy STRAT 1 which seeks to locate new housing in locations with good accessibility. It would help to meet rural housing figures in terms of the requirement for 'at least' 300 net dwellings in Tarporley and at least 4,200 dwellings in the rural areas. It would also contribute 9 units of affordable housing which would bring positive social benefits. I attribute positive weight to these matters.
46. Taking all of the above matters into account I conclude that, on balance, the proposal would represent sustainable development. As such the presumption in favour of sustainable development set out in paragraph 14 of the Framework comes into play. This provides that where relevant policies are out of date planning permission should be granted unless any adverse effects of doing so



would significantly and demonstrably outweigh the benefits when assessed against the Framework policies as a whole OR where specific policies indicate that development should be restricted.

47. Taking all of the above matters into account I conclude that the development would preserve the character and appearance of the conservation area and offer some enhancements to it in the form of the provision of public open space and the opening up of views. In terms of its location the proposal is contrary to development plan policies VRLP GS5 and policy STRAT9. However these policies are based upon settlement boundaries some 14 years old and are therefore somewhat out of date.
48. I am more than satisfied that any adverse impacts resulting from 28 houses being located outside the settlement boundary do not significantly and demonstrably outweigh the benefits which I have identified above. The appeal shall be allowed.

### **Conditions**

49. The Council has submitted a set of suggested conditions in the event that the appeal is allowed and the appellants have commented upon them. I have considered all of the conditions in light of the advice within the National Planning Policy Guidance (NPPG). Using the same numeration adopted by the Council I make the following comments.
50. In the interests of good planning it is necessary to impose conditions setting out time limits for development (1) and to relate development to the submitted plans (2). Having regard to the advice within the NPPG I am satisfied that it is necessary to impose a negatively worded condition to secure the provision of affordable housing on the basis that delivery of the development would otherwise be at serious risk. I consider that the requirement for the scheme should be prior to development. If it were prior to first occupation this could compromise delivery of the affordable housing. I have amended the Council's wording to reflect the more usual wording in the model conditions issued by the Planning Inspectorate in the interests of clarity and enforceability (3).
51. Conditions (4) and (5) are necessary for the protection of retained trees and I have imposed them subject to minor amendments to the wording. Conditions (6) and (7) are needed to secure an appropriate landscaping scheme. I have imposed condition (11) to prevent hedgerow removal works in the bird breeding season. It is necessary to control matters during the construction and demolition periods and the hours of operation (8, 21 and 22). It is necessary to control the finished floor levels (10) and the external materials of the houses (9). I prefer the wording suggested by the appellants in relation to materials and have adopted it.
52. Several surveys of birds, bats and owls and great crested newts (GCN) were submitted with the planning application. A final survey, The Great Crested Newt Survey dated 2014, contains detailed mitigation and compensation measures designed to capture, translocate and exclude GCN as well as the provision of bird and bat boxes. With regard to my statutory duties regarding protected species, I am satisfied that the measures will replace lost habitat as well as enhancing habitat provision. I further conclude that the proposed mitigation measures will not be detrimental to the maintenance of the population of the protected species identified and in particular to the GCN

population. Given the overall benefits of the scheme and the provision of market and affordable housing in a sustainable location as well as the provision of public open space, I am satisfied that the development is for an overriding public interest. As such I shall impose conditions securing the provision of bird and bat boxes as well as the mitigation measures (12 and 26). Suggested condition (12) did not have an implementation clause so I have required the boxes to be provided prior to occupation of development since this is reasonable.

53. Conditions (13) and (25) relate to a programme of archaeological investigation and works and I have imposed a condition to secure these matters. I shall also impose a condition requiring a drainage scheme to be approved in the interests of a satisfactory development (14 and 24). In the interests of highway safety it is necessary to ensure a satisfactory access to the site and to secure parking restrictions. I have imposed this in the form of a Grampian condition on the basis that some of the works may be off-site (15). It is also reasonable to ensure that that parking areas are available (16).
54. I have widened condition (19) to include turning areas and internal roads within the scheme and to require details of the materials to be used and deleted the references to the *Cheshire Design Aid for Housing Estate Roads and Manual for Streets* which the appellants say are contradictory. It will be for the Council to approve the details. I agree that cycle parking facilities are required (17). I agree with the appellant's that condition (18) relates better to the construction management plan and I have incorporated the details into the Council's suggested condition (8) except for the hours restriction which is in a separate condition.
55. Suggested condition (20) relates to a noise mitigation scheme but I agree that the site is not subject to unusual levels of noise. I have not seen any evidence to justify imposition of this condition. Condition (23) relates to energy requirements in accordance with VRLP policy BE21. This requires that, in the case of larger scale developments, applicants demonstrate how at least 10% of its predicted energy requirements will be derived from renewable energy capture and use on the site. It is reasonable to impose the condition in the form suggested by the appellants.
56. Finally, the Council's committee report records that the issue of animal burial should be dealt with by condition. The appellants were aware of this and I have therefore added a contaminated land investigation condition.

*Karen L Ridge*

INSPECTOR

SCHEDULE OF CONDITIONS ATTACHED TO PLANNING PERMISSION

- 1) The development hereby approved shall commence within three years from the date of this decision.
- 2) The development hereby approved shall be carried out in total accordance with the following plans:

7449(94)010- Proposed Site Layout Plan

7449(94)010- Location Plan

7449 P01 Plot 1 Floor Layouts and Elevations

7449 P02 Plot 2 Floor Layouts and Elevations

7449 P03 Plot 3 Floor Layouts and Elevations

7449 P04 Plot 4 Floor Layouts and Elevations

7449 P05 Plot 5 Floor Layouts and Elevations

7449 P06a Plot 6 Floor Layouts and Elevations

7449 P06b Plot 6 Floor Layouts and Elevations

7449 P07-10a Plots 7-10 Floor Layouts and Elevations

7449 P07-10b Plots 7-10 Floor Layouts and Elevations

7449 P11-14a Plots 11-14 Floor Layouts and Elevations

7449 P11-14b Plots 11-14 Floor Layouts and Elevations

7449 P15-16 Plots 15-16 Floor Layouts and Elevations

7449 P17 Plot 17 Floor Layouts and Elevations

7449 P18 Plot 18 Floor Layouts and Elevations

7449 P19 Plot 19 Floor Layouts and Elevations

7449 P20 Plot 20 Floor Layouts and Elevations

7449 P21a Plot 21 Floor Layouts and Elevations

7449 P21b Plot 21 Floor Layouts and Elevations

7449 P22a Plot 22 Floor Layouts and Elevations

7449 P22b Plot 22 Floor Layouts and Elevations

7449 P23 Plot 23 Floor Layouts and Elevations

7449 P24 Plot 24 Floor Layouts and Elevations

7449 P25a Plot 25 Floor Layouts and Elevations

7449 P25b Plot 25 Floor Layouts and Elevations

7449 P26 Plot 26 Floor Layouts and Elevations

7449 P27 Plot 27 Floor Layouts and Elevations

7449 P28 Plot 28 Floor Layouts and Elevations

7449 04 20 Revision D- house type A1

7449 04 21 Revision A- house type A2

7449 04 22 Revision A- house type B1

7449 04 23 Revision A- house type B2

7449 04 24 Revision A- house type B3

7449 04 25 Revision D- house type B4

7449 04 26 Revision A- house type B5

7449 04 27 Revision A- house type B6

7449 04 28 Revision A- house type C1

7449 04 29 Revision D- house type C2

7449 04 30 Revision A- house type E, D, E

7449 04 31 Revision A- house type E, D, E

7449 04 32 Revision A- house type F

- 3) No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance which replaces it. The scheme shall include:
- (i) the numbers, type and tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of units;
  - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord is involved);
  - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

- 4) No development, site clearance or preparatory works shall take place until a plan showing all existing trees and hedges on site to be retained (the retained trees and hedges) together with a scheme for their

protection has been submitted to and approved in writing by the local planning authority. The working methods shall be in accordance with British Standard BS5837:2012 *Trees in Relation to Design, Demolition and Construction- Recommendations*. Development shall be carried out in accordance with the approved details.

The retained trees and hedges shall not be felled, uprooted or pruned or otherwise removed within a period of five years from the completion of development without the prior written consent of the Local Planning Authority. Any lopping or topping works shall be carried out in accordance with British Standard BS3998: Tree Work.

If any retained tree or hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season of such species, sizes and numbers and in positions on site to replace that which has been lost or as agreed otherwise in writing by the local planning authority.

Prior to any works of construction or demolition or the bringing on site of materials temporary fencing shall be erected for the protection of all retained trees and hedgerows in accordance with details which have first been submitted to, and approved in writing by the local planning authority. Such fencing shall be retained throughout the period of construction. Nothing shall be stored or placed within the area protected by the fencing and ground levels within this area shall not be altered.

- 5) No development shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out as approved and shall include details of the following:

- hard surfacing materials;
- minor artefacts and structures (eg. Furniture, play equipment, refuse or other storage units, signs, lighting etc);
- soft landscape works, to include a planting plan; written specifications (including cultivation and other operations associated with grass and plant establishment); schedules of plants including species, plant sizes and proposed plant numbers/densities as well as an implementation programme.

All planting and seeding/turfing shall be carried out in accordance with the approved details.

If within a period of 5 years from the date of the planting of any tree, shrub or plant planted pursuant to the landscaping scheme, that tree or plant is removed, uprooted, or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

- 6) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority before occupation of any of the houses on the development hereby permitted. The landscape management plan shall be carried out as approved.

- 7) No hedgerow/vegetation removal and building demolition shall be undertaken during the bird breeding season (1<sup>st</sup> March to 31<sup>st</sup> August inclusive) unless otherwise approved in writing by the Local Planning Authority.
- 8) Prior to the commencement of any development (including works of demolition), a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction periods. The Statement shall include details of the following:-
  - details of the phasing of demolition and construction works;
  - details of construction traffic routing and any temporary highway and pedestrian routings;
  - construction vehicle parking and workers parking;
  - loading and unloading of plant and materials;
  - storage of plant and materials, including compound locations and the location of site operative facilities;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
  - wheel washing facilities;
  - measures to control the emission of dust, dirt, noise, vibration and light during demolition and construction;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - details of any piling.
- 9) No construction/demolition or ground works or deliveries associated with the development shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0800 to 1300 hours on Saturdays. There shall be no such work or deliveries on Sundays or Public or Bank Holidays.
- 10) Notwithstanding any details shown on the approved plans, no development involving the use of facing or roofing materials shall take place until samples and trade descriptions of the external materials to be used have been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 11) Prior to the commencement of the development hereby approved, a detailed plan showing the levels of the existing site and the proposed site (including finished floor levels of each new dwelling), relative to existing development outside the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 12) Prior to occupation of the development bird and bat boxes shall be provided as set out in the mitigation measures within the Great Crested Newt Survey dated 2014.
- 13) The development shall be carried out in strict accordance with the submitted mitigation and compensation scheme and method statement outlined in the Great Crested Newt Survey dated 2014.

- 14) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved scheme.
- 15) No development shall be commenced until a drainage scheme for land and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based upon sustainable drainage principles and an assessment of the hydrological and hydrogeological conditions of the site and shall include timescales for the scheme's implementation, completion and future maintenance. The approved scheme shall thereafter be implemented in full and completed prior to any dwelling being first occupied. The completed approved land and surface water drainage scheme shall thereafter be retained at all times in the future and managed and maintained in accordance with the approved scheme.
- 16) No development shall take place until full details of the surfacing and engineering works for the approved site access shown on the layout plan 7449(94)010 and details of parking restrictions have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been completed in accordance with the approved details and retained permanently thereafter.
- 17) Prior to first occupation of any dwelling hereby approved, space shall be laid out within the curtilage of that dwelling for car parking and the parking and turning areas shall be properly consolidated, surfaced and drained in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. These areas shall not be used for any purpose other than the parking of vehicles.
- 18) Prior to first occupation of any of the dwellings hereby approved, the internal estate roads and turning areas shall be designed and constructed to adoptable standards in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
- 19) No development shall commence until details of the parking facilities for cycles have been submitted to and approved in writing by the local planning authority. The development hereby approved shall not be occupied until the cycle parking has been provided in accordance with the approved details. The cycle parking shall be retained permanently thereafter.
- 20) No development shall commence until a scheme to demonstrate that not less than 10% of the total predicted energy consumption of the development will be provided by means of renewable energy or that alternative measures will achieve at least 10% less energy consumption than similar development constructed in accordance with the current Building Regulations. The development shall be completed wholly in accordance with the approved details.
- 21) No development shall take place until the site has been subject to a scheme for the investigation and recording of contamination of the land

and risks to the development, its future uses and surrounding environment. A written report on the findings including, if necessary, proposals and a programme for the remediation of any contaminated areas shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall include proposals for the disposal of surface water during remediation. Any remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme prior to first occupation of any of the dwellings hereby permitted. If during the course of development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures approved in writing by the Local Planning Authority have been carried out.

END OF CONDITIONS

Richborough Estates