



Appeal Decision

Site visit made on 19 June 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 27th October 2017

Appeal Ref: APP/X1925/W/17/3168114

Land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell, Hertfordshire SG4 8HX

- 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 Pigeon Land Limited against the decision of North Hertfordshire District Council.
 - The application Ref 15/02555/1, dated 30 September 2015, was refused by notice dated 23 August 2016.
 - The development proposed was originally described on the application form as the erection of 41 new homes, traditional office accommodation, extensive open space and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the residential development for 41 dwellings comprising 25 open market houses (5 two bed dwellings, 6 three bed dwellings, 6 three bed bungalows, 5 four bed dwellings, 2 four bed bungalows and 1 five bed dwelling) and 16 affordable dwellings (6 one bed dwellings, 7 two bed dwellings and 3 three bed dwellings), associated parking, cycle storage, refuse storage, pumping stations and open space at land to the south of Bendish Lane and adjacent to 2-12 Cresswick, Whitwell, Hertfordshire SG4 8HX in accordance with the terms of the application, Ref 15/02555/1, dated 30 September 2015, subject to the conditions set out in the schedule to this decision letter.

Application for costs

2. An application for costs was made by Pigeon Land Limited against of North Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural matters

3. During the course of the consideration of the application by the Council, the proposed development was amended which included the removal of the office accommodation and changes to the types of residential units proposed. Consequently the description of the development also changed. The Council determined the application on the basis of those amended plans, including the amended description of the development, and I have determined the appeal on this basis.
4. The Application form identifies the site as 'Whitwell West' whereas the Council have used a more descriptive address (Land to the south of Bendish

Lane and adjacent to 2-12 Cresswick, Whitwell). The Council's site address more accurately describes the location of the site (and that the application and appeal publicity have also utilised this address) I have utilised this to identify the site in my decision.

National Planning Policy Background

5. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the housing supply policies in the North Hertfordshire District Local Plan No.2 with alterations (1996) (LP) are out of date.
6. Consequently the fourth bullet point of paragraph 14 of the Framework comes into force. This makes clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Main Issues

7. The main issues are the effect of the development on the character and appearance of the area and infrastructure requirements.

Reasons

Character and appearance

8. The appeal site is located on the west side of the village of Whitwell and is in the region of 5.9 hectares in size. The site is largely bordered by existing residential properties on its north-east, east and south side with open fields to the west beyond the public footpath. To the north, on the opposite side of Bendish Lane, is a primary school and playing field.
9. The site generally rises from Bendish Lane towards the south, although there is an area of the site to the rear of the Creswick properties which is lower than the existing road level. The site is currently an arable field with hedgerows and trees around its boundaries.
10. The proposed development would include a total of 41 new dwellings and associated facilities, including two ponds which form part of the overall drainage strategy for the site. The developable area would extend to around 3.13 hectares and would be on the lower lying parts of the site. The remainder of the site would be provided as open space which would be generally towards the southern and western parts of the site.
11. The Council's concern relates to the amount of landscape and earthworks required to implement the flood risk mitigation measures (as opposed to the residential development) and the resultant impact on the character and visual quality of the countryside. However, very little detail is given on the exact nature of this concern.
12. From the submitted details it is clear that the two ponds would involve re-grading of the existing land levels with pond one being in the region of 2.2 metres in depth. Pond two would also be of a similar depth. However, in respect of pond one the topography of the site would mean that the increase in land levels to the south would give a perception of a greater depth.

13. My attention has also been drawn to other areas of water in the locality such as the pond at Chalkleys Wood, the watercress beds at Whitwell and the River Mimram.
14. To my mind, the level of earthworks and regrading of the land to form the two ponds would not result in an excessive of works, especially given the overall development proposed. The provision of the two ponds would not be out of character with the wider area which also features ponds and the River Mimram.
15. In addition to the concerns from the Council, numerous representations have been received raising concern over the wider impact of the development on the rural landscape quality of the area including views across the valley and from the Chiltern Way and other footpaths in the area.
16. As I understand it the site lies outside of any defined village development boundary and, in planning policy terms, is located in the countryside. Given the undeveloped nature of the site, and the open countryside to the west (and to a lesser extent the north and south beyond the existing development), it has a rural feel to it.
17. The new dwellings would be generally located on the lower parts of the site with a significant amount of greenspace around the western and southern parts. This level of greenspace would significantly reduce the impact of the development on the rural character of the area. Notwithstanding this, the development would still have an adverse impact on the open character of the area by extending development along Bendish Lane beyond the existing village.
18. For the above reasons, I conclude that the dwellings would lead to some harm to the rural character and appearance of the area contrary to the provisions of saved Policy 6 of LP which amongst other matters seeks to maintain the existing countryside and villages and their character.

Infrastructure

19. Whilst the development was not refused on the basis of a lack of infrastructure requirements the Council, in their Officers report to committee, identified a number of infrastructure matters which should be delivered through a section 106 agreement including affordable housing, education contributions, library service contributions, fire hydrants, a waste collection and recycling contribution, open space management and maintenance arrangements, and a play space contribution.
20. The Appellant has considered these matters, and in the absence of a bilateral agreement with the Council, has provided a Unilateral Undertaking (dated 22 June 2017). However, following comments from St Pauls Walden Parish Council (the PC), the Council, and the County Council a revised Unilateral Undertaking (dated 12 September 2017) has also been submitted.
21. However, the second undertaking does not take effect unless (amongst other matters) the Owners complete a Deed of Variation prior to the commencement of development and that the Council and County Council execute the Deed within 12 weeks of receipt. In the event that this is not executed by the Council the revised undertaking would terminate with

immediate effect. In the event that this does not take place, the original undertaking would still be in effect.

22. The justification for the financial contributions comes from the Planning Obligations Supplementary Planning Document and Policy 51 of the LP. However, full details of these have not been provided to me.
23. Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
24. Notwithstanding that, the County Council has provided a detailed justification for the education and library contributions. From the evidence before me, these requirements are necessary to make the development acceptable in planning terms. The County Council have confirmed that there are less than 5 specific planning obligations that have been entered into with respect to these matters. Consequently, I consider that these requirements accord with the provisions of the CIL Regulations.
25. I have also had regard to the trigger points for payment in the undertaking. Given the nature of the financial payments, I consider that the payment trigger point of occupation of any dwelling is a reasonable timescale for payment to be made. Whilst I appreciate that the County Council seeks the earliest possible trigger point for payment, to my mind, this is not essential in this case.
26. In respect of fire hydrants I am not convinced that this needs to be part of the undertaking. Whilst I consider that such provision is necessary, given that it would need to be provided on site, this can be achieved through a suitably worded planning condition. Therefore, there is no requirement for this to form part of any legal agreement and I therefore give this element no weight in my decision.
27. Turning to matters which favour the (District) Council, very limited evidence has been provided to me in respect of the financial contributions requested towards waste and recycling facilities, and towards the enhancement and maintenance of play space at Bradway Recreation Ground.
28. Consequently, I am unclear on how the financial amount of any of the suggested contributions has been arrived at or how the development impacts on any of these financial requirements. Furthermore, it is unclear whether there have been any other developments which also contribute to such enhancement and maintenance of the Bradway Recreation Ground facilities. As such I cannot be certain that these requests accord with the CIL Regulations and I therefore give these matters no weight in my decision.
29. The Undertakings also make provision for the delivery of affordable housing, although between the two undertakings the trigger points differ.
30. The revised undertaking provides for the delivery of four affordable homes prior to the occupation of the 12th open market dwelling, with the remaining 12 affordable dwellings being delivered prior to the occupation of the 19th

open market dwelling. To my mind, these trigger points represent a reasonable period to deliver the much needed affordable housing whilst also providing an incentive to the developer to deliver all of the open market housing.

31. The development includes a sizable amount of open space and the provision and maintenance of such is an important aspect to the overall development. Whilst the original undertaking made some provisions in this respect, following the concerns raised by the Council and the PC the revised undertaking does not make any provision for this, with the Appellant indicating that this could be dealt with by planning conditions.
32. Given that all of this open space is located within the application site, I am satisfied that the provision of the open space, and the subsequent management and maintenance of this area can be adequately controlled by means of suitably worded planning conditions. I also consider that the sustainable drainage aspects to the open space area (and other areas within the overall site) could also be adequately controlled by means of planning conditions and therefore it is not necessary for these matters to be included within a legal agreement.
33. Both undertakings also make provision for a sustainable transport contribution towards the costs of improvements to both of the existing bus stops in Whitwell at the top of Horn Hill. Whilst I have been provided with very limited details of this, I am conscious that the appeal site is not the most accessible in relation to public transport provision. Consequently, improvements to the existing public transport facilities in the area would help to encourage the future occupiers of the development to use alternative means of transport to the private motor vehicle. Therefore, given this, I consider that this contribution is necessary to make the development acceptable in planning terms.
34. In addition to the above, the UU also provides for a contribution of £28,000 towards the community centre facilities at Fellowship Hall in Whitwell. However, this is not mentioned in the Council's report to Committee nor has this requirement been justified in any subsequent appeal documentation. Consequently I give this no weight in the determination of this appeal.
35. In summary, I find that the provision of affordable housing, education and library and sustainable transport contributions are all necessary and meet the tests in the CIL regulations. All other contributions and infrastructure provision has either not been justified or can be delivered through suitably worded planning conditions.

Other matters

36. I have also had regard to the concerns raised in the significant amount of representations from the Council's consultation period on the application and through the appeal consultation period. The principle issues raised include matters relating to flood risk and drainage, highway safety, the emerging Local Plan, the need for the development and its location, future development proposals and the effect on wildlife.
37. From the evidence before me the appeal site is located in Flood Zone 1 as defined by the Environment Agency. Consequently, there is no requirement

for a sequential test to be undertaken. Notwithstanding that, a revised Strategic Flood Risk Assessment has identified that parts of the site have the potential for surface water flooding. The appeal application was supported by a site specific Flood Risk Assessment (SSFRA), which was updated during the course of the application.

38. Flood risk matters were also considered by the Lead Local Flood Authority who, subject to conditions, came to the view that the development would not pose significant flooding issues or be at excessive risk of flooding.
39. Notwithstanding that, I have had regard to the JBA review (on behalf of the PC) of the updated SSFRA. JBA acknowledge that this review is not a detailed Flood Risk Assessment. The JBA review is consistent with large parts of the Appellant's own SSFRA and drainage strategy, although there are differences in relation to surface water and run-off.
40. However, I consider that these matters are sufficiently addressed in the SSFRA and the Appellants comments on the JBA review. The JBA does not provide any compelling evidence to demonstrate that the SSFRA and drainage strategy would not be fit for purpose and provide for a suitable means of drainage and flood protection measures for the development.
41. It is acknowledged that the development would include pumps to allow the site to be drained and concern is raised if these pumps fail. Whilst this does raise some concern, the proposal includes two pumps and I am satisfied that further details in relation to ongoing maintenance and management could be addressed through a suitable worded planning condition.
42. Turning to potential highway issues, the site access would be located close the primary school access and opposite an area which has been surfaced to allow for parking at the side of the road. However, the access would be constructed to design standards and would have adequate visibility in both directions. Given the nature of the existing highway, and the likely traffic generation from the development, I consider that the proposal would create a safe and suitable access to the site and would not result in any significant highway safety issues to the existing network, including the proximity of the school access and layby. It is also noted that the Highway Authority came to a similar conclusion subject to the imposition of certain planning conditions.
43. Reference has also been made to the emerging Local Plan where the site has been put forward for residential development (known as site SP2). However, it is noted that objections on the allocation of the site have been received which given the unexamined nature of the emerging Local Plan severely limits the weight I can attach to such an allocation.
44. Notwithstanding that, the site is located on the edge of the existing village and concern has been raised over its separation from the existing development. However, it is noted that the new residential properties are generally located at the northern and eastern parts of the site adjoining the existing development along Bentish Lane. Furthermore, the proposal would extend the existing pedestrian footway to link into the sites access road, and provide a dedicated footway to the public footpath to the west. To my mind, this provides a sufficient link to the village.

45. The development would provide 41 new dwellings which would clearly represent a sizable increase in the number of dwellings in the village. However, this is not a reason in itself to withhold planning permission. Concern has also been raised in respect of further development proposals on the site. However, each application must be considered on its individual merits.
46. In respect of the effect of the development on wildlife, the proposal would involve the loss of a greenfield site. However, the site is currently used for agricultural purposes with no trees or bushes within the main parts of the site. The proposal retains the vast majority of the trees and hedgerows around the edge of the site and would provide a large area of greenspace which would have wildlife benefits. It is also noted that the ecological surveys did not identify any significant issues in respect of protected species or wildlife in general.
47. It is also suggested that the development of the site would have an impact on potential mineral extraction. However, the site is located within the buffer zone (rather than the Minerals Resource Block) as is much of the village, with the mineral source being on the opposite side of the village to the appeal site. With that in mind, I consider that the development of this site would not have any significant impact to future mineral extraction in the area.
48. Finally, the appeal site abuts the western extremities of the Whitwell Conservation Area which includes St Mary's Chapel. Plots 1 and 11 of the proposed development abut the Chapel boundary. Notwithstanding my finding of harm to the rural character and appearance of the area, given the nature of the development and the very limited amount of development adjacent to the Conservation Area boundary, there would be little restriction on views into and out of the Conservation Area. I therefore conclude that its setting would not be harmed. Therefore, I find that the proposal would accord with the conservation aims of the Framework.

Planning balance

49. I have found that the proposed development would give rise to some harm to the character and appearance of the area and would conflict with the LP. This factor weighs against allowing the proposed development. The limited amount of public transport in the area also weighs slightly against the development. I also acknowledge that the lack of infrastructure contributions (such as financial contributions towards improvements at Bradway Recreation Ground and Fellowship Hall) may have some limited impact on the provisions of services.
50. From the evidence before me, it is unclear what the current shortfall in the Council's five year housing land supply is. However, the provision of 41 additional dwellings, including 16 affordable dwellings, would undoubtedly contribute to the reduction of the deficit. This would also have some social benefits to the area. I also consider that the extensive areas of open space around the southern and western parts of the site would greatly assist in blending the development in to the surrounding area and help the transition from a built up village to rural undeveloped land. These are significant benefits of the scheme.

51. The dwellings would also provide some economic benefits to the area during the construction process and would have ongoing benefits to the local economy as additional residents would help to support local facilities. The economic benefits are also in favour of the development.
52. Taking all of these factors into account given that the area of greenspace around the western and southern parts of the site considerably minimises the impact of the proposal on the surrounding rural area, to my mind, the adverse impacts of the development do not significantly and demonstrably outweigh its benefits. I therefore consider that the development is sustainable development when considering the Framework taken as a whole.

Conditions

53. The Officers report to committee detailed a number of conditions which the Council would have imposed had it granted planning permission. I have also had regard to the additional suggested conditions which the Appellant has put forward. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the suggested wording and combined conditions as appropriate.
54. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. Although not requested by the Council, in the interests of the character and appearance of the area a condition relating to external materials of the new dwellings is required.
55. In the interests of highway safety, conditions are necessary in respect of the construction of the first part of the access from Bendish Lane (including its width, kerb radii and gradient), construction of the footway and pedestrian crossing points, and vehicular visibility splays to the new access road.
56. A construction method statement (with traffic management aspects as well) is also necessary to ensure that the construction process does not affect highway safety and the amenity of other road users and local residents. For environmental reasons, conditions which make provision for dealing with potential contaminated land issues are also necessary.
57. To ensure that the site has suitable drainage, and does not have undue risk of flooding (including increasing the risk of flooding elsewhere), or give rise to unacceptable pollution, conditions relating to surface water drainage, details of the underground storage tank, pollution risks, a restriction on penetrative foundations and flood risk are required.
58. Conditions relating to landscaping and biodiversity, including on-going maintenance and management, are also necessary in the interests of the character and appearance of the area and for environmental reasons.
59. Given the possibility of archaeological remains conditions are also required to ensure that any findings are properly recorded. As noted above, in the interests of fire safety, a condition requiring fire hydrant(s) is also necessary.
60. With the exception of the initial section of the access road, construction method statement, contaminated land, drainage details (including surface

water drainage, the underground tank and sewerage pumping station) and archaeological investigations, it is not necessary for any of the suggested conditions to be agreed pre-commencement.

61. It is necessary for these matters to be agreed prior to any works commencing as the archaeological and contaminated land investigations relate to matters below ground level and should be resolved before any ground disturbance works occur. In respect of the construction method statement, this needs to be agreed prior to any works so that the development does not create any unacceptable problems during the entire construction period. In respect of the drainage details, the additional details required will invariably involve works at the early stages of the construction process.
62. The initial section of access road is required to ensure that there is a safe access and egress to the site for the construction process particular given the proximity of the school on the opposite side of Bendish Lane.
63. The Officers report also recommended conditions relating to pedestrian visibility splays on each side of the driveways to the new properties. However, whilst desirable, I consider that this is not necessary to make the development acceptable in planning terms. In respect of the need for a noise assessment to take account all proposed plant this would appear to relate to the plant associated with the pumping station. In this respect I consider that such a condition is not necessary.

Conclusion

64. Taking all matters into consideration I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule below.
 - 3) Prior to the commencement of the construction of the external surfaces of each dwelling details and samples of the materials to be used in its external surfaces shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) The development hereby permitted shall not commence until the proposed access has been constructed for at least 30 metres from the highway boundary on Bendish Lane.
 - 5) Prior to the first occupation of the first dwelling, the footway and pedestrian crossing points shall be completed on each side of the new access road including connections to the adjacent village footways.
 - 6) With the exception of the construction of the first 30 metres of the new access road, the development shall not commence until vehicle to vehicle inter-visibility splays of 2.4 metres by 80 metres in both directions has been provided with no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway level (when taken from the intersection of the centre line of the new road with the edge of the existing carriageway. The visibility splays shall be maintained as such for the life of the development.
 - 7) The gradient of the new access from Bendish Lane shall not be steeper than 1 in 20 for the first 15 metres from the edge of the existing carriageway.
 - 8) Notwithstanding the submitted details, the access road shall be 5.5 metres wide with a kerb radii of 8.0 metres complete with tactile crossing features (as indicated on drawing number WHI-05-01 revision H).
 - 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The method statement shall include :
 - i. the number of construction vehicles and the routing of construction traffic;
 - ii. construction and storage compounds (including areas designated for car parking);
 - iii. the siting and details of wheel washing facilities;
 - iv. cable trenches within the public highway that affect traffic movement of existing residents;
 - v. cleaning of the site entrance and the adjacent public highway; and
 - vi. the disposal of surplus materials.
- The construction works shall only be carried out in accordance with the approved Plan
- 10) Prior to the commencement of the development a scheme that includes the following components to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority. The scheme shall include:

- i. a preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- ii. a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. the results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved scheme shall be implemented in full.

- 11) No dwelling shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation have been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 12) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 13) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall only be carried out in accordance with the approved details.
- 14) No development shall take place until a detailed surface water drainage scheme for the site (to include details of safeguarding measures for the proposed ponds during periods of flood) based on the approved FRA and sustainable drainage principles, a detailed assessment of ground water levels, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in

writing by the local planning authority. The scheme shall only use infiltration systems where it can be demonstrated that they will not pose a risk to groundwater quality. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include:

- i. detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs; and
- ii. a detailed management plan to include arrangements for the management and maintenance of the approved surface water drainage scheme, and including a plan identifying the sections of the surface water system to be maintained and arrangements for the ongoing maintenance of the SuDS elements of the surface water system for the lifetime of the development.

The development shall only be implemented, and subsequently maintained, in accordance with the approved scheme.

- 15) Prior to the commencement of development a scheme to install and maintain the underground tank (and associated equipment) shall be submitted to and approved in writing by the local planning authority. The scheme shall include the full structural details of the installation (including details of the excavation works, the tank(s), tank surround and associated pipework and monitoring systems). The approved scheme shall be fully implemented and maintained as such for the life of the development unless alternative measures are first agreed in writing by the local planning authority.
- 16) Prior to the commencement of development a scheme to manage the pollution risks associated with the operations of the proposed sewage pumping station and drainage system shall be submitted to and approved in writing by the local planning authority. The scheme shall include and address the following components:
 - i. the location and design of groundwater monitoring boreholes comprising of at least one up hydraulic gradient and two down gradient boreholes, one of these to be located down gradient of the sewage pumping station; and
 - ii. the frequency of monitoring and reporting to relevant regulatory authority and the suite of substances that will be tested in each groundwater sample from the site. These boreholes must be constructed in a manner that ensures they do not provide a pathway for contaminants to enter the ground or groundwater from the site surfacing.
- 17) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Fairhurst dated September 2015 reference 109490/0052/R1/4 and the Drainage Statement reference 109490/0052 R5.1 dated April 2016 unless details required by other conditions in this permission supersede the requirements of the Flood Risk Assessment or Drainage Statement. The mitigation measures shall be fully implemented in accordance with a timing/phasing plan which shall be submitted to and approved in writing prior to the first occupation of any part of the development.

- 18) Notwithstanding the submission of the Landscape and Visual Appraisal and Appendix E of that report (drawing no CSa/2631/107G), prior to the first occupation of any part of the development a landscape and ecological design strategy shall be submitted to and approved in writing by the local planning authority, detailing how it is planned to incorporate biodiversity as part of the development and how the habitats within the site boundary will be managed to maintain long term biodiversity objectives. This strategy shall include the following:
- i. purpose and conservation objectives for the proposed works;
 - ii. detailed design(s) and/or working method(s) to achieve stated objectives;
 - iii. extent and location/area of proposed works on appropriate scale maps and plans;
 - iv. the type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - v. a timetable for implementation;
 - vi. persons responsible for its implementation;
 - vii. details of initial aftercare and long-term maintenance; and
 - viii. details for monitoring and remedial measures.

The approved strategy shall be implemented in accordance with the approved details.

- 19) Prior to the first occupation of any part of the development, a detailed landscape scheme (to generally accord with drawing no CSa/2631/107G and clearly indicating such details to the rear boundaries of properties in Cresswick and St Marys Chapel, together with any fencing) shall be submitted to and approved in writing by the local planning authority. The scheme shall include an implementation plan for the landscaping works (including the areas of open space). The approved landscaping shall be implemented in accordance with the approved details (including the implementation plan). Any trees or plants which, within a period of 5 years of it planting, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the local planning authority agrees in writing to vary or dispense with this requirement.
- 20) No dwelling shall be occupied until a scheme for the ongoing maintenance and management of all of the open space has been submitted to and approved in writing by the local planning authority. The scheme shall include provisions to ensure that it is available for public use.
- 21) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and
- i. the programme and methodology of site investigation and recording as suggested by the archaeological evaluation;
 - ii. the programme for post investigation assessment;
 - iii. the provision to be made for analysis of the site investigation and recording;
 - iv. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. the provision to be made for archive deposition of the analysis and records of the site investigation;

- vi. the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 22) The development shall be undertaken in accordance with the programme of archaeological works and no dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme as set out in the Written Scheme of Investigation approved under condition 21.
- 23) No dwelling shall be occupied until a scheme for the provision of fire hydrant(s) within the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of any dwelling.

---END OF SCHEDULE OF CONDITIONS---

Richborough Estates

SCHEDULE OF APPROVED PLANS

- Location plan;
- Masterplan layout WHI-03-04 H;
- Affordable housing WHI-03-07 G;
- Building heights WHI-03-05 G;
- Residential boundary WHI-03-09 B;
- Extent of residential area WHI-03-08 B;
- Roof plan WHI-04-01 G;
- Boundary Key Plan and Parking WHI-05-01 H;
- Cross Sections A-A, B-B & C-C WHI-27-01 A;
- Pumping Station enclosure plan and elevations – WHI-08-01;
- Street Scenes – WHI-28-01 A;
- Street scene along Bendish Lane – WHI-28-02;
- Type C - elevations WHI-10-01 A;
- Type C - floor plans WHI-10-02 A;
- Type D1 - elevations and floor plans WHI-11-01 A;
- Type D2 - elevations and floor plans WHI-12-01 A;
- Type D3 - elevations and floor plans WHI-13-01 A;
- Type E - elevations and floor plans WHI-14-01 A;
- Type E1 - elevations and floor plans WHI-15-01 A;
- Type D4 - elevations and floor plans WHI-18-01 A;
- Type K - elevations and floor plans WHI-19-01 A;
- Type D6 - elevations and floor plans WHI-20-01 A;
- Type F - elevations WHI-21-01 B;
- Type F - floor plan WHI 21-02 B;
- Type G - elevations and floor plans WHI-23-01 A;
- Type H - elevations WHI-24-01 A;
- Type H - floor plans WHI-24-02 A;
- Garages - elevations and plans WHI-25-01 A;
- Refuse and cycle stores - elevations and floor plans WHI-25-02 A;
- Boundary treatments WHI-26-01;
- Type L - elevations WHI-29-01 B;
- Type L - floor plan WHI-29-02 B;
- Type M - elevations WHI-30-01 B;
- Type M - floor plan WHI-30-02 B;
- Type N - elevations WHI-31-01 A;
- Type N - floor plan WHI-31-02 A;
- Type P - elevations WHI-32-01 A;
- Type P - floor plan WHI-32-02 A;
- Type Q - elevations WHI-33-01;
- Type Q - plans WHI-33-02.

---END OF SCHEDULE OF APPROVED PLANS---