



Appeal Decision

Inquiry held on 2 & 3 August 2016

Site visit made on 3 August 2016

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 27 September 2016

Appeal Ref: APP/A0665/W/15/3138032

Land off Wrexham Road, Chester, 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 Stewart Milne Group Ltd against the decision of Cheshire West & Chester Council.
 - The application Ref 15/00346/FUL, dated 28 January 2015, was refused by notice dated 6 May 2015.
 - The development proposed is the erection of 41 no. dwellings including associated roads, car parking and landscape works.
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Procedural Matters

1. The parties agreed as set out in the signed and dated Statement of Common Ground (SoCG) that the correct address for the proposal is "Land at the end of Sherbourne Avenue, Chester"
 2. A signed and dated Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990 (S106 Agreement) was submitted by the appellants. This covers an education contribution, a health facilities contribution, a highways contribution and a playing pitch contribution. I return to these matters below.
 3. At the opening of the Inquiry, the appellants confirmed that planning permission was being sought for 31 no. dwellings rather than a scheme 41 no. dwellings as determined by the Council. To that end, it was requested that amended plans ref. W0999/LP/101 Site Location Plan, SK257/PL/101 Rev I Planning Layout, SK257/ET01/101 Rev C Street Scenes (Elevational Treatment 1 of 2), SK257/ET02/101 Rev B Street Scenes (Elevational Treatment 2 of 2), SK257/SS02/101 Alder 6 Block (Plans & Elevations), W20-SD-05-38 rev A Detached Garage (pyramid), W0999/SG/101 rev E – Studio Garage Details, W20-101A-4D-600 rev A – Carlton (Floor Plans), W20-117-4D-600 rev A – Dukeswood (Floor Plans), W20-130-4D-600 rev A – Hampsfield (Floor Plans), W20-140-4D-600 rev A Hollandswood (Ground Floor), W20-140-4D-610 rev A Hollandswood (First Floor), W20-150-5D-600 rev A Laurieston (Ground Floor), W20-150-5D-610 rev B Laurieston (First Floor), W20-111-4D-650 rev A – Denewood (Floor Plans), NWE-3BED-AFF-34(20) Balvenie 3 Bed Affordable, 2BED-NWE-AFF-34(20) Balvenie 2 Bed Affordable, S14-SD-05-01 1800 High Timber Screen Fence Details (F1), S14-SD-05-02 1800 High Timber Screen Fence Details with Gate (F2), S14-SD-05-05 1800 High Timber Screen Fence Details with Brick Pier(F5), SK257/SS01/101 Rev C Street Scenes and
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- STD.15.05 – Enclosures 0.7m Post and 2 Rail be substituted for the relevant plans originally submitted.
4. The substantive changes introduced by the amended plans would reduce the number of proposed dwellings and revise the proposed layout such that the internal access road arrangements would provide a pedestrian/cycle link through to Wrexham Road and the wider strategic site. The Council did not object to this submission and I heard that the appellants notified local residents by letter, sent on 5 May 2016, informing them of the intention to proceed with the revised scheme and inviting comments. A return address and a timescale were specified and the responses were included in the appellants' evidence to the Inquiry. I have taken these responses into account. Against this background and as the modifications go towards addressing the reasons for refusal, I am satisfied that dealing with the appeal on the basis of the amended plans would not prejudice the interests of any party.
 5. The revised scheme was also supported by an archaeological desk-based assessment. However, the Council required further work to establish the presence and extent of any archaeological deposits present to assess the need for any further archaeological mitigation. This work was undertaken and significant archaeological deposits were not encountered. Consequently, the Council considered that no further archaeological mitigation would be justified.
 6. The Council confirmed that in the light of the amended plans, archaeological assessment and the provisions within the S106 Agreement, it was no longer pursuing its reasons for refusal nos. 2 to 8 in respect of: internal access road arrangements and a pedestrian/cycle connection; failing to provide mixed, balanced and sustainable communities; lack of provision of areas of play and open space; archaeology; landscaped boundary screening; nature conservation and protected species, and the lack of provision to meet the education requirements of the development. I have dealt with the appeal on this basis although having regard to the concerns raised in representations from interested parties, I go on to deal with a number of these issues below under Main Issues and Other Matters.
 7. During the course of the Inquiry, the appellants withdrew the evidence of Mr. John Powell as contained in Appendix F of Mr. Pat Downes's evidence (pp 222-233) and the Rebuttal Evidence on Healthcare Matters dated 2 August 2016. The appellants also confirmed that they were no longer submitting any evidence to argue against the Education Contribution and the Health Facilities Contribution as set out in the submitted S106 Agreement. In addition, the Council's witness, Ms J Baker, Estates Manager, NHS West Cheshire Clinical Commissioning Group who was going to give evidence on the need for a contribution towards healthcare, and the appellant's witnesses, Mr T Smith, Mr J Powell and Mr D Roberts who were going to give evidence on ecology, the NHS health contribution and highways respectively, were not called.
 8. Also during the course of the Inquiry, on 2 August 2016, at a separate meeting of the Council's Planning Committee, the Council resolved to approve the Revised Application Ref 15/03642/FUL. The outcome of that decision means that there is now a valid conditional planning permission at the appeal site that is the same as the revised proposal under this appeal and is subject to the same S106 Agreement terms.

Decision

9. The appeal is allowed and planning permission is granted for the erection of 31 no. dwellings including associated roads, car parking and landscape works at land at the end of Sherbourne Avenue, Chester, in accordance with the terms of the application Ref 15/00346/FUL, dated 28 January 2015, subject to the conditions in the attached Annex.

Main Issue

10. I consider the main issue to be whether the proposed development would accord with the strategic aims of the Wrexham Road housing allocation site having regard to national and development plan policies in respect of sustainable development and the delivery of new housing.

Reasons

Wrexham Road strategic allocation

11. The appeal site is a level field of rough pasture, extending to around 1.5 hectares, that is accessed from Sherbourne Avenue. It is bounded to the south and west by agricultural fields, and to the north and east by dwellings. Further to the south east is Wrexham Road, a main arterial route into the city centre, while further to the north east is a pond. Nearby is a parade of shops providing for everyday needs and regular bus services run along Wrexham Road into the city centre. Cycle routes also run along Wrexham Road and Lache Lane into the city.
12. The Development Plan includes the saved policies of the Chester District Local Plan 2006 (CDLP) and the Cheshire West and Chester Local Plan (Part 1) (2015) (CW&CLP). The appeal site forms part of a strategic allocation in the CW&CLP under Policy STRAT3 which allocates land including the appeal site for "around 1,300" new homes which should be brought forward in line with an agreed development brief for the site to ensure the delivery of a high quality urban extension to Chester.
13. It is common ground between the parties that the development would be located in a sustainable location; the proposal would comply with the Council's design policies and guidance, and the amended scheme would help to fulfil the Council's strategy for the delivery of market and affordable housing, and contribute to the Council's 5 year housing land supply (the delivery of 30% affordable housing is an economic and social benefit of the proposed development).
14. CW&CLP Policy STRAT3 allocates the site for development during the period 2010-2030. I heard concerns that the proposal would conflict with the policy as it has been brought forward in the absence of a development brief. However, there is currently no adopted masterplan or development brief for the Wrexham Road allocated site. Work on the masterplan for the overall allocation is progressing, and this work is being led by Paycause Ltd. While a draft masterplan has been subject to consultation, this has now been replaced by a further illustrative draft masterplan (SoCG Appendix 4) that has not been subject to any public consultation, and further revisions may be made to it before further public consultation takes place.

15. Nevertheless, from the evidence, I have no reason to conclude that the revised layout for this proposal would not be consistent with the details shown in the latest iteration of the masterplan. The proposed revisions would ensure that access provision would be made available into the appeal site from the wider STRAT3 site at Sherbourne Avenue and Wrexham Road, the pedestrian/cycle link along the western boundary would provide the physical connectivity through to the wider site, the southern cordon would be kept free from housing development and the balance of the appeal site would be used for housing and open space. These revisions chime with the strategic aims of the wider STRAT3 allocation.
16. Against this background, I consider that the proposal would not result in the piecemeal development of the overall STRAT3 site, neither would it prevent its comprehensive development. The revised proposal has been brought forward with full regard to the delivery of the rest of the Wrexham Road strategic allocation with which it would successfully integrate. It would accord with the strategic aims of STRAT3 and subject to the suggested conditions and the provisions of the submitted 106 Agreement (matters to which I return below) would not prejudice the delivery of a masterplan/development brief for the wider Wrexham Road strategic allocation.

Ecology

17. Concerns were raised regarding an adverse effect from the proposal on protected species, in particular Great Crested Newts. As noted above, there is a pond immediately to the north east of the proposal, outwith the appellant's ownership with further ponds situated on the wider allocated strategic site. The survey work undertaken for the wider site revealed that Great Crested Newts are present. The revised proposal retains grassland around the pond to the north east and a hedge corridor to the north of the site to provide an ecological buffer. This would provide connectivity to the ponds on the wider site along with a sufficient area of terrestrial habitat for the population at the pond to the north east.
18. I heard that the Council's Biodiversity Team was content that this would provide sufficient terrestrial habitat for that population to survive. Moreover, the Council's Natural Environment Officer confirmed that she was content on the basis of the submitted Great Crested Newts survey work for the site that there was sufficient mitigation space available within the revised proposal itself without need to rely on the remainder of STRAT3 site. She was also content that the proposal would meet the 3 Regulation 53 tests, for the reasons set out in the *Additional Papers Report*, and considered that it was likely that a licence from Natural England would be forthcoming. From my assessment, I have no reason to disagree.

Section 106 Agreement

19. The parties agree that the Education, Health Facilities, Highways and Playing Pitch Contributions are all consistent with the strategic aims of CW&CLP Policies STRAT 3, STRAT 10 and STRAT 11 and are justified as to the amount delivered on the basis of the calculations shown in the CIL Compliance Statement produced by the Council. In addition, the proposal would provide 9 no. affordable dwellings satisfying the 30% on-site provision, required under CW&CLP Policy SOC1.

20. CW&CLP Policy STRAT 3 seeks the delivery of “essential community infrastructure including the provision of a new primary school” as part of the Wrexham Road allocation and the development of mixed use schemes is advocated in CW&CLP STRAT 1 “Sustainable Development” as part of the achievement of healthy and inclusive communities. In my judgement, the Section 106 Agreement would be a means to ensure the timely delivery of the necessary school infrastructure.
21. The contribution towards primary school education is also necessary due to the additional impact that the development would have on primary school education within Chester. The need for increased Primary School provision is clearly linked to the scale of the Wrexham Road development, and it is necessary that this proposal makes an appropriate contribution towards the delivery of the new school.
22. With regard to health care provision, the Wrexham Road development would be likely to result in additional demand and need for further health facilities. A contribution from the proposal is necessary to make the development acceptable in planning terms. There is a commitment by the West Cheshire Clinical Commissioning Group to progress with a health centre “hub” on the Wrexham Road site on which work has commenced. There is a requirement to provide additional accommodation for the predicted growth in the population and the Wrexham Road site is the obvious location. The health infrastructure (GP and community) contribution is directly related to the proposed development as it would meet the health needs of the residents.
23. On-site provision for open space will serve the needs of future occupiers. The contribution would be used for the provision of a 3G pitch and changing room facilities to be located on the Wrexham Road Site and/or outdoor youth recreation facilities such as a Neighbourhood Equipped Area for Play (NEAP) designated and equipped for children to be used on or within the vicinity of the Wrexham Road Site, in accordance with CW&CLP Policies STRAT 1 and SOC6 (Open Space and Recreation).
24. As for a highways contribution, this is in respect of cycle lane facilities, pedestrian crossing facilities, bus service and highways improvements. These are considered necessary under CW&CLP Policies STRAT 1, STRAT 10, STRAT 11 and SOC5 which relate to health and well-being, and essential community infrastructure.
25. From my assessment, I consider that the contributions in the S106 Agreement are necessary, are directly related to the development, and are proportionate to this scheme as part of an overall strategy for the Wrexham Road Site. Accordingly, the Section 106 Agreement passes the tests set out in the National Planning Policy Framework (NPPF) and satisfies the requirements of regulation 122 of *The Community Infrastructure Levy Regulations 2010*. I can therefore give it considerable weight.

Other matters

26. Local residents raised concerns regarding highway safety and drainage. In terms of highway safety, the submitted SofCG on *Highway and Transport Matters* sets out that the level of traffic that would be generated could be accommodated on the local network and the agreed highways contributions, secured through the submitted Section 106 Agreement, would enable the

impact to be mitigated satisfactorily. I note also that the Council's Highways Officer raised no objection, subject to amendments that have been incorporated in the revised layout and subject to the suggested conditions, which could be attached to any grant of planning permission. Against this background, I consider that the proposal would not compromise highway safety and would not conflict with CW&CLP Policy STRAT10.

27. With regard to drainage, a Sustainable Urban Drainage system is proposed which could be secured by way of the suggested planning condition that could be attached to any grant of planning permission. I heard that the drainage provision under the suggested condition is acceptable to the statutory consultees and the Council. In addition, the revised layout would ensure that the pipeline that runs across the southern part of the site is not built over. From my assessment, I am satisfied that these measures would be likely to prevent the proposal having a detrimental impact in respect of drainage.
28. The effect of the proposal on the living conditions of the occupiers of nearby dwellings and the impact on flood risk were considered by the Council and I heard that the proposal would be unlikely to have any significant adverse impact in respect of these matters. From my assessment, subject to the suggested conditions which could be attached to any grant of planning permission, I have no reason to disagree.

Conditions

29. The parties suggested several conditions that were discussed at the Inquiry. I have considered all of the conditions and where necessary amended the wording in the interests of clarity and in the light of the tests and advice within the NPPF and the Planning Practice Guidance. It is necessary to impose conditions setting out time limits for the development and to relate the development to the submitted plans as this provides certainty, along with conditions requiring the submission of details in respect of construction traffic and a Construction Method Statement, in the interests of highway safety.
30. In addition, tree, hedgerow, and newt conditions are necessary in the interests of ensuring that they are adequately protected, while conditions requiring the submission of a drainage scheme is required to prevent hydraulic overloading of the public sewerage system and the pollution of the environment. It is also necessary to attach conditions in respect of a badger survey, sample materials, landscaping and habitat management in the interests of protecting wildlife, visual amenity and biodiversity.
31. A condition in respect of affordable housing provision is necessary to contribute to meeting housing needs as are conditions in respect of cycle parking, access and internal highways, archaeology, play and amenity areas, and construction hours in the interests of encouraging non-car modes of transport, highway safety, ensuring heritage assets are recorded, providing recreational open space and residential amenity. Furthermore, a drainage condition is necessary to protect the integrity of the public sewerage system while a condition requiring the provision of cycle/pedestrian links is required to ensure connectivity between the development and surrounding areas.
32. Conditions are also required in relation to a noise mitigation scheme, refuse storage, bird breeding season, bat & bird boxes and a reptile survey in the interests of residential amenity and biodiversity. Finally, a condition is

necessary in respect of any soft landscaping failures in the interests of visual amenity.

Conclusion

33. The principle of a housing scheme is supported on this site. This revised proposal, subject to the suggested conditions and the provisions of the submitted S106 Agreement, would be compatible with future development of, and would contribute to, the wider strategic site. It would ensure a comprehensive approach to the delivery of the various elements and infrastructure of the wider Wrexham Road site, in accordance with the main purpose of CW&CLP Policy STRAT3.
34. The absence of an agreed development brief would not in this case result in a risk of prejudice to the comprehensive development of the wider site. As such any harm arising in respect of conflict with the development plan would be very limited and would be outweighed by the benefits of the scheme in the form of the delivery of market and affordable housing that would contribute to the Council's 5 year housing land supply. Therefore, for the reasons given above I conclude that the appeal should be allowed.

Richard McCoy

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Choong of Counsel Instructed by the Council Solicitor
He called
Mr P Friston BA(Hons), Senior Planning Officer
MCD, MRTPI

FOR THE APPELLANT:

Mr J Cahill QC Instructed by Mr Downes, Harris Lamb
He called
Mr P Downes BSc(Hons), Director, Harris Lamb
MRICS

INTERESTED PERSONS:

Mr R Speed Westminster Park Residents' Association
Mr N Ryan Treasurer, Westminster Park Residents'
Association
Mr Williams Project Manager, Paycause Ltd

DOCUMENTS

- 1 Council's Letters of Notification of the Inquiry
- 2 Appellant's List of Appearances
- 3 Evidence of Mr Speed
- 4 Correspondence exchange in respect of soakaway testing
- 5 Letter dated 1 August 2016 outlining concerns of Paycause Ltd in respect of ecology
- 6 Extract from Council's Planning Committee Agenda of 2 August 2016 in respect of application 15/03642/FUL
- 7 List of suggested planning conditions
- 8 Statement of compliance with CIL
- 9 Draft Section 106 Planning Agreement
- 10 Joint Position Statement
- 11 Completed Section 106 Agreement

PLANS

- A W0999/LP/101 Site Location Plan
- B SK257/PL/101 Rev I Planning Layout
- C SK257/ET01/101 Rev C Street Scenes (Elevational Treatment 1 of 2)
- D SK257/ET02/101 Rev B Street Scenes (Elevational Treatment 2 of 2)
- E SK257/SS02/101 Alder 6 Block (Plans & Elevations)
- F W20-SD-05-38 rev A Detached Garage (pyramid)
- G W0999/SG/101 rev E – Studio Garage Details
- H W20-101A-4D-600 rev A – Carlton (Floor Plans)
- I W20-117-4D-600 rev A – Dukeswood (Floor Plans)
- J W20-130-4D-600 rev A – Hampsfield (Floor Plans)
- K W20-140-4D-600 rev A Hollandswood (Ground Floor)
- L W20-140-4D-610 rev A Hollandswood (First Floor)
- M W20-150-5D-600 rev A Laurieston (Ground Floor)

N	W20-150-5D-610 rev B Laurieston (First Floor)
O	W20-111-4D-650 rev A – Denewood (Floor Plans)
P	NWE-3BED-AFF-34(20) Balvenie 3 Bed Affordable
Q	2BED-NWE-AFF-34(20) Balvenie 2 Bed Affordable
R	S14-SD-05-01 1800 High Timber Screen Fence Details (F1)
S	S14-SD-05-02 1800 High Timber Screen Fence Details with Gate (F2)
T	S14-SD-05-05 1800 High Timber Screen Fence Details with Brick
U	Pier(F5)
V	SK257/SS01/101 Rev C Street Scenes
W	STD.15.05 – Enclosures 0.7m Post and 2 Rail

ANNEX

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

W0999/LP/101 Site Location Plan
SK257/PL/101 Rev I Planning Layout
SK257/ET01/101 Rev C Street Scenes (Elevational Treatment 1 of 2)
SK257/ET02/101 Rev B Street Scenes (Elevational Treatment 2 of 2)
SK257/SS02/101 Alder 6 Block (Plans & Elevations)
W20-SD-05-38 rev A Detached Garage (pyramid)
W0999/SG/101 rev E – Studio Garage Details
W20-101A-4D-600 rev A – Carlton (Floor Plans)
W20-117-4D-600 rev A – Dukeswood (Floor Plans)
W20-130-4D-600 rev A – Hampsfield (Floor Plans)
W20-140-4D-600 rev A Hollandswood (Ground Floor)
W20-140-4D-610 rev A Hollandswood (First Floor)
W20-150-5D-600 rev A Laurieston (Ground Floor)
W20-150-5D-610 rev B Laurieston (First Floor)
W20-111-4D-650 rev A – Denewood (Floor Plans)
NWE-3BED-AFF-34(20) Balvenie 3 Bed Affordable
2BED-NWE-AFF-34(20) Balvenie 2 Bed Affordable
S14-SD-05-01 1800 High Timber Screen Fence Details (F1)
S14-SD-05-02 1800 High Timber Screen Fence Details with Gate (F2)
S14-SD-05-05 1800 High Timber Screen Fence Details with Brick
Pier(F5)
SK257/SS01/101 Rev C Street Scenes
STD.15.05 – Enclosures 0.7m Post and 2 Rail

- 3) Full details of the controls and timing of construction traffic for the development, including temporary highway vehicle and pedestrian routings, times and days of large vehicle movements to/from the site (within the permitted delivery times set out in condition 18, suitable off-highway parking for all construction related vehicles and suitable vehicle

cleaning facilities shall be submitted to and approved in writing by the local Planning Authority prior to the commencement of the development. The development shall only be carried out in strict conformity with the approved details.

- 4) No development shall commence until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. loading and unloading of plant and materials
 - ii. storage of plant and materials used in constructing the development
 - iii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - iv. measures to control the emission of dust, dirt, noise, vibration and light during construction
 - vi. a scheme for recycling/disposing of waste resulting construction works
 - vii. details of any piling
- 5) No ground clearance, or development shall take place until a scheme for the protection of retained trees and hedgerows, including a Tree Protection Plan) and an Arboricultural Method Statement) (AMS) in accordance with the British Standard BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations, has been submitted to and approved in writing by the local planning authority. The AMS/Tree Protection Plan shall include details of:
 - (a) trees and hedgerows proposed for retention;
 - (b) trees and hedgerows proposed to be removed; and
 - (c) pruning or other works to trees and hedgerows

The AMS/Tree Protection Plan shall be carried out as approved and tree protection measures shall be retained on site for the duration of the construction works. No development shall take place except in accordance with the approved AMS/ Tree Protection Plan. The hedge to the western boundary of the site, shown as H1 on the Planning Layout (SK257/PL/101), shall be retained during the construction and thereafter, except for that section of the hedge (maximum of 5m length) required to be removed to provide the pedestrian and cycle link (shown adjacent to the LAP) on the Planning Layout.

No retained tree or hedgerow (as shown on the approved Tree Protection Plan) shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- 6) Before the commencement of development a revised Great Crested Newt mitigation strategy and enhancement plan shall be submitted to and

approved in writing by the local planning authority. In particular the Great Crested Newt Mitigation Strategy (856316- RSK) (January 2016), shall be amended to reflect the planning layout SK257PL/101 Rev I hereby approved, which requires:

- (a) a revised Fig 2. Enhancement Plan, and
- (b) a revised Appendix B `Detailed Planting Plan Overall Plan).

In addition, details of pre-construction mitigation and Fig. 3 shall be amended to clarify the proposals for translocation of newts during construction to ensure that translocation is to surrounding suitable habitat in the Developer's control.

The development shall be carried out in strict accordance with the approved Great Crested Newt mitigation strategy and the Great Crested Newt Mitigation Strategy shall be carried out in full, except such variations as may be necessary to meet the requirements of an European Protected Species Licence. The Ecological Buffer Zones shown on the revised Fig 2 Enhancement Plan shall be retained thereafter.

- 7) No development shall commence until full details of a scheme for a sustainable drainage system to serve the site has been submitted to and approved in writing by the local planning authority. The details shall include a programme for implementation, and arrangements for the maintenance of the scheme for the lifetime of the development. The approved scheme shall be implemented in accordance with the approved details and programme for implementation. Thereafter the sustainable drainage system shall be maintained in accordance with the approved scheme.
- 8) Details of the scheme for a sustainable drainage system shall be based on sustainable drainage principals and an assessment of the hydrological and hydro geological context of the development and shall include:
 - BRE 365 test to be undertaken to confirm infiltration potential
 - Ground water levels required to assess infiltration potential and to understand if flotation checks are required on assets
 - Details of the foul connection (i.e. public or private sewerage network)
 - Results from the following scenarios need to be provided 1:1, 30, 100 and 100 year +40% Climate Change
 - Details of land contamination assessment
 - Pipe velocities to be provided from modelling results; these shall be between 1ms⁻¹ and 3ms⁻¹ so that self-cleansing can occur.
 - Details of an overland flow routes drawing
 - Adoption agreements (if adoption is to be undertaken)
 - Maintenance of SUDS manual
 - Construction details of proposed SUDS and drainage assets

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

- 9) Prior to the commencement of development an up to date badger survey shall be undertaken and a method statement detailing any mitigation to avoid harmful impacts to badgers shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved method statement.
- 10) Notwithstanding the details submitted the development hereby approved shall only be carried out using external materials which have first been submitted to and approved in writing by the local planning authority.
- 11) Before the use of any external hard surfacing materials as part of the development full details of hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
 - i. existing and proposed finished levels and contours;
 - ii. means of enclosure;
 - iii. car parking surface treatment;
 - iv. surfacing of vehicle, pedestrian and cycle access and circulation areas;
 - v. hard surfacing materials;

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities. The hard and soft landscape details shall include a programme for implementation. Unless otherwise approved as part of the programme for implementation, all works shall be complete within 18 months of initial occupation of any dwelling hereby permitted.

- 12) A landscape and habitat management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and habitat areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before initial occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape and habitat management plan shall be carried out as approved.
- 13) No dwelling hereby permitted shall be occupied until a scheme for the provision of the affordable housing units, as shown on the approved drawing Planning Layout SK257PL/101 Rev I, 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 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - (a) the type and tenure of the affordable housing provision to be made;
 - (b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- (c) the arrangements for the transfer of the affordable housing to an affordable housing provider or for the management of the affordable housing (if no registered provider is involved);
- (d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (e) 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.

All parts of the approved scheme for the provision of affordable housing shall be implemented in full.

- 14) Before the initial occupation of each dwelling on plots 4, 5, 6 and 16 to 21 inclusive, full details, including numbers, location and design, of covered and secure cycle parking/storage facilities to serve the dwelling shall be submitted to, approved in writing by the local planning authority and provided in accordance with the approved details. The cycle facilities shall be retained thereafter.
- 15) Prior to the commencement of the construction of the access to serve the dwellings hereby permitted, detailed plans in respect of (i) the works required within the highway to form the new access and connection to the existing highway, and (ii) the design and construction of all roads/highways within the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. The works shall only be carried out in strict conformity with the approved details and the works under (i) shall be completed prior to commencement of the construction of the dwellings hereby permitted. No dwelling hereby permitted shall be occupied until that part of the highway network which provides access to it has been constructed in this way and up to binder-course level. The surface course shall then be completed within a timescale which has to be approved in writing by the Local Planning Authority prior to the occupation of any part of the development.
- 16) Before the carrying out of any site preparation works, or development, within 10m of the western and southern boundaries of the application site, which are recorded on the Historic Environment Record (CH11393) as forming the administrative boundary of the City of Chester, details of a scheme to retain and protect these boundaries in situ shall be submitted to and approved in writing by the local planning authority, along with a programme of archaeological works to record the section of the western boundary where the pedestrian cycle link requires removal of a section of the hedgerow.
- 17) Before the commencement of construction of any dwelling hereby permitted a scheme for the provision of recreational and amenity open space, including the equipped Local Area of Play (LAP) and for the laying out of the informal amenity open space (as indicated on the approved Planning Layout drawing SK257PL/101 Rev I) shall be submitted to and approved in writing by the local planning authority. The scheme shall include a programme for implementation. Unless otherwise approved as part of the programme for implementation, all works shall be complete within 12 months of initial occupation of any dwelling hereby permitted.

Development shall be carried out in accordance with the approved details. The approved recreational and amenity open space shall be retained and not used for any other purpose than as recreational open space.

- 18) No development, construction works shall take place, and no construction deliveries shall be taken at or despatched from the site, outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays, or at any time on Sundays or Bank Holidays.
- 19) Foul water and surface discharges shall be drained separately from the site.
- 20) Before the occupation of any dwelling hereby permitted, details, including design and construction, phasing, and associated works/bollards/barriers, of (i) the provision of the two cycle/footpath link connections to the western boundary of the site, and (ii) the provision of the cycle/footpath link to Wrexham Road, as shown on the planning layout SK257PL/101 Rev I, shall be submitted to and approved in writing by the local planning authority. The cycle/footpath links shall be provided and complete in accordance with the approved details, and unless other phasing is approved, the cycle/footpath links and associated works shall be complete before first occupation of any dwelling hereby permitted. The cycle/footpath links shall be retained for access thereafter.
- 21) Before the commencement of construction of the dwellings hereby permitted a scheme for protecting the permitted dwellings from noise from Wrexham Road (A483) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until all the works that form part of the scheme to protect the dwelling concerned has been completed in strict accordance with the approved details. Any acoustic fencing or boundary treatment or acoustic glazing and ventilation provided as part of the approved scheme shall be retained thereafter.
- 22) Before the initial occupation of each dwelling on plots 16 to 21 inclusive, full details, including the size, location and design, of refuse/recycling storage facilities to serve the dwelling shall be submitted to, approved in writing by the local planning authority and provided in accordance with the approved details. The facilities shall be retained thereafter.
- 23) No vegetation removal shall be carried out on the site between the 1st March and 31st August inclusive, unless the site has first been surveyed for breeding birds and a scheme to protect breeding birds has been submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.
- 24) Before the commencement of construction of any dwelling hereby permitted a scheme for the provision of bird and bat boxes within the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include the numbers, location and design and proposed phasing of the provision. The bird and bat boxes shall be

installed in accordance with the approved scheme. Thereafter, these boxes shall be permanently retained.

- 25) In the event that the development hereby permitted has not commenced in the first twelve months following the grant of planning permission, no development hereby permitted shall then commence without a further reptile survey (and method statement for mitigation) being carried out, submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved method statement.
- 26) If within a period of 5 years from the date of initial planting, any trees or shrubs planted in accordance with the approved landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs shall be planted in the next planting season with others of similar size and species, unless the local planning authority gives its written approval to any variation.

Richborough Estates