



Appeal Decision

Site visit made on 21 April 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 04 September 2015

Appeal Ref: APP/R0660/W/14/3001328

The Woodland, Whitchurch Road, Aston, Nantwich, CW5 8DB

- 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 Elan Homes Ltd against the decision of Cheshire East Council.
 - The application Ref 14/3053N, dated 25 June 2014, was refused by notice dated 25 September 2014.
 - The development proposed is described as "full planning application for the erection of 33No. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure, including construction of replacement garage of existing bungalow".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 33No. dwellings with associated garages, car parking, landscaping, means of access and site infrastructure, including construction of replacement garage of existing bungalow at The Woodland, Whitchurch Road, Aston, Nantwich, CW5 8DB in accordance with the terms of the application, Ref 14/3053N, dated 25 June 2014, subject to the conditions in the attached schedule.

Preliminary matters

2. The Council's decision notice states that the proposed development is unsustainable because it is located within the open countryside, contrary to policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011(CNRLP), policy PG5 of the Cheshire East Local Plan Strategy – Submission Version (CELPS) and the principles of the National Planning Policy Framework (the Framework) and would create harm to interests of acknowledged importance. It goes on to state that the Council can demonstrate a five year supply of housing land in accordance with the Framework and concludes that there are no material circumstances to indicate that permission should be granted contrary to the development plan.
3. Since the Council's consideration of the planning application subject to this appeal, the interim views of the Inspector conducting the examination of the CELPS has been published. The Inspector identifies shortcomings in the Council's calculation of objectively assessed housing need. Accordingly, on this basis the Council indicates that it is unable to robustly demonstrate a five year housing land supply.

4. Following receipt of this planning appeal the Council's Principal Planning Manager submitted a report to its Southern Planning Committee (SPC) recommending that the reason for refusal on the planning application in respect of open countryside and housing land supply should be withdrawn and that the issues not be contested at the appeal. The SPC resolved not to contest the appeal on the grounds of 5 year housing land supply but nevertheless considered that, in the overall planning balance, the harm to the character and appearance of the open countryside significantly and demonstrably outweighed the benefits, including the provision of market and affordable housing to meet the acknowledged shortfall and resolved to maintain their objection to the scheme on this basis.
5. In its consideration of the planning application subject to this appeal the Council resolved at its SPC meeting on 24 September 2014 that, should the application be the subject of an appeal, authority be delegated to the Principal Planning Manager in consultation with the Chairman of the SPC to enter into a section 106 agreement to secure a scheme for the provision of affordable housing, the provision and management of Public Open Space (POS) and a 5 piece Locally Equipped Area for Play (LEAP) and a financial contribution towards secondary education provision. A signed and dated Unilateral Undertaking (UU) in relation to these matters has been submitted with the appeal documentation. I deal with the matter of the UU below.

Main Issues

6. Taking into account the above and the evidence before me, I consider the main issues in this case are:
 - whether the proposal would represent sustainable development having regard to the provisions of paragraph 7 of the Framework, the location of the site and the character and appearance of the area;
 - whether other harm would be caused by the development; and if so,
 - whether that harm would significantly and demonstrably outweigh the benefits of providing additional housing.

Reasons

Planning Policy Background

7. Planning law requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework sets out the Government's planning policies and is a material consideration in planning decisions.
8. Policy NE.2 of the CNRLP indicates that all land outside the settlement boundaries defined on the proposals map will be treated as open countryside where development will be restricted to specified uses which do not include housing. The policy goes on to indicate that an exception may be made where there is the opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage. Policy RES.5 of the CNRLP indicates that outside settlement boundaries all land will be treated as open countryside, with new dwellings restricted to those that meet the criteria for infilling contained in policy NE.2; or are required for a person engaged full time in agriculture or forestry, subject to several criteria. Accordingly, the appeal proposal for

- housing development in the open countryside, outside the settlement boundary for Aston would be in conflict with policies NE.2 and RES.5 of the CNRLP.
9. Paragraph 215 of the Framework indicates that due weight should be given to relevant policies in existing plans according to the degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The Framework does not seek to safeguard the countryside for its own sake but rather, at paragraph 17, indicates that planning should recognise the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural environment. Therefore, to the extent that policies NE.2 and RES.5 of the CNRLP can be considered to encompass these aspects of the Framework they are broadly consistent with it and therefore carry some weight in the consideration of this appeal.
 10. Policy PG5 of the CELPS similarly defines the area outside of any settlement with a defined settlement boundary as open countryside. It also seeks to restrict development to specified uses which do not include housing, with certain exceptions that do not apply in this case. However, in the light of the suspension of the examination of the CELPS and having regard to the provisions of paragraph 216 of the Framework, this policy carries very little weight in the consideration of this appeal.
 11. Paragraph 14 of the Framework states that at its heart is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. For the latter this means where the development plan is absent, silent or relevant policies are out of date, granting planning permission 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.
 12. Paragraph 49 of the Framework specifies that housing applications should be considered in the context of the presumption in favour of sustainable development. It also indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
 13. In this case the settlement boundaries defined in the CNRLP are fundamental to delivering the housing numbers for the plan period which was up to 2011. Policies NE.2 and RES.5 operate together to prevent housing development outside these boundaries and as such are general policies that seek to restrict development in the wider countryside rather than policies which seek to protect specific attributes of the countryside. Therefore, I consider that policies NE.2 and RES.5 of the CNRLP are relevant policies for the supply of housing and cannot be considered to be up-to-date. Accordingly, in considering the appeal proposal it is first necessary to consider whether the proposal would represent sustainable development to which the presumption in favour as set out in paragraph 14 is to be applied.

Sustainable development

14. Paragraph 7 of the Framework sets out three dimensions of sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and

- environmental role. These roles are mutually dependent and should be jointly sought.
15. In terms of the economic and social role, the main parties agree that the appeal proposal would provide substantial economic and social benefits.
 16. With regard to the economic role it would provide housing, initially bringing employment opportunities during the construction of the houses and then providing homes whose occupiers would contribute to the local economy.
 17. Concerning its social role the appeal proposal would provide open market and affordable housing which would contribute to the supply of housing to help meet the housing needs of the present and future generations in an area where there is not a demonstrated five year supply of housing land in accordance with the Framework. I note the concerns of a number of third parties that existing local amenities within Aston are somewhat limited and that the appeal site is not locationally sustainable. However, I also note that the main parties agree that in locational terms the site is generally sustainable with accessible local services. I see no reason to take an alternative view in this respect. Furthermore, given that most services and facilities are available in Wrenbury, which is only a short distance away, and that the site is served by a bus service which serves a number of local destinations, it seems to me that the proposal would help to support services in the nearby village in accordance with the advice at paragraph 55 of the Framework that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
 18. The appeal proposal would also, through the provisions of the submitted UU, provide an area of public open space within the site and make provision for a financial contribution towards secondary education provision. Therefore, I concur with the view of the main parties that the proposal would provide substantial economic and social benefits and that accordingly it would fit the economic and social dimension of sustainable development.
 19. In terms of the environmental dimension of sustainable development the Framework indicates that the environmental role includes contributing to protecting and enhancing our natural, built and historic environment.
 20. The Council contends that the proposal would, having regard to its location, cause harm to the character and appearance of the open countryside making it unsustainable in the environmental dimension.
 21. The appeal site lies on the edge of the village of Aston, the character of which is somewhat dominated by the large grain mill located nearby on the other side of Sandy Lane. Accordingly, despite its rural location, this part of Aston is not particularly rural in character. As detailed above the site is within the countryside for planning policy purposes. However, it is not in agricultural use and the Council indicates that there is no evidence that the site has ever been used for agriculture.
 22. The site comprises part of the garden area to the side and rear of the Woodlands and the rear of Greenways on Whitchurch Road but is predominantly rough unkempt grassland enclosed by native hedgerows with some mature trees on and around the boundaries. It is contained by residential properties to the north and south and a cricket ground to the west.

There is an extensive tract of open agricultural land to the east. However, the site does not appear as part of this wider area of open countryside due to its contained nature and the degree of enclosure provided by the hedgerows and trees on its boundaries.

23. The Council contends that the appeal site is an attractive open area on the edge of Aston which forms part of a finger of countryside including the cricket ground, and that it serves to break up the massing of the village, providing a buffer between it and the open agricultural land beyond. However, this in itself does not indicate that the site is of such intrinsic countryside character and beauty as to merit its retention in its current form. In this respect I am mindful that the Council's Landscape Officer does not object to the proposal on landscape impact grounds. In any event, if the appeal proposal were to succeed, the cricket ground would remain to serve to break up the massing of the village.
24. In so far as the appeal proposal would result in built development on the site where there is currently none, it would inevitably change its physical appearance. However, it would mostly retain the existing hedgerows and trees on the boundaries of the site and would supplement these with new planting. This would serve to filter any views of the built development from the wider open countryside beyond as well as from the cricket ground. Accordingly, it would not appear as an incursion into the wider open countryside but rather appear to form part of the existing settlement. Furthermore, the density and layout of the proposed development would be consistent with that adjacent to it and the design of the proposed houses would be generally in-keeping with that existing in Aston. In this context therefore, I conclude that the appeal proposal would not harm the character or appearance of the open countryside nor would it materially change the existing setting of the village so as to harm its character and appearance.
25. I appreciate that the appeal proposal would result in the development of a greenfield site and that the Framework indicates that planning decisions should encourage the effective use of land by re-using land that has been previously developed. However, it does not preclude the development of greenfield sites. There is no substantive evidence to indicate the presence of protected species on the site or that the proposal would have a detrimental impact on biodiversity. In addition although there would be an increase in the number of vehicles entering and leaving the site there is no evidence to indicate that this would have a significant effect on the environment nor is there any technical evidence to indicate that the site cannot be satisfactorily drained or that it would not be possible to construct the development without damaging adjacent properties.

Any other harm

26. A number of third parties express concerns regarding the safety of the proposed access to the proposed development, given the volume and speed of traffic on Whitchurch Road (A530), visibility and the number of existing nearby accesses on to Whitchurch Road.
27. Visibility from the proposed access to the left would be achieved to a level above the required standard. Whilst visibility to the right would be less than that ordinarily required I note that the Council does not object to this on the basis that the magnitude of the difference is marginal and that the appellant

has indicated a willingness to deliver a speed reduction scheme. I see no reason to take an alternative view and on this basis therefore consider the proposed access arrangements to be acceptable.

28. Pedestrian footways in the immediate vicinity of the site are currently limited. However, the appeal proposal would provide footways on both sides of the proposed access. These would link up with the existing footway on the south-western side of Whitchurch Road and a new footway which would be provided on the south-eastern side of Whitchurch Road. Accordingly, I am satisfied that the appeal proposal would not result in an increased risk to pedestrian safety. Moreover, it would facilitate the use of sustainable modes of transport to access the site.
29. It has been put to me that the proposed development would create unacceptable risks for the future occupants of the houses and the adjacent cricket club due to their proximity. In this context I have been referred to a recent High Court judgment¹ to which I have had regard.
30. There is nothing in the evidence before me to indicate that Sport England made representations on the planning application. The Council also makes no comment in respect of this issue. The appellant indicates that the appeal site boundary is over 50m from the centre of the cricket ground which means that it should be possible to meet the English Cricket Board recommended minimum boundary distance of 45.7m. I am also mindful that the cricket ground is already surrounded on three sides by residential development. Therefore, I see no reason why the safety of the future residents of the proposed houses should be any more compromised by cricket balls being hit into their gardens than the residents of the existing neighbouring houses. In any event I note that the appellant has indicated a willingness to provide funding to the cricket club for additional boundary netting. Accordingly, I am satisfied that any harm in this respect would therefore be minimal. Furthermore, I am not persuaded from the evidence before me that the effect of the appeal proposal on the club's future ability to obtain insurance would be such as to necessarily impact on its viability so that it would be unable to remain on the site and result in the loss of a valued community facility.
31. The Council indicates that the layout of the proposed development would adequately safeguard the living conditions of neighbours in terms of privacy and overlooking in line with the interface standards in the CNRLP. On this basis therefore I am satisfied that the proposal would not harm the living conditions of neighbouring occupiers and that it would provide satisfactory living conditions for future occupants of the proposed houses.

The Planning Balance

32. I have found that policies NE.2 and RES.5 of the CNRLP are relevant policies for the supply of housing and cannot be considered to be up-to-date and that policy PG.5 of the CELPS can be afforded little weight due to the suspension of the examination of that plan. Policies NE.2 and RES.5 of the CNRLP have some weight with regard to their consistency with the Framework in relation to its advice that planning should recognise the intrinsic character and beauty of the countryside and contribute to conserving and enhancing the natural

¹ East Meon Forge & Cricket Ground Protection Association v East Hampshire District Council [2014] EWHC 3543 (Admin)

environment. However, in this respect I have found that the appeal proposal would not harm the character or appearance of the open countryside. Furthermore, it would not materially change the existing setting of the village so as to harm its character and appearance. Any harm caused by the proximity of the proposed residential development to the cricket ground would be minimal. Accordingly, I conclude that the adverse impact of the proposal would not significantly and demonstrably outweigh the benefits which I have identified. Therefore, I find that the appeal proposal represents sustainable development as defined in the Framework and that the presumption in favour of sustainable development applies.

Other matters

33. I appreciate that local residents consider that too much housing development is being permitted in the village. However, this in itself would not justify the refusal of permission for sustainable development to meet housing needs.
34. Whether the appellant has legal title to all of the area indicated on the planning application is a matter for implementation, I have considered the appeal proposal solely on the planning merits of the case.
35. Concern has been raised by third parties regarding the Council's handling of the planning application and the involvement of the Parish Council. However, these are not matters for me to consider or comment upon in the context of an appeal under section 78 of the above Act.

Unilateral Undertaking

36. The lack of a S106 agreement was not one of the Council's reasons for refusal. I note that the Council contends that the submitted UU does not meet the requirements set out in the resolution of the SPC. I also note that the appellant indicates that the UU has been prepared in accordance with the Council's published templates and advice except that it has been amended from the Council's published green space precedent and unpublished affordable housing precedent in so far as, the definition of commencement has been amended to exclude works of ground clearance, site survey and demolition; the operative clauses from the Council's published precedent section 106 documents have been adopted as opposed to various clauses from the unpublished affordable housing precedent sought by the Council; the trigger for providing open space details has been amended from pre-commencement to pre-occupation and the triggers for the provision of the open space and transferring the freehold to the management company and the provision of all of the affordable housing units have been amended.
37. I have considered the submitted UU in the light of the Framework, the Planning Practice Guidance and the Community Infrastructure Regulations 2010 (CIL Regs). The provision of affordable housing and the provision and management of POS and a LEAP are supported by policies RES.7 and RT.3 of the CNRLP and the Council's Interim Planning Statement on Affordable Housing. I am satisfied that the planning obligations in relation to these matters meet the tests in the CIL Regs. I am also satisfied from the evidence before me that the submitted UU sets out appropriate provisions in these respects.
38. The Council indicates that the proposed development would result in increased demand for school places in the Brine Leas catchment and that in order to

increase the capacity of the school to support the proposed development a financial contribution of £65,371 towards secondary school education is required. This is supported by policy BE.5 of the CNRLP.

39. The CIL Regs state that obligations designed to collect pooled contributions may not lawfully be used to fund infrastructure which could be funded by CIL. There is limited provision for the collection of pooled contributions towards a project from up to five separate planning obligations entered into on or after 6 April 2010. The Council does not have a CIL Charging Schedule. I have been provided with details of two planning obligations contributing to secondary education in the local area. Accordingly, I am satisfied that the obligation to contribute towards secondary education meets the tests and complies with the requirements of the CIL Regs.

Conditions

40. The Council has suggested a number of conditions that it considers would be appropriate were I minded to allow the appeal. Where necessary, I have amended, amalgamated or replaced some of the Council's suggested wording for clarity, to more closely reflect the circumstances of the appeal proposal and to ensure consistency with national policy and guidance².
41. In addition to the standard commencement condition for the avoidance of doubt and in the interests of proper planning a condition referring to the approved plans is necessary. A condition requiring the submission of materials to be used in the construction of the development is necessary in the interests of the appearance of the scheme as is a condition dealing with the levels of the proposed buildings. To provide the necessary environmental protection conditions requiring the submission of an Environmental Management Plan, a Travel Plan and the installation of Electric Vehicle Infrastructure are necessary. In the interests of the living conditions of neighbours a condition requiring approval of the details of any proposed lighting is necessary.
42. Conditions are necessary to ensure that the site is drained. In the interests of the character and appearance of the area conditions relating to tree protection, replacement and landscaping are necessary.
43. A condition relating to a nesting bird survey is necessary in the interests of ecology and biodiversity. In the interests of highway safety conditions are necessary requiring the site access arrangements to be implemented prior to the occupation of the proposed development and the approval and implementation of signage indicating speed limit compliance on Whitchurch Road.
44. In order to ensure that the proposed development has a satisfactory appearance a condition requiring the submission of details in relation to bin storage facilities is necessary.
45. A condition cannot override or supersede a completed planning obligation. Consequently, in the light of the provisions of the UU in relation to open space the conditions suggested by the Council in relation to this matter are not necessary.

² National Planning Policy Framework (2012) paragraphs 203 and 206, and Planning Practice Guidance (2014): Use of Planning Conditions.

Conclusion

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

Beverley Doward

INSPECTOR

Attached – Schedule of Conditions

Richborough Estates

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Map AN-LP-001B
 - Planning layout AN-PL-002L
 - Landscaping layout AN-LL-001D
 - Proposed Site Access Arrangements 1372/05
 - External finishes Layout AN-EF-001D
 - Planning House Types Issue 2 12/5/2014
 - Planning Garages AN-G-P/GAR-01A
 - Tree protection plan TPP 01
 - Enclosure details G02, G06, G10, G16
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings and private driveways 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.
- 4) No development shall take place until details of existing and proposed ground levels and the level of proposed floor slabs have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the development commencing, an Environmental Management Plan shall be submitted to and approved in writing by, the local planning authority. In particular the plan shall include:
 - i) the hours of construction work and deliveries;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) details of any piling required including, method (best practicable means to reduce the impact of noise and vibration on neighbouring sensitive properties), hours, duration, prior notification to the occupiers of potentially affected properties;
 - vii) details of the responsible person (e.g site manager/office) who could be contacted in the event of complaint;
 - viii) mitigation measures in respect of noise and disturbance during the construction phase including piling techniques, vibration and noise limits, monitoring methodology, screening, a detailed specification of plant and equipment to be used and construction traffic routes;

- ix) waste management: there shall be no burning of materials on site during demolition/construction;
 - x) a scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- 6) Prior to the first occupation of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include, inter alia, a timetable for implementation and provision for monitoring and review. No part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.
- 7) Prior to the first occupation of the development hereby permitted, details of Electric Vehicle Infrastructure to be installed on the site shall be submitted to and approved in writing by the local planning authority. No property shall be occupied until the approved infrastructure relating to that property has been fully installed and is operational. The approved infrastructure shall thereafter be retained.
- 8) Prior to its installation details of the location, height, design and luminance of any proposed lighting shall be submitted to and approved in writing by the local planning authority. The details shall ensure the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties. The lighting shall thereafter be installed and operated in accordance with the approved details.
- 9) The development hereby permitted shall not be commenced until such time as a scheme to limit the surface water runoff generated by the proposed development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented for each phase of development prior to the first occupation of that phase.
- 10) The site shall be drained on a separate system with only foul drainage connected into the foul sewer.
- 11) No trees, shrubs, or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent of the local planning authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the first occupation of any dwelling shall be replaced with trees, shrubs or hedge plants of similar size and species.
- 12) (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees shall be produced in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction and submitted to and approved in writing by

the local planning authority. No development or other operations shall take place except in accordance with the approved protection scheme.

(b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the local planning authority.

- 13) Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification/Method Statement for plots 5,6 and 17 shall be submitted to and approved in writing by the local planning authority. This shall provide for the long term retention of the trees. Development or other operations shall take place in accordance with the approved Construction Specification/ Method Statement.
- 14) The approved landscaping scheme shall be completed in accordance with the following:
- a) All hard and soft landscape works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved or in accordance with the programme agreed with the local planning authority.
 - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS3936 Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS4428:1989 Code of Practice for General Landscape Operations (excluding hard surfaces).
 - c) All new tree planting shall be positioned in accordance with the requirements of BS5837:2012 Trees in relation to Design, Demolition and Construction.
 - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- 15) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development

or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be implemented as approved.

- 16) Prior to the removal of any vegetation or the demolition of buildings between 1st March and 31st August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub or other habitat to be removed (or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the local planning authority before any further works within the exclusion zone take place.
- 17) The approved works shown on drawing Proposed Site Access Arrangements 1372/05 shall be carried out prior to the occupation of any of the dwellings hereby permitted.
- 18) A scheme of speed reduction in the form of Vehicle Actuated Signage (VAS) indicating speed limit compliance on Whitchurch Road within 100m of the proposed site access shall be submitted to and approved in writing by the local planning authority prior to commencement of any part of the development. The speed reduction scheme shall be implemented as approved prior to the occupation of any of the dwellings hereby permitted on the site.
- 19) No development shall commence until details of the proposed bin storage facilities have been submitted to and approved in writing by the local planning authority. The details shall ensure that bins are stored securely, and provide facilities for both recyclable and household waste storage. The facilities shall be provided in accordance with the approved details.

Richborough Estates