



Appeal Decision

Site visit made on 21 November 2017

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 19th December 2017

Appeal Ref: APP/X2220/W/17/3179235

Land on the south west side of Singledge Lane, Whitfield Kent

- 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 Abbey Developments Limited against the decision of Dover District Council.
 - The application Ref DOV/16/00136, dated 4 February 2016, was refused by notice dated 20 January 2017.
 - The development proposed is 133 new residential units including 40 affordable homes, new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of open space and a locally equipped children's play area (LEAP).
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Decision

1. The appeal is allowed and planning permission is granted for 133 new residential units including 40 affordable homes, new vehicular and pedestrian access, internal access roads, car parking, landscaping, provision of open space and a locally equipped children's play area (LEAP) at Land on the south west side of Singledge Lane, Whitfield Kent in accordance with the terms of the application, Ref DOV/16/00136, dated 4 February 2016, subject to the conditions set out in the Schedule to this decision.

Applications for costs

2. Applications for costs have been made by Abbey Developments Limited against Dover District Council and Dover District Council against Abbey Developments Limited. Those applications are the subject of separate Decisions.

Procedural Matters

3. Prior to the appealed application's determination by the Council it was amended with the number of proposed dwellings being reduced from 135 to 133. I have therefore only had regard to the drawings relating to the amended scheme. A consequence of the number of dwellings be reduced is that the description of development has been amended and I have referred to the amended scheme in the banner heading and formal decision above.
4. The address for the field comprising the site was stated as being 'Singledge Lane, Whitfield, Kent on the application form, albeit in the application form's site description section reference is made to the land being on the south west side of the road. The Council has referred to the site's address as being 'Land on the south side, Singledge Lane ...', while on the appeal form the appellant has referred to the site's address as being 'Land south of Singledge Lane ...'. I

consider that the most accurate address for the site is 'Land on the south west side of Singledge Lane ...' and I have used that in the banner heading and formal decision above.

5. As part of the appeal the appellant has submitted an executed Unilateral Undertaking (UU), made pursuant to Section 106 of the Act. The UU, which is binding on the landowners (and their successors in title) and the appellant, would secure:
- a primary school contribution of £514,000.00;
 - a secondary school contribution of £303,234.30;
 - a community learning contribution of £3,410.12;
 - a youth centre contribution of £9,321.97;
 - a library bookstock contribution of £10,461.78;
 - a social care contribution of £10,606.75;
 - a contribution of £25,000 for off-site local sports facilities;
 - a contribution of £8,776.00 for the management of the Lydden and Temple Ewell Downs Special Area of Conservation (SAC);
 - 30% affordable housing provision (40 homes) within the development;
 - the provision of the open space and amenity land shown on the application plans; and
 - the provision of a local equipped area for play.

Main Issues

6. The main issues are whether the development would: make adequate provision for an on-site Suitable Alternative Natural Greenspace (SANG) to mitigate recreational effects on the SAC and/or affect the widening of the A2; and make adequate provision for surface water drainage.

Reasons

SANG provision and A2 widening

7. The 9.16 hectare site forms part of the Whitfield Urban Extension (WUE) identified in the Dover District Core Strategy of 2010 (the Core Strategy), most particularly Policy CP11. Amongst other things it is intended that the WUE will provide 5,750 new homes. The Council adopted the Whitfield Urban Expansion Supplementary Planning Document in April 2011 (the SPD) to guide the WUE's implementation. For the purposes of the SPD the site has been identified as being a 'village extension' and the SPD refers to this site as the 'Extension to the South of Singledge Lane' (the ESSL). It is intended that the WUE will be implemented on a phased basis. However, the SPD recognises that the ESSL could be brought forward independently of the larger neighbourhood of Temple Whitfield '... provided it can be demonstrated that its development is acceptable in highway terms, that suitable vehicular access arrangements can be achieved ...' (paragraph 5.168 of the SPD).
8. As a consequence of the site's proximity to the SAC there is a need to mitigate the effects of the SAC being used as a recreational destination by the development's occupiers. To that end the development would include 4.17 hectares of SANG. The SANG would serve as an informal area of open space and it would lie between the proposed houses and the A2.

9. Based on the content of the SPD there is disagreement as to what the actual SANG requirement for the ESSL should be. That is because the SPD refers to the ESSL having a capacity of 250 dwellings, with a requirement to provide 4.74 hectares of SANG¹. On that basis the SANG ratio per dwelling would be 0.01896 hectares and 133 dwellings would have a pro-rata SANG requirement of around 2.52 hectares. However, the Council contends there is a typographic error in the SPD and that the ESSL's dwelling capacity should have been identified as being 150 units. For a 150 unit development with 4.74 hectares of SANG, the SANG ratio equates to 0.0316 hectares per dwelling.
10. With respect to the SANG requirement the appellant sought clarification from the Council and an exchange of correspondence between the appellant's agent and the Council's principal ecologist occurred in March 2017². In that exchange the Council stated that the SANG requirement for the ESSL and the adjoining Temple Whitfield area were set significantly higher than for the rest of the WUE. That is because these areas would be much closer to the SAC and a greater deterrent would be required to discourage their residents from crossing the A2 to access the SAC. The SPD states that for Temple Whitfield 21.80 hectares of SANG should be provided.
11. The logic of providing a greater amount of SANG for the ESSL and Temple Whitfield is very clear. However, this factor alone does not explain the derivation of a 4.74 hectare SANG requirement for the ESSL based on 150 rather than 250 dwellings.
12. I consider that both the explanation of the 150 dwelling apportionment for the ESSL, as provided in the March 2017 exchange of correspondence, and the content of the SPD lack clarity in terms of identifying the SANG requirement for the ESSL and Temple Whitfield. That is because the SPD identifies varying dwelling numbers for the Temple Whitfield area. In section 5 of the SPD Temple Whitfield's dwelling capacity is stated to be 470 units. However, in Table 6.2 (Infrastructure Summary Table) 690 dwellings are attributed to Temple Whitfield and that number similarly appears in Temple Whitfield's entry in the SPD's second appendix (Infrastructure Requirements). In part of the previously mentioned exchange of correspondence the Council's principal ecologist states that he based in his calculations on the ESSL and Temple Whitfield yielding 690 dwellings, with the respective unit numbers for those sites being 150 and 540. However, that approach creates a further anomaly because nowhere in the SPD has Temple Whitfield been attributed a 540 dwelling capacity.
13. The appellant has submitted that the originally intended capacity for the ESSL was 250 dwellings because at the time of the SPD's formulation a scheme for 250 dwellings was being promoted by another developer³. That proposition appears to be supported by the content of the committee report that formed the basis of the Council's decision to adopt the SPD⁴. Under the seventh bullet point ('Village Extensions') in paragraph 7 of that report it was stated that the Highways Agency (now Highways England [HE]) had revised its advice to the Council, with the effect that it accepted that the ESSL could

¹ Appendix 2 Infrastructure Requirements of the SPD

² Appendix 18 of the appellant's appeal case

³ Paragraph 5.4 of the appellant's appeal statement and Appendix 18

⁴ Appendix 26 to the appellant's appeal statement

accommodate up to 251 dwellings, accessed via Singledge Lane, without there being a need for a new A2 access.

14. On the evidence available to me I consider that the figure of 250 dwellings attributed to the ESSL in Appendix 2 of the SPD should have greater weight attached to it than 150 dwelling figure subsequently referred to by the Council in the March 2017 exchange of correspondence. Treating a development of up to 250 dwellings as the basis for the provision of 4.74 hectares of SANG then a scheme of 133 dwellings, providing 4.17 hectares of SANG, would more than meet a SANG ratio of 0.01896 hectares per dwelling and would fall a little short of a ratio of 0.0316 hectares per dwelling.
15. The A2 at this point is single carriageway in each direction and it forms part of the national strategic road network for which HE is the relevant highway authority. In the late 1990s HE's predecessor served a statutory notice (a TR111) on the Council advising of an intention to bring forward a dualling scheme for the A2 between Lydden Hill and Dover. The TR111's issuing coinciding with the Council's preparation of what became the Dover District Local Plan (the Local Plan), which was adopted in 2002. Policy TR4 of the Local Plan, by reference to its Proposals Map (Policy Map)⁵, safeguards land to the north and south of the A2's current alignment for its dualling.
16. The proposed SANG would partly encroach into the area safeguarded by Policy TR4. The Council is concerned that were the A2 dualling scheme to proceed then it would have the potential to result in some of the SANG being lost. The Council therefore contends that either the development would have an inadequate amount of SANG to mitigate its effects on the SAC or the retention of all of the SANG 'could preclude' the A2's dualling.
17. While Policy TR4 envisages the implementation of a dualling scheme, HE in commenting on the appealed application, has raised no objection to the development. In particular there is no suggestion from HE that this development would preclude a dualling scheme, with it stating that it '... has no current proposals to dual the A2 between Lydden and Dover' and 'We believe that a TR111 may still be in place for an historic scheme that has been cancelled'⁶. HE has also stated that the Highways Agency advised the Council against 'protecting the historical scheme of 1998 to 2000 in their local plan' (appendix 21 of the appellant's case).
18. It is clear that prior to the appealed application's determination by the Council HE had been an active consultee. It is also very apparent that HE currently has no plans to implement a dualling scheme. I therefore consider that Kent County Council's aspiration for a dualling scheme, as referred to in its recently published Transport Plan⁷ should have limited weight attached to it. That is because HE, as the relevant highway authority, has made it clear that the 1990s scheme has been cancelled and no replacement scheme is currently envisaged.

⁵ As shown in Figure 2-1 included in Highways and Transport Report prepared by WSP Parsons Brinkerhoff of May 2017 – Appendix 22 of the appellant's case

⁶ Email from Highways England to Kent County Council and the appellant's agent - Appendix 5 of the appellant's case

⁷ Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031

19. HE has also indicated that were a dualling scheme to come forward in the future there is no certainty that its preferred route would align with the proposal subject to the previous TR111 (appendix 5 of the appellant's case).
20. While the Council has sought to argue that the dualling of the A2 would be needed to ensure that the traffic generated by the WUE could be accommodated, I find that proposition difficult to accept. That is because the SPD makes no reference to WUE being dependent on the A2's dualling. In that regard I consider it noteworthy that the SPD's Figures: 4.1 'Green Infrastructure Constraints and Opportunities Plan'; 4.4 'Highway Infrastructure Improvements'; 5.6 'Green Infrastructure Plan'; and 5.8 'Concept Masterplan' have not been notated with the land subject to Policy TR4. I consider it of particular significance that for Temple Whitfield a SANG requirement of 17.06 hectares has been identified⁸ and its provision is depicted on the above mentioned Green Infrastructure Plan and Masterplan, and yet the extent of the SANG shown overlaps with the safeguarded land subject to Policy TR4. If at the time of the SPD's adoption a strong interdependency between the WUE's implementation and the A2's dualling had been identified then it would appear illogical for so much SANG to have been shown on Figures 5.6 and 5.8 in a location corresponding with the land subject to Policy TR4, because the SANG would be undeliverable.
21. I also have reservations as to whether the ESSL could accommodate 150 dwellings, let alone 250 dwellings, and 4.74 hectares of SANG, if at the time of the SPD's adoption, it was expected that a dualling scheme would require the quantum of land that is subject to Policy TR4 to enable the WUE to proceed.
22. In a similar vein the parts of the SPD that address transport and highway access (paragraphs 4.19 to 4.23 and 5.7 to 5.12), while highlighting the need for a new A2 roundabout within the vicinity of Green Lane, do not refer to the dualling of the A2. Accordingly I am not persuaded that any significant weight should be attached to the reference to the dualling of the A2 in the SPD consultation response of November 2010, submitted on the Highway Agency's behalf, because that reference is very brief⁹ and runs contrary to the HE's current position with respect to the dualling of the A2.
23. Had the Highway Agency's reference to the dualling of the A2 been of particular significance, ie that the WUE's implementation was dependent on the A2 being dualled, then I would have expected the SPD to have expressly stated that. However, the SPD does not do that. In paragraph 5.172 of the SPD, which concerns the ESSL, an oblique reference to the dualling of the A2 is made. However, that is in the context of ensuring that the assessment of the effects of road traffic noise on the occupiers of the ESSL takes account of the dualling of the A2. I therefore cannot accept that the wording of paragraph 5.172 indicates that the WUE's implementation is dependent on the dualling of the A2.
24. Notwithstanding the doubt surrounding whether there is currently a realistic prospect of a dualling scheme being brought forward and just how much interdependency there is between the WUE's implementation and the dualling

⁸ Table 5.5 of the SPD

⁹ Paragraph 4.3 of the note from Parsons Brinkerhoff, submitted on the Agency's behalf – Appendix B of the Council's appeal case

of the A2, the appellant has prepared concept designs for dualling a scheme. I consider the purpose of those concept designs to amount to sensitivity testing for the integrity of the intended SANG in the event of a dualling scheme proceeding. The initial concept design (Concept 1) is included in appendix 3 of the appellant's case and is based on a new roundabout being provided more or less at the A2's junction with Green Lane, as per the SPD's Masterplan. Under Concept 1 the dualling scheme would require some very limited land take within the extreme south western corner of the appeal site/ESSL, with the SANG largely being unaffected.

25. Concept 1 was prepared as the basis for discussions between the appellant and HE in September 2016, ie prior to the appealed application's determination by the Council. HE advised the appellant's highway consultant that the principle of Concept 1 appeared to be acceptable, subject to it being demonstrated that crossing facilities for non-motorised users (NMUs) could be accommodated and the safety of the scheme being audited.
26. Following the Council's refusal of planning permission the appellant held further discussions with HE in February 2017. Following those discussions further concept design work was undertaken and a second set of concept design drawings were submitted with the appeal (Concept 2 [appendix 22 of the appellant's case]). For Concept 2 three options for locating a new A2 roundabout were assessed, the first option, as for Concept 1, would locate a roundabout close to Green Lane (the eastern option), while the second and third options would involve more westerly locations for a roundabout. As with Concept 1 the eastern option would involve some land take within the appeal site, however, again that would be minimal. For the second and third options the land take would be even more minimal. Concept 2 has been subjected to safety auditing and that exercise has not identified any significant concerns. The Concept 2 design work has also identified no particular concerns with regard to the provision of NMu crossing facilities.
27. I recognise that the Concept 2 designs have no formal status and that HE has not commented on them as part of the appeal. The Council has submitted that little weight should be attached to the Concept 1 or 2 designs because HE has only indicated a qualified indication of their suitability. However, I consider that the matters raised by HE with respect to the Concept 1 design concerned matters of detail rather than the principle of a dualling scheme being implemented with minimal effect on the SANG. While the Council contends little weight should be attached to the appellant's concept design work, it has submitted no technical evidence of its own to demonstrate that the concept designs would be unfeasible. On the basis of the evidence available to me, and given the dialogue that the appellant has had with HE, I am of the opinion that the concept designs provide a reasonable demonstration that a dualling scheme could be implemented without there being a significant effect on the SANG's provision.
28. I therefore consider that the implementation of the appeal development, including the provision of 4.17 hectares of SANG, would not 'preclude' the dualling of the A2. I also consider that in the event of a dualling scheme proceeding that the scale of any SANG loss would not be of such significance as to result in there being insufficient mitigation for the development's effects on the SAC. I am also of the opinion that even if it subsequently transpired that a dualling scheme had a greater land take than is currently envisaged

that would be unlikely to result in there being inadequate mitigation for the development's effects on the SAC. That is because, for the reasons I have given above, the provision of 4.17 hectares of SANG, for a scheme of 133 dwellings, compares favourably with the 4.74 hectare requirement for 250 dwellings identified for the ESSL/appeal site in the SPD.

29. On this issue I therefore conclude that the development would make adequate SANG provision to mitigate its recreational effects on the SAC and that there would be no unacceptable effect for the widening of the A2. I therefore find there to be no conflict with Policy TR4 of the Local Plan and the SPD. I also consider that there would be no conflict with paragraphs 32 (the third bullet point), 109 (the third bullet point) and 118 of the National Planning Policy Framework (the Framework). That is because the development would not cause a severe residual cumulative transport impact or an adverse effect on the biodiversity value of the SAC.
30. The executed UU obligates the owners, their successors in title and the appellant to provide and retain the SANG shown on the application plans in perpetuity. Having regard to that obligation I am content that there would be appropriate mitigation for the development's effects on the SAC when regard is paid to The Conservation of Habitats and Species Regulations 2017¹⁰.

Surface water drainage

31. All parties accept that there is a need for the development to make adequate provision for the disposal of surface water to avoid flooding in the area. In this context Kent County Council is the lead flood authority (LFA), with Southern Water having responsibility for the disposal of foul water. The development has been designed with a sustainable urban drainage strategy (SUDS) as the means by which surface water would be disposed. The SUDS would comprise an infiltration pond, highway soakaways and cellular soakaways for the individual dwellings.
32. At issue is whether the proposed SUDS would have adequate capacity. In this regard the LFA considered the originally proposed SUDS to be inadequate and it therefore made a 'holding' objection to the Council¹¹. That objection formed the basis of the second reason for refusal when the Council's planning committee resolved to refuse planning permission on 15 December 2016. The Council's decision notice is, however, dated 20 January 2017. The committee minute refers to the Head of Regeneration and Development having been given delegated authority to add an additional reason for refusal should the arrangements for the off-site disposal of foul sewage be considered to be unacceptable.
33. Independently of any reconsideration of the development's foul water disposal arrangements a revised SUDS design was submitted to the LFA on 9 January 2017 for consideration. The amended SUDS having been designed to accommodate 1 in 100 year storm events, with an additional 40% capacity to allow for climate change, compared with the original design which would have accommodated 1 in 100 year storm events with a 30% allowance for climate change.

¹⁰ Regulations that came into force on 30 November 2017, consolidating the 2010 Regulations and the subsequent amending statutory instruments

¹¹ LFA's letter of 25 October 2016

34. The appellant has submitted that the LFA was not requested by the Council to comment on the amended SUDS design. The LFA therefore submitted no views on the amended scheme to the Council. The appellant has, however, stated that the LFA advised it that the amended details would be acceptable.
35. An email sent by the appellant's planning consultant on 9 January 2017¹² explained to the Council that the revised SUDS design had been sent to the LFA. There was an opportunity for the Council to have obtained the LFA's views on the revised SUDS design prior to the decision being issued on 20 January 2017, especially as at that time the position with respect to the adequacy of the foul water disposal arrangements was being reconsidered. Had the opportunity to obtain the LFA's comments on the revised SUDS design been taken then that might have resulted in the second reason for refusal being found to be unnecessary. Be that as it may, as part of the appeal I have not been provided with any submissions from the LFA confirming its acceptance of the revised SUDS design. I cannot therefore be certain that the appellant's explanation of the LFA's current position is accurate. That said the evidence available to me suggests that this is an issue that would be readily capable of being resolved by the imposition of a planning condition.
36. I therefore conclude that, with the imposition of a suitably worded condition, adequate provision for surface water drainage could be made and that there would be no conflict with Policy CP6 of the Core Strategy and the SPD.

Other Matter

37. Concern has been raised about the ability of Singledge Lane to accommodate the traffic that would be generated by the development. This is a matter Kent County Council (KCC), as the relevant highway authority, assessed. While KCC originally had concerns about the development's impact on the operation of Singledge Lane, it withdrew that objection prior to the application's consideration at the Council's committee meeting on 15 December 2016. In relation to this matter I see no reason to take a contrary view to that of KCC.

Conditions

38. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of the national policy and guidance. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the submitted plans for certainty.
39. In order to safeguard the appearance of the area it is necessary for details of the external materials, hard and soft landscaping and retained trees and hedgerows to be submitted for approval. In relation to the retention of trees and hedgerows it is necessary that the details are approved prior to the commencement of the development because the trees and hedgerows could be affected by early construction works. However, with respect to external materials and hard and soft landscaping there is no need for those details to have been approved any earlier than the commencement of the above ground level works. It is necessary that following the planting of the soft landscaping it is managed in accordance with an approved scheme.

¹² Appended to the appellant's response to the Council's costs application rebuttal

40. To ensure that the integrity of the SAC is safeguarded, a condition is necessary requiring the SANG to be available prior to the development's first occupation. It is, however, unnecessary for that condition to refer to the SANG being retained in perpetuity because the UU includes an obligation to that effect. The Council's fifteenth suggested condition would require the submission of a mitigation scheme for the Thanet Coast and Sandwich Bay Special Area (SPA) and Ramsar site. However, given that a significant area of SANG is to be provided on site it is unclear what further mitigation could be secured through the imposition of the suggested condition to divert recreational activity away from the SPA/Ramsar site. I have therefore not imposed the suggested condition.
41. To safeguard the living conditions for the occupiers of the development it is necessary that details of road traffic noise mitigation measures are submitted for approval. Those details needing to be approved prior to the commencement of the development because they could include measures affecting the physical layout of the development. With respect to noise mitigation the Council has suggested three conditions, 9) the submission of sound insulation details, 10) the specification for a double glazing type and 11) the installation of acoustic fencing for gardens facing the A2, further to recommendations included in the appellant's noise assessment report. I consider suggested condition 9) is appropriate, albeit it is necessary for it to specify the noise levels to be attained internally and externally during the daytime and night time, as per paragraph 4.3.1 of the appellant's noise assessment. Having imposed such a condition I consider it unnecessary to specify a double glazing type because in meeting the requirements of this condition it will be for the appellant to demonstrate that the elements of the mitigation scheme are suitable. I also consider it unnecessary to impose an acoustic fencing condition because again in meeting the requirements of the condition I have imposed it will be for the appellant to identify the affected gardens and specify any necessary mitigation for inclusion within the scheme to be approved.
42. With respect to surface and foul water disposal it is necessary that details are submitted for approval. As the need for both forms of water disposal are fundamental to the development and some of the works relating to them may need to be undertaken at an early stage during the course of the construction works it is necessary that their details are approved prior to the commencement of the development.
43. To safeguard the archaeological interest of the area it is necessary that a condition be imposed requiring details for an archaeological watching brief be approved prior to the commencement of the development.
44. To safeguard the operation of the public highway and the living conditions of nearby residents it is necessary that prior to the development's commencement a construction management plan (CMP) is approved. The CMP should include details relating to the routing and timing of heavy goods vehicle movements, the parking of delivery and construction workers vehicles and the provision of wheel washing facilities. I, however, consider it unnecessary for details of temporary traffic measures to be submitted to the Council because that is a matter for the relevant highway authority's consideration.

45. In the interests of highway safety and efficiency prior to the development's first occupation it is necessary that the off-site highway alterations in Singledge Lane, shown on the applications drawings, have been implemented and I have imposed a condition to that effect. It is also necessary in the interests of the safe and efficient operation of the highway that prior to the occupation of any given dwelling that the roads, parking areas, drives, footways and pedestrian visibility splays serving that dwelling are available and thereafter retained. In the interests of reducing reliance on motor vehicle usage it is necessary that provision be made for cycle storage and the implementation of a travel plan, further to the approval of such details.
46. The Council has suggested a condition that would prohibit the occupation of any of the dwellings until 'all reasonable endeavours' have been employed to obtain amendments to the traffic regulation order (TRO) concerning on-street parking in Singledge Lane, necessitated by the undertaking of the off-site highway works associated with the development. However, the process of amending the TRO would be beyond the developer's control and I therefore consider that the suggested condition would be unenforceable and unreasonable.

Planning Obligations

47. Apart from securing the establishment and retention of the SANG the UU includes a number of planning obligations which I have summarised in my procedural matters section above. The provision of 30% affordable housing would comply with the provisions of the Core Strategy. The contributions to community facilities are matters that are also required by the Core Strategy.
48. Planning obligations are to be considered having regard to the guidance in paragraph 204 of the Framework and the statutory requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). I am content that for the purposes of paragraph 204 and the CIL Regulations the obligations contained within the UU are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related to the development in scale and kind.
49. KCC has submitted that the financial contributions for the community facilities administered by it would comply with the pooling restrictions stated in Regulation 123 of the CIL Regulations. I am therefore content that the community infrastructure contributions secured by the UU would be compliant with Regulation 123. The SAC contribution, as a management contribution, would not constitute infrastructure for the purposes of Regulation 123.
50. I am therefore content that the planning obligations stated in the UU meet the Framework's tests and comply with the CIL Regulations.

Conclusion

51. For the reasons given above the appeal is allowed.

Grahame Gould

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 following approved plans: P1139.01; P1139.02 Revision T; P1139.03 Revision K; P1139.04 Revision K; P1139.05 Revision K; P1139.06 Revision K; P1139.07 Revision A; P1139.08 Revision K; P1139.09 Revision E; P1139.10 Revision E; P1139.903.01; P1139.903.02; P1139.903.03; P1139.903.04; P1139.903.05; P1139.978.01 Revision C; P1139.978.03 Revision A; P1139.978.05 Revision B; P1139.1006.01 Revision A; P1139.1006.02 Revision A; P1139.1006.03 Revision A; P1139.1006.04 Revision A; P1139.1138.01; P1139.1138.02; P1139.1138.03; P1139.1138.04; P1139.1138.05; P1139.1138.07; P1139.1202.01 Revision B; P1139.1202.02 Revision B; P1139.1202.03; P1139.1202.04; P1139.1202.05 Revision A; P1139.1202.06 Revision A P1139.1324.01 Revision D; P1139.1324.02 Revision D; P1139.1324.04 Revision A; P1139.1559.01 Revision B; P1139.1559.02 Revision B; P1139.1559.03 Revision A; P1139.1559.04; P1139.1559.05; P1139.1366.02; P1139.BLKA.01; P1139.BLKA.02; P1139.BLKA.03; P1139.BLKA.04; P1139.HA1.01 Revision A; P1139.HA3.01; P1139.SS.01; P1139.SS.02; P1139.SS.03; P1139.SS.04; P1139.SS.05; P1139.CBARN.01; P1139.CBARN.02; P1139.GAR.01; P1139.GAR.02; P1139.GAR.03; P1139.GAR.04; P1139.STORES.01; P1139.SUB.01; 3638/DR/_001 Revision G; E3462/703/P; E3462/704/I; E3462/705/I; E3462/706/H; E3462/707/E; E3462/708/H; E3462/709/D; E3462/710/B and E3462/711/A.
- 3) No development shall take place until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The CMS shall provide for:
 - a) the parking and manoeuvring of heavy goods, site operatives and visitors vehicles;
 - b) the routing of heavy goods vehicles and plant between the site and the A2;
 - c) the timing of heavy goods vehicles and plant movements to and from the site; and
 - d) wheel washing facilities.The approved CMS shall be adhered to throughout the construction period for the development.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and hedges (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. For the duration of the construction period for the development the retained trees and hedges shall be protected in accordance with the approved tree protection plan and arboricultural method statement.

In this condition 'retained tree and hedge' means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 5) Construction work shall not take place until a scheme for protecting the interiors and rear gardens of the dwellings from noise from the A2 has been submitted to and approved in writing by the local planning authority. All works which form part of the noise protection scheme shall be completed before the dwelling to which they relate is occupied and the works shall be retained thereafter. The noise protection scheme shall be designed to comply with the following noise levels:
 - Daytime internal $L_{Aeq, 16hour}$ to all habitable rooms no greater than 35dB
 - Night time internal $L_{Aeq, 8hour}$ to all habitable rooms no greater than 30dB
 - A target daytime $L_{Aeq, 16hour}$ for the rear gardens of no greater than 55dB
- 6) Prior to the commencement of the development a sustainable surface water drainage scheme for the site, having regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent guidance issued by DEFRA), shall be submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate the surface water run off generated up to and including the 100 year flood event, with an allowance for climate change will not exceed the run off from the undeveloped site following the corresponding rainfall event, and therefore not increase the risk of flooding on or off site. The scheme shall also include details for the long term maintenance of all surface water drainage infrastructure within the development. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
- 7) Prior to the commencement of the development details for the disposal of foul water, including an implementation programme, shall be submitted to and approved in writing by the local planning authority. The foul water disposal scheme shall be implemented in accordance with the approved details prior to the first occupation of the development.
- 8) Prior to the commencement of the development the developer shall secure the implementation of an archaeological watching brief to be undertaken by an archaeologist so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the local planning authority.
- 9) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 10) No development above ground level shall commence until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include: boundary treatments; hard surfacing materials; street or communal area lighting; tree, hedge, shrub, other plants and grass planting plans; written specifications; schedules of species, sizes and proposed numbers/densities; and an implementation programme for the undertaking of the hard and soft landscaping.

- 11) The landscaping works shall be carried out in accordance with the approved details, including the implementation programme. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 12) Prior to any part of the development being occupied a landscape management plan, including management responsibilities and maintenance schedules for all landscaped and open space areas shall be submitted to and approved in writing by the local planning authority. Thereafter the landscaped and open space areas shall be managed and maintained in accordance with the approved landscape management plan.
- 13) No dwelling within the development shall be occupied until the Suitable Alternative Natural Greenspace shown on the approved plans has been made available for use and this land shall be used for no other purpose.
- 14) No dwelling within the development shall be occupied until the alterations to be made to Singledge Lane, shown on drawings E3462/703/P, E3462/708/H and E3462/710/B have been implemented.
- 15) No dwelling within the development shall be occupied until: the carriageways and footways, with the exception of wearing courses, driveways; and parking and turning areas serving that dwelling have been constructed in accordance with the details shown on the approved plans and have been made available for use. Thereafter the carriageways, footways, driveways and parking and turning areas shall be retained and shall only be used for the purposes for which they have been designed.
- 16) No dwelling shall be occupied until 1.0 metre by 1.0 metre back edge of footway pedestrian visibility splays have been provided on either side of the vehicular access for that dwelling and the visibility splays shall be retained thereafter. Within any visibility splay there shall be no obstruction of height over 0.6 metres above the footway level.
- 17) No dwelling within the development shall be occupied until details for the secure storage of bicycles for that dwelling have been submitted to and approved in writing by the local planning authority. Thereafter the approved bicycle storage facilities shall be provided and retained for that purpose.
- 18) No part of the development shall be occupied until a Travel Plan, including a timetable for its implementation, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.