



Appeal Decision

Site visit made on 26 February 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 May 2019

Appeal Ref: APP/C1570/W/18/3210501

Maranello, Watch House Green, Felsted CM6 3EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Braha of Landvest Developments Limited against the decision of Uttlesford District Council.
 - The application Ref UTT/18/1011/OP, dated 3 April 2018, was refused by notice dated 8 August 2018.
 - The development proposed is construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 28 new dwellings, including 11 affordable homes, formation of new vehicular access, associated local area for play, parking and landscaping at Maranello, Watch House Green, Felsted CM6 3EF in accordance with the terms of the application, Ref UTT/18/1011/OP, dated 3 April 2018, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is in outline with all matters reserved except for access and layout. A plan submitted with the application shows 28 dwellings on the appeal site, which I have treated as illustrative with regards to appearance, scale and landscaping.
3. The revised National Planning Policy Framework (the Framework) and the Housing Delivery Test measurement have been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to any responses and the Framework in reaching my decision. The Office for National Statistics published the updated annual affordability ratios on the 28 March 2019. Given the evidence before me in relation to the Council's 5 year supply of deliverable housing sites (5HLS) I do not consider that the publication of these statistics would result in a change to the 5HLS that would necessitate seeking the views of the parties.
4. During the appeal process it was brought to my attention that the appeal site is within the revised Zone of Influence of the Blackwater Estuary Special Protection Area and Ramsar site (BESPA). The main parties and Natural England have been given the chance to comment on this matter and therefore would not be prejudiced by my consideration of it.

5. The appellant has submitted 2 signed and executed legal agreements under Section 106 of the Town and Country Planning Act 1990 (S106) during the appeal process. I will return to them below.
6. The Council have cited that the appeal site is not allocated for housing within its emerging Regulation 19 Draft Local Plan that has been submitted to the Secretary of State for examination. I have not been provided with a copy of that document and can therefore give it little weight.
7. The Council's reasons for refusal do not refer to the Felsted Neighbourhood Plan (FNP). However, the Council's Statement of Case and a number of third parties refer to it and the policies within it. I have been provided with a copy of the pre-submission draft of the FNP. The FNP has recently been submitted to the Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 but has yet to be publicised under Regulation 16. The main parties have had the chance to comment on this document and would not be prejudiced by my consideration of this matter. I will return to it below.

Main Issues

8. Taking into account the above the main issues are:-
 - The effect on the character and appearance of the area;
 - the effect of the proposed development on habitat sites.

Reasons

9. The appeal site comprises a large part of the extensive undeveloped/garden areas that are associated with a large detached dwelling, Maranello, and the adjacent access drive. The undeveloped/garden areas within the appeal site consist of a formal landscaped area and a more informal area that is divided from the former by a row of trees. The dwelling is on the edge of the settlement of Watch House Green. Near to the site there are a number of listed buildings that include Felmoor Farm and Weavers.

Character and appearance

10. The appeal proposal would involve the construction of 28 dwellings off a new no through road that would be from the existing access drive that serves Felmoor Farm and Whipper Snappers Nursery. The proposed site plan indicates that the dwellings would be either side of the new road and some of them would back onto the existing gardens of dwellings that front onto the B1417. There would also be an area adjacent to the south-western corner of the site that would serve as a swale and as public open space.
11. There is no dispute that the appeal site is outside of any settlement limits and that for the purposes of planning policy it is within the countryside. Therefore, Policy S7 of the Uttlesford Local Plan (LP) is relevant in this case and it states, amongst other things, that planning permission will only be given for development that needs to take place there or is appropriate to a rural area. It goes on to state that development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set.
12. The site is also not one of the proposed sites allocated for housing as part of the FNP. As such, Policy HN5 is relevant and it states that the Plan resists

- residential development proposals outside Village Development Limits other than if one of a number of criteria are met. I have little evidence before me to indicate that the proposal would meet any of the criteria of this policy.
13. The Council has referred to its Strategic Land Availability Assessment (SLAA). However, I am mindful that whilst the SLAA is an important evidence source to inform plan making, it does not in itself determine whether a specific development would be acceptable on a site.
 14. I observed that the settlement of Watch House Green is centred around a triangular green. A number of similar small settlements are located in the surrounding area in close proximity to Felsted. Watch House Green appears to have developed as a linear settlement mainly along the B1417. The area in the vicinity of the appeal site is characterised by a variety of age and style of buildings. Even though the adjacent dwellings to the appeal site are consistent with that linear pattern there are also varying depths of development within this settlement. Developments off access roads creating a substantial depth of built form are prevalent within the settlement. This includes Maranello itself and its large extension and the dwellings on Clifford Smith Drive on the opposite side of the B1417.
 15. The hedgerow and trees on the boundaries of the appeal site are attractive features when viewed from the nearby public rights of way (PROW) and the B1417. Nevertheless, the appeal site appears to be currently in use as informal and formal landscaped gardens in association with the residential use of Maranello. Consequently, I do not consider that it has been demonstrated that the appeal site forms part of a landscape that has physical attributes that take it out of the ordinary. As such, it would not form part of a valued landscape as referred to in paragraph 170 of the Framework.
 16. However, paragraph 170 also states planning decisions should contribute to the local environment by recognising the intrinsic character and beauty of the countryside. The landscaped nature of the appeal site can be treated as acting as a transition area between the built form of the settlement and the surrounding countryside. Additionally, at least part of proposal would be apparent from the PROWs to the west and the north (along the access drive) at certain times of the year, parts of it may be glimpsed in views between the existing properties on the B1417 and would also be visible from some of the neighbouring dwellings.
 17. However, the part of the proposal that would be viewed from the PROW to the west would be seen in the context of the nearby dwellings on the B1417. Furthermore, due to the mature landscaping along the access drive and the southern boundary and the existing buildings fronting the B1417 and the access drive the site is well contained visually. As such, it provides only a limited contribution to the setting of the village as an undeveloped transition area. Moreover, the alterations to the access drive have been designed to retain the majority of the mature landscaping along that boundary. I appreciate the concerns regarding the interruption of views that would arise for some neighbouring residents. However, it is a well-founded principle of the planning system that there is no right to a view across neighbouring land.
 18. There could be no mistaking the extension of the village into a currently undeveloped area, but in the context of the existing surroundings the impact would not be significant. I note that the submitted Landscape and Visual

Appraisal document concludes that *'people passing through and moving around within the village would have very little appreciation of the development, except for some glimpses of development set behind the existing street frontage of houses and the more formalised access road from the B1417. Notable wider appreciation of the development would be restricted to a narrow vista of countryside immediately to the west of the site. From this aspect the western edge of the development would be relatively apparent in the scene, but it would be set against and accommodated within continuous backdrop of vegetation and other built form in the village'*.

19. The indicative site layout shows the way in which the edges of the development could be softened with landscaping. Subject to the control that exists at reserved matters stage the dwellings could be designed to be sensitive to local character and architectural styling. As such, I am satisfied that it would be possible to design an overall scheme which would help to mitigate the visual and landscape impact of the development and would ensure that any harm to the rural character and appearance of the area would be limited.
20. Whilst the Council make no reference in their reasons for refusal to the effect of proposal on the setting of the nearby listed buildings, as a statutory consideration, I am required to have regard to these matters when determining the appeal.
21. The Council's Officer Report states that the nearest listed buildings are Felmoor Farm and Weavers, which is also referred to as Weavers Farm in the evidence before me, which are both grade II listed buildings and I have no reason to dispute this. There is no evidence before me to indicate that there is or was a functional link between the appeal site and these heritage assets. I observed that given the distance between the appeal site and the heritage assets and intervening landscaping there is little if any intervisibility between them. Nevertheless, when the vegetation is not in full leaf the proposal may be visible from the heritage assets and/or with them in views from the public domain. As such I consider that the appeal site can be treated as being within the settings of these listed buildings. I consider that the special interest and significance of these listed buildings largely derives from their age, form, historic fabric, architectural features and historic associations with agricultural use.
22. The elements of setting that contribute to the special interest/significance of Weavers includes its relationship with the B1417, and its immediate plot. In regard to Felmoor Farm, its special interest/ significance is mainly experienced from its own plot but it can also be experienced from the adjacent PROW and the B1417. The views towards the appeal site from these listed buildings and their plots appears to be more 'opportunistic' than designed. Their associations with agricultural use also contribute to their special interest/significance.
23. Whilst, Felmoor Farm can be appreciated in views through and over mature landscaping from the B1417 those views would not change to any material degree because of the development proposed due to the distance involved between the development and the Farm and the intervening vegetation. Moreover, views of Felmoor Farm from the PROW and of Weavers from the B1417 would not change as a consequence of the development proposed as the appeal site is behind anyone looking at them. Consequently, the ability to appreciate and understand their connection with agricultural use would not be affected by development on the appeal site. Therefore, the development of the

appeal site would have a neutral impact on the special interest and significance of these listed buildings.

24. Taking into account all of the above, whilst I have found that the proposal would preserve the special interest/significance of the heritage assets and their settings I consider that it would result in limited harm to the rural character and appearance of the area. Moreover, the appeal site is outside of any development limits. It follows that the proposal would conflict with LP Policy S7 and FNP Policy HN5.
25. However, the LP was adopted prior to the publication of the Framework. With regard to paragraph 213 of the Framework I consider that this policy is only partially consistent with the Framework as it is more restrictive than the Framework in relation to development in rural areas as highlighted in the Council's Compatibility Assessment. As such, the conflict with this policy has modest weight.
26. I appreciate that local residents have been working for a prolonged period on the FNP and that there are concerns that the cumulative impact of the recently approved and proposed developments could jeopardise gaining approval for the FNP at referendum. Nevertheless, there is little evidence before me to indicate that the cumulative effect would be so significant, that to grant permission would undermine the plan-making process.
27. Whilst the site is currently not allocated for proposed housing and would be in conflict with the emerging FNP Policy HN5 I have little evidence as to whether there are or would be any objections to the allocations or that policy. Nonetheless, with regard to paragraph 48 of the Framework whilst the FNP is at a fairly advanced stage it is yet to be publicised by the Council and has not been examined or put to referendum. As such, I give the conflict with this policy moderate weight.

Impact on BESPA

28. BESPA forms part of a number of sites along the Essex coastline, that are within the Essex Estuaries Special Area of Conservation (SAC), and that are habitats sites for the purposes of the Framework, as defined within its Annex 2. Natural England (NE) was not consulted on the planning application but since the application was determined it has published revised interim advice on the emerging strategic approach relating to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The impact on BESPA as part of the overall protected coastline is considered within the RAMS. The appeal site is within the 22km Zone of Influence (ZOI) relating to the BESPA and SAC that is contained in the RAMS.
29. Nevertheless, the Council have brought to my attention a recent appeal decision¹, in an adjacent Council's area, where the Inspector considered that '*a development on this site at the outer edge of the draft zone and with limited opportunities for access along long and convoluted routes makes a pathway of effect unlikely and makes it improbable that the site's development would have a likely significant effect.*' As such, he stated that there was no need to carry out an Appropriate Assessment or to require the mitigation payment described in the submitted unilateral undertaking.

¹ APP/Z1510/W/18/3207509

30. The appeal site would also appear to be more than 22km away from 2 recreational access points within BESPAs that are nearest to the appeal site when travelling on the highway network. However, I do not have the evidence that was before the other Inspector. Moreover, the RAMS states that visitor surveys have been undertaken to determine the distances that visitors will travel from their residences to visit the European designated sites to undertake recreation. From the evidence before me it is not clear how that data was utilised to formulate the ZOIs. In addition, there is little before me to indicate that there are limited opportunities for recreational access in to the BESPAs for future occupiers of this scheme.
31. Therefore, taking a precautionary approach I consider that as the proposal would not be directly connected with or necessary to the management of the protected sites, it would, either alone or in combination with other projects, be likely to have a significant effect on BESPAs. As a result, it is necessary to carry out an appropriate assessment (AA) to determine the extent of those effects, whether they could be avoided or whether mitigation measures could remove or reduce the effects. I note that the Council have carried out an AA using the flow chart that is within the NE's emerging strategic approach document and that the appellant has supplied evidence in relation to the proposed mitigation strategy. As I am the competent authority in relation to the appeal, it is necessary for me to complete an AA in coming to my decision, but I will take the Council's AA and the proposed mitigation strategy into account.

Appropriate Assessment

32. An assemblage of water birds makes up the qualifying features of BESPAs and its conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate, and to ensure that it contributes to achieving the aims of the Wild Birds Directive. There is potential for recreational disturbance on the integrity of the BESPAs from occupiers of new dwellings.
33. The proposal would comprise residential development whose occupants are likely to cause increased recreational activity that would disturb the protected birds within BESPAs. Therefore, the development, alone and in combination with other development, would be likely to have significant adverse effect on the integrity and conservation objectives of the sites.
34. The RAMS and the associated draft Supplementary Planning Document (SPD) provide measures to avoid an adverse impact on the integrity of the sites. Whilst, the RAMS and SPD have not yet been adopted I have no evidence to indicate that they won't be adopted in the near future or that the RAMS will alter significantly. The measures outlined comprise mitigation projects such as access management, education, communication, monitoring and partnership working.
35. A Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 has been provided that would result in financial contributions toward these measures. As they comprise management and monitoring measures, they do not include infrastructure provision that would fall under the pooling restrictions at Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the

development, in accordance with Regulation 122 of the CIL Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

36. I note that NE have stated that it is content with this approach subject to contributions toward the mitigation schemes. The mitigation strategy outlined in the appellant's evidence also proposes additional mitigation in the form of education and communication material such as leaflets on local walks, signage and maps to identify those walks and the sensitivities of the Essex coast. However, these measures are not specifically contained within the UU and given the size of the scheme I do not consider that they are necessary to mitigate the impact on BESPAs. However, the public open space and local play area to be included within the scheme and the proximity of the PROWs would all help to divert the recreational activities of the future occupiers from the habitat sites. Taking all of the above into account, I conclude that the proposed development would not adversely affect the integrity of the habitat sites.
37. As such, the proposal would comply with the RAMS, its associated SPD and section 15 the Framework, which seeks to conserve and enhance the natural environment.

Other matters

38. Local residents, the Parish Council and the FNP Steering group object to the proposal on a wider basis including in respect of the local schools and GP surgery being full, the impact on drainage and water supply, highway safety and congestion, air pollution, ecology, noise, disturbance, privacy and the cumulative impact of the development taken with a recently constructed and another proposed scheme. These did not form part of the Council's reasons for refusal and I have no reason to dispute the findings of the Council's Officer Report on these issues. Consequently, I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.
39. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Planning Obligations

40. Paragraph 56 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (CIL) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I have found, in my AA, that the UU would meet these requirements.
41. As stated above, the appellant has also submitted a signed and completed S106 legal agreement which covers the timetable, management and implementation of the affordable housing units in line with LP Policy H9. It also requires the appellant to make a financial contribution of £119,192, index linked to April 2018, to mitigate its impact on local primary school provision. The contribution sought is based on the formula outlined in the Essex County

Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The S106 legal agreement also requires that a Management Company is set up, that a Sustainable Urban Drainage scheme is implemented and maintained and that a Local Area of Play and Public Open Space are constructed. The evidence before me indicates that the financial contribution would meet the pooling restrictions outlined within the Planning Practice Guidance (PPG).

42. The delivery of affordable homes and the need for long term arrangements to secure their continued availability for affordable housing use is necessary to make the development acceptable in planning terms. The obligations in this respect in the S106 legal agreement are fairly and reasonably related to the achievement of those objectives. I am, therefore, satisfied that the obligations in relation to affordable housing included in the S106 legal agreement meet the necessary tests and that they can be afforded weight. I am satisfied that the proposed financial contribution and the other requirements are necessary, directly related and fairly and reasonably related in scale and kind to the proposed development, in accordance with CIL Regulation 122. I have therefore also attached weight to them in reaching my decision.

Planning balance

43. The Council has stated that it cannot demonstrate a 5HLS. In those circumstances, with regard to footnotes 6 and 7 and paragraph 11 d), the Framework states that permission should be granted unless sub-sections i or ii of that paragraph apply. I have found that the proposal would have a neutral impact on the special interest/significance of the heritage assets, would not adversely affect the integrity of the habitat sites and I have no evidence to indicate that the application of policies in the Framework that protect areas or assets of particular importance would provide a clear reason for refusing the proposal. As such, sub-section i does not apply in this case.
44. Sub-section ii requires a balance to be undertaken whereby 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 taken as a whole.
45. Whilst, the appeal site is some distance from the services and facilities in Felsted there is a pavement on one side of the B1417 between Watch House Green and Felsted. Moreover, there is a primary school in Watch House Green which is within easy walking distance of the appeal site and the Council's Officer Report states that the site is well served by bus routes, providing access between Watch House Green/Felsted and Great Dunmow, Chelmsford, Braintree, Stansted Airport and Colchester to further facilities. As a result, there would be opportunities for future occupiers of the dwellings to use alternative means of transport other than the private car. Paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The appeal site is in a relatively accessible location for a rural area.
46. The proposal would provide 28 dwellings in an area where there is an acknowledged shortfall and paragraph 59 of the Framework indicates that significantly boosting the supply of homes is a Government objective. There would also be economic benefits associated with the construction and occupation of the dwellings. Affordable housing would be provided in line with

LP Policy H9, which would also contribute towards meeting an acknowledged shortfall in the County.

47. The development would provide public open space and a local play area within it. Whilst intended as a necessary facility for future residents of the scheme, existing residents of the settlement would, in theory, also be able to use the open space. Prospective occupiers would provide some support for and they would help to maintain the vitality of the services and facilities in the nearby settlements. These appreciable social and economic benefits provide significant weight in favour of the appeal proposal. The proposal would comply with paragraph 78 of the Framework.
48. I note that the majority of the existing site is of limited ecological value and that planning conditions could ensure that there would be a net biodiversity gain through the implementation of the recommendations in the submitted Ecological Assessment. This would provide modest weight in favour of the proposal.
49. I have found that the proposal would cause limited harm to the character and appearance of the area, that the conflict with LP Policy S7 would have modest weight and the conflict with FNP Policy HN5 moderate weight. Paragraph 14 of the Framework states in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of a number of criteria apply. However, in this case the FNP is not yet part of the development plan and therefore criterion a) of that paragraph does not apply.
50. I also note that paragraph 50 of the Framework states that refusal of planning permission on grounds of prematurity will seldom be justified before the end of the local planning authority publicity period on a draft neighbourhood plan.
51. Taking into account all of the above, I consider that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
52. Therefore, the presumption in favour of sustainable development is a material consideration which weighs in support of the proposal. Consequently, in this case, it is a material consideration which outweighs the conflict with the development plan as a whole and indicates that planning permission should be granted for development that is not in accordance with it.

Conditions

53. I have considered the conditions put forward by the Council against the requirements of the PPG and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.
54. Conditions relating to the definition and submission of reserved matters, commencement and approved plans have been imposed to comply with legislation and in the interests of certainty. I have amalgamated the Council's suggested conditions 2 and 3 to avoid duplication.
55. Conditions in relation to a surface water drainage scheme, its implementation and management and a foul water strategy are necessary to prevent flooding

and environmental/amenity issues by ensuring the satisfactory storage/disposal of surface and foul water from the site are necessary.

56. In the interests of biodiversity conditions requiring compliance with the submitted Ecological Assessment, details of a Biodiversity Enhancement Strategy and a lighting scheme are necessary.
57. To ensure that a potentially sensitive area of heritage assets, archaeological remains, are preserved conditions relating to the submission of a written scheme of investigation, a mitigation strategy, fieldwork and post excavation assessment are required. I have amalgamated the Council's suggested conditions 10 and 11 to avoid duplication.
58. In the interests of highway safety conditions relating to the formation of the access, visibility splays, relocation of the access to Maranello, parking and turning head, the use of bound material and gates are necessary. I have not imposed the Council's suggested condition 16 as it duplicates its suggested condition 14.
59. In the interests of accessibility conditions relating to the provision cycle storage and wheelchair adaptability are necessary. To support sustainable transport objectives a condition requiring electric vehicle charging points is necessary.
60. As landscaping is a reserved matter I have not imposed the Council's suggested conditions 24 and 25 as they are not necessary at this stage.

Conclusion

61. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

- Attached schedule -

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Unless modified by the conditions attached to this permission the development hereby permitted shall be carried out in accordance with the following approved plans: 17/18/01 rev C; 17/18/02 rev C and 175120-001 rev A.

Pre-commencement conditions

- 4) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles 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 should include but not be limited to:
 - Limiting discharge rates to Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to the occupation of any part of the development hereby permitted.

- 5) No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a

maintenance company, details of long-term funding arrangements should be provided.

- 6) No development shall take place until a Biodiversity Enhancement Strategy containing the details and locations of the reasonable enhancement measures proposed within the Ecological Assessment (Ethos Environmental Planning, April 2018) has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details and shall be retained thereafter.
- 7) No development or preliminary groundworks shall take place until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority prior to reserved matters applications being submitted. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.
- 8) No development or preliminary groundworks shall take place until the completion of fieldwork, as detailed in the mitigation strategy, in condition 7 above, and the local planning authority has approved in writing that the fieldwork has been completed.
- 9) No development shall take place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

Pre- occupation conditions

- 10) The applicant or any successor in title shall, prior to the first occupation of the dwellings hereby permitted, maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan under Condition 5 above. These must be available for inspection upon a request by the Local Planning Authority.
- 11) Prior to the first occupation of the dwellings hereby permitted a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 12) Prior to the first occupation of the dwellings hereby permitted, the provision of an access formed at right angles to Braintree Road (B1417), as shown in principle on drawing no. 17/18/02 Rev C (dated Sept 17) to include but not limited to: minimum 5.5 metre carriageway width with a 2 metre wide

footway to the south to tie into the existing footway network and clear to ground visibility splays with dimensions of 2.4 metres by a minimum of 90 metres, in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

- 13) Prior to the first occupation of the dwellings hereby permitted the existing access to Maranello at the road junction of Braintree Road shall be relocated to take access off the access road, as shown in principle on drawing no. 17/18/02 Rev C (dated Sept 17). The existing access shall be permanently closed incorporating the reinstatement to full height of the highway verge / footway / kerbing, prior to the first occupation of the proposed development.
- 14) No dwelling shall be occupied until the associated parking and size 3 turning head indicated on the approved plans has been provided. The vehicle parking and turning heads shall be retained in this form at all times thereafter.
- 15) Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the dwellings hereby permitted and retained at all times thereafter.
- 16) Electric vehicle charging points shall be installed per house. These shall be provided, fully wired and connected ready to use prior to the occupation of the dwelling to which it relates.
- 17) Prior to the occupation of the dwelling to which it relates 5% of the dwellings approved by this permission shall be built to Category 3 (wheelchair user) housing M4(3)(2)(a) wheelchair adaptable. The remaining dwellings approved by this permission shall be built to Category 2: Accessible and adaptable dwellings M4(2) of the Building Regulations 2010 Approved Document M, Volume 1 2015 edition.

Monitoring and management

- 18) All ecological mitigation measures and/or works shall be carried out in full accordance with the conclusion/recommendations contained in the Ecological Assessment (Ethos Environmental Planning, April 2018) as submitted with the planning application. This should include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 19) Within three months of the completion of the fieldwork, cited in condition 8 above, a post-excavation assessment shall be submitted to the local planning authority unless otherwise agreed in advance. This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.
- 20) No unbound material shall be used in the surface treatment of any vehicular access within 6 metres of the highway boundary.

- 21) Any gates provided at any vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the carriageway.

Richborough Estates