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# Appeal Decision

Inquiry held on 23 and 24 April 2013

Site visit made on 22 April 2013

**by Neil Pope BA (HONS) MRTPI**

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

**Decision date: 23 May 2013**

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**Appeal Ref: APP/P0119/A/12/2189213**

**Land at Morton Way, Thornbury, South Gloucestershire, BS35 1LR.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission, part of which is in outline.
  - The appeal is made by Bloor Homes Ltd against South Gloucestershire Council.
  - The application Ref. PT12/2395/O, is dated 12 July 2012.
  - The development proposed is a hybrid scheme seeking residential development for up to 300 new dwellings and associated infrastructure comprising: full planning permission for phase 1 for the development of 109 new dwellings, including 38 affordable units and associated infrastructure and outline planning permission (with all matters except means of access reserved) for the development of the remainder of the site for up to 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular access from Morton Way, public open space and landscaping.
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## Decision

1. The appeal is allowed and planning permission is granted for a hybrid scheme seeking residential development for up to 300 new dwellings and associated infrastructure comprising: full planning permission for phase 1 for the development of 109 new dwellings, including 38 affordable units and associated infrastructure and outline planning permission (with all matters except means of access reserved) for the development of the remainder of the site for up to 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular access from Morton Way, public open space and landscaping at land at Morton Way, Thornbury, South Gloucestershire, BS35 1LR. The permission is granted in accordance with the terms of the application, Ref. PT12/2395/O, dated 12 July 2012, subject to the conditions in the attached Schedule.

## Procedural/Preliminary Matters

2. At the meeting of the Development Control (West) Committee on 21 February 2013, the Council resolved that had it determined the application it would have refused permission for the following reasons:
  1. *The application site falls outside the settlement boundary of Thornbury, as defined on the South Gloucestershire Local Plan Proposals Map, and is not allocated for development within the emerging Core Strategy. As such it lies in the open countryside and is therefore contrary to Policy H3 of the adopted South Gloucestershire Local Plan.*

- 2. The site lies outside any housing allocation in the emerging Core Strategy, as such, the correct mechanism for consideration of this application should be through the democratic, plan led process, which has reached an advanced stage. To grant planning permission now would be premature, contrary to the plan led system and undermine public confidence in that system.*
  - 3. The proposal is unacceptable in highway terms as it would result in an over-reliance on outward commuting of cars because of limited provision of public transport and poor route access to the town centre and other general amenities. The limited scale of development would not provide a change in the current public transport provision. As such the proposal is contrary to Policy T12 of the adopted South Gloucestershire Local Plan.*
  - 4. The proposed scheme does not accommodate the forecast traffic growth in the area and would result in sub-standard traffic conditions on the adjoining local highway infrastructure, and as such, does not take into account overall changes in patterns of movement in the general area. As such the proposal is contrary to Policy T12 of the adopted Local Plan.*
  - 5. The application is not supported by an agreed S106 planning obligation, which requires the provision of affordable housing on site, and in this respect is contrary to Policy H6 of the South Gloucestershire Local Plan.*
  - 6. The application is not supported by an agreed S106 obligation which requires provision of appropriate Category 1 sports facilities and on-site equipped and unequipped play and maintenance thereof and in this respect is contrary to Policy LC8 of the adopted Local Plan.*
  - 7. The application is not supported by an agreed S106 obligation which requires provision of community facilities and in this respect is contrary to Policy LC1 of the adopted Local Plan.*
  - 8. The application is not supported by an agreed S106 obligation which requires provision of library services and in this respect is contrary to Policy LC1 of the adopted Local Plan.*
  - 9. The application is not supported by an agreed S106 obligation which requires provision of additional secondary, sixth form places and youth services provision and in this respect is contrary to Policy LC2 of the adopted Local Plan.*
  - 10. The proposed scheme does not adequately respond to local distinctiveness and the Design and Access Statement does not contain clear principles to ensure that future reserved matters applications would be informed by, respect and enhance the character and distinctiveness of the locality. As such the proposals would result in harm to the visual amenity of the area and are contrary to Policy D1 of the adopted Local Plan and Policy CS1 of the emerging Core Strategy.*
3. On 20 March 2013, and following the receipt of Further Main Modifications (FMM) from the Inspector conducting the Examination into the Core Strategy (CS), the Council wrote to the Planning Inspectorate (PINS) and stated:
- The matter was considered by the relevant committee on Tuesday 19 March 2013 and the council has now resolved that had it retained jurisdiction of this matter in the light of the further main modification proposed by the Inspector it no longer has an in principle objection to the proposal. Therefore reasons for*

*refusal 1 and 2 no longer apply. Furthermore all other matters in the other eight reasons for refusal save two particular issues relating to education and design have now been addressed. It is hoped that these remaining issues will also be resolved before the start of the inquiry.*

4. The above correspondence was sent to PINS following reconsideration of the application at the Council's Development Control Committee on 19 March 2013. Amongst other things, the Conclusion to the officer's reports states: *Whilst the proposal is contrary to Policy H3 of the adopted Local Plan, this is considered to be set aside by the weight of the emerging Core Strategy which has been endorsed by an independent Inspector.*

5. Within the Council's proof of evidence dated 25 March 2013, it was accepted that subject to agreement on the section 106 matters and other issues, the Council was no longer objecting to the appeal scheme. Paragraph 5.3 of the Council's 'Rebuttal Statement' dated 16 April 2013, states:

*The council agrees that as it does not have a five year supply that paragraph 49 of the NPPF is engaged. As a result the presumption in favour of sustainable development contained in paragraph 14 of the NPPF is engaged and permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits. It is agreed that with the section 106 obligations and conditions that there are no adverse impacts from this proposal. A position in fact confirmed by the Council on 19 March ....*

6. Within its 'Rebuttal Statement' the Council has argued that as a consequence of the above it is unnecessary to examine the housing land supply position. Unlike the recent appeal at Engine Common (Ref. APP/P0119/A/12/2186546), where there was disagreement as to whether or not a five year supply could be demonstrated and where evidence was submitted by both main parties in respect of housing land supply, the Council decided not to submit evidence on this matter. It accepts that the shortfall is material and therefore serious. In contrast, the appellant has provided detailed evidence and has calculated that there is only a 2.56 years supply against the CS housing requirement and a 1.81 years supply against the Proposed Changes to the draft Regional Strategy.
7. Amended plans<sup>1</sup> were submitted to the Council for consideration. These have been subject to public consultation. I have determined the appeal on the basis of these amended plans. The Council informed me that the Addendum to the Design and Access Statement overcame 'reason for refusal' no.10 above.
8. Notwithstanding all of the above, some residents and other third parties continue to object to the scheme. I have therefore framed the main issue having regard to the change in the Council's stance regarding the planning merits of the scheme and the advice set out in the National Planning Policy Framework ('the Framework'), with particular regard to paragraphs 14 and 49.
9. At the Inquiry I was presented with a completed Planning Obligation (Agreement) under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). Amongst other things, this obligation includes a mechanism for delivering some affordable housing as part of the scheme, landscaping and open space provision, as well as financial contributions towards the cost of various highway and community infrastructure works. I shall return to this matter within my reasoning below.

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<sup>1</sup> Included as part of Appendix B to the agreed Statement of Common Ground (SCG)

10. The proposal would affect the setting of several listed buildings. These include the Grade II\* listed Morton Grange. At the Inquiry it became evident that the Council had not consulted English Heritage (EH) on the application. The main parties agreed that the Inquiry could not be closed until EH had been consulted and had either responded or the 21 day period for submitting a response had expired. Following the receipt of EH's comments on 13 May 2013, both main parties confirmed that they did not wish to make any further comments. The Inquiry was closed in writing on 14 May 2013.
11. At the Inquiry an application for costs was made by the Council against the appellant. This application is the subject of a separate Decision.

### **Main Issue**

12. The main issue is whether, in the absence of a five year supply of housing, the proposals would give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.

### **Reasons**

13. The development plan includes the South Gloucestershire Local Plan (LP). This was adopted many years ago and was intended to guide the development and use of land up to 2011. The LP housing requirement covered the period 1996-2011 and was based on household projections from the 1990s. The Council's CS is based on more up-to-date housing projections/requirements and has reached an advanced stage towards adoption.
14. The appeal site lies outside the LP settlement boundary for Thornbury. The proposal conflicts with the provisions of LP policy H3, which restricts new residential development within the countryside. However, following the receipt of the CS Inspector's FMM, the Council has allocated the site for housing as part of this emerging plan. Although the CS has yet to be found 'Sound' much weight can be given to the inclusion of this site as part of the Council's housing allocations. This is required to assist in meeting the housing requirements of South Gloucestershire and the five-year supply of deliverable sites.
15. 'The Framework' is a very important material consideration in the determination of this appeal. Paragraph 47 seeks to boost significantly the supply of housing. Where, as in this instance, the Council is unable to demonstrate a five-year supply of deliverable housing sites, paragraph 49 of 'the Framework' advises that relevant policies for the supply of housing should not be considered up-to-date<sup>2</sup>. The settlement boundaries to which LP policy H3 relate are based upon housing requirements which are now, in effect, 'time expired'. These settlement boundaries are now unable to accommodate the quantum of housing that is necessary to meet the present and future housing requirements of South Gloucestershire.
16. The lack of a five year supply of housing weighs heavily in support of the arguments for allowing this appeal, as does the contribution<sup>3</sup> the scheme would make towards meeting the Council's housing requirements and the housing needs of the local community. This outweighs the conflict with LP policy H3

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<sup>2</sup> The Council informed me that the LP must therefore be treated as being out of date.

<sup>3</sup> The appellant has predicted that the development would provide 130 new homes over the next five years

and the ensuing loss of countryside that follows as a consequence of having to accommodate necessary growth beyond the existing settlement boundary<sup>4</sup>.

17. Many landscape features, such as trees and hedges, would be retained as part of the proposals and new landscape planting, including structural planting to the site edges would soften the impact of the development. The scheme would also include a new 7.67 ha country park. This would be an appropriate response to the local topography and would be an amenity for existing and incoming residents. There would also be allotments and sports provision along the eastern edge of the site. This would further assist in creating an appropriate transition to the countryside. The new buildings would also be set back from Morton Way to create a 'green' street rather than replicate the rather harsh urban edge that currently exists along this street. Existing residents would still be able to make use of the existing footpaths that cross the site and access the countryside beyond. Those acting on behalf of the appellant have given thoughtful consideration to designing a scheme that would comprise an appropriate urban extension/response to the site context.
18. As I have noted above, the proposal would affect the setting of some listed buildings. These include three Grade II listed buildings along Gloucester Road - Yew Tree Farmhouse (circa mid 18<sup>th</sup> century), The Old Malthouse (circa late 17<sup>th</sup> century), Manor Farmhouse (circa late 16<sup>th</sup> century) and the Grade II\* listed Morton Grange (circa 15<sup>th</sup> century) which is located off the Gloucester Road. The significance of these listed buildings lies primarily in their inherent fabric and architecture. Nevertheless, significance can also be derived from the setting of heritage assets. The spacious rural surroundings form part of their setting and provide a contextual appreciation for these listed buildings. There is a duty<sup>5</sup>, when considering whether to grant planning permission, to have special regard to the desirability of preserving the setting of such buildings.
19. The proposed extension of the urban edge of Thornbury would diminish the rural setting of these listed buildings. However, Manor Farmhouse is largely contained by mature trees and The Old Malthouse. As a consequence, the proposal would have a negligible impact upon the setting of this building which dates from the late 16<sup>th</sup> century. Some open fields would be retained between the edge of the site and The Old Malthouse along with the existing boundary hedges. The proposed two storey dwellings would be sited and designed so as to avoid any significant harm to the setting of this listed building. The topography of the land and the distance between the site and Yew Tree Farmhouse would result in limited harm to the setting of this heritage asset.
20. The scheme would have the greatest impact upon the setting of Morton Grange. The development would be immediately adjacent to the south-western corner of the garden boundary to this late medieval building. The proposed dwellings would be about 110-120m from this heritage asset. As set out in the evidence of the appellant's heritage specialist, the proposal would result in some loss of connection between this listed building, which is of more than special interest, and its wider setting. The ability to see this building from some public rights of way, including Morton Way and the footpaths that cross the appeal site, would also be restricted. However, closer views would be

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<sup>4</sup> Whilst an interested party has argued that 'brownfield' sites could be developed instead, the Council allocated the appeal site following a review of 'brownfield' sites. It would appear that only one site identified by this interested party could deliver housing in the next five years and this would provide a very limited number of new homes.

<sup>5</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

unaffected including those from the Gloucester Road, which is the historic route from which it was seen. I agree with the appellant, the Council's conservation officer and EH that the extent of harm to the setting of this building would be less than substantial. Paragraph 134 of 'the Framework' advises that such harm should be weighed against the public benefits of a proposal.

21. I note the concerns of some residents that, if permitted, the development could set a precedent for further housing. However, no two cases are exactly the same and each case must be determined on its own merits. In the event of any subsequent applications being submitted in respect of adjacent land the Council could, if it was so minded, withhold permission where it was able to demonstrate that a proposal would not amount to sustainable development or any benefits would be outweighed by any harmful impacts. Any inconsistencies over the handling of this application and other proposals fall outside my remit.
22. The proposal would increase traffic along the local road network. However, the Council, aware of the development already permitted at Park Farm and having considered the appellant's detailed Transport Assessment, as well as the highway provisions of the planning obligation, is satisfied that the proposal would not compromise highway safety interests or result in congestion. Incoming residents would be able to choose whether to make use of enhanced local bus services and or walk/cycle to the range of services and facilities available in Thornbury. There is no technical or other cogent evidence in respect of highway/transport matters to justify withholding permission.
23. The proposal would increase noise and activity in this part of Thornbury. However, there is nothing to demonstrate that this would seriously harm the health or well-being of existing residents. The proposed buildings would be sited and designed so as to avoid any harmful overlooking or serious loss of outlook for neighbouring residents. The reserved matters would provide adequate control within phases 2 and 3 of the scheme to safeguard the amenities of those living near these parts of the site. The proposal would not significantly harm the living conditions of neighbouring residents.
24. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. Whilst I note the concerns of some interested parties regarding flooding, there is no technical or other cogent evidence on land drainage matters to demonstrate that the proposed foul and surface water regimes would be inadequate. I note that the Environment Agency withdrew its initial objection and recommended the inclusion of planning conditions to deal with foul and surface water drainage. The Lower Severn Drainage Board also appears to be content with the proposed drainage strategy.

#### *The Planning Balance*

25. I have found above that the harm/adverse impacts comprise: the loss of some countryside; some limited harm to the living conditions of some neighbouring residents and; less than substantial harm to the setting of some heritage assets, including the Grade II\* listed Morton Grange. These should not be set lightly, especially given the duty regarding the setting of listed buildings.
26. However, it is also important to consider the public benefits of the scheme. These include: assisting in meeting the required five year supply of housing land; the provision of some affordable housing to help meet local housing needs; increased housing choice; promoting growth, including support for the

construction industry during challenging economic circumstances and; a new country park, public open space, shop and improvements to local bus services. These benefits carry very considerable weight in determining the appeal.

27. When the harm and benefits are weighed together, the adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits.

#### *Section 106 Planning Agreement*

28. The Council, with reference to the relevant development plan policies, has provided detailed evidence, including the means of calculating the financial contributions, to justify the obligations within the section 106 Agreement. Having discussed this at the Inquiry, I concur with both main parties that the Agreement accords with the advice in paragraph 204 of 'the Framework', as well as Regulation 122 of the Community Infrastructure Levy Regulations 2010. I have therefore taken this Agreement into account in determining the appeal.

#### *Planning Conditions*

29. For the avoidance of doubt and in the interests of proper planning, it would be necessary to attach a condition identifying the approved plans. Both main parties confirmed that these are the plans (with the addition of the access plan and corrections to some drawing numbers) listed in Appendix B to the SCG.
30. To safeguard the character and appearance of the area and to ensure that the scheme is designed to a high standard, it would be necessary to attach conditions which require: the reserved matters to be based upon the principles set out in the Design and Access Statement that accompanied the application, including the Addendum; the approval of samples of the external materials to be used on the dwellings; the approval of revised elevation details in respect of some of the buildings in phase 1; details of external lighting; landscaping details, including tree protection and planting and; the design of phases 2 and 3 to include a 'Home Zone Scheme'. Conditions would also be necessary to safeguard archaeological and nature conservation interests.
31. Conditions would be necessary to ensure satisfactory drainage and to limit the risk of flooding. In the interests of public health and safety, conditions would also be necessary to deal with any land contamination. To safeguard the living conditions of neighbouring residents conditions would be necessary to control construction works, including the hours of construction.
32. To limit the amount of waste from the site a condition would be necessary requiring the scheme to be the subject of a Waste Management Audit. A separate condition would be necessary requiring the dwellings to be built to a minimum Code Level 3 in order to minimise the use of energy and natural resources. Finally, to ensure adequate facilities are available for future residents of the development a condition would be necessary requiring the proposed shop to be provided an appropriate stage. I have modified some of the suggested conditions to take account of the advice in Circular 11/95<sup>6</sup>.
33. Given all of the above, I conclude that the appeal should succeed.

*Neil Pope*

Inspector

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<sup>6</sup> The Use of Conditions in Planning Permissions

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss S Ornsby QC Instructed by Miss G Sinclair, Deputy to the Head of Legal and Democratic Services

She called

Mr P Conroy BA (Hons), MSc, MRTPI Strategic Planning Policy and Specialist Advice Team Manager

*Miss Sinclair and Miss Tucker (Principal Planning Officer) spoke during the discussion in respect of the planning obligation and the planning conditions*

FOR THE APPELLANT:

Mr C Young of Counsel Instructed by Mr J Richards, Associate Director, WYG Planning & Environment

He called

Mr A Williams BA (Hons), DipLA, DipUD, CMLI Director, Define

Dr J D Edis BA, MA, PhD, MIFA, IHBC Partner, Heritage Collective LLP

Mr M P Grist BSc (Hons), DipUD, MCIT, MIHT Director, Savell Bird & Axon

Mr J Richards BA (Hons), MTP, MRTPI Associate Director, WYG Planning & Environment

INTERESTED PERSONS:

Mrs S Sears	Resident
Mr G Pitman	Preserve Morton Way
Mr G Lanfear	Resident
Mrs G Dunkley	Resident
Mr E R Pemberton	Resident

DOCUMENTS SUBMITTED ON 23 and 24 APRIL 2013

Document 1	The Appellant's Opening Submissions
Document 2	The Council's Opening Submissions
Document 3	Access Arrangement Plan A076588 A 03
Document 4	Addendum to Design & Access Statement April 2013
Document 5	Completed Section 106 Planning Obligation
Document 6	Summary of Section 106 Obligation



Document 7	Justification for Community Facilities
Document 8	Justification for Highway Contributions
Document 9	List of Agreed Suggested Planning Conditions
Document 10	Mrs Sear's Statement
Document 11	Statement on behalf of Preserve Morton Way
Document 12	Mr Pemberton's Statement
Document 13	Letter from Mr and Mrs Quarrell, Mr and Mrs Robertson and Mr and Mrs Collins
Document 14	Note from Mr Grist
Document 15	Note from the appellant's drainage engineer in respect of consultation with the Lower Severn Drainage Board
Document 16	Appellant's further Drainage Note
Document 17	Letter dated 24 April 2013 from Barrell Tree Consultancy
Document 18	Site Location Plan Ref. 151069/UD/PP/PHASE1
Document 19	Section 67 of the Planning (Listed Buildings and Conservation Areas) Act 1990
Document 20	Council's Site Notice
Document 21	The Council's Closing Submissions
Document 22	The Appellant's Closing Submissions
Document 23	Judgement in R v First Secretary of State [2003]
Document 24	The Council's Costs Application
DOCUMENTS SUBMITTED AFTER 24 APRIL 2013	
Document 25	Note agreed by both main parties in respect of publicity requirements
Document 26	Mr Richards's Note in response to Mr Pemberton's Statement
Document 27	Letter from English Heritage dated 13 May 2013

## **SCHEDULE OF PLANNING CONDITIONS**

1. The development for phase 1 of the scheme (full/detailed permission) comprising 109 new dwellings, including 38 affordable units and associated infrastructure, shall begin not later than three years from the date of this decision.
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in respect of phases 2 and 3 of the development (outline permission) comprising 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular accesses from Morton Way, shall be submitted to and approved in writing by the Local Planning Authority before either of these phases of development begin. The development shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
4. The development for phases 2 and 3 of the scheme (outline permission) comprising 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new

vehicular accesses from Morton Way, public open space and landscaping shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

5. The reserved matters shall be based upon the information contained within the Design & Access Statement dated November 2012 and the Addendum dated April 2013.
6. Prior to the commencement of the relevant phase of the development, details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
7. Prior to the commencement of the relevant phase of the development, details of any external lighting, including measures to control light spillage, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details.
8. Prior to the commencement of phase 1 of the development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This and the landscaping details required as part of the reserved matters for phases 2 and 3 shall include details of: all existing trees and hedgerows on the land, including those trees growing on land immediately adjoining the site; details of those trees and hedgerows to be retained, together with measures for their protection during the course of the development; proposed planting, including new tree planting; a timetable for planting; boundary treatments and areas of hardsurfacing. The development shall be carried out in accordance with the agreed details.
9. No development shall commence in respect of phases 2 or 3 until details of a 'Home Zone Scheme' has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme.
10. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.
11. Prior to the commencement of development schemes for mitigating the impact of the development upon local populations of hedgehogs, slow-worms, bats and badgers shall be submitted to and approved in writing by the Local Planning Authority (LPA). Such mitigation shall be based upon the recommendations contained within the various fauna surveys undertaken by WYG in support of the application. In the event of development not commencing by the dates specified within the WYG surveys for the validity of those surveys, updated fauna surveys shall be undertaken (including identification of any new/additional mitigation) and shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved schemes.
12. The development shall not commence until a foul water drainage strategy,

which shall include a timetable/scheme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

13. Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of the dwellings shall be a minimum of 150mm above the ground level of the surrounding ground, as set out in the conclusions of the amended WYG Flood Risk Assessment dated September 2012.
14. No development shall commence until a surface water drainage scheme for the site (including a timetable for implementation and details for the future management/maintenance of the scheme) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles (where possible) and an assessment of the hydrological and hydrogeological context of the development. The development shall be carried out and managed thereafter in accordance with the approved scheme.
15. No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with any contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):
  - i) a preliminary risk assessment which has identified all previous uses, any 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 (i) 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 (ii) 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 (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to the above components shall require the written consent of the LPA. The scheme shall be implemented in accordance with the approved strategy.
16. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority [LPA]) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.
17. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

- The development shall be carried out in accordance with the approved Plan.
18. The hours of working on site during the construction period shall be restricted to 07:30 hours to 18:30 hours Monday-Friday and 08:30 hours to 13:00 hours on Saturdays, with no work taking place on Sundays or Public/Bank Holidays. The term 'working' shall for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/clearing work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site.
  19. No development shall take place on either the detailed element of the scheme (phase1) or the relevant reserved matters element of the scheme (phases 2 and 3) until a Waste Management Audit has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Audit.
  20. No development shall commence on the construction of any of the dwellings until the Local Planning Authority (LPA) has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes (CSH) Assessor, proving a minimum CSH Level 3 achievement for all residential units. Each residential unit shall be subject to a post completion CSH assessment by a BRE Licensed CSH Assessor and a final Code Certificate of compliance for each dwelling shall be submitted to and confirmed in writing by the LPA prior to the first occupation of the dwelling.
  21. Notwithstanding the details shown on the approved plans, no development above slab level in respect of plot Nos. 14-20, 33, 39-46, 53, 58, 59, 68, 69, 70-73, 75-78 and 79-82 on phase 1 of the development shall take place until revised details in respect of the proposed elevations (including external finish) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved revised details.
  22. Prior to the commencement of the second phase of the development details of the proposed shop shall be submitted to and approved in writing by the Local Planning Authority (LPA). This shop shall be provided in accordance with the details shown on the approved plans and prior to the commencement of the third phase of the development unless otherwise agreed in writing by the LPA.
  23. The development shall be carried out in accordance with the following approved plans:
    - 151069/UD/PP/PHASE1 – red line site boundary;
    - A076588\_A\_03 – proposed access arrangements;
    - SW-0010-12-MAS-01-C – site layout;
    - 151069/UD/IMP A illustrative master plan;
    - 151069/UD/PP/BDP A building density plan;
    - 151069/UD/PP/BHP A building heights plan;
    - 151069/UD/PP/LUP A land use plan;
    - 151069/UD/PP/M&AP A movement and access plan;
    - 151069/UD/PP/SLA A strategic landscape plan;
    - SW-0002-12-STESC-0.1 A street scenes;

ME-0006-11-STESC-0.2 A street scenes;  
SW-0002-12-STESC-0.3 A street scenes;  
SW-0002-12-STESC-0.4 A street scenes;  
1200 A – finished floor levels phase 1;  
SW-002-12-1BF01.01 floor plans and elevations;  
SW-002-12-2B4P.01 A floor plans and elevations;  
SW-002-12-2B4P.02 A floor plans;  
SW-002-12-2B4P.03 A elevations;  
SW-002-12-2B4P.04 floor plans;  
SW-002-12-2B4P.05 elevations;  
SW-002-12-2B4P.06 A floor plans;  
SW-002-12-2B4P.07 elevations;  
SW-002-12-2B4P.08 floor plans;  
SW-002-12-2B4P.09 elevations;  
SW-002-12-3B5P.01 A floor plans and elevations;  
SW-002-12-3B5P.02 A floor plans;  
SW-002-12-3B5P.03 A floor plans and elevations;  
SW-002-12-4283.01 floor plans and elevations;  
SW-002-12-4283.02 floor plans and elevations;  
SW-002-12-4283.03 A floor plans and elevations;  
SW-002-12-4283.04 A floor plans and elevations;  
SW-002-12-4B6P.01 A floor plans and elevations;  
SW-002-12-4B6P.02 A floor plans and elevations;  
SW-002-12-4B6P.03 floor plans and elevations;  
SW-002-12-AME.01 A floor plans and elevations;  
SW-002-12-AME.02 floor plans and elevations;  
SW-002-12-APART-01 A floor plans;  
SW-002-12-APART-02 A elevations;  
SW-002-12-APART-09 A floor plans;  
SW-002-12-APART-10 A elevations;  
SW-112/12/ARD.01 A floor plans and elevations;  
SW-002-12-ARD.04 A floor plans;  
SW-002-12-ARD.05 A floor plans and elevations;  
SW-002-12-ARD.06 A floor plans and elevations;  
SW-002-12-ARD.07 floor plans;  
SW-002-12-BAM.01 A floor plans;  
SW-002-12-BAM.02 A elevations;  
SW-002-12-BAM.03 A floor plans;  
SW-002-12-BAM.04 A elevations;  
SW-002-12-BAM.05 floor plans and elevations;  
SW-002-12-BAM.06 floor plans;  
SW-002-12-BAM.07 floor plans and elevations;  
SW-002-12-BAM/ LAN.01 A floor plans;  
SW-002-12-BAM/ LAN.02 elevations;  
SW-002-12-BAM/ LAN.03 floor plans;  
SW-002-12-BAM/ LAN.04 elevations;  
SW-002-12-BAM/ LAN.05 floor plans and elevations;  
SW-002-12-BAM/ LAN.06 floor plans;  
SW-002-12-BAM/ LAN.07 front and side elevations;  
SW-002-12-BAM/ LAN.08 rear and side elevations;  
SW-002-12-BAM/ LAN.09 floor plans;  
SW-002-12-BAM/ LAN.010 elevations;  
SW-002-12-COR.01 floor plans;

SW-002-12-COR.02 elevations;  
SW-002-12-COR.03 A floor plans;  
SW-002-12-COR.04 A elevations;  
AW-002-12-DID.05 A floor plans;  
AW-002-12-DID.06 A elevations;  
AW-002-12-DID.09 A floor plans;  
AW-002-12-DID.10 A elevations;  
SW-002-12-DUR.02 A floor plans and elevations;  
SW-002-12-DUR.03 A floor plans and elevations;  
SW-002-12-GAR.01 single/double garage;  
SW-002-12-GAR.02 single/double garage;  
SW-002-12-GAR.03 triple garage;  
SW-002-12-HAN.01 A floor plans and elevations;  
SW-002-12-HAN.02 A floor plans and elevations;  
SW-002-12-HAN.03 A floor plans and elevations;  
SW-002-12-MIN.01 A floor plans;  
SW-002-12-MIN.02 A elevations;  
SW-002-12-MIN.03 A floor plans;  
SW-002-12-Min.04 A elevations;  
SW-002-12-SED.01 A floor plans and elevations;  
SW-002-12-SED.02 A floor plans and elevations;  
SW-002-12-SHEN.01 A floor plans and elevations;  
SW-002-12-SHEN.02 A floor plans and elevations;  
SW-002-12-SHEN.03 A floor plans and elevations;  
SW-002-12-SOMSP.01 A floor plans and elevations;  
SW-002-12-SOMSP.03 A floor plans and elevations;  
SW-002-12-SOMSP.04 A floor plans and elevations;  
SW-002-12-SOMSP.06 floor plans and elevations;  
SW-002-12-SOMSP.07A floor plans and elevations.

Richborough Estates