



Appeal Decision

Site visit made on 13 June 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

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

Decision date: 19 June 2017

Appeal Ref: APP/X3405/W/17/3170618

Land off Brownhills Road, Norton Canes, Cannock WS11 9QP

- 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 Mr Clive Jessup (Jessup) against the decision of Cannock Chase District Council.
 - The application Ref CH/16/191, dated 16 May 2016, was refused by notice dated 4 January 2017.
 - The development proposed is 37 affordable dwellings, roads, drainage and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for 37 affordable dwellings, roads, drainage and associated works at land off Brownhills Road, Norton Canes, Cannock WS11 9QP in accordance with the terms of application Ref CH/16/191, dated 16 May 2016, subject to the attached schedule of conditions.

Procedural Matter

2. The plans were amended part way through the determination of the planning application. The amendments reduce the number of the proposed dwellings from the original 39 to 37. For the avoidance of doubt, I have determined the appeal based on these amended plans as referenced in the Council's refusal notice. In view of this, it has therefore been necessary for me to amend the description of development that originally appeared on the submitted planning application form.

Main Issues

3. The main issues are (i) whether or not the proposal is inappropriate development in the Green Belt; (ii) the effect upon the openness of the Green Belt and the purposes of including land within it; (iii) the effect of the proposal upon the character and appearance of the area; and (iv) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.
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Reasons

Site and proposal

4. The appeal site is broadly rectangular in shape and is positioned to the south eastern edge of Norton Canes. It falls within the West Midlands Green Belt. It has a frontage with Brownhills Road measuring approximately 60 metres. Immediately to the west and south of the site are relatively new dwellings and to the north of the site is open space and play areas approved as part of the Chasewater Grange development of 130 dwellings. The site is a relatively level field which is partly bound by mature hedgerows and trees along the southern and western boundaries.
5. It is proposed to erect 37 dwellings comprising of 12 No 1 bed flats, 18 No 2 bed houses and 7 No 3 bed houses with associated garden areas and amenity space. All of the dwellings would be offered as affordable rented properties managed by Walsall Housing Group in its capacity as a Social Registered Landlord. Both the houses and the blocks of flats would be two storey and would be constructed from red and buff brick with concrete roof tiles. A new vehicular access is proposed from Brownhills Road and the site would include just over 60 car parking spaces.

Whether the proposal would represent inappropriate development

6. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
7. Paragraph 89 of the National Planning Policy Framework (the Framework) states that a "local planning authority should regard the construction of new buildings as inappropriate in Green Belt". There are some exceptions to this including "limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan". The appeal site does not fall within a village and I have not been referred to any limited affordable housing for local community needs policy in any Local Plan. I therefore conclude that the proposal would amount to inappropriate development in the Green Belt.

Effect upon the openness and purposes of the Green Belt

8. The appeal site is currently open and does not include any built form. Consequently, given the scale and extent of the development, it would be such that it would not preserve the openness of the Green Belt. Put simply, the loss of existing open space would equate to a loss of openness. This is a matter which weighs against allowing the proposal. However, the site is surrounded by existing development including recently approved/built dwellings at Chasewater Grange. Consequently, in considering the visual aspect of openness the development would be confined to more localised views as opposed to longer distance views. Overall, and taking into account the location of the appeal site and the existence of surrounding development, I therefore conclude that the proposal would have a moderate impact on the openness of the Green Belt.
9. The appeal site is currently open and undeveloped. The proposal would result in some countryside encroachment, but such an impact would not be

significantly adverse given that existing development partly surrounds the site and hence the proposal would be largely contained. The proposal would represent a form of urban extension and to this extent would result in some urban sprawl. However, I attach limited weight to this impact taking into account Policy CP6 of the LP which I refer to in detail later on in this decision. The proposal would not conflict with any other of the purposes of Green Belt as listed in paragraph 80 of the Framework.

Character and appearance

10. Whilst the residential density level of the appeal site would be higher than that at Chasewater Grange, I note that the latter development included areas of open space. There is not a requirement for the appeal site to include on-site open space and notwithstanding comments made by some of the other interested parties about the density of the proposal, I do not consider that it would appear cramped or out of character/scale with the surrounding development.
11. The buildings would be well designed, would be built in materials to reflect the surrounding development and would include proportionate garden areas, amenity space and new/retained planting. The development would have the effect of being visually contained given surrounding residential development and vegetation and to the passer-by would be seen as a logical extension of the development approved at Chasewater Grange. Furthermore, whilst the site does not fall within an identified settlement boundary it is nonetheless seen in the context of surrounding residential development and a relatively urban environment which includes the M6 Toll Road and Motorway Service Area. I acknowledge that the area was not always like this, but it is necessary for me to determine the appeal in the context of the wider environment as it exists now.
12. For the reasons outlined above, and subject to the imposition of planning conditions relating to landscaping (see other matters below), materials and boundary treatment details, I conclude that the proposed development would not have a significantly detrimental impact upon the character and appearance of the area. Therefore, I conclude that the proposal would accord with the design and landscape character aims of Policies CP3 and CP14 of the adopted Cannock Chase Local Plan (Part 1) 2014 (LP) and the Framework.

Other Considerations

13. Paragraph 87 of the Framework states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*".
14. The appellant has drawn my attention to Policy CP6 of the LP which identifies land in Cannock Chase District for 5,300 houses between 2006 and 2028. The appeal site forms part of an area referred to as an "*urban extension south of Norton Canes on land identified for up to 670 houses*" and which is identified on the Key Diagram.
15. I acknowledge that the site is not specifically allocated for housing and that this is a matter that would need to be considered in detail as part of the preparation and adoption of the Cannock Chase Local Plan (Part 2). However, the Council has confirmed that work on the Part 2 Local Plan has commenced

and that the Issues and Options paper identifies Chasewater Grange and the appeal site for housing (Housing Option No 46). Whilst the Part 2 Local Plan has not reached an advanced stage, and hence can only be afforded limited weight, the identification of the appeal site as part of an urban extension in the LP is a matter to which I afford considerable weight. Furthermore, the scale of development proposed is such that I do not consider that releasing the site from the Green Belt for the purposes of residential development would prejudice the overall housing strategy in the Part 2 Local Plan.

16. I reach the above conclusion also in the knowledge that in respect of planning permission Ref CH/12/0078 for the Chasewater Grange development site, the Council imposed a planning condition No 19 which states that *"the 'layout' element of the 'reserved matters' pursuant to conditions 1 and 2, shall include vehicular and pedestrian access to facilitate future development of the site edged orange and identified as DWA Land (0.8ha) on the Indicative Masterplan Drwg. R.0235_03H. The details shall be approved in writing and the development shall be carried out in accordance with the approved details"*. The land edged orange relates to the appeal site and the reason given for such a condition was *"to allow comprehensive development in accordance with the Indicative Masterplan the interests of proper planning and Policy B8 of the Cannock Chase Local Plan 1997"*.
17. Given the above, I therefore consider that whilst it is accepted that any Green Belt land review would need to take place as part of the consideration of the Cannock Chase Local Plan (Part 2), it is nonetheless reasonable to conclude that for some time the Council has at least seen the potential for the site to be developed. It is indicative of the Council's acceptance of the potential for development to be constructed on the site. This is a factor which weighs in favour of the proposal.
18. In view of Policy CP6 of the LP, I do not find that the proposal would conflict with Policy CP1 of the LP. Whilst this policy does seek to accommodate most of the District's new housing development in the urban areas, it specifically says that in addition *"the Local Plan allocates a strategic housing site on land to the west of Pye Green and identifies a location for urban extensions for housing south of Norton Canes (Policy CP6)"*.
19. In addition to the above, the Council commented on 12 June 2017 that it *"acknowledges that there is a wider housing shortfall across the Greater Birmingham Housing Market Area (GBHMA), but it is not known where across the West Midlands the additional housing will go"*. The Council state that a Green Belt review is underway involving 14 Local Authorities and that *"the Council has agreed to test whether it could possibly deliver 1000 additional homes to help with this shortfall (over and above the Local Part 1 requirement) but again this assessment work is not complete and no conclusions can be drawn at this point"*.
20. I accept that the above matter should be afforded very limited weight particularly as the results of a Green Belt review are not yet known and as final decisions have not been made about the overall spatial distribution of dwellings across the GBHMA. Nonetheless, there is a suggestion that some Green Belt land would need to be released for housing purposes and that in quantitative terms the proposal would make a positive contribution towards addressing an

- identified housing shortfall across the GBHMA. To this extent, this is a positive material consideration to weigh in the balance.
21. All of the dwellings would be provided on an affordable rent basis and managed by Walsall Housing Group who I understand also manage the 18 affordable residential units at Chasewater Grange development. I note that the Council's Housing Strategy Officer has commented that they "*support the development of the site for affordable homes for rent. There is a mix of 1, 2 and 3 bed accommodation proposed which will help a range of people to access the appropriate housing to suit their needs*". This is a positive factor to weigh in the balance.
 22. The appellant has submitted a planning obligation which would ensure that all of the dwellings would be affordable in accordance with the affordable housing definition in the Framework. Policy CP7 of the LP would ordinarily require only 20% of the total units to be affordable. The proposal would significantly exceed this requirement and hence would make a very considerable contribution towards the development plan requirement to provide 197 affordable homes per annum. In the planning committee report it states that "*during the last 9 years we have delivered between 21 and 161 units per year*". Based on this evidence, I conclude that there continues to be a very pressing need for affordable housing in the area.
 23. Whilst some affordable housing was provided on the adjacent site, this amounted to only 14% of the 130 residential units. The Council contend that the provision of 37 affordable units would not be significant in the context of a shortfall of 709 affordable units since 2009. I do not share the Council's view on this matter. There has been a regular and significant shortfall in the provision of affordable homes over a number of years and the proposal would make a very significant contribution towards addressing this shortfall. Furthermore, the provision of 37 affordable units would represent just less than 20% of the annual affordable housing requirement for the District. Therefore, the provision of 37 affordable dwellings on the site is a matter to which I afford significant weight.
 24. In reaching the above view, I have considered the proposal against the Planning Practise Guidance which states that "*unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development on a site within the Green Belt*". However, in this case meeting a housing need is just one of a number of reasons why I consider that the proposal would clearly outweigh the harm to the Green Belt.
 25. I have considered the location of the site and its proximity to local facilities/services and public transport provision. I have no reason to disagree with the comments in the planning committee report which states "*the accessibility of the site to and from the existing settlement would be good, including access to retail, educational and community facilities provided within Norton Canes. The development is also well served by pedestrian and cycle linkages to the surrounding area*". Furthermore, there are no constraints to the development of the site for housing in terms of infrastructure matters, access, land contamination, flooding and bio-diversity. These are matters that are either acceptable or can be made acceptable by means of the imposition of planning conditions or by way of the completion of a planning obligation.

Planning balance

26. I have found that the proposed development would constitute inappropriate development in the Green Belt and that it would have a moderate impact on the openness of the Green Belt. There would be some encroachment into the countryside, but this impact would be limited taking into account surrounding development. The proposal would lead to some urban sprawl, but this impact would not be significant given the existence of recently built development and as the site/area is identified as part of a larger urban extension in the LP. There would be no other conflict with the purposes of the Green Belt and I have concluded that the development would not have a significantly detrimental impact upon the character and appearance of the area.
27. In the context of the above, it is also necessary for me to balance the identified other considerations referred to above. I afford the fact that the site/area is part of a wider designated urban extension in the LP considerable weight. In addition, the provision of 100% affordable housing on the site is a matter to which I afford significant weight. In addition, the site is close to local facilities and amenities and public transport provision and hence is sustainably located: there are no constraints to the development of the site for housing. These are positive matters to weigh in the balance. The proposal would seek to boost the supply of housing within the GBHMA when there is an identified housing shortfall and the Council has previously considered the potential for development on the appeal site as part of the consideration of planning application Ref CH/12/0078.
28. I conclude that the substantial weight to be given to Green Belt harm, and any other harm, arising from the development is clearly outweighed by the aforementioned and collective other considerations sufficient to demonstrate very special circumstances. On balance, and for these reasons, the proposal would be acceptable in planning terms and it would deliver a sustainable form of development in accordance with the Framework and the housing delivery aims of Policies CP1 and CP6 of the LP.

Other Matters

29. I have taken into account the representations received from other interested parties including the signed petition objecting to the proposal.
30. As part of my site visit, I was asked to view the site from a number of residential properties on Ash Close. The existing boundary vegetation between houses on Ash Close and the appeal site provides an attractive green buffer. The vegetation is well established and can be viewed from longer distance views such as from Red Lion Road and Brownhills Road. It can also be seen from the adjacent Chasewater Grange development including Willow Road and provides a green and soft edge to an otherwise built up area.
31. My site visit included views of the site from Ash Close. The site layout plan shows that the existing vegetation along the boundary with Ash Close would be coppiced/crown reduced. I have some concerns about this and consider that, where possible, as much of the existing vegetation along this boundary should be retained as it exists now. Whilst the appellant has indicated that there would be some new planting in the form of replacement trees this would take many years to have the same effect of the existing screening. Furthermore, retaining as much of the existing vegetation as possible (including its height),

- coupled with the provision of many more trees and vegetation along the appeal boundary facing Nos 5-9 Ash Close than shown on the proposed site plan, would have the effect of screening/softening the impact of the proposed development when viewed from existing houses on Ash Close and vice versa.
32. The above would also ensure that the existing and proposed housing estates are not seen as a sprawling mass of development and are instead separated by an enhanced existing linear belt of landscaping. I therefore consider that it is necessary to impose planning conditions relating to this matter. Such conditions have been agreed by both the Council and the appellant. They require that none of the existing trees/hedges on the site shall be removed until all landscaping details (including the retention of existing boundary landscaping) have been approved by the Local Planning Authority. The conditions would require the existing boundary landscaping along Ash Close to be retained.
33. I have considered the scale and position of the proposed development. Subject to retaining as much of the existing boundary planting as possible, as well as the planting of additional trees/hedgerows and bushes, I am satisfied that the proposal would be acceptable in terms its effect upon the outlook afforded to the occupiers of surrounding properties including those on Ash Close. I am also satisfied, taking into account the scale of the development and the separation distances involved, that the proposal would be acceptable in terms of its impact upon the occupiers of surrounding residential properties relative to levels of light, privacy and outlook.
34. Whilst one resident has commented that the proposal would affect their use of their rear garden for meditation purposes, I am not convinced that the occupier would reasonably have to stop this activity. In any event, the private needs of the occupier of one house would not outweigh the very significant social and economic benefits that would arise out of the development of the appeal site.
35. Concerns have been raised about the impact of the development upon property values, but the Courts have held that this is not a material planning consideration. In any event, I have no objective evidence to indicate that the proposal would result in a negative impact upon property values.
36. Whilst the proposal would not meet the Council's maximum car parking standards, the shortfall in maximum requirements would not be significant. Furthermore, and in any event, I consider that it is reasonable to conclude that car ownership is likely to be less for 37 affordable homes as distinct from 37 private market houses. In view of this, coupled with the proximity of the site to public transport services, I do not consider that the marginal shortfall in maximum car parking numbers would lead to material on-street car parking problems. Furthermore, I have not been provided with any objective evidence to substantiate the claim that the local highway network would not be able to cope with the amount of traffic that would arise from the proposed development.
37. Comments have been made that the affordable housing nature of the proposal would likely give rise to increased anti-social behaviour in the area. I have not received any reasonable evidence to substantiate this claim or that the proposed path leading to the existing public open space would give rise to people causing damage to existing fences/hedges in the locality. Whilst there may be other sites in the District which could accommodate affordable housing,

it is necessary to determine each planning application on its individual planning merits. The Council's affordable housing policy requires that each development over 15 residential units must provide at least some affordable housing. In this case, the affordable housing contribution is very significant and this would help to make up for the shortfall in affordable housing provision in the last nine years.

38. The site is in an area which is not at risk of flooding and matters relating to drainage, land contamination and landscaping could be adequately addressed by means of planning conditions. Whilst there would be some alleyways these would be capable of being made safe in terms of lockable gates. This is also a matter that could be controlled by planning condition. Comments have been made that the access onto Brownhills Road would be unsafe and that the turning areas would be inadequate for service vehicles, but I have no reason to disagree with the Highway Authority who raised no objection to the proposal in these respects.
39. I am satisfied that the proposal would not cause significant harm to matters of bio-diversity or wildlife. The retention of existing boundary vegetation, as detailed above, would be of benefit to local wildlife. I have not been provided with any objective evidence to demonstrate that there are newts on the site.
40. Whilst the proposal would likely result in the increased use of existing play facilities, I have not received any evidence to suggest that this in itself would be unacceptable.
41. I acknowledge that the Council's SHLAA has previously suggested that fewer dwellings might be erected on the site. However, this is not a development plan document and the suggested number of dwellings was merely indicative. I have considered the proposal on its individual planning merits and I am satisfied, on balance, that it would be acceptable to erect the proposed 37 residential units on the site.
42. Concerns have been raised that allowing the appeal would set a precedent for other development in the Green Belt. However, I have determined this appeal on its individual planning merits and have found, on balance, that it would be acceptable.
43. None of the other matters raised outweigh or alter my overall conclusion on the main issues.

Conditions and Planning Obligation

Conditions

44. The conditions set out in the accompanying schedule are based on those suggested by the Council and agreed by the appellant. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
45. Planning permission is granted subject to the standard three year time limit condition.
46. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans,

for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.

47. In the interests of the character and appearance of the area, planning conditions are necessary relating to materials, landscaping (including the retention and protection of existing vegetation) and arboricultural work.
48. In the interests of the living conditions of the occupiers of the proposed dwelling (and the occupiers of neighbouring residential properties), planning conditions are necessary relating to foul and surface water drainage, finished floor levels, contaminated land, flood risk mitigation measures and a Construction Method Statement.
49. In the interests of highway safety, planning conditions are necessary relating to car parking/access and turning areas provision, visibility splays and a Highways Construction Method Statement.
50. In the interests of nature conservation, a planning condition is necessary relating to ecological mitigation measures. In the interests of the character and appearance of the area and the openness of the Green Belt, there is exceptional justification for the removal of permitted development rights.

Planning Obligation

51. The appellant has submitted a dated (6 June 2017) and signed Section 106 agreement: it has also been signed by Cannock Chase District Council and Staffordshire County Council. The Section 106 agreement requires that all of the residential units are to be transferred to a Registered Provider(s). This would need to take place prior to the completion of the first dwelling.
52. The Section 106 agreement also requires the payment of (i) £55,155 prior to commencement of development to be used towards the increase in the published admission number of 15 places at either Norton Canes Primary Academy or Jerome Community Primary School or any successor school; (ii) £6,409 towards the erection and/or maintenance of signage in the Brindley Heath sub area of the Cannock Chase Special Area of Conservation and (iii) £6,600 towards interpretation material at Chasewater Country Park which is within the Chasewater and Southern Staffordshire Coalfield Heaths Site of Special Scientific Interest.
53. The Council raises no objection to the detailed wording of the Section 106 agreement. Whilst the appellant has signed the Section 106 agreement concerns were initially raised about the justification for financial payments particularly in terms of Chasewater Country Park. On the 13 June 2017 the Council provided me with detailed information about the Section 106 agreement including a costed project for Chasewater Country Park. They also provided further details relating to the pooling of Section 106 agreement monies and the Council's adopted Developer Contributions and Housing Choices Supplementary Planning Document 2015 (SPD).
54. In particular, the Council has referred me to Section 3.4 of the SPD which indicates that Section 106 financial contributions may be sought where there are a number of medium-large scale developments occurring within proximity to one another, generating larger scale need for additional educational provision. The Council adopted a Community Infrastructure Levy (CIL) on 1 June 2015 (last updated July 2016) and this sets out specific education

infrastructure projects to be funded via CIL. However, the Council says that "education is not a 'catch all' category on the Regulation 123 list and therefore not all education projects are classed as 'relevant infrastructure' as per the Regulation 123(4) definition". I have no reason to disagree with these comments.

55. On the evidence that is before me, I consider that all of the financial contributions are necessary and justified. The provision of 100% affordable housing is a matter which weighs significantly in favour of the proposal. I am satisfied that the Section 106 agreement accords with the tests as laid out in paragraph 204 of the Framework and that it complies with the CIL Regulations.

Conclusion

56. In light of the above reasoning, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Richborough Estates

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Planning application form; Arboricultural report - ref: THL-R16/42; Site Investigation - Desktop Study by ASL dated 24th May 2016; Site Investigation Report by ASL Report No. 144-16-402-09 -July 2016; Design and Access Statement - Job No:1601; Green Belt Statement including Appendices by CT Planning; Preliminary Ecological Assessment (Extended Phase 1 Ecological Survey) - April 2016; Flood Risk Assessment - Elluc Projects. November 2016; Topographical Survey - Drawing No. 599; Site Location Plan - Drawing No. 1601-P-02; Site Layout - Drawing No. 1601-P-03 Rev G; Street Scenes 1-4 - Drawing No. 1601-P-04 Rev A; House Plans Type A - Drawing No. 1601-P-05 Rev A; House Elevations Type A - Drawing No. 1601-P-06 Rev A; House Elevations Type A1 - Drawing No. 1601-P-07 Rev A; House Plans Type B - Drawing No. 1601-P-08; House Type B Elevations - Drawing No. 1601-P-09; Splayed House Type C: Plans - Drawing No. 1601-P11; Splayed House Elevations - Drawing No. 1601-P12; Apartments Type D: Ground and First Floor - Drawing No. 1601-P-14 Rev A; Apartments Type D: Elevations - Drawing No. 1601-P-15; House Plans Type E - Drawing No. 1601-P16; House Elevations Type E- Drawing No. 1601-P-17; Density Diagram - Drawing No. 1601-P-18; Apartments Type D Rotated: Elevations - Drawing No. 1601-P-19 and Drainage - Drawing No. ELL-167-JES-B-600 Rev D.
- 3) No part of the development hereby approved shall be commenced until details of the materials to be used for the external surfaces of all buildings have been submitted to and approved by the Local Planning Authority. The development shall thereafter be built in accordance with approved materials.
- 4) No part of the development shall commence until details of the finished floor levels of the dwellings have been submitted to and approved by the Local Planning Authority. Details shall include a method statement and schedule of works. The development shall thereafter accord with the approved finished floor levels.
- 5) Notwithstanding the approved plans none of the existing trees or hedges on the site shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed. No development shall be commenced on the site until a scheme detailing all trees and hedges to be retained on the site has been submitted to and approved in writing by the Local Planning Authority in accordance with the landscaping requirements of condition No 7 below. The development shall thereafter accord with the approved scheme.
- 6) Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation. The approved landscaping on the boundary with Ash Close shall be permanently retained and if cut down, topped, lopped or uprooted shall be replaced in the next planting season with similar size and species.

7) Notwithstanding the approved plans no part of the development hereby approved shall commence until a scheme detailing the external environment/landscape including planting, fencing, walls, means of enclosure, surface treatment & construction details for the site, together with a Management Plan, has been submitted to and approved by the Local Planning Authority. The details shall be in the form as specified in Annex C of the Supplementary Planning Guidance 'Trees, Landscape and Development'. The approved landscape works shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner. The development shall be carried out in accordance with the approved scheme.

8) Following the implementation of the approved landscaping scheme, pursuant to Condition No 7 the site shall be managed in accordance with the approved Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

9) No part of the development hereby approved shall commence or any actions likely to interfere with the biological function of the retained trees and hedges shall take place, until details for tree and hedge protection have been submitted to and approved by the Local Planning Authority. Details shall include the position and construction of all fencing and the care & maintenance of the trees & hedges within. The development shall be constructed in accordance with approved tree and hedge protection details.

10) Prior to the commencement of any construction or site preparation works including any actions likely to interfere with the biological function of the retained trees and hedges, approved protective fencing shall be erected in the positions shown on the approved Tree & Hedge Protection layout pursuant to Condition 9 above shall be erected to the approved layout.

11) Within the enclosed area known as the Tree Protection Zone, no work will be permitted without the written consent of the Local Planning Authority. No storage of material, equipment or vehicles will be permitted within this zone. Service routes will not be permitted to cross the Tree Protection Zones unless written consent of the Local Planning Authority is obtained. The Tree Protection Zone will be maintained intact and the vegetation within maintained until the cessation of all construction works or until the Local Planning Authority gives written consent for variation.

12) No part of the development shall commence until details of all arboricultural work have been submitted to and approved by the Local Planning Authority. Details shall include a method statement and schedule of works. The development shall be carried out in accordance with the approved arboricultural details.

13) The approved arboricultural work (pursuant to condition 12 above) shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-

enacting that Order with or without modification), no walls, fencing or other means of enclosure shall be erected between the dwelling and the highway without an express grant of planning permission from the Local Planning Authority.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within Part 1 of Schedule 2 to the Order shall be carried out without an express grant of planning permission from the Local Planning Authority.

16) The development hereby permitted shall not be commenced until:-

- (a) a site investigation including recommendations for remedial treatment has been undertaken;
- (b) the Local Planning Authority has given approval in writing to the method of remedial treatment;
- (c) the approved remedial treatment has been carried out in full.

17) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme must be based on the design parameters and proposed strategy set out in the Flood Risk Assessment (Ref: ELLUC-B-167-130516-FRA-F6, 31/11/2016). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- Surface water drainage system(s) designed in accordance with the Non-statutory technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS management train to provide adequate water quality treatment in accordance with the Simple Index Approach (CIRIA SuDS Manual).
- Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to 5.0l/s.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and contact details for the organisation responsible for carrying out these duties.

- Finished floor levels to be set at a minimum of 150mm above existing ground levels, and no less than 500mm above the top of bank of the adjacent watercourse.

18) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: ELLUC-B-167-130516- FRA-F6,31/11/2016) and the following mitigation measures detailed within the FRA:

- Finished floor levels must be set no lower than 500mm above the top of bank level of the ordinary watercourse to the west of the site
- No buildings to be constructed within 4m of the top of bank of the ordinary watercourse to the west of the site

19) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

20) No development hereby approved shall take place, 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:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. measures to control the emission of dust and dirt during construction
- viii. the method piling should piling be required

21) The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with Drawing No. 1601-P-03 Revision G and shall thereafter be retained for the life of the development.

22) The development hereby permitted shall not be brought into use until the visibility splays shown on Drawing No. 1601-P-03 Revision G have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

23) No development shall take place including any works of demolition, until a Highways 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:

- A site compound with associated temporary buildings
- The parking of vehicles of site operatives and visitors
- Times of deliveries including details of loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Duration of works
- Wheel wash facilities
- Appropriate routing agreement using the most appropriate access route

24) No development shall take place until an ecological mitigation plan including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. The works comprising the approved plan shall thereafter be implemented in accordance with the approved timetable.

Richborough Estates