



Appeal Decision

Site visit made on 16 July 2018

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2018

Appeal Ref: APP/N1730/W/17/3185513

Broden Stables, Redlands Lane, Crondall, Farnham GU10 5RF

- 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 Crondall Developments limited against the decision of Hart District Council.
 - The application Ref 16/02377/FUL, dated 6 September 2016, was refused by notice dated 13 April 2017.
 - The development proposed is for the demolition of the existing stable building, arena, floodlights and hardstanding, and the erection of 30 residential dwellings, with associated access, landscaping, and car parking arrangements.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing stable building, arena, floodlights and hardstanding, and the erection of 30 residential dwellings, with associated access, landscaping, and car parking arrangements at Broden Stables, Redlands Lane, Crondall, Farnham GU10 5RF in accordance with the terms of the application, Ref 16/02377/FUL, dated 6 September 2016, subject to the conditions in the Schedule of Conditions attached to this decision.

Procedural matters

2. Since the submissions of the appellant's appeal, the Revised National Planning Policy Framework (the Framework) was published and came into force on the 24 July 2018. In light of this I have sought the views of the main parties in writing and I have taken subsequent responses into account in reaching my decision.
3. A signed and dated section 106 agreement has been submitted by the appellant facilitating financial contributions to and provision of local infrastructure, specifically in respect of affordable housing, open space and off-site highway improvements. A previous agreement and arrangement to provide a financial contribution towards the management of the proposed Suitable Alternative Natural Green space (SANG) was made during the course of the application as the Council had indicated that there was limited SANG capacity available. I consider these in more detail later in this decision.
4. In the light of the submission of a section 106 agreement that provides for affordable housing, open space and off-site highway infrastructure, the Council no longer wishes to contest Refusal Reasons 4, 5 and 6. In addition, following the submission of further details in relation to the protection of important trees

on site, the Council is now satisfied in relation to this previous concern and no longer wishes to contest Reason for Refusal No.3. However, as this matter continues to concern interested parties, it is necessary to consider this matter as a main issue.

5. During the course of the application, the appellant sought to revise its proposals following a design review of the initial scheme ('the application scheme') by the North East Hampshire Design Review Panel. For reasons not disclosed, the matter did not progress further and the application scheme was taken forward for consideration by the Council and which was refused planning permission. The appellant chose not to pursue a new application but rather has requested that the revised proposals ('the appeal scheme') be considered as part of this appeal. A limited non-statutory consultation exercise was carried out by the appellant in September 2017 involving a letter of notification to all those who commented on the original application explaining that a revised scheme was to be presented as part of this appeal.
6. My decision as to whether to accept the amended plans rests on whether the 'Wheatcroft Principles'¹ have been met. The main, but not the only criterion on which that judgement should be exercised, is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. From my careful consideration of the two sets of proposals, I do not consider that the changes are of a nature that would be likely to prejudice the interests of interested parties, including nearby occupiers of properties. The changes were a direct response to criticisms raised by the Council and others on matters of design, most notably the proposed layout. The scale of the proposed access road has been substantially reduced and the footpath along Redlands Lane assimilated into the development site. I am conscious that there has been no change in the number, mix or tenure of the dwellings that are proposed. Further there would be no change in the access arrangements, parking numbers or trip generation whilst there are no additional effects on the proposed drainage strategy or from flood risk. Whilst there is a slight orientation in the aspect of some dwellings, the proposed buildings do not move any closer to existing houses. The Council acknowledges that the changes are minor in nature and represent an improvement. I therefore accept the amendments included in the appeal scheme and I have considered this appeal accordingly.

Main Issues

7. The main issues in this appeal are firstly, the effects of the proposal on the character and appearance of the area, including the settings of both the countryside and the Crondall Conservation Area, and secondly, the effects of the proposed development on existing trees.

Reasons

Planning policy

8. The development plan includes the saved policies of the Hart District Local Plan (Replacement) 1996-2006 and the First Alteration to the Hart District Local Plan (Replacement) 1996-20016 (the 'LP'). These policies include, amongst

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

- other things, the approach that should be taken for development proposals in the open countryside outside designated settlement boundaries and to the protection and enhancement of heritage assets, including conservation areas.
9. LP Policy GEN 1 is a general policy setting out the requirements that all new development should achieve so that they are sustainable, in keeping with their surroundings, do not adversely affect the amenities of existing occupiers or activities and do not cause major noise problems and are located outside areas of flood.
 10. Despite representations from third parties, particularly as the Council can demonstrate a five years' supply of deliverable housing sites, it is necessary at the outset of this appeal to consider the relevance of development plan policies, particularly those that have the effect of restricting the supply of housing. The Council draws my attention to the recent High Court decision² where it was held that a countryside protection policy (in this case LP Policy RUR2) can only be considered out of date if it serves to constrain the meeting of a more recently identified need. However in this case, there is general consensus between the principle parties that the application of settlement boundaries would be inconsistent with the National Planning Policy Framework (the Framework), irrespective of the five year land supply position. The Council acknowledges that housing supply policies can at most, only attract moderate weight.
 11. There is agreement between the parties that the first limb of LP Policy RUR2 in relation to it seeking to control development outside settlement boundaries does not apply in the case of this appeal and that the Council's concern in relation to RUR 2 relates to whether the design of the development would have a deleterious effect on the character and setting of the countryside. LP Policy GEN 4 requires developments to sustain and improve the urban design quality of villages which derive from their layout and form, scale, character or appearance and any special features they possess.
 12. LP Policy Con 13 sets out that developments that fail to meet the objectives of conserving or enhancing the character and appearance of conservation areas would be resisted. Policy CON23 sets out that development proposals will not be permitted where they would seriously detract from the amenity and recreational value of well-used public rights of way (ROW) in the countryside close to main settlements by reducing their rural character or detracting from significant views.
 13. Neither the Draft Hart Local Plan nor the Crondall Neighbourhood Plan are at a sufficiently advanced stage to influence the outcome of this appeal and as such can be given very limited weight in my consideration of this appeal.

Site and context

14. The appeal site comprises in part previously developed land consisting of a stabling block and associated hardstanding/parking together with a riding arena, which has floodlighting amounting to some 1.41 hectares. The remainder of the land rising towards the southern boundary is set to pasture. The site is situated on the edge of the village adjoining a recently built doctor's surgery as it merges into the countryside. It is served by a relatively narrow

² R(Wynn-Williams v SSCLG [2014] EWHC 3374 (Admin)

road that leads in a westerly direction from the village and which has the hallmarks of a sunken lane with former hedgerow and other trees that overhang the highway and which contribute to a quiet rural scene at this location. Beyond the appeal site is a golf course with manicured greens, mowed fairways and undulations together with clumps of woodland that separate the fairways. The land rises slightly at this point but the backdrop to the golf course is heavily wooded with Redlands Lane continuing its narrow form with mature hedgerow trees forming a dense canopy either side.

15. The village of Crondall is set in a natural bowl within attractive gently rolling chalk hills of the North Downs and is a relatively dispersed settlement located in a rural setting and which gives it a green character despite the concentration of buildings in the village centre. A designated conservation area, the predominant spatial feature is formed by the medieval 'U'-shaped pattern of streets in the heart of the village, which were formerly rural lanes that entered the village and which are now narrow roadways with traditional buildings of red brick, tile hanging and steep clay clad roofs with tall stacks. The location of buildings set close to the roads appear as organic additions rather than planned urban forms, which adds to the picturesque rural character of the village. Despite being set within attractive rolling countryside, the heart of the village itself has few open spaces.
16. The site itself, lies to the east of the conservation area formed by Pankridge Street and is separated therefrom by groups of modern buildings including the doctor's surgery. Public rights of way run along the eastern and northern boundaries of the site providing pedestrian access into Crondall.

The proposals – the appeal scheme

17. The proposal is for 30 dwelling houses, including 12 affordable units. The (revised) appeal scheme shows the houses closest to Redland Lane now turned to face the lane. The dwellings have been designed as family units of two stories laid as detached or semi-detached together with a block of four flats centred on a central landscaped open space. The appeal scheme indicates the provision of a shared pedestrian-vehicular access that curves around the central open space. The dwellings themselves have been designed to reflect the form and materials found in the village, including half hipped gable and full hipped clay roofs, with red brick and tile hanging to the walling. The landscaping proposals indicate that the existing screening around the site would be strengthened, in particular the northern and eastern boundaries where public rights of way follow the existing boundaries.

The effect on the character and setting of the countryside

18. It is noted that during the course of its consideration of the planning application, the Council's Planning Committee expressed concerns regarding the impact of the application scheme on the character and setting of the countryside by virtue of the proposed siting, scale and prominence in the landscape and specifically the number and scale and corresponding hard landscaping that would be necessary thereby giving the proposed development an unacceptable urban character.

19. My attention was drawn to a recent appeal decision at Yateley³ where the Inspector sought to define the word 'setting' although from his decision, he appeared critical of the Council for not explaining the term, a criticism that I also repeat in the context of this appeal. Inspector Morgan helpfully provides a useful definition as follows:

"In a conventional interpretation of the word this would mean the surroundings or environment of something or object. By my interpretation, particularly in a planning context, the term should express some element of experiential understanding or...the surroundings in which a settlement, or part of a settlement, is experienced..."

20. Thus turning to the Council's concerns, the focus is on the alleged overdevelopment of the site manifested by dwellings being too large for the plots, poor ratio between buildings and landscaping with hard surfacing dominating and reinforcing a feeling of being too urban, particularly given the transitional nature of the site. By contrast however, the appellant provides convincing evidence based on an analysis of plot ratios and edge of village analysis that demonstrates that the proposed scheme would not be out of kilter with other recent housing developments situated at similar edge of countryside locations in Crondall. By the same token, the reduction in the extent of hardstanding associated with a narrower combined pedestrian vehicular access road would provide a gentler design solution, which combined with the proposed landscaping, would give a more informal, softer and rural feel to the development. The dwellings have been designed to reflect local character and are attractive as a result.
21. The setting of this part of Crondall is mainly experienced by those using the public footpath to the north of Redlands Lane, from Redlands Lane itself, together with the public footpaths that run alongside the northern and eastern boundaries. There are, in addition, glimpsed views of the site from parts of Pankridge Street. However, for the most part, the appeal site is relatively self-contained and views from the ROW to the north also takes in the manicured landscape comprising the golf course, whilst from Redlands Lane itself, the views are dominated by the brownfield development of the arena and its floodlights together with the stabling and associated parking and other hard standing areas. The presence of thick mature hedgerow trees along either side and above Redlands Lane allows limited views in to the site for passing motorists. From these views I do not accept that the site performs as a transition from village to open countryside or when leaving the village from the west where in climbing away from the village, one is soon presented with the suburbanising effect created by the existing golf course, which was described in a negative and somewhat derogatory fashion in the Council's Landscape Character Assessment (1997).
22. During my site visit, I was able to walk the ROWs described in the appellant's Landscape Statement and Visual Study (Viewpoints 1-3, 4 and 8) and agree with these assessments although recognising the slight changes in the positioning and orientation of dwellings proposed in the appeal scheme. Moreover I would concur that the proposed development would have only localised visual effects, which would be further reduced through the landscape mitigation that is proposed. I would conclude that perceptions of the proposed

³ APP/N1730/W/15/3127962

development other than for a short section of the ROW to the north would be limited to a few rather glimpsed opportunities. The undulating nature of the landscape and the presence of large tracts of woodland would mean that from both medium to long views and to a degree also from closer vantage points, the appeal site itself would not be discerned in its entirety and that development would nestle in a relatively low lying area and as part of the wider village. Although taller than the new surgery complex to the west, I do not find that the scale of development would be unacceptable from the closer vantage points along Redlands Lane at this point.

23. I would therefore conclude that the development as proposed would not have a significant detrimental effect on the character and setting in the manner set out in LP Policy RUR 2 and its design in terms of scale, form, character, layout and landscaping would comply with LP Policies GEN 1, GEN 3 and GEN 4 which in combination seeks to ensure that development respects and responds to local landscape character and urban design qualities.

The effect on the character and setting of the conservation area

24. Taking the Council's measurement, the nearest part of the conservation area is located along Pankridge Street, some 64 metres from the edge of the appeal site. The significance of the Crondall Conservation Area is derived principally from its medieval layout pattern and vernacular buildings set close to the village streets. The Council's Appraisal⁴ acknowledges that views out of the village are part of the character of the conservation area. The presence of existing trees along Redlands Lane is considered particularly by the Parish Council to make an important contribution to the significance of the conservation area.
25. From what I saw during my site visit, there are only a few locations from within the conservation area where the development would be readily visible. The intervening development between Pankridge Street and the appeal site would mean that views into the site would be of a glimpsed nature. The Council's Conservation Area Appraisal identifies a series of important viewpoints; however, and despite the considered views of the Parish Council, none of these would present direct views of the appeal site itself with the emphasis at the closest edge of the conservation area being very clearly directed to the views that head in an easterly and north-easterly direction towards rising open countryside. The Council's Landscape Officer reminded the Planning Committee that the Council's previous Conservation Area Appraisal defined views of pasture land either side of Redlands Lane; however, the present views of land to the north are now somewhat marred by the negative features of the riding arena and associated structures. The proposed development would clearly be viewed at this location; however, whilst the development would be viewed at a higher level behind the doctor's surgery, it would be at a lower level than the rising land to the north and north-east.
26. I therefore conclude that the overall minor change to the setting of the Crondall Conservation Area would not be harmful to the significance that I have identified. It would therefore comply with the LP Policy CON 13. The Council has not provided any substantive or convincing evidence that the proposed development would affect the setting of nearby listed buildings most notably Willow Cottage on Redlands Lane. From my own assessment, it is quite

⁴ Crondall Conservation Area Character Appraisal and Management Proposals 2016

inconceivable that there would be any harmful effects arising from the appeal scheme on the setting of Willow Cottage or indeed any other listed building identified in the appellant's heritage assessment and therefore the proposed development would comply with LP Policy CON 13 in this regard also. Consequently, I am also satisfied that my duties under section 66 of the 1990 Act have been discharged.

The effect on trees

27. A critique has been undertaken by the Parish Council in relation to the possible adverse effects on trees located close to the proposed access to the appeal site. This is in response to additional late submissions that accompanied the appellant's appeal scheme proposals. There is disagreement as to the likely extent of tree felling that would result from the proposed works whilst the Parish Council suggest that additional retaining work will be necessary to accommodate the access, which will result in further pressures to those trees that have been identified to be retained. However, the Council has confirmed following a review of the appeal scheme and the proposed changes to the access, road widening and the subsequent replacement planting that subject to appropriate conditions, the appeal scheme would overcome the Council's concerns.
28. Whilst recognising the contribution that the trees as a grouping make to the immediate locality, the tree survey reveals that many of the hedgerow trees are of very limited quality. There will be a requirement to carry out some of the work using hand dig methods. However I am satisfied that the latest option represents a satisfactory solution and those trees that will be removed and/or crown reduced are of relatively low arboricultural quality. Further, the landscaping strategy accompanying the appeal scheme would allow for replacement planting to take place, which in tandem with the proposed tree works, would ensure that the quality of the street scene and edge of countryside setting would not be unacceptably harmed.
29. Consequently, I have reached the same conclusion as the Council and am satisfied that the proposed development would comply with LP Policy CON8, which seeks to ensure that trees and hedgerows of significant landscape or amenity value are capable of being retained or replaced by suitable planting.

Other matters

30. Concern was expressed by many residents about the impact of the proposal in terms of traffic generation and highway capacity given the narrow single width carriageway for much of the length of Redlands Lane.
31. It is noted that the Council's highways consultee raised no objection to the proposed development subject to planning conditions. The appellant's trip generation data was considered accurate and its assessment conclusions in respect of likely traffic impact and the ability of local roads to accommodate flows without adverse impact is convincing. It was also considered that the issue of car parking accorded with Council guidelines. The proposals indicate that the footpath running along the northern boundary would be improved to provide minimum 900mm width. Accordingly, I find no reason to oppose the Appeal Scheme on highway or transport grounds.

32. A number of representations from third parties expressed concern that the proposed development would increase the risk of flooding in the area, particularly along the lower reaches of Redlands Lane as it approaches the village. The concerns extended to the site itself and the efficacy of the proposed SuDS infiltration basins and swales given the underlying soils in this area.
33. It is acknowledged that localised flooding problems have occurred and the various agencies have been closely involved during the application process as described in the officer report. No robust technical evidence has been provided that would suggest that the drainage proposals together with the mitigation that is proposed following negotiations with statutory undertakers would not provide an acceptable drainage solution. I am therefore satisfied that the measures proposed, including betterment would not lead to an unacceptable risk of flooding within or indeed in the immediate local area of the site and therefore the development would satisfy the requirements of LP Policy GEN11.
34. The Habitat Regulations 2010⁵ require an assessment to be undertaken as to whether a proposal would be likely to have a significant effect on the interest features of a protected site. The Thames Basin Heaths Special Protection Area (SPA) is such a protected site. The assessment is required to ensure that development does not result in a likely significant effect upon designated sites. Taking account of the Habitat Regulations and Policies CON1 and CON2 of the LP it is necessary to demonstrate that all development either individually or in combination with other development which would increase the use of the Thames Basin Heath SPA for recreational and other purposes would not have a damaging impact on wildlife habitats or other natural features of importance. Policy NRM6 of the saved South East Plan requires adequate measures to avoid or mitigate any potential adverse effects on the SPA.
35. The Interim Avoidance Strategy sets out the Council's policy for mitigating the impact on the SPA and this includes seeking financial contributions towards providing compensatory measures (SANG) through the SANG Management Plan to offset that additional pressure. This site is located outside of the 400 metre exclusion zone but within the 5km zone of influence where the proposal has the potential to result in increased recreational disturbance and consequent potential adverse effects on bird species, which would require mitigation. The appellant has already made a financial contribution to the Council towards the Hitches Lane SANG and to support the Strategic Access Management and Monitoring (SAMM) project. Consequently, the Council does not object to the proposal. From the evidence, I am satisfied that such measures will suitably safeguard against adverse effects on the SPA both alone and in combination with other projects. Therefore, based on this evidence and including the SANG Management Plan, I find that the proposed mitigation would adequately address the impacts of development.
36. The proposal is therefore in accordance with the Council's Thames Basin Heath Avoidance Strategy, LP Policies CON1 and CON2 and Policy NRM6 of the South East Plan. Consequently I am of the view that the proposal would not have an adverse effect on the integrity of the SPA, either alone or in combination with other projects, and therefore would not be contrary to the Habitat Regulations.

⁵ The Conservation of Habitats and Species Regulations 2010

37. Concerns were also raised about the effect of the proposal on ecology and biodiversity interests of the site. However, the evidence before me indicates that the site has only low to moderate ecological value. The appellant's ecology report contains ecological mitigation recommendations and on this basis, the Council raise no objection.

Planning Obligation

38. The Section 106 agreement includes provision of 12 affordable units on site, which equates to the Council's requirements for 40% provision. In this respect, the obligation is in line with paragraph 62 of the Framework, which requires on-site delivery of affordable homes and LP Policy ALT GEN13.
39. The appeal scheme provides open space and a small play area within the site. In addition, the appellant has undertaken to make a financial contribution of £15,061 towards off-site open space provision at Hook Meadow within walking distance of the site in Crondall. The Council confirms that the pooling restrictions set out in the Community Levy Regulations 2010 (the CIL Regulations) would not be breached by this contribution.
40. The agreement also requires the provision of off-site highway works deemed necessary following consultation with the local highway authority. This will be achieved by way of a Grampian-style covenant that would require agreement of works considered necessary prior to commencement of development and subsequent implementation prior to first occupation of any dwelling on site. I find this to be an acceptable means of achieving the desired results in this regard.
41. I am satisfied that all of the provisions set out in the Section 106 agreement are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development and therefore consistent with Regulations 122 and 123 of the CIL Regulations. I have therefore taken account of the agreement in reaching my decision.

Planning Balance

42. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless other material planning considerations indicate otherwise. Being outside the settlement boundary, the proposals are not in accordance with the development plan taken as a whole.
43. However, although the appeal site falls outside the settlement boundary for Crondall, through the application of the assessment set out in paragraph 213 of the Framework negatively worded policies that seek to apply a considerably more restrictive approach by preventing development outside settlement boundaries can reasonably be considered out-of-date and I can only attach at best moderate weight to their application (in this case the first element of RUR2). I agree with the appellants that the first part of LP Policy RUR2 has ceased to serve a useful planning purpose for the determination of housing applications in the District, which is consistent with the findings of Inspector Gleeson in the Netherhouse Copse appeal⁶. In any event, whilst the Council can demonstrate a 9 years supply of deliverable housing sites, paragraph 59 of

⁶ APP/N1730/W/17/3167135

the Framework maintains that it is the Government's stated objective to significantly boost the supply of housing.

44. That said, the second limb to LP Policy RUR2 is of relevance as is Policy CON13 and I afford significant weight to relevant aspects of these policies. However, I have found that the proposals would not have a significant detrimental effect on the character and setting of the countryside at this location or the setting of the Conservation Area. Paragraph 68 of the Framework clearly sets out that small and medium sized sites can make an important contribution to meeting the housing requirements of an area and that local planning authorities should support the development of windfall sites and give great weight to the benefits of using suitable sites within existing settlements. The Council, by its own admission, confirms that the appeal site is relatively sustainable. Whilst the proposed development is partly in conflict with LP Policy RUR2, it would supply 30 no. of dwellings at a site which is visually and functionally well located to the village and include 40% of much needed affordable housing in an area of high housing demand. Along with the provision of on-site open space and provision of a financial contribution towards off-site public open space facilities, I find that these comprise a substantial social benefit.
45. Balanced against the identified conflict with the development plan, these matters carry significant weight in the context of paragraph 59 of the Framework which states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and land developed without unnecessary delay.
46. Furthermore I am satisfied that the development will fulfil the aims of the Framework by promoting a high quality design of new homes and places. In addition, where harm has been identified, in terms specifically to the SPA, this has been demonstrated to be fully mitigated. Together with the identified ecological mitigation and flood mitigation, I apportion moderate measures of weight in terms of the environment.
47. I have attached moderate weight in terms of the economic benefits that would ensue from the development, including the New Homes Bonus and a boost to the local economy both during the construction period and thereafter from the spending power from 30 no. new households within the local area.
48. Taking all of this into account, including all other material considerations, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole and that the proposal represents sustainable development. On this basis a decision, other than in accordance with the development plan is justified and therefore the appeal should be allowed.

Conditions

49. The Council has suggested a number of planning conditions which have been considered in the light of the advice contained within the Framework and the Government's Planning Practice Guidance. There is a conflict between the parties in relation to the Council's suggested restricted period for commencement of development. I would agree that one year period for

commencement may cause difficulties to a landowner disposing of a site with planning permission given the usual lead-in time. However, I am also cognizant of the Council's desire to avoid any unnecessary holding of SANG capacity. I have therefore increased the time limit for commencement to 18 months. A condition is attached that specifies the approved drawing numbers relating to the appeal scheme to provide certainty.

50. In order to protect highway safety and amenity, conditions are attached to provide a suitable access to the site and off-site highway works, the provision of parking facilities for future occupiers and the implementation of approved traffic calming measures to protect pedestrians.
51. So that appropriate measures are undertaken to protect the character and appearance of the area, conditions are necessary for the prior approval and implementation of external building materials, hard/soft landscaping and tree protection measures.
52. I have imposed a condition restricting the glazing of side windows to obscure glass as some of the units contain bedroom windows on the side elevations. This is necessary to protect living conditions.
53. To overcome concerns over flooding, a suite of conditions are necessary to fully mitigate any such risk. These include implementation of the approved drainage scheme and surface water measures, including any off-site attenuation that may be required together with foul sewerage disposal methods.
54. In order to protect living conditions, a condition requiring a land contamination strategy is necessary together with a Construction Method Statement and their implementation as appropriate. For the same reason, conditions specifying hours of work and delivery of materials together with approval of bin storage facilities are necessary.
55. In order to protect and enhance biodiversity interest at the site, conditions are necessary to ensure that the appellants' ecology report recommendations are carried out and that an Ecological Management Plan is submitted and approved by the Council.

Conclusion

56. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 18 months from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1545-P-01-D Site and Roof Plan; 1545-P-02-L Site Landscaping Plan; 1545-P-03-G Context Elevations; 1545-P-05-F Type 1 Plans and Elevations 1; 1545-P-06-F Type 1 Plans and Elevations 2; 1545-P-07-C Type 2 Plans and Elevations 1; 1545-P-08-D Type 2 Plans and Elevations 2; 1545-P-09-C Type 3 Plans and Elevations 1; 1545-P-10-C Type 3 Plans and Elevations 2; 1545-P-11-C Type 4 Plans and Elevations 1; 1545-P-12-D Type 4 Plans and Elevations 2; 1545-P-13-C Type 5 Plans and Elevations 1; 1545-P-14-D Type 5 Plans and Elevations 2; 1545-P-15-C Type 6 Plans and Elevations 1; 1545-P-16-D Type 6 Plans and Elevations 2; 1545-P-20-C Affordable Housing Land; 1752-1001-05 Landscape Strategy; 1752-1003 Entrance Widening 2016-2824-011 Widening Option 1 and Visibility Splays.
- 3) No dwellings shall be occupied until the approved access and off-site highways works, including the works to the footpaths and the proposed roadside replacement hedging, has been provided in accordance with the approved plans and documents and shall be maintained at all times. Access and visibility splays as shown on the approved plans shall be provided and retained at all times. Specifically any soft landscaping located in a position that would obstruct sightlines as approved from 2.4 metres back from the approved access along adjacent carriageways shall be kept free of any obstruction exceeding 1 metre in height and shall be subsequently maintained so thereafter.
- 4) The car parking facilities, including garages and on-site parking spaces, shown on the approved plans shall be made available before any of the dwellings are first occupied and shall thereafter be retained free from any impediment to their intended use for the life of the development.
- 5) No development shall take place until a traffic calming scheme has been submitted to and approved in writing by the local planning authority. The scheme shall provide for signage to be erected where the proposed access road would cross Footpath 17 to increase drivers' awareness of pedestrians and to slow speeds down as necessary. Footpaths shall be maintained to provide a minimum available width of 0.9m which shall be retained at all times.
- 6) The first floor window in the flank elevations of the proposed dwellings shall be glazed with obscure glass only and retained as such thereafter.
- 7) No development shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.
- 8) No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the local planning authority

No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the local planning authority. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the local planning authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site.

Any such vegetation removed without the local planning authority's consent, or which die or become, in the authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the authority in writing.

- 9) No development shall take place until full details of both hard and soft landscape have been submitted to and approved in writing by the local planning authority. Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, including suitable fencing adjacent to Crondall Surgery, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and lighting features. Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate. Details shall further include a proposed timetable for planting and laying out of hard surfaces and roads.
- 10) No dwellings shall be occupied until the approved drainage scheme has been provided in accordance with the approved plans and documents (RSK letter 132739.L03 dated 13th December 2016), specifically: Finished Floor Levels are to be set no lower than 150mm above surrounding ground levels; Foul and surface water drainage system are to be sealed; and Non return valves to be fitted to all properties. The development shall only be carried out in accordance with the approved details.
- 11) No dwellings shall be occupied until the approved surface water drainage scheme has been provided in accordance with the approved plans and documents (RSK letter 132739.L04 dated 16th December 2016), specifically: Drainage runoff rate shall be restricted to 4 l/s. The development shall only be carried out in accordance with the approved details.
- 12) No works shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority. No discharge of foul or surface water from

the site shall be discharged into the public system until the drainage works referred to in the strategy have been completed.

- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified in the appellants' Phase 1 Preliminary Risk Assessment report Ref 28582 R01 (00) dated May 2016 shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed.
- 14) The development hereby approved shall be carried out in accordance with the recommendations contained within the approved Aspect Ecology report.
- 15) No development shall take place until an Ecological Management Plan (EMP) is submitted to and approved in writing by the local planning authority. Once approved the EMP shall be implemented in full in accordance with the approved plan and the time frames therein.
- 16) No development shall take place until a detailed plan of the play area has been submitted to and approval in writing by the local planning authority. The plan shall include: the details of the play equipment together with a Maintenance Strategy. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 17) No development shall take place until a detailed plan of the refuse storage and collection points has been submitted to and approval in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 18) No development or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No development or demolition work or deliveries of materials shall take place on Sundays or Public Holidays.
- 19) 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) a demolition and construction traffic management plan;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;

- vii) measures to control the emission of dust and dirt during construction;
- viii) details of the site office/compound;
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;

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

Richborough Estates