



Appeal Decisions

Hearing opened on 3 October 2013

Site visit made on 3 October 2013

by R J Marshall LLB DipTP MRTPI

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

Decision date: 9 January 2014

Appeal A: APP/C1625/A/13/2199963

Land off Elstub Lane, Cam, Dursley, Gloucestershire

- 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 Mr Tom Sheppard (Newland Homes Limited) against the decision of Stroud District Council.
 - The application Ref S.12/2032/FUL, dated 4 October 2012, was refused by notice dated 12 March 2013.
 - The development proposed is residential development for 19 dwellings and associated parking.
 - The hearing sat for 2 days on 3 October and 5 November 2013.
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Appeal B: APP/C1625/A/13/2201703

Land off Elstub Lane, Cam, Dursley, Gloucestershire

- 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 Mr Tom Sheppard (Newland Homes Limited) against the decision of Stroud District Council.
 - The application Ref S.13/1028/FUL, dated 8 May 2013, was refused by notice dated 9 July 2013.
 - The development proposed is a residential development for 18 dwellings and associated parking.
 - The hearing sat for 2 days on 3 October and 5 November 2013.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for residential development for 19 dwellings and associated parking at Land off Elstub Lane, Cam, Dursley, Gloucestershire in accordance with the terms of the application, Ref S.12/2032/FUL, dated 4 October 2014, and the plans submitted with it, subject to the conditions on the attached list.

Appeal B

2. The appeal is allowed and planning permission is granted for residential development for 18 dwellings and associated parking at Land off Elstub Lane, Cam, Dursley, Gloucestershire in accordance with the terms of the application, Ref S.13/1028/FUL, dated 8 May 2013, and the plans submitted with it, subject to the conditions on the attached list.

Background/Procedural matters

3. In addition to the reasons for refusal on both applications the Council considers that to make the proposals acceptable there is a need for a percentage of the dwellings to be restricted to being affordable and for a financial contribution towards off-site recreation. The appellant has entered into a Section 106 Obligation on both applications on this. However, it remains necessary for me to consider whether they meet the tests in the National Planning Policy Framework (the Framework) on Planning Obligations and the provisions of the *Community Infrastructure Levy (CIL) Regulations*. This is to enable a judgement to be made as to whether or not it is lawful to take them into account.
4. Both applications are for residential development on the same irregularly shaped parcel of land. The form of development proposed is markedly similar. It is the substitution of one building type for another within the main body of the site that leads to the variation in dwelling numbers.
5. Regarding the plans on the first application the appellant sought to submit a revised plan that had not been before the Council when it determined the application. This plan brings the access arrangements for the first application in line with that for the second application. As this is a relatively minor revision, and could be considered without prejudice to any party, I held that I would determine appeal A on the basis of the revised plan.

Main Issue

6. Having regard to all the written representations and the discussion at the hearing the main issues in this appeal are:
first, whether the proposed development would be contrary to the stated objectives of Local Plan Policy HN10 on the location of housing; **second**, the existence or otherwise of a 5 year housing land supply; and **third**, whether the provisions of the Section 106 Obligation may lawfully be taken into account.
7. I shall also have regard to local concerns, not raised by the Council, on matters such as highway safety and living conditions.
8. Given the substantial similarity between the 2 proposals I shall assess both schemes together against the issues identified above.

Reasons

First issue

9. The appeal site lies just outside the defined settlement boundary of Cam as shown on the Stroud District Local Plan (2005) Proposals Map. Saved Local Plan Policy HN10 says that outside such boundaries residential development will not be permitted unless it is essential for the efficient operation of agriculture or forestry. The proposed development for unrestricted residential accommodation would clearly be contrary to the strict wording of this Policy.
10. However, to assess whether there would be conflict with the stated objectives underlying the Policy account has to be taken of the supporting explanatory text. This says that the Policy is to ensure that development does not take place in unsustainable locations and to protect the character and appearance of

the rural area. Such considerations are also embodied within the National Planning Policy Framework. Policy HN10 is therefore up to date in this regard.

11. However, the Council concedes that the proposed small scale development, only just beyond the development boundary is not in an unsustainable location and would cause no harm to the character and appearance of the area. If I adopt this view I would find that the proposed development would not conflict with the stated underlying objectives of Policy HN10. However, I am conscious of the substantial third party views to the contrary which I deal with below.

Sustainability of location

12. The combined, closely linked and fairly substantial settlements of Cam and Dursley comprise a "Principal Settlement" within the adopted Local Plan. The provision of schools, doctors' surgeries, shops and public transport in this area makes Cam an acceptably sustainable location for new housing development. Local concerns that this may not be so because of the loss of employment in the area are not supported by substantial evidence.
13. The appeal site is on the north-western edge of the defined settlement of Cam. The site is directly opposite a primary school and within reasonable proximity of a small shopping parade and a substantial play area. Although more distant from the central area of Cam, which amongst other things contains a Tesco store, it is not substantially further removed from these facilities than some development within the defined development boundary. A bus service, with a bus stop in reasonable proximity to the site runs to the Tesco store. Even if a bus service was no longer to be provided the proposed development would be no less sustainably located than some other established residential areas nearby.
14. It is concluded that the site is in an acceptably sustainable location.

Character and appearance

15. The key concern of those locally is that the proposed development would appear out of keeping with developments in the locality and provide a harsh urban edge to the settlement.
16. Most of the existing development in the vicinity of the site, including that fronting Elstub Lane, comprises single storey bungalows. Although many of bungalows adjoining the site are in fairly substantial grounds, and well spaced, apart other bungalows in the locality are grouped much closer together. In this wider context the relatively close spacing of properties on the appeal site is entirely acceptable. In both schemes the 4 proposed dwellings fronting onto Elstub Lane would be single storey bungalows and as such in keeping with nearby development in this road. Set further into the site both schemes would provide a mix of 1½/2 storey properties and single storey bungalows with a predominance of the former along the northern boundary. However, with a low ridge and eaves heights these properties would still be in keeping with the character and appearance of the area. Indeed, they would result in an attractively varied development.
17. The defined settlement boundary in this area has been drawn closely around the existing built development. However, there is a substantial tree and hedgerow belt on the northern boundary of the site. Tall poplar trees on this boundary covered by a tree preservation order would be retained and

intervening existing planting kept or reinforced. Even in the event of some increased top soil needing to be placed on the proposed back gardens in the vicinity of the poplar trees there is no substantial evidence that this would be to an extent that would be harmful to their protection. Moreover, whilst I note some concerns raised, from what I saw the proposed houses would be sufficiently distant from these trees for it to be unlikely that there would be undue requests for them to be lopped or felled. Nor is there substantial evidence to support concerns that the lifespan of these trees should prevent weight being placed on the screening effect of them and other planting.

18. The tree/hedgerow belt referred to screens the appeal site in a way that separates it from the wider open countryside beyond. Given its depth, and the facility for supplementary planting, this should be the case throughout the year. Thus the site relates more to the built development to the south than the open fields to the north and the proposed development would not be seen as an unacceptable incursion into the countryside. In arriving at this view I appreciate that an inspector came to different conclusion some 10 years ago on a much smaller scale of development. However, I do not have the full background to that decision which is in any event by now quite dated. The detailed landscaping evidence provided in the current case, which has been accepted by the Council, and the findings of my visit, have led to me drawing a different conclusion.
19. It is concluded that the proposed development would cause no harm to the character and appearance of the surrounding area.

Conclusion

20. Drawing together my views on the first issue it is concluded that with the site being a sustainable location, and with no harm caused to the character and appearance of the surrounding area, the proposed developments would not conflict with the stated underlying objectives of Policy HN10.

Second issue

21. Although not one of the stated objectives Local Plan Policy HN10 also fulfils a role in controlling the amount of housing development in the District. The weight to give to the Policy in this respect, having regard to the Framework, depends substantially upon whether the Council has a 5-year supply of deliverable housing sites. On this the parties differ.
22. There is agreement that there are identified deliverable housing sites to supply 2,215 dwellings. It is also agreed that CLG projections should form the basis of the calculation of the housing requirement. However, there is a dispute over which set of CLG projections to use. The interim 2011 projections for the period 2011 - 2021 are the most up-to-date. The appellant, though, is concerned that they reflect recession and a stagnant economy, a point with which I concur. He thus prefers to use either the earlier 2010 projections, for the period 2013 - 2033 which are 2008 based, or a figure midway between the 2 projections. An annual requirement is then derived by dividing the forecast increase in households by the projection period.
23. The Council contends that this is too simplistic an approach. It says that the housing requirement should be derived by taking into account all of the local plan period 2006 - 2031 including actual household change 2006 -2011, the

CLG forecast for 2011 - 2021 and a projection 2021 - 2031 taking account of longer term growth rates. The Council also disputes the appellant's inclusion of an additional housing requirement in the figures to account for vacant/second homes and the backlog of unmet affordable need. There is also disagreement on the flexibility buffer to provide. The Framework says that Council's should have 5 year housing land supply with an additional buffer of 5% to ensure choice and competition. It goes on to say that where there has been a recurrent and persistent under delivery of housing the buffer should be increased to 20%. The appellant says that a 20% buffer is required whereas the Council says that it should be 5%.

24. The Council's approach indicates a need in the next 5 year period for 1,995 dwellings. Thus it says there is sufficient identified land on which to meet this requirement and no need to develop the appeal site. This figure has been used by the Council to justify the figure in the Stroud District Local Plan: Pre-Submission Draft (2013) of a housing requirement of "at least 9,500 additional dwellings .. for the period 2006 - 2031". By contrast, the appellant says that within the next 5 years there is a need for 3,436 dwellings and that so substantial a requirement over and above the availability of land to accommodate it justifies the proposed schemes.
25. I consider that the appellant has overestimated the requirement for housing in some respects by adding to the 5 year requirement a separate affordable housing need. I am more persuaded by the Council that to do so would be double counting. However, even taking this into account, and with the 5% buffer preferred by the Council, there would be a shortfall of land to meet demand on the basis of the appellant's calculations.
26. I appreciate that the Council has sought to adopt a more refined approach than the appellant. However, the figure derived from this and incorporated in the emerging plan, has not been tested. Objections have been raised on the housing requirement set out by the Council and the appropriate way to examine this is through the Local Plan process. Until this has occurred I attach the Council's figure limited weight.
27. Given the above it is concluded that the Council cannot at this stage demonstrate with sufficient certainty that there is a 5 year housing land supply in the terms of the Framework.

Third issue

28. The Framework says that planning obligations will only be sought where they meet all of the following tests: they are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to it.
29. A separate Planning Obligation has been provided for each application, albeit on broadly the same terms. The terms of the agreements relating to affordable housing accord with the Local Plan Policy seeking affordable housing provision and there is a demonstrable need for such housing. I am satisfied that in relation to affordable housing provision the Obligations accord with the relevant tests and attach weight to them accordingly in this decision.
30. The open space contributions are justified by an overarching policy on contributions within the Local Plan. The contributions provide for a sum of

money to provide and enhance recreational facilities in Cam. However, there is no up-to-date evidence on the existing recreational provision in Cam and thus no evidence that these contributions are necessary. Nor is any indication given as to precisely how the money would be spent. The open space contributions do not therefore accord with the relevant tests and I attach them no weight in this decision.

Other matters

31. I deal below with other third-party concerns, the key ones of which are highway safety and impact on living conditions.

Highway safety and the free flow of traffic

32. Many residents wrote in on this and a professional highway statement was commissioned. Broadly speaking the concerns are that: there would be harm to highway safety arising from the proposed access from Elstub Lane in close proximity to a school access on the opposite side of the road; and the surrounding road network is inadequate in terms of highway width and junction sight lines.
33. I take the proposed access onto Elstub Lane first. I am satisfied that: adequate sight lines would be provided, over highway land or land in the appellant's control, given likely traffic speeds; the width of Elstub Lane at the access point, and the width of the proposed road into the site, would be sufficient; the proximity of the proposed main access to the school entrance would be acceptable; and children walking to school from the surrounding area would be able to do so in safety.
34. In arriving at this view I have had regard to the evidence given by and on behalf of 3rd parties which dealt extensively with the above matters. However, I found the appellant's case more persuasive especially given the lack of objection from the County highway authority, the road safety audit undertaken for the appellant and the appellant's highway witness basing his case more on up to date guidance. Criticisms of the road safety audit, on the grounds that it did not adequately take into account risk and children's safety, was rebutted by sound and convincing evidence.
35. I have also had regard to what I saw. I viewed the site at times in the morning and evening when children were arriving and leaving the school. At those times there were considerable pedestrian and vehicular movements. However, nothing that I saw suggested that traffic from the proposed development would have any material impact on highway safety generally or on the safety of children walking too and from the school. I am of this view especially as children walking to the school would primarily be on the opposite side of the road to the appeal site. In terms the potential for added congestion I am mindful of the relatively small scale of the proposed development and the fact that outside school opening and closing times Elstub Lane is unlikely to be busy.
36. On behalf of third parties it was said that the 30 mph speed limit to the north of the site may be unenforceable, thus increasing traffic speeds past the site. And also that the yellow road markings in the vicinity of the school access may have no legal standing thus adding to the potential for increased congestion in the vicinity of the site access. However, the narrow width of Elstub lane to the

north of the site would discourage high speeds. The yellow road markings are a disincentive to park even if they cannot be enforced and there is the prospect that if necessary an official order could be made to give them legal standing. An extension of yellow road markings into part of the appeal site could be considered if it was considered desirable to restrict parking in this area.

37. Detailed evidence was given on behalf of third parties and by the appellant on the surrounding road network. From all that I have read and seen I am satisfied that roads serving the appeal site would be of an adequate width to enable vehicles travelling in both directions to pass by safely. Traffic parked in Elstub Lane as a result of children being driven to school restricts traffic flows at this time. However, this is only for a limited period. Given that access is already required to the school for emergency vehicles I do not consider concerns on this point in relation to the proposed development to be well founded. Although pavement widths are not always to current standards the deficiency is not so great as to be unacceptable. The visibility at junctions in the immediate road network is satisfactory, and although I note particular concerns in relation to one junction that is not borne out by accident records. Moreover, when people perceive a junction to be unsafe extra care is often taken.
38. In arriving at my view above on the surrounding road network I have also in particular had regard to the relatively small scale of the proposed development and the fact that the limited amount of traffic generated would probably be dispersed over a number of roads. For this reason as well I do not consider that the proposed development would give rise to such an additional increase in traffic past the local play area and shopping parade as to have any material impact on highway safety.
39. It is concluded that there would be no detriment to highway safety and the free flow of traffic.

Living conditions

40. No. 10 Field Lane is a bungalow with a large garden with a boundary adjoining the appeal site. On the second of the proposed applications 2 bungalows proposed adjacent to this boundary would result in no loss of privacy to the neighbour especially given the substantial boundary hedge. On this part of the site the first application proposes one bungalow and a 2-storey terraced block. Even if the boundary hedge was to be reduced in height at some time, as the neighbour fears, only the top end of his garden would be clearly overlooked and only distant and oblique views would be obtained of his bungalow. Therefore, no unacceptable loss of privacy would arise.
41. A bungalow at No. 9 Elstub Lane would be sufficiently well removed and screened, from the proposed development at the rear in both schemes for no unacceptable harm to be caused through visual intrusion. The proposed bungalow adjoining the side boundary of No.9 would not extend so far forward of this neighbouring property as to appear unacceptably intrusive. No. 7 Elstub Lane would be sufficiently removed and well screened from the appeal site for no unacceptable harm to arise through over-dominance or loss of privacy.
42. Any noise and disturbance from the proposed development should be no more than would arise from most residential schemes. It would not give rise to unsatisfactory living conditions for those nearby. Given the location and scale

of the proposed dwellings that would adjoin the boundary of No. 16 Field Lane there would be no unacceptable loss of privacy or over-dominance for those in this property.

Other matters in general

43. General observations have been made about wildlife on and off the site. However, there is no substantial evidence that, with appropriate conditions, the proposed development would unacceptably harm interests of nature conservation importance. As for concerns on precedent any future applications for housing in the vicinity, or in Cam generally, would need to be determined on its own individual merits.

Drawing together my observations above

44. My findings on the first issue, and on the key concerns raised by those locally, show this to be a suitable site for housing notwithstanding it being outside the development boundary. This weighs heavily in favour of the proposal given that the Council's stance on 5 year land supply has not been appropriately tested. This is especially so given that even on its approach the degree of leeway between the 5 year requirement and the deliverable housing supply over that period is not that great. Thus relatively minor differences in the approach adopted would have the potential to impact significantly on whether or not there is a 5 year land supply. And in any event the housing requirement in the emerging Policy is not expressed as a ceiling which should not be exceeded.
45. I thus find no harm in permitting the proposed schemes just beyond the development plan boundary. Indeed, to do so would accord with the requirement in the Framework to significantly boost the supply of housing.

Conditions

46. As I am minded to allow the appeal I have considered those conditions that have been suggested in addition to the standard condition on the time limit for the commencement of development.
47. To protect the character and appearance of the area I shall require the submission and approval of: the external materials of the buildings; details of boundary treatments; a landscaping plan; and works to trees. In the interests of the living conditions of those nearby I shall require the submission and approval of: a Construction Method Statement; details of the finished floor levels; and hours of working and delivery times during building operations. In the interests of highways safety I shall impose conditions to ensure satisfactory access and parking provision. So the site is satisfactorily drained I shall impose a condition requiring consideration be given to provision of a Sustainable Urban Drainage System. To protect nature conservation interests I shall require the submission of an Ecological Method Statement.

Conclusion

48. For the reasons given above the appeals are allowed.

RJ Marshall

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Chadwick BA hons DipTP MRTPI	Of Hunter Page Planning
Mr C Lewis DipTP MRTPI	Of Hunter Page Planning
Mr C Tonks BSc MSc MCIHT	Of Carl Tonks Consulting
Mr T Sheppard	Of Newland Homes Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Corker DipTP	Principal Area and Enforcement Officer
Miss L Humphries BA hons MA MRTPI	Senior Planner
Mr M Russell BA DipTP MRTPI	Planning Strategy Manager

INTERESTED PERSONS:

Mr C Ashby BA CMS I.Eng FIHE FCIHT FSoRSA RegRSA(IHE)	Of CA Traffic Solutions LLP
Cllr D Andrewartha	District Councillor
Ms S Friend	Governor of local school
Mr J Fowles	Chair of Cam Parish Council
Mr B Tipper	District Councillor
Mr M Glen	Local resident
Mr S Goodison	Local resident
Mr J Palmer	Owner of appeal property

DOCUMENTS

- 1 Draft Section 106 Obligation on first appeal.
- 2 Draft Section 106 Obligation on second appeal.
- 3 Extracts from adopted Stroud District Local Plan.
- 4 K Woodhead report "Population and Total Housing Requirements for Stroud District" April 2013
- 5 Appellant's supplementary statement on housing land supply.
- 6 Appellant's housing supply tables.
- 7 Local Authorities of Gloucestershire Strategic Housing Market Assessment.
- 8 Appellant's revised sight line plans.
- 9 Appellant's indication of highway land.
- 10 "Appellant's Late Road Safety Comments".
- 11 Signed Section 106 Obligation on first appeal.
- 12 Signed Section 106 Obligation on second appeal.
- 13 Set of colour photographs on the access.
- 14 Council response to appellant's costs application.

PLANS

- 1 Application plans on first appeal.

2 Application plans on second appeal.

Richborough Estates

Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until details of boundary treatments, including timescales for their provision, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 6) No work of any description, including any felling, uprooting, removal or pruning shall take place on the site until further details of all trees to be retained have been submitted to and approved in writing by the local planning authority (" the retention scheme"), together with the measures for their protection (" the protection scheme") during the construction works.
- 7) Development shall only be carried out in accordance with the tree retention scheme approved in the above condition. All trees and hedgerows to be retained shall be protected during the course of construction works in accordance with the approved protection scheme which shall be maintained in its approved form for the duration of the construction. Within the protected areas, land levels shall not be changed, no fires shall be lit, no equipment, machinery or vehicles shall be operated, and no materials stored or placed.
- 8) 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) wheel washing facilities
 - v) measures to control the emission of dust and dirt during construction.

- 9) No development shall take place until details of the finished levels of the dwellings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) Construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 11) No construction related deliveries shall be taken at or dispatched from the site outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays or outside 08.15 hours to 09.15 hours and 15.00 hours to 15.45 hours on Mondays to Fridays inclusive during school term time.
- 12) No dwelling shall be occupied until that part of the access road which provides access to it from the public highway has been constructed in accordance with the approved plans to at least binder course level.
- 13) No dwelling shall be occupied until the site access as laid out in accordance with drawing No. 647-102C.
- 14) No dwelling shall be occupied until the vehicular parking is space for that dwelling running has been laid out and constructed in accordance with the approved plans. These spaces shall thereafter be retained for that use.
- 15) No dwelling shall be occupied until the highway works comprising footways at the access to the site and dropped kerbs with tactile paving and the extension of "Keep Clear School" road markings as shown on plan No. 2012-F-002A have been carried out.
- 16) No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and provide 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.
- 17) No works shall commence on site including the removal of any trees and vegetation until an ecological method statement has been submitted setting out the mitigation measures to accord with the "Preliminary Ecological Appraisal" and plan No. 647-02B. The method statement shall provide for: measures to be taken to protect any potentially sensitive ecological areas during the construction period; timetables to implement all enhancement and mitigations measures; details of management and maintenance of wildlife

corridors and areas; and demarcation of the proposed reptile corridor.
Development shall be carried out in accordance with the approved details.

18) Subject to the requirements of any of the aforementioned conditions the development hereby permitted shall be carried out in accordance with the following approved plans:

- 647-02 B
- 647-03 A
- 647-04
- 647-10
- 647-11
- 647-12
- 647-13 A
- 647-14 A
- 647-15
- 647-16
- 647-17
- 647-18
- 647-19
- 647-20
- 647-102C
- 2012-F-002A
- Landscape plan 001

Appeal B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until details of boundary treatments, including timescales for their provision, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 6) No work of any description, including any felling, uprooting, removal or pruning shall take place on the site until further details of all trees to be retained have been submitted to and approved in writing by the local planning authority (" the retention scheme"), together with the measures for their protection (" the protection scheme") during the construction works.
- 7) Development shall only be carried out in accordance with the tree retention scheme approved in the above condition. All trees and hedgerows to be retained shall be protected during the course of construction works in accordance with the approved protection scheme which shall be maintained in its approved form for the duration of the construction. Within the protected areas, land levels shall not be changed, no fires shall be lit, no equipment, machinery or vehicles shall be operated, and no materials stored or placed.
- 8) 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 approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - vi) the parking of vehicles of site operatives and visitors
 - vii) loading and unloading of plant and materials
 - viii) storage of plant and materials used in constructing the development
 - ix) wheel washing facilities
 - x) measures to control the emission of dust and dirt during construction.
- 9) No development shall take place until details of the finished levels of the dwellings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) Construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 11) No construction related deliveries shall be taken at or dispatched from the site outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays or outside 08.15 hours to 09.15 hours and 15.00 hours to 15.45 hours on Mondays to Fridays inclusive during school term time.
- 12) No dwelling shall be occupied until that part of the access road which provides access to it from the public highway has been constructed in accordance with the approved plans to at least binder course level.
- 13) No dwelling shall be occupied until the site access as laid out in accordance with drawing No. 647-102C.
- 14) No dwelling shall be occupied until the vehicular parking space for that dwelling has been laid out and constructed in accordance with the approved plans. These spaces shall thereafter be retained for that use.

- 15) No dwelling shall be occupied until the highway works comprising footways at the access to the site and dropped kerbs with tactile paving and the extension of "Keep Clear School" road markings as shown on plan No. 2012-F-002A have been carried out.
- 16) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and provide 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.
- 17) No works shall commence on site including the removal of any trees and vegetation until an ecological method statement has been submitted setting out the mitigation measures to accord with the "Preliminary Ecological Appraisal" and plan No. 647-02C. The method statement shall provide for: measures to be taken to protect any potentially sensitive ecological areas during the construction period; timetables to implement all enhancement and mitigations measures; details of management and maintenance of wildlife corridors and areas; and demarcation of the proposed reptile corridor. Development shall be carried out in accordance with the approved details.
- 18) Subject to the requirements of any of the aforementioned conditions the development hereby permitted shall be carried out in accordance with the following approved plans:
- 647-01
 - 647-02 C
 - 647-03 C
 - 647-10 A
 - 647-11A
 - 647-12 A
 - 647-15 A
 - 647-16 A
 - 647-17 A
 - 647-18 A
 - 647-19 A
 - 647-20A

- 647-21
- 647-22
- 647-102C
- Tree Survey and Constraints Plan – 10988/40517
- 2012-F-002 A
- Landscape plan 001 B

Richborough Estates