



Appeal Decision

Site visit made on 21 April 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 7 February 2017

Appeal Ref: APP/W4515/W/15/3141266

Coleman NE Ltd. Walker Place, North Shields, North Tyneside, NE30 1JD

- 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.
 - The appeal is made by P North Developments Ltd. against North Tyneside Council.
 - The application Ref 15/01172/FUL, is dated 16 July 2015.
 - The development proposed is 27 Apartments along with associated vehicle parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 27 Apartments along with associated vehicle parking and landscaping at Coleman NE Ltd. Walker Place, North Shields, North Tyneside, NE30 1JD in accordance with the terms of the application, Ref 15/01172/FUL, dated 16 July 2015, and subject to the conditions attached in the annex.

Application for costs

2. An application for costs has been made by the appellant against North Tyneside Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The Council issued a decision notice on 16 February 2016 highlighting the intention to refuse planning permission for the above development. However, at the point of issuing of the decision notice, an appeal against the non-determination of the planning application had already been submitted, and therefore this is not a formal 'decision'. The Council indicated within the decision notice that it would have refused planning permission on the basis that the proposed development would neither preserve nor enhance the character or appearance of the North Shields Fish Quay Conservation Area.
 4. During the course of the appeal, a planning obligation under Section 106 of The Town and Country Planning Act 1990 was submitted in support of the proposals. The obligation dated 12 April 2016 addresses the provision of contributions towards off-site affordable housing and additional primary school provision in the form of a contribution towards King Edward's Primary School. My decision has therefore also taken this obligation into account, and I will return to it later on within this Decision Letter.
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5. I note that amended plans were submitted to the Council on two separate occasions during the course of the assessment of the planning application. The amendments made are indicated as including alterations to the roof design and heights, the omission of some of the balconies, as well as the submission of photomontages. It is evident that these amended and further details informed the Council's assessment of the proposals, and I have therefore also considered them in determining this appeal.

Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character or appearance of the North Shields Fish Quay Conservation Area.

Reasons

7. The appeal site occupies an elevated position above North Shields Fish Quay and was formerly the site of a battery factory. Whilst the land slopes down towards Brewhouse Bank to the east, the appeal site is generally set at the same level as the adjacent Walker Place, where a terrace of more modern two-storey dwellings is situated on the opposite side of the road to the west. The Irvin Building set down from the appeal site to the south also incorporates residential accommodation, with a public house – How Do You Do – located further to the south of the site at the same level on Hudson Street. The site is also close to an area of commercial buildings to the north. The appeal site is within the North Shields Fish Quay Conservation Area, and also near to the Grade II listed Irvin Building on Union Quay, and Low Lights Tavern on Brewhouse Bank.
8. It is clear from the references to the North Shields Fish Quay Neighbourhood Plan Supplementary Planning Document 2013 (the Neighbourhood Plan) and the Policies Map of the Local Plan Pre-submission Draft November 2015, that the principle of housing on this previously developed land as an alternative to the continued use for employment purposes is considered acceptable by the Council. Furthermore, it would appear to be common ground that the Council is currently unable to demonstrate a five-year supply of deliverable housing land, with it having been assessed within the Committee Report against the October 2015 Strategic Housing Land Availability Assessment (SHLAA) that the shortfall against the housing requirement left at that time a 3.40 years supply of housing land. In the context of the proposed development, these are matters which would weigh considerably in support of the proposals.
9. The Council's principal concerns have been expressed in the context of an overdevelopment of the appeal site as a consequence of the height, massing and footprint of the proposed building, and the subsequent harm to the significance of the conservation area. The visual impact caused by the loss of open space at the corner of Brewhouse Bank and Bird Street is also referenced.
10. I am mindful that I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the heritage asset (the conservation area). Section 72(1) of the Act sets out that in the exercise of planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

11. In addition, Section 66(1) of the Act says that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
12. Paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
13. I note that the Council has not expressed any concerns over the relationship between the proposed development and the nearby listed buildings, citing the principal concerns as relating to the effect on the Conservation Area. In this respect, the Council has summarised the significance of the heritage asset in terms of the relationship between the fish quay in North Shields and the surrounding settlement, which is estimated to have its origins in the 13th Century, as well as the establishment by the 19th Century of industrial development along the riverside, with a residential quarter set at the top of the banks with views over the river. It has also been highlighted that the appeal site occupies the transitional zone between the two distinct areas, and frames an important entry point along Brewhouse Bank, descending into the conservation area.
14. On the basis of the evidence before me, and acknowledging that the previous building has been removed, it would appear to be common ground that the loss of the building was not harmful to the significance of the Conservation Area, a conclusion with which I would agree. I would also agree with the assessment that the appeal site occupies a transitional position between the historic residential and industrial areas of the conservation area. However, it is also clear that over the passage of time such an absolute delineation has become somewhat blurred as a consequence of the evolution of land uses and occupation of former industrial buildings for residential purposes within the conservation area, as well as the presence of the many commercial uses nearby to the north-west. Nevertheless, whilst there is no dispute over the principle of a residential redevelopment of the site, I would agree with the appellant that an unbroken linear approach to the form of the proposed development would be broadly reflective of the prevailing terraced form of residential development which I observed within the vicinity.
15. I have carefully considered the overall height and scale of the proposed building, and its impact on the character of the area and existing adjacent residential development. I have also had regard to the references which have been made to the Neighbourhood Plan, and in particular bearing in mind the need to make an efficient re-use of the appeal site, the reference to new development generally being between three and five storeys away from the water's edge.
16. I have noted the Council's concerns in respect of the height of the proposed building, but it is evident that it would generally accord with the scale of

development both within and without the Conservation Area, which varies within the range of 2-5 stories. This includes the nearby Renaissance Point development which extends up to 4 storeys, and is situated directly on the ridge above the Fish Quay facing towards the river. Whilst I have had regard to the stated circumstances behind the development of Renaissance Point, I nevertheless regard this development as a key feature within the wider area and consistent with the scale of other development. Furthermore, I consider that the proposed works to provide the building with a stepped skyline would not result in a monotonous and continuous form of development as has been contended. Taken in combination with the set-back of the top floor element, which would reduce the overall visual impact from the Fish Quay, the effect would be to break-up the mass of the building, which I consider to be an appropriate response to this transitional site.

17. The Council has highlighted that the proposed layout of the development, in providing a diagonal terrace across the site, fails to positively and actively address the street frontages, resulting in remaining awkward and uninviting areas of outdoor space being left over. In this respect, I accept that the orientation of the proposed building does not follow a course parallel to either Walker Place or Brewhouse Bank, but note that the building would instead respond to the contours and topography of the site, following the top of the bank, and would also respect the amenity relationship with the neighbouring residential terrace on Walker Place. Nevertheless in the context of the previous and existing disposition of Walker Place, accommodating as it did the large commercial building on the appeal site as well as the frontage of the fenced rear gardens to the modern properties on Hudson Street, I do not consider that a departure from the wider street pattern would in this instance result in a harmful effect on the significance of the heritage asset. Furthermore, it would seem that the opportunity exists through appropriate boundary treatment, landscaping and planting, to create a more visually attractive frontage along the eastern side of Walker Place from the previous commercial occupation, which would be of benefit to the heritage asset.
18. Turning to the detailed design, I note the Council's concerns over the extensive use of projecting glass balconies, and the contention that this does not reflect the local character of the area being incongruous in its historic context. However, whilst I would accept that the use of balconies is not a widespread feature used within the Conservation Area, I am not persuaded that the incorporation of such features would be harmful in the manner as suggested, with the use of glazing and aluminium providing a generally lightweight appearance, with the use of these materials seemingly reflective of some of the contemporary conversions of existing buildings within the Conservation Area. I would therefore disagree with the contention relating to visual harm arising from the incorporation of such features on a contemporary new-build development.
19. I have also considered the contention that the proposed development would result in the loss of important open space at the corner of Brewhouse Bank and Bird Street. In this respect, I accept that the footprint of the building would intrude upon the aforementioned area, although it is the bank and open space running parallel to Brewhouse Bank itself which makes the key contribution to the significance of the conservation area. This area of open space would be retained and would benefit from additional landscaping and planting as indicated within the submitted Landscape Plan. I am also not persuaded on the

basis of the submissions and my own observations that the proposals would block any key public views of the riverside and sea as defined within the FISHcast Community Character Statement, and as referred to in the Neighbourhood Plan.

20. Whilst I have carefully considered the impact of the proposals on the heritage asset, I am satisfied that given the previous occupation of the site, that the proposals represent an enhancement over the form of development which occupied the appeal site previously. In this respect the proposed development of the site in this manner would result in an overall enhancement to the character and appearance of the North Shields Fish Quay Conservation Area. As a consequence, the proposal would meet the statutory test set out at Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and would not conflict with saved Policies E16/2 and R2/4 of the North Tyneside Unitary Development Plan 2002, which seek to resist development which would not preserve or enhance the character, appearance or setting of a conservation area, or would result in the unacceptable loss of smaller areas of open space. I also do not find there to be any conflict with the Neighbourhood Plan, or with paragraph 132 of the Framework.

Planning Obligation

21. The submitted legal agreement provides for financial contributions towards off-site affordable housing (£50,000) and for additional primary school provision at King Edward's Primary School (£30,000). I note that initial discussions between the Council and the appellant had identified a requirement for a greater level of contribution towards affordable housing and the primary school, as well as additional contributions towards semi-natural green space, children's equipped playspace, secondary education, and towards employment and training. However, it is evident that the Council has subsequently accepted the conclusions of a detailed viability assessment submitted by the appellant, which has limited the contributions to those quantified and summarised above, in accordance with the Council's own priorities.
22. I am satisfied that the legal agreement itself appears to be in order and meets all the requirements set by the Council, as I am allowing the appeal I will consider the obligations in light of Regulation 122 of the Community Infrastructure Levy Regulations 2010.
23. Saved policy H8 of the UDP relates to the provision of affordable housing for sites of 25 or more dwellings, with adopted Supplementary Planning Document LDD8: Planning Obligations (2009) also setting out the guidance for planning obligations. The Council has highlighted that the requirement for 25% affordable housing is in accordance with the Strategic Housing Market Assessment (SHMA) 2014, and the calculations within LDD8. The requirement for contributions towards the provision of 7no. off-site affordable housing units of £108,395 has subsequently been reduced to take into account the viability assessment and the Council's own priorities. On the basis of the submitted evidence, I conclude that the affordable housing provision would meet the requirements of the policy, as well as the guidance in paragraph 47 of the Framework about meeting affordable housing needs.
24. Turning to education matters, the obligation provides for a contribution towards primary school provision for 4 places at King Edward's Primary School, which is within the locality, with the methodology for calculating pupil yield from the

development and the level of contribution set out in LDD8. In general terms, I am satisfied that the SPD is consistent in its approach with paragraph 72 of the Framework which states that the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities.

25. Despite accepting the overall approach to seeking education contributions, I note that the SPD is comparatively old, and that the pupil projections for primary school capacity contained within the submitted Annex to LDD8 only extend forward as far as the 2012/13 academic year. Furthermore, those projections appear to indicate the expectation of a surplus of places of 7.53% in 2012/13 at King Edward's Primary School. Whilst I accept that the appellant has indicated a willingness to make the contribution, the Council has not placed any evidence before me that there is either a current or future projected shortfall of places at King Edward's Primary School, and as a consequence I am unable to conclude that there is any necessity for the obligation in accordance with the statutory test. Therefore, I find there to be no demonstrable requirement for the education contribution and I attach no weight to its provision.

Other Matters

26. In reaching my decision, I have also had regard to the concerns of neighbouring occupiers which have been reported in Appendix 1 of the Council's submitted Committee Report. In addition to the main issue, these concerns cover a range of other matters including the impact on living conditions, potential for damage to trees and loss of wildlife habitat, concerns over traffic congestion and insufficient parking, resultant land stability issues, flood risk, and the devaluation of property.
27. I have carefully considered the relationship between existing residential properties and the proposed development, and have noted the orientation and relative distances to residences at Renaissance Point and the Irvin Building from the appeal site with regards to privacy, outlook and impact on light. In these respects, I would agree with the conclusions reached by the Council that the impact of the proposed development on living conditions would undoubtedly be more marked than was the case with the former building on the site. However, I also concur that the specific impacts as a consequence of the proximity and disposition of the proposed building would not be so significant as to result in an unacceptable impact on living conditions, with the imposition of appropriate conditions securing obscure glazing assisting in this objective. In the absence of any detailed or persuasive evidence to the contrary, I am satisfied that the living conditions of neighbouring occupiers would be safeguarded to an acceptable degree.
28. Turning to tree matters, I note that an arboricultural impact assessment and method statement has been submitted, as well as details of proposed new tree planting, and I am satisfied that the conclusions with regards the trees to be lost are reasonable. Furthermore, I have had regard not only to the support for the species and size of tree proposed by the Council's Landscape Officer, but also the note of caution raised in respect of the possibility of future pressure to remove planted trees due to conflict with building elevations. However, I would agree that the correct mechanism to properly assess whether any future alleged conflict is reasonable would be through the submission of an

appropriate application for works to trees within the conservation area, rather than make such an assumption at this stage.

29. With regards to biodiversity, I am mindful that the Council has suggested a condition to address the timing of the removal of vegetation to mitigate against any impact on nesting birds, with a landscaping plan to include native planting to enhance wildlife on the site. I consider that these measures, in combination with the provision of bird and bat boxes, would represent an appropriate response to the impact of the proposals.
30. I have had regard to the concerns raised in respect of the potential for traffic congestion and the appropriateness of the access arrangements to the site. However, on the basis of my observations of the surrounding highway environment and the evidence of the traffic generation from the development, I do not share these concerns. Furthermore, I note that the Council's Highways Team considers that the parking has been provided in accordance with maximum standards, and that the site possesses reasonable links to public transport and North Shields Town Centre.
31. In respect of the drainage and flood risk of the site, matters related to contaminated land, and ground stability, I have had regard to the technical reports which have been submitted on these matters in support of the proposed development. I have also noted the Council's conclusions and the responses from consultees, and I am satisfied that these matters have been properly investigated and are capable of being addressed as part of the proposed development.
32. Finally, turning to the issue of precedent, I am satisfied that a scheme genuinely comparable to this one would be likely to be acceptable whilst I envisage that the Council would successfully be able to resist any development which could be shown to be likely to cause demonstrable harm.

Conditions

33. In the interest of proper planning, conditions relating to timeliness and the identification of plans would be necessary. Conditions related to investigation of ground contamination and to mitigate the potential for gas emissions from a former landfill site would be required in order to manage any adverse effects for future occupants. The imposition of controls over vegetation clearance and the provision of bird and bat boxes would be in the interests of Biodiversity. Conditions requiring the submission of a detailed scheme of surface water management and adherence with the submitted Flood Risk and Drainage Assessment would be in the interests of managing the drainage of the site.
34. The submission of a construction method statement would be in the interests of highway safety, the protection of trees and safeguarding the living conditions of neighbouring occupiers, whilst the confirmation of full details of the proposed ground and floor levels would also be in the interests of safeguarding living conditions, as well as the drainage of the site and access. A suite of conditions addressing highway matters, and more specifically issued related to the provision of the access, parking and turning points; the closure of any existing redundant access points; details of cycle parking; clarification regarding a scheme of refuse collection; and requirement for details of any gated or controlled vehicular access would all be in the interests of highway safety.

35. Details or samples of external finishing and surface materials; the glazing system and balcony balustrading; extract vents and flues; and rainwater goods would all be required in the interests of preserving or enhancing the character or appearance of the conservation area, as would the provision of a fully detailed landscaping scheme, and a landscape management strategy for the banksides to the east of the site.
36. The imposition of control over the construction hours would be in the interests of safeguarding the living conditions of neighbouring residential occupiers. Conditions related to restrictions over balconies and windows, and the incorporation of obscure glazing, as well as the submission of a lighting scheme for approval for any external lighting, would also be required for the same reason. Details of refuse storage facilities on the appeal site and a scheme for noise attenuation for the proposed flats would be in the interests of safeguarding the living conditions of future occupiers of the apartments.

Conclusion

37. The proposed development would make a social contribution towards the identified shortfall of housing and the provision of affordable housing within the area, as well as there being economic benefits arising from the construction and future occupation of the development. From an environmental standpoint, I have concluded that the proposals would not have an adverse effect on the setting of nearby listed buildings, and would enhance the character and appearance of the Conservation Area, according with saved Policies E16/2 and R2/4 of the Local Plan, as well as the Neighbourhood Plan. In respect of other possible harm identified by interested parties in relation to the proposed development, I conclude that none would be likely to result from the scheme.
38. Therefore, on the basis of the submitted evidence and my own observations, I am satisfied that the proposals would amount to sustainable development as set out in paragraph 7 of the Framework. For the reasons given above, and subject to the conditions attached, the appeal should be allowed.

M Seaton

INSPECTOR

Annex

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Unless as required by the conditions below, the development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

Site Location Plan (ref: 1703 L 01)
Proposed Site Plan (ref: 1703 L [9] 01 Rev B)
Proposed Level 1 Plan (ref: 1703 L [0] 01 Rev A)
Proposed Level 2 Plan (ref: 1703 L [0] 02 Rev B)
Proposed Level 3 Plan (ref: 1703 L [0] 03 Rev B)
Proposed Level 4 Plan (ref: 1703 L [0] 04 Rev B)
Proposed Level 5 Plan (ref: 1703 L [0] 05 Rev B)
Proposed Roof Plan (ref: 1703 L [0] 06 Rev B)
Proposed Flat Layouts (ref: 1703 L [0] 07 Rev A)
Proposed Flat Layouts (ref: 1703 L [0] 08 Rev A)
Proposed Elevations (ref: 1703 L [0] 21-22 Rev B)
Proposed Elevations (ref: 1703 L [0] 23-29 Rev B)
Proposed Sections (ref: 1703 L [0] 11-12 Rev A)
Proposed Section (ref: 1703 L [0] 13 Rev A)

3. No trees or vegetation clearance is to be undertaken during the bird nesting season (March to August inclusive) unless a checking survey has first been submitted to and approved in writing by the local planning authority. The checking survey must be carried out by a suitably qualified ecologist to confirm the absence of nesting birds.
4. No part of the development shall be commenced until:-
 - a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the residents and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for residential development of the site and the quality of the residential environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should provide verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters. Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

5. The development hereby permitted shall not be constructed above damp proof course level until the details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from underground workings, historic landfill, unknown filled ground or made ground has been submitted to and agreed in writing by the Local Planning Authority. Upon approval of the method statement:

a) A detailed site investigation should be carried out to establish the degree and nature of the gas regime, and whether there is a risk likely to arise to the occupants of the development. The results and conclusions of the detailed site investigations should be submitted to and the conclusions approved in writing by the Local Planning Authority. The Ground Gas Assessment Report should be written using the current government guidelines.

b) In the event that remediation is required following the assessment of the ground gas regime using current guidelines, then a method statement must be submitted to and approved in writing by the Local Planning Authority. The detailed design and construction of the development shall take account of the results of the site investigation and the assessment should give regard to results showing depleted oxygen levels or flooded monitoring wells. The method of construction shall also incorporate all the measures shown in the approved assessment. This should provide details of exactly what remediation is required and how the remediation will be implemented on site; details including drawings of gas protection scheme should be included.

c) Where remediation is carried out on the site then a validation report will be required. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. The validation report should include cross sectional diagrams of the foundations and how any gas protection measures proposed in the remediation method statement are incorporated. In the event that integrity testing of membranes is required then any test certificates produced should also be included. A verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied/brought into use.

d) In the event that there is a significant change to the ground conditions due to the development, for example grouting or significant areas of hard standing; then additional gas monitoring should be carried out to assess whether the gas regime has been affected by the works carried out. In the event that the gas regime has been altered then a reassessment of remediation options shall be submitted to the Local Planning authority to be agreed in writing before the development is occupied/brought into use. Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

6. No development shall commence until a Construction Method Statement for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall: identify the access to the site for all site operatives (including those delivering materials) and visitors, provide for the parking of vehicles of site operatives and visitors; storage of plant and materials used in constructing the development; provide a scheme indicating the route for heavy construction vehicles to and from the site; a turning area within the site for delivery vehicles; a detailed scheme to prevent the deposit of mud and debris onto the highway and a dust suppression scheme (such measures shall include mechanical street cleaning, and/or provision of water bowsers, and/or wheel washing and/or road cleaning facilities, and any other wheel cleaning solutions and dust suppressions measures considered appropriate to the size of the development). The scheme must include an site plan illustrating the location of facilities and any alternative locations during all stages of development. The approved statement shall be implemented and complied with during and for the life of the works associated with the development.
7. The construction site subject of this approval shall not be operational and there shall be no construction, deliveries to, from or vehicle movements within the site outside the hours of 0800-1800 Monday - Friday and 0800-1400 Saturdays with no working on Sundays or Bank Holidays.
8. Notwithstanding any details of levels that may have been given in the application, no development shall take place until plans of the site showing the existing and proposed ground levels and levels of thresholds and floor levels of all proposed buildings in relation to adjoining properties and highways have been submitted to and approved in writing by the Local Planning Authority. Levels shall be shown in relation to a fixed and known datum point. Thereafter, the development shall not be carried out other than in accordance with the approved details.

9. Prior to commencement of construction works on the site, a detailed scheme for surface water management for the development hereby approved shall be submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.
10. The development hereby approved shall be carried out in accordance with the submitted Flood Risk and Drainage Assessment by bdn dated 19 June 2015.
11. Prior to occupation of the dwellings hereby approved, the new means of access shall be laid out in accordance with the approved drawing unless otherwise agreed in writing with the Local Planning Authority.
12. Within 6 months of the new/altered access being brought into use all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb/removing the existing bellmouth and reinstating the footway verge and highway boundary to the same line, level and detail as the adjoining footway verge and highway boundary.
13. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with the approved drawing and that area shall not thereafter be used for any other purpose.
14. The scheme for parking and manoeuvring indicated on the approved plans shall be laid out prior to the initial occupation of the development hereby permitted and these areas shall not thereafter be used for any other purpose.
15. Notwithstanding any indication of materials which may have been given in the application, no construction above ground level shall take place until a schedule and/or samples of all external finishing and surface materials for the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.
16. No construction above ground level shall commence until details of extract vents, flues etc including location and type, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the vents, flues etc shall be implemented in accordance with the approved details.
17. No construction above ground level shall commence until details and samples of the glazing system have been submitted to and agreed in writing by the Local Planning Authority. This should be a slim section metal system unless otherwise agreed in writing by the Local Planning Authority. Thereafter the glazing shall be implemented in accordance with the approved details.
18. No construction above ground level shall commence until details and samples of the balcony balustrading have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the balcony balustrading shall be implemented in accordance with the approved details.
19. No construction above ground level shall commence until details and samples of rainwater goods have been submitted to and agreed in writing by

the Local Planning Authority. Thereafter the rainwater goods shall be implemented in accordance with the approved details.

20. Prior to landscaping works taking place, a scheme for a clean cover solution of top soil and subsoil for the areas of soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the clean cover solution shall be implemented prior to landscaping in accordance with the agreed details.
21. Notwithstanding any details of landscaping which may have been given in the application, the development hereby permitted shall not be landscaped and planted until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping scheme shall be implemented in accordance with the approved scheme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the current or first planting season following their removal or failure with others of similar size and species.
22. Prior to the commencement of any landscaping, details of a management strategy for the landscaped areas outside the site boundary on the bankside to the east of the site, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out and maintained in accordance with the approved details.
23. Notwithstanding any details of means of enclosure which may have been given in the application, no means of enclosure shall be erected until details of all screen and boundary walls, fences and any other means of enclosure have 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 details and the buildings hereby approved shall not be occupied until the details have been fully implemented.
24. Notwithstanding any details of refuse storage which may have been given in the application, no development shall take place until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.
25. Notwithstanding any details of cycle parking which may have been given in the application, prior to occupation of the proposed development, a scheme for the provision of secure undercover cycle parking shall be submitted to and approved by in writing the Local Planning Authority and shall be implemented in accordance with the approved details and retained thereafter.
26. Prior to occupation of the proposed development, a scheme to manage refuse collection shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter, refuse collection shall be carried out in accordance with the approved details.

27. Details of any gated or controlled vehicular access system shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The access system shall be laid out in accordance with the approved plans prior to occupation of the proposed development and retained thereafter.

28. Prior to installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following information:

- a statement of frequency of use, and the hours of illumination;
- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- details of the number, location and height of the proposed lighting columns or other fixtures;
- the type, number, mounting height and alignment of the luminaires;
- the beam angles and upward waste light ratio for each light;
- an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and
- where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.

The lighting shall be installed and maintained in accordance with the approved scheme.

29. A scheme of noise attenuation, which includes details of the window glazing and ventilation to be provided to all habitable rooms to ensure bedrooms meet the good internal standard of 30 dB(A) at night and prevent the exceedence of L_{max} of 45 dB(A) and living rooms meet an internal equivalent noise level of 35 dB(A) as specified in the submitted noise report by NVA (UK) dated 18 June 2015 and as described in BS8233, shall be submitted to and agreed in writing by the Local Planning Authority prior to the installation. The level of ventilation to be provided shall meet as a minimum System 3 of Table 5.2c of Approved Document F Building Regulations 2010F1: Means of Ventilation. The approved scheme shall be carried out in full, prior to the use and occupation of the dwellings hereby permitted and retained thereafter.

30. Four bird boxes and one bat box shall be provided on trees or buildings within the site. Prior to implementation of the bird and bat boxes, details including design and location shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boxes shall be installed prior

to occupation of the development hereby approved in accordance with the approved details and retained thereafter.

31. Flat 19 at level 3 and the flat below flat 19 at level 2 shall not have balconies and shall be as shown on drawings 1703 L [0] 02 Rev B and 1703 L[0] 03 Rev B.
32. Notwithstanding the details shown on the approved plans, there shall be no windows to the living room on the south elevation of the proposed building to Flat 19 at level 3 and the flat below flat 19 at level 2.
33. The windows to the southern-most stairwell on the west elevation of the proposed development shall be obscure glazed and retained thereafter.

Richborough Estates