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## Appeal Decision

Hearing Held on 11 June 2019

Site visit made on 11 June 2019

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Thursday, 04 July 2019

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**Appeal Ref: APP/X2220/W/18/3213086**

**Land at Churchfield Farm, Sholden, Deal, Kent CT14 0AL**

- 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 P D Rawle (Greenfield Developments Limited) against the decision of Dover District Council.
  - The application Ref DOV/17/01345, dated 4 November 2017, was refused by notice dated 31 August 2018.
  - The development proposed is an up to 64-bedroom care home (C2 use) and 48 dwellings (C3 use).
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### Decision

1. The appeal is allowed and planning permission is granted for up to 48 dwellings (comprising up to 14 affordable dwellings and up to 34 market dwellings), up to 64 bedroom care home (C2 Use), publicly accessible open space (including children's play area), attenuation pond, and creation of vehicular access, with the demolition of two dwellings at land at Churchfield Farm, Sholden, Deal, Kent CT14 0AL in accordance with the terms of the application, Ref DOV/17/01345, dated 4 November 2017 subject to the conditions set out in the Schedule attached to this decision.

### Procedural Matters

2. The application was made in outline with details of appearance, landscaping, layout and scale reserved as matters for later determination and those of access provided. I have dealt with the appeal on this basis, having had regard to the supporting information including the illustrative masterplan. The description of the development used in the decision is taken from the Statement of Common Ground and sets out more fully what is proposed.

### Main Issues

3. The effect of the proposal on (i) the safety of pedestrians, cyclists, drivers and other users of Vicarage Lane and the adjacent sections of The Street and London Road and (ii) the capacity of the local highway network.

### The Proposal

4. The proposal relates to a roughly square site of some 5.6 hectares, comprising long-disused farmland that has reverted to scrub. As indicated in the masterplan, the developed parts are proposed to the sides immediately to the rear of the housing in Sholden fronting Vicarage Lane and The Street.

The outer parts of the site, comprising about 60% of the total area, would be retained as publicly-accessible open space, providing for sustainable drainage, play areas and structure planting. Footpaths would run through the open space connecting onto the Church Lane cycle path that forms one edge of the site, beyond which is the built-up extent of Middle Deal. The other far edge of the site abuts farmland and is near the recently-built Timperley Place housing development.

5. The single access to the site is via Vicarage Lane, provided by the demolition of two detached bungalows. The off-site highway works proposed include improved visibility onto Vicarage Lane at the new site access, with double yellow lining, and an at-grade footway on The Street, demarcated by contrasting coloured textured paving, linked to that on London Road which is to be built out further at the junction.

### **Policy Framework**

6. The development plan comprises the saved policies of the Dover District Local Plan 2002, the Core Strategy 2010 (CS) and the Land Allocations Local Plan 2015 (LALP). Through CS Policy CP1, the town of Deal, including the built-up parts of surrounding parishes including Sholden, is defined a District Centre and a secondary focus for urban scale development within the local authority area. In the LALP the appeal site is undesignated 'white land' located between the settlement boundary drawn around the housing along The Street and Vicarage Lane and that around the completed Timperley Place residential allocation. Through being outside this defined development boundary, CS Policy DM1 does not permit development on the appeal site.

### **Reasons**

- (i) the safety of pedestrians, cyclists, drivers and other users of Vicarage Lane and the adjacent sections of The Street and London Road*
7. The National Planning Policy Framework (the Framework) states in paragraph 108 that in assessing specific applications for development it should be ensured that, amongst other things, safe and suitable access to the site can be achieved for all users. Paragraph 109 goes on to say that development should only be prevented or refused on highway grounds if, in respect of highway safety, there would be unacceptable impacts.
8. The Council's refusal relates to the additional vehicle movements generated by the proposal, and specifically the design of the proposed shared surface on The Street and the altered geometry of the junction onto London Road, having an unacceptable impact on highway safety. London Road is the A258 and comprises the main entrance into Deal from the north and is a relatively busy route. Vehicular access for the development would be at a new priority junction onto Vicarage Lane, itself a cul-de-sac, linking onto the A258 London Road via junctions on The Street.
9. Vicarage Lane has no parking restrictions and so is convenient for school run use and for visitors to the nearby shop on the London Road. Some of this on-road parking would be displaced by the visibility splay for the new development junction and so the new access includes six replacement spaces. The footpaths either side of the new access connect to those on Vicarage Lane and, in terms of visibility, width and geometry, I consider the new junction and site entrance

adequate to safely accommodate the estimated 30-35 two-way vehicle movements generated by the development at peak hours. I note that Kent Fire and Rescue Service raise no objection to this access and no longer require the second emergency entrance onto The Street proposed in an earlier iteration of this scheme. There are no substantiated grounds for me to find this site access unsuitable for the service and commercial traffic associated with the care home and housing proposed and it is designed to accommodate refuse lorry collections.

10. Regarding the junction of Vicarage Lane/The Street I observed the limitations on forward visibility. This is evident on turning right into Vicarage Lane and turning left out of it, due to the presence of roadside walls. However, these limits to forward visibility, as well as the nature of The Street in terms of its residential character, width and lack of footways, clearly influences traffic speeds. On the basis of the survey evidence of the relatively low speeds and traffic movements and lack of recorded accidents along this route, the existing junction of Vicarage Lane/The Street would provide adequate visibility to safely accommodate the additional traffic movements generated by the proposal.
11. The section of The Street between the Vicarage Lane junction and that onto London Road has no footways and currently operates as an informal shared surface for pedestrians, cyclists, drivers and other users. It is used by a bus service exiting onto London Road which I observed at my site visit. This visit was arranged at a time when parents were collecting children from the nearby Sholden primary school on the opposite side of the London Road via a signalised crossing. I observed the parents and children using The Street and mainly walking along its southern edge.
12. I agree that the operation of The Street might currently be less than ideal but that its lack of footways would engender both care, attention and defensive behaviour on the part of all responsible users, vehicular and otherwise. The lack of recorded accident statistics would support this conclusion. The residential and care home proposal would add to the use of this section of The Street, although I do note that the scheme offers good connectivity for non-motorised users via alternative routes towards destinations in the area. Nevertheless, to mitigate for the increased use of The Street further off-site highway works had been required by Kent County Council following negotiation with the developer.
13. These off-site highway works include re-surfacing the section of The Street between its junctions with London Road and Vicarage Lane with block paving, with a contrasting entry band either end to indicate to drivers they are entering a different road environment. A 1.5m wide pedestrian route along the currently most frequently used southern side would be surfaced in contrasting red paving to indicate its priority pedestrian use, although this would remain at grade with the rest of the road width to allow a shared use when required. To improve safety for pedestrians entering from London Road, its footway at this junction would be built out to provide better visibility down The Street and a connection with the indicative paved footway along it.
14. Government has ordered a pause on the introduction of new level-surfaced shared space schemes due to the difficulties that disabled or visually impaired pedestrians experience in navigating these. However, this application was submitted before this announcement and addresses a section of road

effectively already operating on a shared use basis. In this particular case there are also alternative footway choices to avoid the pedestrian use of this shared section of The Street. Whilst there are pros and cons with such shared surface schemes, I note that in this case the proposal has the support of the local highway authority and has undergone an independent Road Safety Audit. From the evidence I am satisfied the footway build-out proposed would maintain the safe and convenient functionality of the London Road junction for vehicular use. Overall, the measures proposed would more clearly indicate the shared surface road environment and make this section of The Street safer for all users. This would be sufficient to accommodate the level of additional use generated by this proposal and to ensure there would be no adverse highway safety implications as a consequence.

15. Subject to these off-site highway measures I conclude that the number of dwellings and care home rooms proposed would not have an unacceptable effect on the safety of pedestrians, cyclists, drivers and other users of Vicarage Lane and the adjacent sections of The Street and London Road and that safe and suitable access to the development could be achieved for all users in compliance with the aims of the Framework.

*(ii) the capacity of the local highway network*

16. Other than the measures referred to above, no further improvements are proposed on the wider local highway network. The appellant's Transport Assessment (TA) modelled the impact of the proposal along with other committed development growth on three nearby London Road junctions, including that with The Street. The others were the junction with Mongeham Road and the three-armed mini-roundabout with Manor Road.
17. The assessment of the trips generated by the residential development and care home, and how these would be distributed, were arrived at by the use of TRICS<sup>1</sup> and Census data respectively. In response to the review<sup>2</sup> of the TA commissioned by the Parish Council, a distribution of housing traffic based on observed movements was also carried out. Current traffic flows were based on surveys and an assessment was made of future flows at the likely completion date of the development, along with those of other major housing commitments in the local area.
18. The methodology was agreed with the local highway authority and modelling the future year scenarios indicated the junctions with The Street and Mongeham Road would continue to operate within their capacity whereas that of the Manor Road roundabout would be exceeded. However, the peak period queuing at this roundabout caused by future committed growth would be exacerbated only marginally by this particular proposal.
19. The evidence is that the residual cumulative impacts of this proposal on the operation of the local road network, without any further off-site junction improvements, would not be such as to be considered as severe. Therefore, on the basis of paragraph 109 of the Framework, the proposal would not be unacceptable on the basis of such highway grounds.

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<sup>1</sup> Trip Rate Information Computer System

<sup>2</sup> Highways Appeal Note October 2018 - Paul Mew Associates Traffic Consultants Limited

## **Other Matters**

20. In addition to the further matters raised at the Hearing by members of the Parish Council and other interested parties, I have also considered all the comments made in writing at the application stage and in statements provided in response to this appeal.

### *Care home issues*

21. The need for the proposed care home element is questioned by interested parties, and development plan policy is currently silent on this issue. The South Kent Coast Clinical Commissioning Group had objected to the care home due to the scale of the proposal putting pressure on local primary care. The funding package sought to help mitigate for this was apparently not negotiated, although one relating to additional health care demands of the residential part of the scheme had been.

22. On 1 December 2017 Kent County Council Strategic Commissioning, on behalf of Adult Social Care, wrote to the Council supporting this application. This noted that demographic projections within the Accommodation Strategy Evidence Base show that the number of people living in the district aged 65 and over is expected to increase by 35% between 2011 and 2021 and by 72% between 2011 and 2031. Development of further extra care housing will support people to retain their independence whilst having access to the care they may require.

23. I noted the evidence at the Hearing that, whilst not a matter that might be controlled, the type of care home model proposed had elsewhere been shown to attract existing residents of an area, rather than those from elsewhere. Although care packages are aimed at encouraging people to reside in their own homes as long as possible, the evidence is that there remains a need for care home provision. Although there are other care homes in this locality, the demographic evidence is that the additional Class C2 use proposed would continue to meet the latent needs of an aging population. In all, a planning objection to the principle of the further care home proposed cannot be adequately substantiated.

### *Separation of Sholden and Deal*

24. The appeal site is no longer identified in the development plan as a 'green wedge' and is not part of the green infrastructure network. Although currently assigned no use, this land helps preserve the separation between the built-up parts of Sholden and Deal by virtue of lying beyond the allocation boundary defined in the LALP. However, the relatively large amount of undeveloped land indicated in the masterplan provides an opportunity to maintain a substantial portion of the site as publicly-available open space at the expense of some addition to the built-up area of Sholden. Therefore, I find limited harm from this proposal eroding the extent of unbuilt separation between Sholden and Deal, given the quite substantial public space offered in perpetuity.

### *Further Issues*

25. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. The Church of St Nicholas is located adjacent to one corner of the appeal site. This is a Grade II\* listed building, along with a tomb chest and vault located to its north and a tomb chest and headstone located to its east, which are both Grade II listed. Based on the indicative masterplan, the areas of open space would preserve the setting of the church and, as this arrangement might be secured through subsequent reserved matter approval, the proposal would result in no harm in this regard.

26. There are electricity supply problems referred to as affecting this area. However, I do not consider these provide adequate grounds for resisting the further development proposed, as the proposal included details over how power would be supplied to this site. Similarly, I do not find there to be substantiable objections to this proposal over any inability to provide adequate means of foul and surface water drainage.
27. I have considered the Air Quality Assessment that accompanied the application. I concur that the level of additional road traffic generated by this proposal would not be such as to cause material harm in regard to increased air pollution.
28. Although not subject to any protective designation, the development of this site will inevitably have an impact on the natural environment and the habitat for species of plants and animals that this untended land has provided. However, there is the potential to require an Ecological Mitigation and Management Plan through a planning condition to address both the presence of existing biodiversity interest and also to provide some wildlife habitat within the proposed open space. Therefore, there are limited grounds for me to substantiate a nature conservation objection to the development of this site.

### **Unilateral Undertaking (UU)**

29. A UU made by the appellants to Dover District Council and Kent County Council was considered at the Hearing, with a fully signed version dated 17 June 2019 provided subsequently. This commits to the affordable housing proposed and the provision in perpetuity of the public open space. Previously negotiated financial contributions are provided for health care, libraries, primary education and secondary education. A financial contribution is also secured for the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and Ramsar sites mitigation strategy.
30. I am content the UU satisfies the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework and the benefits that are provided have been given weight in reaching this decision.

### **Habitats Regulations**

31. The contribution made in the UU to the Thanet Coast and Sandwich Bay SPA mitigation strategy would support measures to mitigate the effects of this development on nearby European wildlife sites protected under the Habitat Regulations. These effects derive mainly as a result of increased visitor pressure and disturbance impacting negatively on particular species of over-wintering birds. On 12 April 2018, the Court of Justice of the European Union ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning

that measures which are intended to avoid or reduce effects should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.

32. I note that, as competent authority under the provisions of the Habitats Regulations, the Council had undertaken an AA of this proposal, in accordance with Regulation 63, and concluded that it would not result in adverse effects on the integrity of the SPA. Natural England had concurred with this. However, the Council had refused planning permission and so the competent authority role falls within the remit of this decision. Having reviewed the evidence, including that underpinning the SPA mitigation strategy, the scale of this proposal and the contributions provided, I am also able to conclude that this development would not adversely affect the integrity of the Thanet Coast and Sandwich Bay SPA. Following on from this conclusion, and with reference to paragraph 177 of the Framework, the presumption in favour of sustainable development is therefore not disapplied.

### **Planning Balance**

33. The Council did not cite any development plan policies in its refusal. However, the proposal does not meet any of the exceptions for allowing development outside of urban boundaries and thereby conflicts with CS Policy DM1 and, as a consequence, with CS policies DM11 and DM15 as these relate respectively to managing traffic demand and protecting the countryside. However, the Framework is also an important material consideration and, in paragraph 11, applies the presumption in favour of sustainable development. This means where the policies which are most important for determining the application are out-of-date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This is now commonly referred to as the 'tilted balance'.
34. In attaching weight to the Framework, the tilted balance applies because the Council acknowledges that its CS is out-of-date, specifically policies CP2 and CP3 concerning the supply of housing. This is due to the CS having been prepared in the context of the now revoked Regional Spatial Strategy, prior to the publication of the Framework in 2012, and because some of the housing and employment land evidence now requires updating. This situation is being addressed with the preparation of a local plan to replace the CS and LALP. However, this is at a relatively early stage. In advance of this, the main parties disagree over the current five-year housing land supply position and over which further development plan policies are out of date. However, these factors have no further bearing on the need to engage the tilted balance in assessing the proposal against Framework policy.
35. The Framework states that achieving sustainable development means that the planning system has three overarching objectives; economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains for each.
36. Paragraph 73 of the Framework requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing

need where, as in this case, their strategic policies are more than five years old. In March 2019, the Council's Cabinet approved and adopted the latest Authority Monitoring Report 2017-2018 (AMR). Although this reports that the Council can now demonstrate a five-year supply of housing, this is not relevant to the content of footnote 7 of paragraph 11 of the Framework as the tilted balance is already engaged.

37. However, achieving a five-year housing land supply is not intended as a ceiling amount since the Framework seeks to apply the Government's general objective of significantly boosting the supply of homes. Furthermore, since the AMR, the Council has identified a higher local housing need. This proposal would provide a quite significant social benefit by contributing to this need, enhanced with the proportion of affordable units meeting that sought under CS Policy DM5. The demographic evidence also lends support to the quite significant social benefits derived from a need for additional C2 care home accommodation, over which development plan policy is currently silent.
38. There would be commensurate local economic benefits derived from the scheme, both from its construction and future occupation supporting local services. In terms of its location, the housing would offer future occupiers the opportunity to meet a wide range of needs without undue reliance on private car use. Therefore, this scheme benefits from supporting the Framework objective to promote walking, cycling and public transport. There would be the further environmental benefits provided by the relatively large amount of open space secured through this development, which would offer local well-being opportunities as well as establishing a permanent green wedge helping to retain the physical identity of Sholden.
39. On the basis of the evidence before me, I have found that there would not be an unacceptable impact on highway safety as a consequence of this proposal and that the residual cumulative impacts on the local road network would not be severe. Any adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits identified, when assessed against the Framework policies taken as a whole. Giving due weight to this in the context of the tilted balance, I conclude that the material considerations exist which would indicate that this proposal should be determined other than in accordance with the development plan and CS policies DM1, DM11 and DM15.

### **Conditions**

40. Paragraph 55 of the Framework states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have considered the conditions put forward in the Statement of Common Ground in the context of this, noting also where the two parties differ on these.
41. In addition to the standard outline conditions for the submission of reserved matters and the consequential time limit for the development commencing (1-3) a condition is necessary in the interests of certainty which specifies the approved site plan and entrance, so as to fix the masterplan parameters and to ensure an adequate access (4). Also in the interests of certainty, conditions are necessary setting a limit on the quantum of residential and care home development (5) and tying the reserved matters to the submitted Design and Access Statement (6). The latter obviates the need for a further condition for



an Open Space Strategy, particularly as this is further governed by the UU. This also secures the required affordable housing provision and avoids the necessity for the separate condition over this matter sought by the Council.

42. In the interests of safeguarding on-site biodiversity a condition is necessary requiring prior agreement and adherence to an Ecological Mitigation and Management Plan (7). In the interests of, amongst other things, highway safety and the living conditions of neighbouring occupiers, a condition is necessary requiring construction to follow an agreed Construction Environmental Management Plan (8).
43. To address surface water and foul drainage, potential contamination, archaeology and arboricultural methods and tree replacement, conditions addressing these matters are needed (9-14). To secure safe and suitable access to the completed development conditions are necessary that secure the off-site highway works and site access visibility measures prior to occupation (15, 16). In the interests of promoting sustainable transport, conditions secure the agreement of Travel Plans for both the residential and care home elements of the scheme (17,18). Finally, a condition is necessary to secure the 10-year management of the landscaping required under reserved matters (19).

**Conclusion**

44. Subject to these conditions and for the reasons discussed above, I conclude that the appeal should be allowed.

*Jonathan Price*

INSPECTOR

Richborough Estates

## DOCUMENTS

- 1 Statement of Common Ground between appellant and the Council – signed and dated 11 June 2019.
- 2 Typed note from Mr Bird covering the highway evidence rebuttal points he referred to verbally.
- 3 Summary table to illustrate housing land supply evidence provided by Mr Spry.

## APPEARANCES

### FOR THE APPELLANT:

Philip Rawle	Greenlight Developments Limited
Satnam Choongh	Counsel
David Bird	Vectos Limited
Matthew Spry	Lichfields

### FOR THE LOCAL PLANNING AUTHORITY:

Vic Hester BA(Hons) Dip UPI MRTPI	Dover District Council
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### INTERESTED PERSONS:

Philip Marsh (Chair)	Sholden Parish Council
Kevin Lynch (Clerk)	Sholden Parish Council
Carol Kewley	Sholden Parish Council
Derek Wanstall	Sholden Parish Council

May Burke

Martin Sims

Lisa Easton

Ian Birchall

Martin Hewitt MBE RAF Rtd.

Michael Morgan

Councillor Peter Jull

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: application boundary 17-23-PL-220A and site access plan 16228/SK/04F (including the provision of six publicly available parking spaces within the appeal site). The six new public parking spaces within the site shall be kept available for use by the public and retained for this purpose thereafter.
- 5) The development hereby approved shall comprise a maximum of 48 dwellings and a care home building with up to a maximum of 64 bed spaces.
- 6) Any application for approval of reserved matters shall have full regard to the principles set out in the Design and Access Statement (prepared by The Richards Partnership – Document Reference: 17-23-CR05), submitted in support of the outline planning application, and shall be accompanied by an up-dated design and access statement and phasing programme.
- 7) No development shall commence unless and until an Ecological Mitigation and Management Plan (EMMP) shall have been submitted to and approved in writing by the local planning authority. The Plan shall include:
  - A statement of purpose and objectives;
  - Measures, informed by ecological survey work, to achieve the stated objectives;
  - Details of the extent and location of proposed mitigation and enhancement works (including biodiversity protection areas) shown on plans of an appropriate scale;
  - Details of the nature and extent of habitat creation for all habitat types to include the specification of native seed mixes and species for tree/shrub planting;
  - Habitat enhancement measures for species, to include the specification and location of features such as bat and bird boxes and reptile hibernacula;
  - Ecological design considerations for the proposed sustainable drainage system;

- Habitat management practices to promote biodiversity within the retained areas of trees, attenuation basin and pond and within new areas of habitat creation;
- Means of implementation of the plan, including persons responsible and provision for a specialist ecologist to be present on site to oversee works;
- Programme of and arrangements for monitoring against stated and measurable objectives;
- Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show objectives are not being met; and
- A management plan and maintenance plan for the lifetime of the development and details of the body/organisation(s) responsible for implementation of the plan.

Development and future management shall be carried out in accordance with the approved EMMP.

- 8) No development shall commence, including any works of demolition, until a site-wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include and provide for:

the management and routing of construction traffic, including the location of routes within the site to be kept free of obstruction; parking of construction vehicles and vehicles of site operatives and visitors; wheel washing facilities; a scheme for the prevention of surface water discharges onto the highway; travel plan for construction workers; directional signage on and off site; loading and unloading of plant and materials; the location and size of site compounds and areas for storage of plant and materials used in constructing the development; the location and form of temporary buildings and temporary lighting; details of the erection and maintenance of security hoardings; details for the safe storage of any fuels, oils and lubricants; a scheme to prevent pollution; a scheme for the handling and storage of topsoil; measures, including the construction of exclusion zones, to prevent soil compaction in large scale planting areas and measures to remediate soil compaction; details of measures to protect trees; a scheme for the protection of areas of ecological interest and mitigation of any harm to such areas, including timing of works and precautionary work practices; measures to control the emission of dust and dirt during construction; measures for the control of noise and vibration during construction, including delivery and construction working hours; a scheme for recycling/disposing of waste resulting from construction works; procedures for maintaining good public relations, including complaint management procedures, community consultation and liaison; the operation of the CEMP in the context of any phased implementation of the construction period.

The approved CEMP shall be adhered to throughout the construction period and any phases of the development.

- 9) No development shall commence until a surface water drainage scheme based on sustainable drainage principles, effective long-term maintenance of the scheme and an assessment of the hydrological and hydrogeological context of the development, and having full regard to the BWB Consulting Sustainable Drainage Statement (Document Reference: CFF-BWB-HDG-XX-RP-CD-0001\_SDS), has been submitted to and approved in writing by the local planning authority. The scheme shall:

Identify methods to manage surface water runoff; set out the proposed methods to delay and control the surface water discharged from the site, preventing pollution of the receiving groundwater and/or surface waters; outline a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved surface water drainage scheme shall be implemented in full and thereafter managed and maintained in accordance with the approved details.

- 10) No development shall commence until a scheme for the proposed means of disposal of foul water discharge from the development and a timetable for its implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and details.
- 11) No development shall commence until a ground investigation and contamination report has been submitted to and approved in writing by the local planning authority. The report shall include investigation, sampling and/or evaluation of soils and water and shall set out a scheme of remediation or mitigation, as necessary. The approved scheme shall be carried out before the development or relevant phase of development commences.

If, during the course of construction of the approved development, contamination not previously identified on the site is found to be present the occurrence 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 or relevant phase of development is resumed or continued.

- 12) No development shall commence until the implementation has been secured of:
- i.* archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority; and
  - ii.* any safeguarding measures following on from the evaluation to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a

specification and timetable which has been submitted to and approved by the local planning authority.

- 13) No site clearance, preparatory work or development on the site shall commence on site unless and until an Arboricultural Method Statement including a tree protection scheme has been submitted to and approved in writing by the local planning authority. The Statement and tree protection scheme shall identify the retained trees and where excavations, changes to land levels or underground works are proposed that might affect the root protection areas. The scheme shall detail the appropriate working methods (the Arboricultural Method Statement) in accordance with British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The scheme for the protection of the retained trees shall be carried out as approved.

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

- 14) During the development if any retained tree is cut down, uprooted or destroyed or dies within 5 years of the completion of development, the tree shall be replaced by a tree of a similar type and species in the next planting season after the damage or loss.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plans and particulars approved under Condition 13.

- 15) The development shall not be occupied until the highway works, as shown on the Swept Path Analysis Plan 162228/AT/A02, Pedestrian Walkway & Priority Feature Plan 162228/SK/13B and Pedestrian Route & Surfacing Works Plan 16228/A/04 have been provided in the locations shown.
- 16) The development shall not be occupied unless and until the approved access to the site and its visibility splays have been provided and carried out in full, and there shall be no obstruction within these splays over 0.6m in height. The access and splays shall be retained as such thereafter.
- 17) No dwelling shall be first occupied unless and until a travel plan has been submitted to and approved in writing by the local planning authority. The travel plan shall identify opportunities for the effective promotion and delivery of sustainable transport initiatives and include measures to reduce the demand for travel by less sustainable modes. The travel plan shall include details of required outcomes, modal share targets, measures to ensure the modal share targets are met, future monitoring and management arrangements, sanctions in the event outcomes/targets/processes are not adhered to or met and a timetable for implementation. The travel plan shall be implemented in accordance with the approved details and timetable.
- 18) Within 6 months of the first occupation of the care home building a travel plan shall be submitted to and approved in writing by the local planning authority. The travel plan shall identify opportunities for the effective promotion and delivery of sustainable transport initiatives and include measures to reduce the demand for travel by less sustainable modes.

The travel plan shall include details of required outcomes, modal share targets, measures to ensure modal targets are met, future monitoring and management arrangements, sanctions in the event outcomes/targets/processes are not adhered to or met and a timetable for implementation. The travel plan shall be implemented in accordance with the approved details and timetable.

- 19) The submission of the landscaping details, as required under Condition 1, shall include a timetable for the landscape works and their on-going management and maintenance. The said scheme shall include soft landscaping, tree/hedge/shrub planting plans, written specifications, schedules of species, sizes and proposed numbers and densities where appropriate and hard landscape works. The timetable for the scheme's provision shall include details of the first implementation of the details of the scheme and the scheme's on-going management and maintenance, which shall be for a minimum period of 10 years from the first implementation of the details.

The maintenance of the soft landscape scheme shall include arrangements for replacement planting, in the event that a tree dies, is removed or becomes diseased, and garden husbandry across each season.

The approved landscape scheme shall be carried in accordance with the approved timetable, and the scheme's on-going management and maintenance.

---end of conditions---

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