



Appeal Decision

Hearing held on 3 June 2015

Site visit made on 3 June 2015

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 23 July 2015

Appeal Ref: APP/P1615/W/15/3005762

Land off Beech Way, Littledean, Gloucestershire

- 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 M F Freeman (M F Freeman Limited) against the decision of Forest of Dean District Council.
 - The application Ref P0899/14/OUT, dated 30 May 2014, was refused by notice dated 10 September 2014.
 - The development proposed is erection of 17 no. dwellings and associated access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 17 no. dwellings and associated access and landscaping at Land off Beech Way, Littledean, Gloucestershire, in accordance with the terms of application Ref P0899/14/OUT, dated 30 May 2014, subject to the conditions in the attached schedule.

Procedural Matters

2. The application has been made in outline, with full details in relation to access, landscaping, layout and scale for determination. Appearance is to be considered as a reserved matter.
3. The Council's reason for refusal 2 relates to the absence of a legal agreement to secure affordable housing and youth/adult recreation. At the Hearing a signed and dated legal agreement was provided that had been agreed with the Council. The Council confirmed at the Hearing that the legal agreement has now overcome this reason for refusal. From the evidence before me, I consider that the requirement for these provisions meets the three tests set out in Paragraph 204 of the National Planning Policy Framework (the Framework) for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (CIL) (2010). Therefore, I have not considered such matters further in my decision.

Main Issues

4. As a result of the evidence before me, I consider that the main issues of the appeal are the effect of the proposal on the character and appearance of the area and the need for new dwellings with regard to housing land supply considerations.

Reasons

5. The appeal site is located off Beech Way and is currently an agricultural field. The proposal would deliver 17 new dwellings, of which 7 would be offered on an affordable basis. The development would comprise of one 4 bed detached dwelling, two 4 bed linked dwellings, one 3 bed detached bungalow, four 3 bed semi-detached bungalows, two 3 bed semi-detached dwellings, two 3 bed terrace dwellings, one 2 bed terrace dwelling and four 1 bed flats. These would be arranged around a single access road.

Character and appearance

6. The appeal site forms a roughly rectangular sized plot that would adjoin existing housing to the south and east and open countryside to the north and west. It was evident from my site visit that the appeal site is in an elevated position, with land sloping steeply away to the east towards Oak Way and relatively steeply away to the west and north. The adjoining housing to the south is set at a relatively similar level to the appeal site. Therefore, I agree with the Council that the appeal site forms part of an elevated spur that extends north from the village. The site accommodates a large ash tree that is a prominent feature when viewed from the surrounding area.
7. I observed that the wider landscape is attractive, but I am mindful that it does not command any statutory landscape designations and is therefore not remarkable and is of local value. The Forest of Dean Landscape Character Assessment (2002) (the LCA) notes that the appeal site is located in the 'Ridge and Valleys' landscape character type. The key characteristics of this include: distinctive rounded ridges rising above the neighbouring vale landscapes; hedgerow patterns; small woodland copses; mixed farmland; redundant quarries; transportation routes that follow valleys created by streams and brooks; and grassland habitats. This indicates a rural setting, however, the LCA also acknowledges under 'Ridge and Valleys' buildings and settlements, which specifically refers to Littledean. This notes that Littledean is a major feature of the ridge. Consequently, I concur with the appellant that whilst the LCA makes clear it is predominantly a rural landscape, it is punctuated by settlements.
8. During my site visit I observed the appeal site from higher ground to the west that provides panoramic views of the wider landscape. It was evident that whilst projecting from the built form of Littledean, the proposal would be viewed within the context of the existing dwellings to the south and to a large degree with the wider settlement and would therefore not appear as an alien or intrusive feature in the landscape. Further, the existing hedgerows and trees on the appeal site would be retained and enhanced through new planting. Given these findings, I consider that the proposal would have little effect on the wider landscape and its key features, as set out above. This view was largely accepted by the Council at the Hearing.
9. At a more local level, due to the elevated position of the appeal site, I consider that the development would be more prominent. I acknowledge that the design and layout of the appeal scheme has been informed by its elevated position and the topography of the surrounding area. Insofar that there would be no dwellings close to the western boundary of the appeal site and only single storey dwellings are proposed in the more elevated and exposed areas of the site. I also acknowledge that landscaping enhancements would be

provided, particularly on the western boundary. Despite this, it was evident when viewing the appeal site from a number of local viewpoints that are accessible to the public, including public rights of way, the change of land use to residential and associated infrastructure would be clearly evident given the appeal site's elevated position. The roofs of the dwellings would be evident, which would appear to extend out into the open countryside across the spur and in some viewpoints would appear on the skyline.

10. It was evident that the large ash tree forms a landmark feature when viewed from the local area and whilst being retained the proposed dwellings and enhanced boundary vegetation would obscure views of the ash tree from the east and north. For the above reasons, I consider that the proposal, albeit at a local level, would cause harm to the character and appearance of the area.
11. In conclusion, the proposal would result in the urbanisation of an elevated agricultural field that would be clearly evident from local viewpoints causing harm to the character and appearance of the area. The proposal therefore runs contrary to Policy CSP.1 of the CS, which seeks to conserve, preserve and otherwise respect important characteristics of the environment, such as its landscape. The appellant is of the view that Policy CSP.1 of the CS should be considered out-of-date as it does not include a balancing exercise to be undertaken with the benefits of the scheme. However, it is evident that the policy is consistent with much of the guidance provided in the Framework and consequently in accordance with Paragraph 216 of the Framework, I afford the policy substantial weight. I consider that the proposal also conflicts with the Framework insofar that it would at a local level, cause harm to the intrinsic character and beauty of the countryside (Paragraph 17).
12. Given that the identified harm would be relatively localised and would not significantly alter the wider landscape as accepted by the Council at the Hearing, which is of local value, I consider that the identified harm would not be significant and therefore carries a moderate level of weight against the scheme.

Need for housing

13. The appeal site is located outside of the settlement boundary of Littledean and therefore can be considered to be in open countryside. Policy CSP.4 of the Forest of Dean District Council Core Strategy (2012) (the CS) seeks to restrict development outside of settlement boundaries, with some exceptions, which do not apply to the proposal.
14. The Government is seeking to significantly boost the supply of housing, as set out in Paragraph 47 of the Framework. Further to this, the Framework at Paragraphs 14 and 49 sets out that there is a presumption in favour of sustainable development. The Framework at paragraph 47 establishes that local planning authorities should identify and update annually specific, deliverable sites sufficient to provide 5 years' supply of housing against their objectively assessed housing need (OAN) for housing. The Council are of the view that it can demonstrate a 5 year housing land supply, which is contested by the appellant.

Housing land requirement

15. As a starting point I am mindful that this should be the development plan (Paragraph 2 and 12 of the Framework and the Act¹). The CS makes provision for 6,200 dwellings in the plan period (2006-2026), which is 310 dwellings per annum (dpa). The figures were based on the Draft South West Regional Plan. The Council are progressing an emerging Allocations Plan (eAP) and has undertaken a review of it's OAN to support this document. The Council consider that the OAN is now equivalent to 320 dpa. The Council's appeal evidence confirms that this is based on a demographic only scenario.
16. The appellant has referred to guidance provided in the Government's National Planning Practice Guidance (the PPG)², which sets out that the methodology of the OAN should reflect several factors. These include (i) using the latest demographic evidence, (ii) building in an estimate for housing numbers to match projected job growth and (iii) taking account of market signals. The appellant is of the view that the OAN should include provision for future job growth, as a result of the findings of a study published by the Council, which was undertaken by 'NMSS' to determine 'The Objectively Assessed Housing Needs of Stroud, Forest of Dean and Cotswold' (2014). The study recommended that 900 extra homes for jobs should be added to the OAN. This would equate to an OAN of 365 dpa and this is the figure that the appellant considers to be most appropriate.
17. At the Hearing, the Council set out that it did not consider the 'extra job homes' could be added, as there was not sufficient evidence, however, noted that additional work is currently being undertaken on this matter. It is also clear that the Council's new OAN figure of 320 dpa has only recently been produced to support the eAP and that there are objections to the OAN as part of the recent consultation of the eAP, which will need to be considered at the examination.
18. Given these matters and that both the Council's and the appellant's suggested OAN scenarios (with and without extra jobs homes) have not been tested at examination with all relevant stakeholders present, I consider that from the evidence before me at the present time, the CS requirement of 310 dpa is the most appropriate for the purposes of this appeal.

Supply

19. It is common ground between the parties that a 20% buffer should be applied, given the Council's history of under delivery. It was also agreed that the existing backlog against the CS and a base case date of April 2014 is 376 dwellings and should be applied as per the 'Sedgefield Method' whereby the backlog is addressed over the next five years. Consequently, I am of the view that the five year housing land supply requirement of the Council to be 2236 dwellings ($310 \times 5 = 1550$, $1550 \times 1.2 = 1860$ and $1860 + 376 = 2236$) or 447 dpa.
20. It is not disputed between the parties that the small sites windfall site allowance would contribute 370 dwellings over the five year period. With regard to the large sites windfall site allowance, the Council consider that 48 dwellings would be provided in years 4 and 5. Whilst this is not disputed by

¹ Planning and Compulsory Purchase Act 2004.

² PPG Paragraph Reference IDs: 2a-014-20140306 to 2a-020-20140306

the appellant, it is noted that the 'roll-forward' of supply due to the inclusion of sites committed between April 2014 and April 2015, alters the approach to large windfall insofar that the 5 year housing land supply should only contain an allowance for year 5, to prevent double counting. At the Hearing the Council set out that in year 5 it was expected that 32 dwellings would be delivered. Therefore, it was accepted at the Hearing that the number of dwellings from small and large windfall sites would be 402 dwellings over the five years.

21. The Council consider that, notwithstanding objections to the overall quantum of development, the eAP should be afforded significant weight with respect to the selection of housing sites, given its current stage of preparation. It is evident that a maximum number of 550 dwellings are proposed within the eAP of which 269 of these dwellings are on sites with planning permission and the remaining 281 are proposed for allocation but do not benefit from planning permission. The Council set out that it is anticipated that the eAP will be submitted for examination in July 2015. Given that the eAP has not yet been examined and the Council confirmed at the Hearing that there are objections to many of the sites, in accordance with Paragraph 216 of the Framework, I can only afford limited weight to the eAP and its proposed allocations and policies. Consequently, I concur with the appellant that only the 269 dwellings with planning permission should be considered deliverable and included in the calculation of housing land supply.
22. In terms of sites allocated within the adopted plan and unallocated commitments there is dispute between the parties. Within the Housing Land Supply 'Factual Update' document provided at the Hearing [Document 3], it was confirmed that the Council consider that at the present time the best information on availability is that the sites allocated within the adopted plan would deliver 917 dwellings and unallocated commitments would provide 601 dwellings. Due to many site disputes and their deliverability when considered against the guidance provided in Paragraph 47 (footnote 11) of the Framework, the appellant maintains that the sites allocated within the adopted plan would deliver 555 dwellings and unallocated commitments would provide 506 dwellings. This is a difference of some 457 dwellings between the parties.
23. Despite the individual site concerns of the appellant, it is evident that even if I was to accept the above figures set out by the Council in relation to sites allocated within the adopted plan and unallocated commitments, this would result in a total number of deliverable dwellings of 2189 against the above identified requirement of 2236 dwellings, a supply of 4.9 years.
24. Notwithstanding the above findings and for the avoidance of doubt, I will also review the specific sites that are in dispute. Footnote 11 to Paragraph 47 of the Framework sets out that *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'*. Given that the parties agreed that the most appropriate baseline date for the five year housing land

supply is April 2014, it is therefore necessary for sites to be delivered within the next four years.

25. The Council are of the view that the site referred to as 'Cinderford Northern quarter, HCA a' would provide 50 dwellings. However, I understand that there is a legal challenge to the permission for the HCA, which is for 195 dwellings. The appellant has set out that there are several phases of development for the site, which is set out within the adopted Area Action Plan (AAP). The first phase includes infrastructure requirements in the form of the Spine Road, education facility, visitor centre and employment sites. The second and third phases include residential units. I understand that the AAP sets out that the first phase in itself will take approximately four years to complete. I acknowledge the Council's view provided at the Hearing, that what is now proposed is different to that contained in the AAP. However, given these matters there are significant doubts that any residential units would be completed in the next four years and therefore, I consider that the anticipated 50 dwellings should be discounted.
26. Planning permission was granted in 2009 at the Cinderford Railway Tavern site for 10 dwellings and a subsequent extension of time application has also been approved that expires in August 2015. The appellant has raised viability concerns and the Council are of the view that the recent recession may have had an effect on the scheme. However, given the time that has passed since the initial planning permission, that the permission expires soon with no indication of imminent works on the site and the viability issues raised by the appellant, there is considerable doubt that the site offers a realistic prospect of housing being delivered. Therefore, I agree with the appellant that the 10 dwellings should be removed.
27. The site at Coleford Poolway Farm has been allocated for residential development for over 9 years and no planning applications have been made. I understand that the site is in multiple ownership and that the appellant has had protracted discussion to obtain the site for over 18 months, with no agreement reached. The Council has set out that the site has been amended in the eAP to improve the prospect of the site coming forward. However, as identified above, I consider that the eAP can be given only limited weight. Consequently, I am not suitably convinced that the site offers a realistic prospect of delivering 80 dwellings in the next 4 years and should not be counted.
28. The appellant considers that the site 'Lydney East Phase B' would provide 60 dwellings rather than the Council's anticipated 144 dwellings. The Council accept that there are infrastructure requirements and in a planning appeal granted in September 2014 to modify the S106 obligation it was noted that the intention is to provide the infrastructure and services and then offer the land for sale. As a result, I agree with the appellant that the site is unlikely to deliver any dwellings until years 4 and 5 of this calculation. The Council are of the view that it is possible to deliver 48 dwellings per year on the site and there is no evidence before me to question this figure. Therefore, I consider that the site is likely to deliver 96 dwellings for the purposes of my calculation, a reduction of 48 dwellings from the Council's figure.
29. The Council are of the view that the site at Newent Foley Road will deliver 120 dwellings. However, it is evident that the advice from the site owner is that only 85 dwellings will be provided. Therefore, I consider that it is more

appropriate to consider that 85 dwellings will be delivered, a reduction of 35 dwellings.

30. In addition to these sites, a number of small amendments were accepted by the Council at the Hearing. These are the reduction of 4 dwellings in total over sites at 'Newent Broad Street', 'Cinderford 3 commercial St 2481', 'Redmarley The Rock' and 'Newent Southend Lane'. I am less convinced by the evidence provided by the appellant in relation to all other sites, as a result of the views and/or updated information provided by the Council at the Hearing.
31. As a result of my findings with regard to the above sites, I consider that overall, there is a current supply of 1959 realistic and deliverable dwellings in accordance with the guidance provided in the Framework, equivalent to approximately 4.4 years supply against the requirement set out within the CS.
32. For completeness, the Council's updated OAN figure of 320 dpa would require 2042 dwellings in total over five years or 408 dpa with a 20% buffer and a backlog against the eAP of 122 dwellings. Given my findings above, with regard to the above specific sites and that the eAP and its allocations can only be given limited weight, I am of the view that there are in the region of 1959 deliverable dwellings at the current time, a supply of 4.8 years. Consequently, I consider that from the evidence before me at this particular time, the Council cannot demonstrate a 5 year housing land supply against their new proposed OAN figure of 320 dpa that currently supports the eAP.

Conclusion

33. Given my findings above, the Council cannot currently demonstrate a 5 year housing land supply and therefore the proposal would make a valuable contribution to this shortfall in terms of market housing and affordable housing. In accordance with Paragraph 49 of the Framework, I consider that the Council's policies that relate to the supply of housing, which are Policies CSP.4, CSP.5 and CSP.16 of the CS are out-of-date. In these circumstances, Paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This balancing exercise is undertaken at the end of my decision.

Other matters

34. In addition to the benefits of delivering new housing, as identified above, the proposal would also deliver some modest economic benefits, such as those generated from construction, spending of future occupants, Council Tax and Homes Bonus. The proposal would also maintain and enhance the vitality of the local community, as required by Paragraph 55 of the Framework, by supporting local services and facilities within and close to Littledean. I consider that these social and economic benefits in combination attract substantial weight in favour of the proposal. I consider that the proposed site is sustainably located close to a range of local services, facilities and public transport, although I consider that this is a matter of neutral weight.
35. The Council have referred to three other appeal decisions (APP/P1615/A/13/2204158, APP/C1625/A/13/2197307 and APP/C1625/A/14/2213711) where the Inspectors found that the identified

harm to the landscape outweighed or contributed to outweighing the benefits of the proposals. However, these are all in different locations to the appeal scheme and are set within other landscape settings. They are also for materially different schemes. Consequently, I consider that they are not directly comparable and carry little weight.

36. The Council's evidence suggests that a sustainable drainage management scheme is required and that this should be secured by a planning obligation/agreement. However, at the Hearing the Council accepted that this could be secured by a suitable planning condition.
37. Interested parties have raised concern that the proposal would lead to highway safety concerns; that there is insufficient parking; that there is insufficient room for emergency vehicles; and the local school does not have capacity. However, there is no substantive evidence to support such views and I am mindful that the Council has not raised any concern in relation to such matters.
38. Littledean Parish Council has set out that the neighbouring development to the south of the appeal site was guaranteed as a one-off exception site and no further developments would be permitted. Nonetheless, an application has been made and I must consider the individual merits of the proposal that are before me.

Conditions

39. I have considered the 22 conditions suggested by the Council against the tests set out within the Framework and the advice provided by the PPG and have amended them where required. In the interests of sound planning and for the avoidance of doubt, conditions are imposed that require: detailed plans showing the appearance of the site (the reserved matter) to be submitted to and approved in writing by the local planning authority; the application for the approval of the reserved matter to be made within one year from the date of this permission; the development to commence not later than the expiration of two years from the approval of the reserved matter; and the development to be carried out in accordance with the approved plans.
40. At the Hearing the appellant raised concern with regard to the timescale of one year to make an application for the reserved matter. The Council set out that this is to ensure expeditious delivery of the development for the purposes of addressing the shortfall in land supply and affordable housing. Given my findings above with regard to housing land supply, I consider that such a timeframe is suitable.
41. To ensure the suitable appearance of the development, conditions are necessary that require: details to be submitted under reserved matters to include existing and proposed site and slab levels and sections through the site; a landscaping scheme to be submitted and approved in writing; the existing boundary hedges surrounding the proposed development site to be reinforced with indigenous species and maintained to provide a natural screen to a minimum height of 2.5 metres for the duration of the development; and services to the development to be laid underground. For the same reason and in the interests of biodiversity and open space, a condition is imposed that requires a landscape, biodiversity and open space management plan, including maintenance schedules to be provided.

42. In the interests of highway safety, conditions are imposed that require: the vehicular parking and turning facilities to be provided before the development is occupied; the carriageway(s) and footway(s) to each dwelling to be suitably surfaced before it is occupied; the first 5 metres of the proposed access road, including the junction with the existing public road and associated visibility splays, to be completed to at least binder course level before development commences; and details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works to be provided.
43. In the interests of the water environment and flood risk, conditions are necessary that require full foul water drainage proposals and comprehensive evidence based surface water drainage details, including a SUDS/drainage management plan to be approved.
44. To ensure the suitable living conditions of future occupants of the development and to safeguard the living conditions of the occupants of neighbouring properties, conditions are imposed that require the appropriate provision of open space within the site and a construction management plan to be agreed. In order to ensure sustainable development a condition is necessary that requires a waste minimisation statement to be provided.
45. To ensure the suitable protection of trees on the appeal site, conditions are necessary that require: a detailed scheme of construction of the footpath within the root protection area of tree 'T1'; and the hedge and tree protection measures for existing trees and hedges to be implemented. In the interests of ecology and protected species, conditions are imposed that ensure that a scheme for biodiversity enhancement and a lighting mitigation strategy for bats are provided. A condition is imposed to safeguard the existing public right of way that runs through the site.
46. The Council set out at the Hearing that their suggested condition with regard to a scheme for generating low carbon energy is now covered by building regulations and is therefore not necessary and I agree with this view and therefore have not imposed the condition. Further, the Council accept that the requirement for a new kissing gate is not required as part of their suggested condition 17 and has been removed. I have not imposed the Council's suggested condition 13 as this is suitably covered by other conditions, as agreed at the Hearing.

Overall Conclusion and Planning Balance

47. I have found that the Council cannot demonstrate a 5 year housing land supply and therefore it's policies that relate to the supply of housing are out-of-date. Consequently, Paragraph 14 of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Council are of the view that Paragraph 14 of the Framework does not represent a 'blanket' approval for all residential development in locations that would otherwise conflict with local plan policies and I fully accept this view. However, Paragraph 14 requires a balancing exercise to be undertaken.

48. Given the above findings, the appeal site's location outside of the settlement boundary and the subsequent development plan conflict, most notably with Policy CSP.4 of the CS, should not go against the proposal and is a matter of neutral weight.
49. I have found that the proposal would cause harm to the character and appearance of the area and that this environmental harm and the associated development plan conflict carries a moderate level of weight against the proposal.
50. On the other hand, the proposal: would deliver 17 new dwellings, including 7 affordable units towards much needed provision in the District, a clear social benefit; provides some modest economic benefits; would maintain and enhance the vitality of Littledean and would provide for on-site open space. I consider that these benefits in combination carry substantial weight in favour of the scheme.
51. As a result, I conclude that the identified harm does not significantly and demonstrably outweigh the benefits of the proposal and the scheme represents sustainable development. Therefore the appeal should succeed.

Jonathan Manning

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Jonathan Rainey	Pegasus Group (Agent)
Stephen Wadsworth	Pegasus Group
Felicity Tozer	Pegasus Group
Elizabeth Fowler	Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Martin Hillier	Forest of Dean District Council
Nigel Gibbons	Forest of Dean District Council
Peter Radmall	Landscape Consultant

DOCUMENTS SUBMITTED AT THE HEARING

1. Signed and dated legal agreement, submitted by the appellant.
2. Signed Statement of Common Ground, submitted by both parties.
3. Housing Land Supply 'Factual Update', submitted by the appellant, but agreed between both parties.
4. Copies of Appeal Decisions submitted by the appellant:
APP/P1615/A/14/2220590, dated 30 October 2014; APP/P1615/A/14/2222494, dated 11 March 2015; APP/C3105/A/13/2201339, dated 18 December 2013; and APP/D0840/A/13/2209757, dated 11 April 2014.
5. Statement of Common Ground between Gloucester Land Company Limited and Forest of Dean District Council for Land off Chartist Way, Staunton, submitted by the appellant.

Schedule of Conditions

- 1) a) The development for which permission is hereby granted shall not be commenced before detailed plans showing the appearance of the site (referred to as "the reserved matter") have been submitted to and approved in writing by the local planning authority.
b) Application for the approval of the reserved matter shall be made not later than the expiration of one year beginning with the date of this permission.
c) The development hereby permitted shall be commenced not later than the expiration of two years from the approval of the reserved matter.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - BRS.1614_02-2 (Site Location Plan);
 - BRS.1614_02-7 Rev B (Layout Plan);
 - BRS 1614_10 Rev A (Long Landscape Sections, Elevations A-D)
 - BRS.1614_11 Rev A (House Type BW 833);
 - BRS.1614_12-1 Rev A (House Type BW 965);
 - BRS.1614_13-1 (House Type BW 1283);
 - BRS.1614_14-1 (House Type BW 1420);
 - BRS.1614_15-1 (House Type BW 855);
 - BRS.1614_16-1 (House Type BW 570); and
 - 661/7262/1 (Topographical Survey).
- 3) The details to be submitted under Condition (1) shall include existing and proposed site and slab levels and sections through the site at a scale not less than 1:500, as well as street scenes.
- 4) Notwithstanding the submitted landscaping scheme shown on Drawing BRS.1614_13 Rev B and prior to development commencing, a revised scheme based on the Illustrative Landscape Masterplan and incorporating existing flora, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, with any external boundary planting carried out during the planting season nearest to works on site commencing with other planting being carried out not later than the first planting season following the erection of the dwellings hereby permitted and thereafter maintained. If at any time during the subsequent five years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled, it shall be replaced with another tree or shrub of the same species during the next planting season.
- 5) The existing boundary hedges surrounding the proposed development site shall be reinforced with indigenous species and maintained to provide a natural screen to a minimum height of 2.5 metres for the duration of the development.
- 6) All services required to be connected to the development hereby approved shall be laid underground.

- 7) A landscape, biodiversity and open space management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, public open space and play areas, other than privately owned domestic gardens, shall be submitted to and approved by the local planning authority prior to the first occupation of the development. The landscape management plan shall also include tree and hedgerow protection measures during construction and shall be carried out as approved.
- 8) The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan Drawing BRS.1614_02-7 Rev B (Layout Plan). These areas shall be kept available for such purposes at all times.
- 9) No dwelling shall be occupied, until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling, have been completed to at least binder course level and the footway(s) to surface course level.
- 10) No development shall commence on site (other than those required by this condition) on the development hereby permitted until the first 5 metres of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.
- 11) No development shall take place until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the local planning authority. No part of the development shall be occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture serving that part, have all been constructed and laid out in accordance with the approved details.
- 12) No development shall take place until full foul water drainage proposals have been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details, before any of the proposed dwellings served by such proposals, are occupied. Any surface water shall be drained separately from foul water.
- 13) No development shall take place until details of comprehensive evidence based surface water drainage details, including a SUDS/drainage management plan have been submitted to and approved in writing by the local planning authority. These should fully incorporate the principles of biodiversity enhancement, sustainable drainage and improvement in water quality, along with a robust assessment of the hydrological influences of the detailed drainage plan, including allowances for climate change. The scheme shall be implemented in accordance with the approved details before the development is completed and the dwellings are occupied and shall be subsequently maintained in accordance with the approved details.

14) No development shall take place, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations; and
- vii. measures to control the emission of dust and dirt during construction.

Construction of the development hereby permitted shall be undertaken in accordance with the approved Statement.

15) The layout of the development shall include a properly equipped Local Area of Play and public open space of which shall be suitably prepared and landscaped in accordance with a scheme to be submitted to and approved in writing by the local planning authority. This shall be provided not later than the date of submission of the details of the appearance of the development and shall be made available as a play area/open space for use by members of the public. The play areas/open space shall be laid out to the written satisfaction of the local planning authority in accordance with the approved scheme and shall be fully implemented prior to first occupation of the development and shall thereafter be maintained in a safe and satisfactory condition. The land so provided shall be used for no other purpose.

16) No development shall take place until a Waste Minimisation Statement is submitted to and approved in writing by the local planning authority. It shall include:

- Details of the types and volumes of construction waste likely to be generated including measures to minimise, re-use and recycle that waste and minimise the use of raw materials.
- All construction waste to be re-used on site unless it can be demonstrated to the satisfaction of the local planning authority that this is not the most sustainable option.
- Where waste is generated that cannot be re-used/recycled either on or off site the Detailed Waste Minimisation Statement must set out proposed measures for the disposal of this waste in an environmentally acceptable manner.
- Provision within the residential development of 'on-site' storage receptacles for recycling a range of materials at identified locations.
- Suitable accessing arrangements for recycle/waste collection vehicles.

Thereafter all of these provisions shall be implemented in accordance with the agreed Waste Minimisation Statement.

17) No development shall take place until a detailed scheme of construction of the footpath within the root protection area of tree T1 has been submitted to and agreed in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.

- 18) No development shall take place until the hedge and tree protection measures for existing trees and hedges within and adjacent to the application site as shown on Drawing BRS.1614_07 Rev B of the 'Tree Survey, Arboriculture Impact Assessment and Draft Tree Protection Plan, dated 14 April 2014' and in accordance with BS5837:2012, have been fully implemented in accordance with the submitted scheme and shall thereafter be maintained for the duration of the construction works.
- 19) No development shall take place until a scheme for biodiversity enhancement, such as incorporation of permanent roost/nest features for bats and birds, has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details and permanently retained thereafter.
- 20) No development shall take place until a lighting mitigation strategy for bats, incorporating dark corridor access to tree T1, has been submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details and permanently retained thereafter.
- 21) The designated public footpath passing through the site shall be unobstructed and permanently maintained for public use to a minimum width of 2 metres unless satisfactory provision is made for a diversion.

Richborough Estates