



Appeal Decision

Hearing held on 25 August 2015

Site visit made on 25 August 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 04 December 2015

Appeal Ref: APP/Q1825/W/15/3004866

Wirehill Drive, Lodge Park, Redditch, Worcestershire, B98 7LZ

- 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 David Baker (JMH 10 Ltd) against the decision of Redditch Borough Council.
 - The application Ref 2014/192/FUL, dated 17 July 2014, was refused by notice dated 13 November 2014.
 - The development proposed is described as "12 NEW HOUSES - 12 three bedroom detached houses with garages."
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Decision

1. The appeal is allowed and planning permission is granted for 12 new houses - 12 three bedroom detached houses with garages at Wirehill Drive, Lodge Park, Redditch, Worcestershire, B98 7LZ in accordance with the terms of the application, Ref 2014/192/FUL, dated 17 July 2014, subject to the conditions in the attached schedule.

Procedural Matters

2. A revised Statement of Common Ground (SoCG) was submitted at the Hearing clarifying the current position in relation to the status of the appeal site within the emerging Borough of Redditch Local Plan No.4 (BORLP4). It indicates that the allocation of the appeal site for residential development in the submitted version of the BORLP4 (Site Ref:200) is proposed for removal in the schedule of proposed modifications submitted to the Inspector undertaking the examination of the BORLP4 but that due to an administrative error this was not reflected in the document which was made publicly available on the Council's website. The SoCG indicates that the proposed modifications remain subject to the consideration of the Inspector undertaking the examination of the BORLP4 and that the weight to be attributed to the consideration of the site in the BORLP4 should be moderated accordingly.
3. In its appeal submissions the Council indicates that, should the appeal be allowed, financial contributions towards off-site open space, sports pitches, play equipment, education facilities and refuse and recycling bins should be secured by way of a planning obligation. A Unilateral Undertaking (UU) relating to these matters was submitted with the appeal documentation. However, due to the lack of a plan the submitted UU was incomplete. At the Hearing the Council confirmed that a financial contribution towards education facilities was not necessary and it was agreed that the appellant would revise the UU

accordingly and submit the completed UU including the necessary plan. Due to technical difficulties I was not able to be provided with a copy of the completed UU at the Hearing. However, I received a certified copy of it after the close of the Hearing in accordance with the agreed timetable. Accordingly, I have had regard to it in my determination of this appeal.

Background and Main Issue

4. The Council's decision to refuse planning permission was made against the advice of its Officers. The reason for refusal on the Council's decision notice states '*The site is designated as an area of Primarily Open Space in the Borough of Redditch Local Plan No. 3. The Council considers that the need for this development does not outweigh the current value of the land as an open area. The proposal would therefore be contrary to Policy R.1 of the Borough of Redditch Local Plan No.3 which states that proposals which would lead to the total or partial loss of a Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for the development outweighs the value of the land as an open area.*'
5. The residential development proposed in the planning application subject to this appeal is the same in terms of the numbers of dwellings, layout and form of development as that considered in a previous planning application which was refused planning permission in September 2013 for two reasons. The first reason related to highway safety and the second reason was the same as that stated in this case.
6. The previous planning application was the subject of an appeal¹ which was dismissed on 14 April 2014. In relation to the first issue the Inspector in that appeal found that the proposal would not result in harm to highway safety. However, in relation to the second issue she found that the appeal site was valuable in both environmental and recreational terms and stated that whilst the appeal proposal would provide 12 family sized houses, in a location that is well served by public transport she had not been provided with compelling evidence that there was a need for the development. The Inspector concluded therefore that as such the need for the new houses would not outweigh the harm that would be caused to the total loss of this important Primarily Open Space (POS). She also went on to state that the proposal would therefore be in conflict with policy R.1 of the Local Plan and the core planning principles of the National Planning Policy Framework (the Framework) of the conservation and enhancement of the natural environment and the effective use of land by reusing land that has previously been developed.
7. The appellant accepts that the planning policy has not materially changed over the intervening period since the previous appeal but contends that the previous Inspector only came to the decision to dismiss the appeal on the basis of the limited evidence provided in relation to the need for the proposed residential development. The appellant's evidence in this case focuses significantly on the issue of the five year supply of housing land in order to support his contention that the need for housing outweighs the value of the open space and that the proposed development now satisfies the relevant policy of the Local Plan and thus conforms to the Development Plan.

¹ Appeal ref APP/Q1825/A/13/2208259

8. Having regard to all of the above therefore, the main issue in this case is whether the loss of this area of POS is outweighed by the need for new housing in the area, having particular regard to housing land supply considerations and taking into account such matters as the presumption in favour of sustainable development.

Reasons

Planning Policy Context

9. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
10. The Framework sets out the Government's planning policies and is a material consideration in planning decisions. At its heart is a presumption in favour of sustainable development which it indicates should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking it indicates that this means approving development proposals that accord with the development plan without delay.
11. The appeal site is designated as an area of POS within the Borough of Redditch Local Plan No 3 (BORLP3) adopted in May 2006. Saved policy R.1 of the BORLP3 indicates that proposals which would lead to the total or partial loss of POS will not normally be granted planning permission unless it can be demonstrated that the need for development outweighs the value of the land as an open area. It goes on to set out a number of factors that will be taken into account in assessing applications for development on POS.
12. These factors are the environmental and amenity value of the area; the recreational, conservation, wildlife, historical and visual and community amenity value of the site; the merits of retaining the land in its existing open use and the contribution or potential contribution that the site makes to the character and appearance of the area; the merits of protecting the site for alternative open space uses; the location, size and environmental quality of the site; the relationship of the site to other open space areas in the locality and similar uses within the wider area; whether the site provides a link between other open areas or a buffer between incompatible land uses; whether it can be demonstrated that there is a surplus of open space and that alternative provision of equivalent or greater community benefit will be provided in the area at an appropriate, accessible locality and the merits of the proposed development to the local area or the Borough generally.
13. Saved policy R.1 of the BORLP3 is broadly consistent with the Framework which includes, as core planning principles, that planning should contribute to conserving and enhancing the natural environment and encourage the efficient use of land by reusing land that has been previously developed. Furthermore, in providing for the need for development to be taken into account and weighed against the value of the land as an open area, in this particular case it provides for the consideration of the need for housing in the area to be taken into account in accordance with the Government's overarching objective set out in the Framework to boost significantly the supply of housing. Accordingly, policy R.1 of the BORLP3 carries significant weight in the consideration of the appeal proposal.

14. As detailed above the appeal site is allocated for residential development in the BORLP4 which was submitted for examination in March 2014 and is currently ongoing. The SoCG indicates that the weight to be attributed to the allocation of the site in the BORLP4 should be moderated accordingly. I agree. It therefore carries only limited weight in the consideration of this appeal.

Whether the loss of this area of POS is outweighed by the need for new housing in the area

15. The appeal site lies within the urban area of Redditch and as indicated in the SoCG is in a sustainable location for residential development. It is a triangular shaped area of grass located adjacent to the Warwick Highway to the south and Wirehill Drive to the north. It is enclosed on two sides by mature landscaping within which there is a mature oak tree protected by a Tree Protection Order along the site's northern boundary.
16. The Inspector in the previous appeal considered the site to be a valuable open area both visually and in recreational terms. I agree that the site forms an attractive green space between the local highway network and built up residential development in an area where there is an identified deficit of open space. Residential development on the site would inevitably change its appearance, replacing much of the undeveloped grassed area with houses, an access road and driveways. Furthermore, it was clear from the discussion at the Hearing that the appeal site currently performs an important recreational role for local residents to walk their dogs and for children to play upon. It was also put to me that residents are keen to develop a strategy that would provide for the open space to be better utilised by the community in the future, for example as a community orchard.
17. However, with regard to its visual value I am also mindful that despite its sloping nature, public views into the site are somewhat restricted by the mature landscaping along the northern boundary and are limited to those from the bend in Wirehill Drive and from the residential properties that back onto it from Gaydon Close. Furthermore, the appeal proposal would retain much of the mature landscaping along the site's northern boundary which would serve to screen the development from Wirehill Drive.
18. Although the site lies within an area where there is an identified deficit of open space, as I saw from my site visit there are other areas of POS nearby which would serve the same recreational function as the appeal site currently does. I appreciate that these other areas may not be as convenient as the appeal site for local residents but, it seems to me that, at a distance of about 300m, the nearest of these would not be an unreasonable walking distance away. Furthermore, there is no substantive evidence before me to indicate that the development would cause any harm in respect of its effect on wildlife or the protected mature oak tree along the site's northern boundary. The Council do not raise any concerns in relation to these issues and I see no reason to take an alternative view. In any event the protected Oak Tree and much of the mature landscaping along the site's northern boundary would be retained and suitably worded conditions could ensure that they are protected during the construction phase in the event of the appeal being successful.
19. In accordance with policy R.1 of the BORLP3 therefore it is necessary now to determine whether on the basis of the evidence before me the need for the proposed residential development outweighs the visual and recreational value

of the site as an open area. In this respect there is disagreement between the main parties as to whether the Council is able to robustly demonstrate a five year supply of deliverable housing land in accordance with the requirements of the Framework and the Government's overarching objective to boost significantly the supply of housing, as set out at paragraph 47 of the Framework.

20. With reference to its most recent 5 year Housing Land Supply Document (5YHLS) the Council contends that it is able to demonstrate 5.21 years supply of housing land for the five year period 1 April 2015 to 31 March 2020 which equates to a surplus of 99 dwellings against its requirement. However, the appellant takes issue with this, disagreeing specifically on the appropriate level of buffer to be applied in accordance with paragraph 47 of the Framework, the Council's deliverable supply and the approach taken to the application of a lapse rate. Accordingly, the appellant contends that in the absence of a 5 year housing land supply there is a pressing need for market housing to come forward in sustainable locations without delay.

Housing Requirement

21. In terms of the appropriate Housing Land Requirement the Council considers that the figure of 6400 dwellings over the period 2011 to 2030 as indicated in the emerging BORLP4 represents its objectively assessed need (OAN). This figure is derived from the Worcestershire SHMA – Redditch Updated Households Projections Annex, May 2012 and underpinned by subsequent analysis in the North Worcestershire Housing Need, April 2014 (AMION Report).
22. The figure of 6400 dwellings is also used by the appellant in his assessment of housing land supply and I note that the Inspector examining the BORLP4 in his Interim Conclusions (17 July 2014) indicates that "*a robust objective assessment of the Borough's overall housing needs amounts to a figure of some 6300 dwellings net over the plan period. This is slightly lower than the 6400 figure that is planned for in the BORLP4*". Accordingly, based on the evidence before me and notwithstanding that the figure of 6400 dwellings over the period 2011 to 2030 does not at this time form an adopted housing requirement, I conclude for the purposes of this appeal that the appropriate figure for OAN is 6400 dwellings (337 dwellings per annum).
23. There is no disagreement between the main parties in relation to the shortfall in delivery since 2011, the start of the plan period for the BORLP4, or that the Sedgfield method is the appropriate method for dealing with that shortfall. However, as indicated above there is disagreement between the parties in the light of the advice in paragraph 47 of the Framework as to whether it is appropriate to apply a 5% or 20% buffer.

The appropriate buffer

24. The Framework indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their requirements with an additional buffer of either 5% to ensure choice and competition in the market for land or, where there has been a record of persistent under delivery of housing, an increased buffer of 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

25. The Planning Practice Guidance (PPG) indicates that the approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery triggers the requirement to bring forward an additional supply of housing. It also indicates that the factors behind persistent under delivery may vary from place to place and therefore there can be no universally applicable test or definition of the term. The PPG states that it is legitimate to consider a range of issues, such as the effect of imposed housing moratoriums and the delivery rate before and after any such moratoriums. In consequence the PPG acknowledges that the assessment of a local delivery record is likely to be more robust if a longer term view is taken since this is likely to take account of the peaks and troughs of the housing market cycle.
26. The appellant contends, by reference to the Council's housing completions over the last ten year period against the target of 300 dwellings per annum in the adopted BORLP3 and the target of 337 dwellings per annum in the emerging BORLP4, that the Council has failed to achieve its housing target in all but one of the last ten monitoring periods and that therefore in accordance with the advice in the Framework a 20% buffer should be applied.
27. However, I am mindful that whilst the adopted development plan comprises the BORLP3, up until recently it also comprised the Worcestershire County Structure Plan (SP), the BORLP3 target being derived from the SP target, and the Regional Spatial Strategy for the West Midlands - January 2008 (RSS). Therefore, it seems to me appropriate to test housing delivery performance against the targets embedded within both the BORLP3 and the RSS and the timeframes that they relate to and which, in my view, provide the necessary long term view so as to take account of the peaks and troughs of the housing market cycle. In both cases the evidence supports the Council's contention that overall its delivery against the relevant housing requirement has been consistent. Consequently, from the evidence provided I am satisfied that the Council does not have a persistent record of under delivery and that therefore in accordance with the advice set out at paragraph 47 of the Framework it is appropriate to apply only a 5% buffer.
28. The Council indicates that the PPG does not specify when in the overall calculation the buffer should be applied referring to a number of cases elsewhere where the approach it advocates of applying the buffer before the shortfall has also been adopted. However, the appellant in his calculations applies the buffer after the shortfall. In this case the difference in the approach between the parties is somewhat nominal in relation to the number of dwellings per annum needed, 484 and 491 respectively. Therefore as detailed below, from the evidence before me, my findings in relation to housing land supply remain the same irrespective of where in the calculation the buffer is applied.

Deliverable supply

29. The Framework indicates that in order 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. It also indicates that 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.
30. The PPG makes it clear that planning permission or allocation in a development plan is not a requisite for a site being considered deliverable in terms of the five-year supply. It also states that local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring their judgements on deliverability are clearly and transparently set out. If there are no significant constraints to overcome, sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe. The PPG notes that the size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years and goes on to indicate that plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five year housing supply.
 31. In its 5YHLS D the Council identifies an expected supply of 2520 dwellings to come forward on deliverable sites over the period 1 April 2015 to 31 March 2020. It also divides these into several different components of delivery along with their anticipated contribution over the five year period.
 32. The appellant contends that the Council's housing land supply should be reduced by discounting various sites within the different components, namely cross boundary contributions, BORLP3 – large sites, sites identified in the SHLAA and the inclusion of residential institutions and that a lapse rate should be applied to all sites which have not commenced as opposed to applying it only to small sites (4 dwellings or less) which have not commenced, which is the approach taken by the Council.
 33. The appellant agreed at the Hearing that notwithstanding the view put forward in his written submissions, it was appropriate to include within the supply of deliverable housing land the contribution identified from the six sites which are indicated as having an application pending in the component referred to as Windfall sites (5 dwellings or more) identified since the adoption of the BORLP3. This followed clarification from the Council that there were planning applications currently under consideration on all of these sites.
 34. The site known as Site 1 - Foxlydiate is included within the Council's 5YHLS D and is identified as contributing 598 dwellings, at a rate of 66 dwellings 2016/17, 134 dwellings 2017/18 and 199 dwellings for the years 2018/19 and 2019/20. The Council indicates that the Foxlydiate site is one of its preferred locations to fulfil its OAN, forming part of a cross boundary allocation in the Bromsgrove District Plan (BDP). It also indicates that the delivery rates set out in the 5YHLS D for the site have been informed by pre-application discussions which have taken place regarding its development. However, I am mindful that the site is currently within the Green Belt and that the BDP allocation has yet to be concluded on by the local plan examination process, the Inspector conducting the examinations of the BDP and the BORLP4 having expressed concern over the particular constraints of the Foxlydiate site in his post-hearings note dated 10 July 2015. Furthermore, no planning application has been submitted on the site. It seems to me therefore, that there is a considerable degree of uncertainty regarding the deliverability of the Foxlydiate site at this time. Even if it was to come forward for development quickly, given

the lead in time for a site of this size it would be unlikely to deliver the number of dwellings suggested by the Council within its current 5YHLS. At the Hearing the appellant suggested a total contribution of 200 dwellings would be a more realistic figure, given the need to deliver infrastructure on the site. I agree. Accordingly, this would result in the Council's housing land supply being reduced by 398 dwellings.

35. With regard to the sites raised by the appellant which fall within the components of the Council's housing land supply referred to as BORLP3 – large sites and sites identified in the SHLAA, it seems to me from the evidence that the Council's position in relation to these is the most optimistic scenario. However, in the light of my findings regarding the Foxlydiate site which indicate that at best it could be expected to contribute 200 dwellings, rather than 598, to the 5 year supply, I cannot be satisfied that the Council is at this stage in a position to robustly demonstrate a 5 year supply of deliverable housing land supply as set out in the Framework. This is irrespective of whether or not the 6 units at Haversham House identified as residential institutions (Class 2 uses) are included in the supply or whether the Council's approach in applying a lapse rate only to small site commitments which are yet to be started can be considered robust.
36. Notwithstanding that the appeal proposal seeks permission for only 12 dwellings it would serve to make an important contribution towards the supply of housing land in an area where there is currently a deficit. It would deliver the economic and social benefits associated with the delivery of housing and would result in residential development in a sustainable location. I afford this substantial weight in my consideration of this appeal.

Conclusion

37. Taking all of the above into account therefore, whilst the appeal site as an area of POS does currently perform a visual and recreational role, I consider that, having regard to the evidence, its value as such is outweighed by the need for housing in the area. Accordingly, the proposed development would comply with saved policy R.1 of the BORLP3.

Other matters

38. A number of third parties contend that the appeal site performs an important function in providing a sound barrier to prevent noise from the adjoining highways and that the appeal proposal would result in the occupiers of Gaydon Close experiencing increased noise levels. However, there is no technical evidence to support this view. In any event, it seems to me that the impact of road noise from traffic travelling along Wirehill Drive would not be any greater than that presently experienced by the occupiers of numbers 1 to 7 Gaydon Close due to the siting of the proposed dwellings on plots 1 to 6 which would run parallel to the gardens of these properties and serve to reduce noise spill arising from vehicles travelling along Wirehill Drive.
39. Notwithstanding the thick belt of mature trees between the southern boundary of the appeal site and the Warwick Highway, a condition, as suggested by the Council, requiring the erection of an acoustic fence along the southern boundary of the site would assist in providing satisfactory living conditions for the future occupiers of the proposed dwellings on plots 6 and 7 which would be

materially closer to the Warwick Highway than those of numbers 7 to 15 Gaydon Close.

40. As indicated above, the Inspector at the previous appeal found that the proposal, which was the same in terms of the numbers of dwellings, layout and form of development as that currently proposed, would not result in harm to highway safety. I have not been provided with any additional substantive or technical evidence in this respect which leads me to conclude differently.
41. There is no technical evidence to indicate that the site cannot be adequately drained.

Unilateral Undertaking

42. I have considered the submitted UU in the light of the Framework, the Planning Practice Guidance and the Community Infrastructure Regulations 2010 (CIL Regs).
43. The contributions towards off-site open space, sports facilities and play equipment are supported by policies CS.6, R.3, R.4 and R.5 of the BORLP3 and the Council's Open Space Provision Supplementary Planning Document. The waste and recycling contribution is supported by policy WCS17 of the Worcestershire Waste Core Strategy. 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.
44. 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 confirmed at the Hearing that the provisions of the UU raise no issues in terms of Regulation 123 of the CIL Regs and the pooling of contributions. Accordingly, I am satisfied that the obligations to contribute towards off-site open space, sports facilities, play equipment and waste and recycling facilities meet the tests and comply with the requirements of the CIL Regs.

Conditions

45. 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 or replaced some of the suggested wording for clarity, to more closely reflect the circumstances of the appeal proposal and to ensure consistency with national policy and guidance².
46. A condition requiring the form, colour and finish of the materials to be approved and implemented accordingly is necessary in order to ensure a satisfactory appearance. In the interests of the character and appearance of the area conditions requiring details of the hard and soft landscape works and a scheme of tree protection measures to be submitted, approved and implemented are necessary.

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

47. In the interests of good planning it is necessary to impose a condition requiring the development to be carried out in accordance with the approved plans. A condition requiring the submission and approval of the details of an acoustic fence and its erection in accordance with the approved details is necessary to provide satisfactory living conditions for the future occupiers of the proposed dwellings on plots 6 and 7. Conditions to control the hours of work and to require the submission, approval and implementation of a Construction Method Statement are necessary in the interests of the living conditions of neighbours.
48. A condition is necessary to ensure satisfactory drainage. In the interests of highway safety conditions are necessary requiring the submission and approval of the engineering details and specification of the proposed roads and their construction in accordance with the approved details as well as the construction of the access, turning area and parking facilities.

Final Conclusion

49. To conclude therefore, the appeal proposal complies with saved policy R.1 of the BORLP3. It thus accords with the development plan.
50. The loss of the appeal site as an area of POS is outweighed by the need for new housing in the area, having particular regard to housing land supply considerations and taking into account such matters as the presumption in favour of sustainable development. Therefore for these reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr Russell Crow	Barton Willmore
Mr David Baker	JMH 10 Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Steven Edden (Planning Officer)	Redditch Borough Council
Ms Alison Grimmet (Planning Policy Officer)	Redditch Borough Council

INTERESTED PERSONS:

Mr Peter Blewitt	Local Resident
Ms Diane Evans	Local Resident
Mr Philip Bird	Local Resident
Mr Alan Perks	Local Resident
Mr Neil Wishart	Local Resident
Mrs Pat Crow	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Amended Final statement of Common Ground dated 25 August 2015
- 2 Plan of appeal site in relation to surrounding residential development
- 3 Redditch Borough Council Supplementary Planning Document: Open Space Provision Adopted: 17 September 07
- 4 Redditch Borough Council Supplementary Planning Document: Planning Obligations for Education Contributions Supporting Documents Approved: 12 March 2007
- 5 Extract of Worcestershire County Council Waste Core Strategy for Worcestershire Adopted Waste Local Plan 2012-2027
- 6 Redditch Borough Council: Lapse Rates in Redditch Borough on Small and Large sites 1 April 2011-31 March 2015
- 7 E mail from Worcestershire County Council Children's Service dated 25 August 2015 regarding Education Contribution Assessment 2014/192
- 8 Written submission of final comments of Mr Russell Crow

DOCUMENTS SUBMITTED AFTER THE HEARING

- A1 Certified copy of signed and dated Unilateral Undertaking

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall commence until details of the form, colour and finish of the materials to be used in the construction of the external surfaces of the dwellings 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 commence until 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. These details shall include boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained together with measures to be taken for their protection while building works are in progress. The landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. 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.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees including a detailed working methodology of construction near to the trees to be retained has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and implemented throughout the duration of the development.
- 5) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005:Guide for Trees in relation to Construction, and such protection measures shall remain in place for the duration of the development.
- 6) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 2012.005-01, 2012.005-02f (as amended), 2012.005-03a and 2012.005-04b (as amended).
- 7) No development shall commence until details of an acoustic fence to be provided have been submitted to and approved in writing by the local planning authority. The fence shall be erected in accordance with the approved details prior to the occupation of any of the dwellings hereby permitted.
- 8) Site clearance or construction works shall take place only between 08.00 to 18.00 hours Mondays to Fridays and 09.00 to 12.00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

- 9) No development shall take place 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) the location of site operative facilities
 - iii) loading and unloading of plant and materials
 - iv) storage of plant and materials used in constructing the development
 - v) wheel washing facilities.
- 10) No development shall commence until a scheme for foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented prior to the occupation of any of the dwellings hereby permitted.
- 11) No development shall take place until the engineering details and specification of the proposed roads have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the roads have been constructed in accordance with the approved details.
- 12) The dwellings hereby permitted shall not be occupied until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority. The areas shall be implemented in accordance with the approved details and shall thereafter be retained and kept available for use at all times.

Richborough Estates