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## Appeal Decision

Inquiry Held on 6-8 June 2017

Site visits made on 5 & 7 June 2017

**by Nick Fagan BSc (Hons) DipTP MRTPI**

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

**Decision date: 18 July 2017**

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**Appeal Ref: APP/P1615/W/16/3152190**

**Land off Chartist Way, Staunton, Gloucestershire GL19 3RY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gloucester Land Company Limited against the decision of Forest of Dean District Council.
  - The application Ref P1871/15/OUT, dated 8 December 2015, was refused by notice dated 10 February 2016.
  - The development proposed is residential development for up to 27 dwellings, including infrastructure, ancillary facilities, open space, landscaping and construction of a new vehicular access off Chartist Way.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development for up to 27 dwellings, including infrastructure, ancillary facilities, open space, landscaping and construction of a new vehicular access off Chartist Way at Land off Chartist Way, Staunton, Gloucestershire GL19 3RY in accordance with the terms of the application, Ref P1871/15/OUT, dated 8 December 2015, subject to the conditions in the Schedule below.

### Application for costs

2. At the Inquiry an application for costs was made by Gloucester Land Company Limited against Forest of Dean District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The submitted application scheme is in outline with all matters reserved. Despite it being clear that access would be from Chartist Way the appellant confirmed at the Inquiry that access in its totality remains a reserved matter. Hence the submitted layout and access plans<sup>1</sup> are purely illustrative. The appellant also confirmed, as per the Inspector's comment in paragraph 3 of the previous appeal decision on this site (henceforth referred to as the PAD)<sup>2</sup>, that the access from Chartist Way could be controlled by condition.
4. I was handed two signed and dated S106 planning obligations by way of unilateral undertaking (UU) on the last day of the Inquiry. One relates to the provision of on-site affordable housing and the other to on-site open space and

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<sup>1</sup> Drawing numbers H.0476\_01 Sheet No 1 Rev B & H515/01 respectively

<sup>2</sup> APP/P1615/A/14/2228466 Dismissed 3 July 2015

a contribution towards off-site recreation. The Council is satisfied that these obligations overcome its third refusal reason and I address them in more detail below.

### **Main Issues**

5. The main issues are whether:

- (a) the proposed development would harm nearby heritage assets, including the settings of listed buildings and the Snigs End Conservation Area and, if so, whether the public benefits of the proposal would outweigh such harm in the context of paragraph 134 of the National Planning Policy Framework (NPPF);
- (b) there would be any additional harm to the landscape of the area;
- (c) there would be any other harm.

### **Reasons**

#### *The Site in Context*

6. The site is a 1.18 hectare flat featureless agricultural field currently laid to grass surrounded to the west and north by substantial high hedges containing a number of trees. It adjoins but lies outside Staunton/Corse's settlement boundary and in policy terms is in the open countryside. Its eastern boundary abuts a playground to the north and Freedom Close, a recent development of two-storey affordable dwellings; the former is delineated by a newish hedge and the latter by a post-and-rail fence. The proposed development would be an extension of the modern suburban development, which encompasses a series of cul-de-sacs off Chartist Way and south of Prince Crescent, westwards into the countryside from an area which is geographically approximately the centre of Staunton/Corse village.

#### *Heritage Assets*

7. The PAD (paragraphs 20-27) sets out the historic and architectural importance of Snigs End as one of the five original Chartist settlements established in the country around the middle years of the nineteenth century and this is also documented in the Council's evidence<sup>3</sup>, which is uncontested in this respect. In particular, the PAD's conclusions that the street pattern, layout of the Chartist plots, Chartist cottages and other buildings and the boundaries of the Chartist settlement provide a strong link to an important formative period in the area's past, and a visible reminder of its role in nationally significant historical events, which led eventually to universal suffrage, is a matter of agreement between the parties.
8. The Snigs End Conservation Area, which is also referred to as the Staunton Corse Conservation Area (the CA) and which was originally designated in 1976, encompasses the majority of the best preserved Chartist cottages and plots. The site is not in the CA, but its northern boundary abuts the preserved Chartist plots at Ledbury Road Crescent, which are.
9. It is a matter of fact that when the boundaries of the CA were modified in 2000 the Council decided that the post-war residential infilling of the Prince Crescent

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<sup>3</sup> Emma Rouse's evidence including Appendices A & G

area of the village, which had largely destroyed the original layout of this part of the Chartist settlement, had so significantly altered the character of this area that it was not considered further for inclusion in an extended or altered CA boundary.<sup>4</sup>

10. There are a number of listed buildings to the north and south of the site situated on Ledbury Road Crescent within the CA and on Prince Crescent. The site undoubtedly lies within the setting of Lyndale, one of three Grade II listed Chartist cottages on Prince Crescent, whose rear garden backs onto the southern part of the site, and the Council maintains the appeal scheme would affect the significance of this listed building. It argues that the development would also adversely impact on the settings of two other listed Chartist cottages, Bellevue and 5 Ledbury Road Crescent, and the undesignated heritage assets in their vicinity, namely the original Chartist cottages and plots situated between them on Ledbury Road Crescent (Nos 6-8, former Chartist plots 26-28), as well as the loss of the historic context of the original Chartist plots 13 and 14 in the vicinity of Pear Tree Cottage on Prince Crescent.
11. The legal and policy considerations and other relevant guidance in relation to the effects on heritage assets were clearly set out in paragraphs 15-19 of the PAD. The same considerations apply in this case. In particular I must have special regard to the desirability of preserving listed buildings or their settings or any features of special or historic interest which they possess and pay special attention to the desirability of preserving or enhancing the character and appearance of the CA.<sup>5</sup> As the previous Inspector states in his paragraph 15, there is no statutory duty to take into account the setting of a CA but I agree that the effects of the development on the CA's setting is a material consideration. I also take full account of national policy as expressed in NPPF paragraphs 132, 134 and 135, as well as the legal precedent<sup>6</sup> to give considerable importance and weight to preserving the settings of designated heritage assets.
12. The above listed and non-listed buildings, other Chartist cottages and plots both inside and outside the CA and the setting of the CA were considered in detail by the Inspector in the PAD and I assess the appeal proposal in terms of its effect on these heritage assets individually and as a whole. The PAD proposal envisaged a similar access off Chartist Way but was for 45 dwellings and included not just the development of the current appeal site, termed the 'eastern field' by the previous Inspector, but also the adjacent 'western field'. He concluded in PAD paragraph 29 that the eastern field contributed little to any of the relevant heritage assets' settings despite filtered views to and from some of them.
13. I agree with him. There would be filtered or partial views of the proposed development likely particularly in winter from the rear gardens of the nearest cottages in Ledbury Road Crescent (including Bellevue and No 5), Lyndale and Pear Tree Cottage and from the public footpaths that run through the western field. But the proposed development would simply be a continuation of the recent neighbouring residential development in Freedom Close and O'Connor Close, with which the site has an open boundary and immediate relationship. I

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<sup>4</sup> Ibid Appendix G – Snigs End Conservation Area and Character Appraisal adopted 20 September 2000, Area 2a, page 13

<sup>5</sup> S66(1) & 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

<sup>6</sup> As referred to in Emma Rouse's Proof of Evidence, paragraphs 6.24-6.29

- conclude it would be effectively screened from the open countryside to the west and from the original Chartist plots in Ledbury Road Crescent by the respective boundary hedges, which the appellant intends to strengthen with additional planting.
14. I agree with the Council that the development's visual containment is only one aspect of its overall impact on the above heritage assets, and that such impacts must be addressed in their totality given the previous Inspector's conclusion in his paragraph 27 that the collective value of the settlement's elements exceeds the sum of the individual parts.
  15. However, any such non-visual impacts should be assessed taking account of the PAD's clear differentiation between the contribution made to the relevant heritage assets by the eastern and western fields. In particular, PAD paragraph 32 highlights the importance of the public footpaths running across the western field in linking up the disparate parts of the former Chartist settlement thus assisting in understanding its overall layout and in appreciating the historical relationships between its different areas and their heritage assets. These footpaths would remain because the western field is now excluded from the appeal site and they would still perform their linking role as described above. Any impact on them would solely be, as I indicate above, a minor visual impact in terms of filtered views of the new houses through and above the western hedge. The hedge line which defines the boundary of former Chartists plots 13 and 14<sup>7</sup> would remain.
  16. The proposed development would lead to the loss of the remainder of plot 14, which forms the setting of Lyndale. But Lyndale was severed from the rest of its historic plot, the majority of the site, many years ago and the connection between the two now is simply visual in that there is a view of the site from Lyndale's kitchen windows and rear garden over the boundary hedge. However, I note from Lyndale's listing description that the rear extension built in 1985, where the kitchen is situated, is not recorded as having any special interest. Plot 14 has already been the subject of infill development on Prince Crescent between Lyndale and Pear Tree Cottage and by the houses in Freedom Close. There would be a loss of openness and rurality but these are visual characteristics, which I have concluded above would be acceptable.
  17. So whilst the proposed development would affect views from the rear of Lyndale it would not harm the historic plot layout in this area, which has already been lost. There would be a view of Lyndale from the proposed development but the appellant's intention is to plant a new landscape strip within the scheme, which would benefit the listed building's setting. Consequently Lyndale's setting would not be unduly affected and its significance as a listed building would be retained.
  18. The northern boundary of the site borders the gardens of the non-listed 6-8 Ledbury Road Crescent. The north eastern corner borders the garden of the listed No 5 and its north western corner is close to that of the listed Bellevue. But the proposal would not in any way affect the historic plot boundaries of these properties, nor would it affect the current boundaries or open rural nature of the remaining 4-acre plots 11-13.

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<sup>7</sup> Emma Rouse Appendix E, Maps 3 & 4

19. For the above reasons I conclude that the settings of the listed buildings identified above and of those unlisted Chartist cottages and their plots would be preserved.
20. I turn now to the development's overall effect on the setting of the CA. I do not accept the Council's contention that the development scheme would affect the ability to appreciate the relationship between disparate parts of the former Chartist settlement or that it would compromise the rural setting of the Chartist cottages or plots because the western field is not part of the appeal site. I agree with the PAD that it is this field and the footpaths within it that provide the important key link between Prince Crescent and Ledbury Road Crescent.
21. The proposed houses, which are all indicated to be at least two storeys, would be seen in glimpsed views between the Ledbury Road Crescent cottages and from these cottages' rear gardens, which comprise the original 2-acre Chartist plots, particularly plots 25-28. They would likewise be glimpsed from the public footpath that runs between historic plots 28 and 29 joining the Crescent itself between No 8 and Bellevue. Equally there would be similar glimpsed and partial views of the gardens and cottages within the CA from the site. There would also be similar glimpsed views of the proposed houses from the footpaths in the western field and from the rear of Pear Tree Cottage, in which the CA would form the backdrop beyond the hedges, and likewise reverse views of these non-designated heritage assets from the CA, which would be affected to some degree by the proposed development.
22. But all these views would be glimpsed partial views, even in winter, due to the thickness of the western and northern hedges. Whilst the development would infill the open agricultural field I agree with the previous Inspector, for the reasons indicated above, that the site is more closely related to the adjoining recent residential development off Chartist Way. Consequently I conclude that the loss of this open field and the impact on views into and out of the CA would not materially harm the CA's setting and its significance would not therefore be diminished. The proposed development would preserve the character and appearance of the CA.
23. The Council points out that the PAD only considered the visual effects of development on the eastern field, and in any case this proposal should be addressed afresh on its own merits in particular with the need to safeguard the Chartist cottages and their settings as indicated on page 13 of its 2000 CA Character Appraisal. As set out above, I have done just that including assessing the non-visual effects of the development on the heritage assets both as a whole and individually. In summary, the settings of the relevant listed and non-listed buildings would be preserved, as would the character and appearance of the CA; despite the loss of this open field there would be no material harm to the collective heritage assets of the former Snigs End Chartist settlement.
24. The proposal would comply with NPPF paragraphs 132 and 135 and there is no need to carry out the balancing exercise in paragraph 134 because no material harm would arise from the proposed development. To the extent that Policies CSP.1 and CSP.4 of the Forest of Dean Core Strategy (CS) refer to the protection of heritage assets as identified in the Council's evidence I consider that the proposal would comply with them.



### *Landscape Impact*

25. In answer to my question at the Inquiry the Council stated that it does have a 'pure' landscape objection to the proposal in addition to the above heritage objection, unlike its case in the PAD. Proposed Policy AP.96 of the Council's Allocation Plans (AP), seeks to designate the village and its surrounding land as a Locally Valued Landscape (LVL). But the primary purpose of the LVL is "to protect the landscape which provides the setting for the former Chartist settlement as well as the relevant individual buildings and curtilages within it". Any assessment of the development's landscape impact must therefore be within the context of its likely impacts on the relevant heritage assets and their settings, which I have already concluded above are acceptable.
26. I acknowledge that the appellant has an outstanding objection to Policy AP.96 and that consequently I cannot attribute full weight to it because it is still emerging policy in the AP. Nonetheless I agree with the Council that the wider landscape setting of the CA, which the LVL encompasses, is a 'valued landscape' in terms of NPPF paragraph 109, because I and the appellant recognise the significance of the layout and rural setting of Snigs End as only one of five former Chartist settlements. I also agree that the site, despite its close relationship to adjoining suburban residential development, is fairly typical of Landscape Type 6: the Unwooded Vale and Landscape Character Area 6b: the Severn Vale as set out in the *Forest of Dean Landscape Character Assessment* and that there are intermitted views of St James Church and the wider countryside of the Unwooded Vale from it and across it from Chartist Way.
27. The Council's landscape evidence challenges that of the appellant's Landscape and Visual Appraisal submitted with the application and provided by its landscape witness at the Inquiry. But the relative self-containment of the site in marked contrast to the western field and its closer relationship with existing residential development does not convince me that its overall landscape sensitivity is 'medium to high' as suggested by the Council. For the reasons indicated in the previous section I consider its sensitivity is at highest no more than 'medium'.
28. There would be a 'high' magnitude of change to the landscape character of the site itself arising from its residential development giving rise to a 'substantial' magnitude of change. But the overall effect on the landscape receptors<sup>8</sup> would be negligible because the hedges would remain, be strengthened and a new landscape strip would be planted along the site's southern boundary, albeit such new planting would take 10-15 years to mature rather than the 8 years suggested by Mr Harris.
29. In terms of impact to visual receptors I favour the appellant's conclusions because although surrounding residents of the site have a high susceptibility to change the only residents who would be seriously affected would be those in Freedom Close overlooking the site, and they of course have no right to a view. Those to the north would be sufficiently far away and those to Prince Crescent would in time be largely protected by the proposed landscape screen. Walkers using the public footpaths in the western field would not be significantly affected because of the western hedge boundary to the site.

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<sup>8</sup> As indicated in Mr Harris's Landscape Evidence Appendix B, Table 1

30. Whilst houses up to 2½ storeys high are proposed this would be no different to existing development at Freedom Close and the precise scale and layout of any development are reserved matters yet to be determined. Development on the site would in any case be in the context of existing adjacent housing at Freedom Close and O'Connor Close and what is proposed in the illustrative layout is no different to that.
31. The Council is proposing in Policy FC20 as part of Further Changes to the emerging AP to allocate the southern half of the site for 15 dwellings including 0.6ha (out of 1.1ha in total) as open recreation land. The text to this Policy makes clear that these 15 dwellings could be developed without detriment to nearby heritage assets and without offending emerging Policy AP.96. Both the Council's heritage and landscape witnesses opined that they would have advised against this new allocation because it would detract from surrounding heritage assets and offend Policy AP.96, albeit that leaving the northern part of the site open would not be as bad as developing all of it as the proposal seeks to do.
32. However, the fact that the Council are pressing ahead with FC20 at the forthcoming Examination hearings into the AP indicates to me that it must consider the southern part of the site is developable without any adverse effects. Hence I agree with the appellant that the material issue here is whether the development of the rest, the northern part, of the site is unacceptable.
33. I have indicated above that I favour the appellant's assessment of the scheme's overall landscape impact against the Council's. This is unsurprising because the main issue in assessing such impact is the extent to which the proposal would affect the heritage assets and setting of the former Chartist settlement, the LVL, as expressed in emerging Policy AP.96. I have already determined that it would not harm them.
34. Clearly there would be loss of views of the wider countryside including views of St James Church from the site for existing residents on the west side of Freedom Close and from part or even all of Chartist Way. But, for the reasons set out in the Heritage Assets section above, this would not materially harm heritage assets or their settings and would not offend Policy AP.96.
35. As above, to the extent that Policies CSP.1 and CSP.4 of the CS refer to the protection of heritage assets as identified in the Council's evidence I consider that the proposal would comply with them. The proposal would not materially harm a valued landscape and so it would comply with NPPF paragraph 109.

#### *Other Harm*

36. CS Policy CSP.1 states that new development must conserve, preserve or respect important characteristics of the environment in a manner that maintains their contribution including their wider context. Since I have concluded that the proposal would not harm heritage assets or their wider landscape setting it would comply with this Policy and Policy AP.96.
37. The site lies outside the Staunton/Corse settlement boundary. Policy CSP.4 states that most changes in towns and villages will be expected to take place within existing settlement boundaries unless they are replaced by other LDF documents; that in the north of the District development will be centred around

Newent and to a lesser degree the villages; and that development will be supported where it leads to the maintenance and enhancement of the functions of the towns and larger villages. Policy CSP.5 says that 1,216 dwellings will be provided in other villages and the rural area (i.e. other than those listed in the Policy) by 2026, of which half have yet to be identified.

38. As set out above, AP Policy FC20 proposes 15 dwellings on the southern half of the site. This is not yet adopted policy but the Council is pursuing this allocation in the AP and considers this location suitable for development in principle for this number of dwellings. The Staunton/Corse settlement boundary only surrounds the post-war development in the geographic centre of the village, excluding most of the CA. But the site immediately abuts its western boundary. Some development in the villages is envisaged in CSP.4 and Staunton/Corse is defined as a 'service village' in Policy CSP.16, which are expected to accommodate about 283 dwellings during the plan period to 2026. CSP.16 also states that new development will be expected to be proportionate to the function of the settlement.
39. Despite the site's location outside the village's settlement boundary 27 dwellings in this location, which would not create any specific harm, would in my view be a proportionate addition to a village which is much larger than the settlement boundary's geographic definition. This is because the Council itself has recognised that at least part of the site would be suitable to expand that boundary in light of the need to make further allocations in order to achieve a five year housing land supply (5YHLS). Such development would support the maintenance and enhancement of facilities in the village, such as the shop, primary school and doctor's surgery.
40. For these reasons I conclude that the proposed development would not be contrary to the Council's spatial strategy, particularly but not solely as it is currently emerging, and that it would on balance comply with CSP Policies CSP.4, CSP.5 and CSP.16.

### **Conclusion, Obligations and Conditions**

41. NPPF paragraph 14 states that there is a presumption in favour of sustainable development and makes clear that in terms of decision-taking this means approving proposals that accord with the development plan. I have concluded that the proposed development would do so and it should be approved accordingly. A planning balance exercise is not required because there is no material harm, albeit that the provision of 27 dwellings including 11 affordable dwellings in a District that cannot demonstrate a 5YHLS is a significant social benefit to which I would attribute great weight.
42. The planning obligations in the two UUs must, in order to be lawful, meet the three tests in Regulation 122 of the *Community Infrastructure Regulations 2010* (the CIL Regs): necessary to make the development acceptable in planning terms; directly related to the development; and fairly related in scale and kind.
43. The UU that obliges the developer to provide the 11 on-site affordable housing dwellings meets these tests because Policy CSP.5 justifies the need for such housing. There is no argument that such housing is required in this area and these units would be provided on site as part of the development. This obligation would therefore comply with Regulation 122.



44. In terms of the other UU this has two functions. First to provide and ensure the subsequent maintenance of the on-site play area and other open space. This is required through the CS Policies CSP.1, CSP.2, CSP.4 and CSP.9 and the justification is further set out in paragraphs 69, 70 and 73 of the Council's Play Area Provision Supplementary Planning Guidance (SPG). Recreation space is also required for older children and adults and this will be in the form of a contribution towards the development of a multi-use games area (MUGA) at the existing recreation ground next to Corse village hall, as also detailed in paragraph 64 of the PAD. This is also required and justified through the above Policies and SPG. For these reasons the obligations in this UU comply with Regulation 122 of the CIL Regs, and also meet Regulation 123 for the reasons set out in PAD paragraph 64.
45. I was provided with a list of conditions at the Inquiry, which was agreed by both main parties. 20 conditions are suggested by the Council. My reference to condition numbers below is as per the Council's list. In my view Conditions 6, 7, 12, 13 and 14 are unnecessary because they all relate to matters which are reserved. Equally Conditions 8 relating to protection of nesting birds and 18 relating to foul drainage are matters that are clearly covered by other legislation. I have altered the wording of some of the conditions slightly in the interests of clarity and brevity and to better reflect Planning Practice Guidance.
46. My reference to conditions hereinafter is to my Schedule below. Conditions 1-3 are the statutory conditions relating to outline applications relevant to this scheme. Condition 4 is necessary in the interests of precision. I favour the appellant's height restriction rather than the Council's in Condition 5 because to my mind such a maximum height would cause no material harm for the reasons set out in the body of my decision.
47. Conditions 6 and 7 are required to ensure biodiversity is enhanced and any protected reptile species found on the site are adequately protected during the works. Details of external lighting are also required in Condition 8 to protect bats. Condition 9 requires details of fire hydrants because I am unsure whether this is covered by the Building Regulations. A construction method statement is required in Condition 10 in the interests of the living conditions of residential neighbours.
48. Full surface water drainage details and the means by which they will be maintained in perpetuity are necessary in Condition 11 to prevent surface water flooding. And lastly, Condition 12 requires the appellant to comply with the Waste Minimisation and Waste Management Plan in the building of the scheme in the interests of sustainable construction.
49. Subject to the conditions below and for the reasons given above I conclude that the appeal should be allowed.

*Nick Fagan*

INSPECTOR

### Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The details to be submitted under Condition 1 shall accord with the Site Layout Plan H.0476\_01 Sheet No 1 Rev B and Proposed Site Access Arrangements Plan H515/01 and shall include street scenes, existing site levels and sections and proposed site and slab levels and sections through the site at a scale of not less than 1:500.
- 5) No building on any part of the development hereby permitted shall exceed 9.5 metres in height to the ridgeline when measured from the approved slab level.
- 6) Prior to commencement of development a detailed scheme for biodiversity enhancement, such as the incorporation of permanent roost/nest boxes for bats and birds and timeframe for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be fully implemented and retained in perpetuity.
- 7) Prior to commencement of development a reptile migration strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a precautionary method statement covering the clearance and working methods as well as any 'reptile friendly' design principles for the development (e.g. fencing design) and timetable for implementation. Thereafter the approved strategy shall be fully implemented throughout the development and be retained in perpetuity.
- 8) Prior to commencement of development an external lighting scheme detailing any external lighting, including measures to control light spillage to maintain dark bat flight corridors along hedgerow boundaries shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved lighting scheme shall be carried out in accordance with the approved details and be permanently maintained and no further lighting shall thereafter be installed.
- 9) Prior to commencement of development a scheme for the provision of fire hydrants (served by mains water supply) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling shall be occupied until the hydrant serving that property has been provided in accordance with the approved scheme.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved

in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 11) Prior to commencement of development full surface water drainage details including SUDS/attenuation features and associated pipework, incorporating sustainable drainage principles in accordance with the Phoenix Design Partnership Flood Risk Assessment Revision F dated 6 January 2016 shall be provided to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be fully implemented before the houses are completed and first occupied and shall subsequently be maintained in accordance with the approved details.
- 12) The Waste Minimisation and Waste Management Plan by Robert Hitchins Ltd, Ref 303.WMP.01 dated November 2015 shall be followed in the construction of the development.

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*End of Conditions*

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY:

Peter Wadsley of Counsel      *Instructed by the Principal Solicitor to the Council*

He called:

Emma Rouse      Wyvern Heritage and Landscape

Peter Radmall      Landscape Architect

Nigel Gibbons      Forward Plan Manager, Forest of Dean District Council

Stephen Colegate      Principal Planning Officer & team leader, planning enforcement & appeals

FOR THE APPELLANT:

Anthony Crean, QC      *Instructed by Pegasus Planning*

He called:

Dr Nicholas Doggett      Asset Heritage Consulting  
FSA, IHBC, MCIFA

Paul Harris      MHP Chartered Landscape Architects  
CMLI

David Hutchison      Pegasus Planning Group  
BSC Hons DipTP MRTPI

OTHER INTERESTED PERSONS:

Julie Milroy      Local resident (Day 1 only)

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*End of Appearances List*

**DOCUMENTS TABLED AT THE INQUIRY**

- 1A & 1B. Two Unilateral Undertakings as set out above dated 8 June 2017
2. Mr Crean's Opening Submissions
3. Mr Wadsley's opening Submissions
4. Appeal Notification Letter 5 July 2017
5. CIL Regs Justification by the Council
6. Appeal decision APP/P1615/A/14/2228822 – Land north of Ross Road, Newent
7. Excerpt from GLVIA3
8. Schedule of agreed conditions
9. Closing submissions by Mr Wadsley
10. Closing submissions by Mr Crean
11. Costs application by the appellants
12. Costs rebuttal by the Council

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*End of Documents List*

Richborough Estates