

Appeal Decision

Hearing held on 12th January 2016

Site visit made on 12th January 2016

by Jonathan G King BA(Hons) DipTP MRTPI

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

Decision date: 15 February 2016

Appeal Ref: APP/M0933/W/15/3133218

Land at Brigsteer Road, Kendal

- 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 Story Homes Ltd. against the decision of South Lakeland District Council.
 - The application Ref SL/2014/1146, dated 28th November 2014, was refused by notice dated 25th February 2015.
 - The development proposed is the construction of 34 residential dwellings (Use Class C3) with associated open space, landscaping and vehicular access taken from Brigsteer Road.
-

Decision

1. The appeal is allowed subject to the conditions contained in the Annex to this decision.

Procedural matters

2. The application as submitted proposed 35 dwellings; and the decision notice refers to this number. However, the application had been amended prior to determination to relate to 34 dwellings, and it was by reference to this number that the application was considered. Other amendments were also made to the plans. I consider the proposals on basis of the amended plans, which were confirmed at the Hearing and which are listed in condition 2 in the Annex.
 3. Although not referred to in the appellants' statement of case, their final "planning" statement addressed the question of the 5-year housing land supply in the District. At the Hearing it was confirmed that the information submitted was intended to demonstrate the need for housing generally rather than to argue by reference to the absence of a 5 year supply. The matter was therefore not discussed further. Moreover, it was clarified that, for the purpose of applying the provisions of paragraph 14 of the NPPF, the appellants do not seek to argue that the development plan is absent, silent or out of date.
 4. At the Hearing the appellants tabled an agreement under Section 106 of the Act, but it had not been formally completed. During discussion of conditions that might be imposed in the event that the appeal is allowed, it was agreed that 2 matters – relating to management of the surface water drainage system
-

and of the open space on the site - should also be more appropriately addressed by way of the agreement. I allowed a further period of time for these matters to be incorporated into it. The signed and completed agreement was subsequently submitted; and it is a material consideration.

5. A Statement of Common Ground was tabled at the Hearing.

Main Issues

6. The main issues in this case are:

- (a) *the effect of the proposed development on the character and appearance of the area; and*
- (b) *the effect on the living conditions of the occupiers of adjacent properties and on the amenity of users of a public footpath.*

Reasons

Background

7. The site comprises the northern part of a housing site allocation known as Stainbank Green, within the Council's adopted Local Plan Land Allocations Development Plan Document (LADPD)(Policy LA1.3). Consequently, there is no dispute concerning the acceptability of the principle of residential development. The Plan indicates an area of 10.8 Ha and a capacity of 189 dwellings, spread between 2 phases: 2013-2018 (60 units), and 2018-2023 (129 units).
8. The LADPD includes Policy LA2.7, which indicates that a development brief will be prepared for the site. Amongst other things, the development should: (a) make provision for a landscaping and green infrastructure framework with a particular emphasis on mitigating the impact on views from the National Park and integration with the Vicarage Road Green Wedge; (b) the undertaking of a detailed ecological survey with respect to the extent of meadow saxifrage in the north-east corner of the site, together with mitigation measures to enhance this habitat; (c) retention of trees and hedgerows; and (d) submission and approval of a transport assessment and travel plan to include provision of pedestrian and cycle links through the site to adjoining residential areas and Brigsteer Road, providing a footpath along Brigsteer Road and enhancing existing rights of way. The supporting text adds that the primary access to the site should be from Brigsteer Road,
9. A development brief (the adopted Brief) was adopted in April 2015, shortly after the Council issued its decision notice on the present proposal. It has the status of a Supplementary Planning Document. The indicative land use proposals map in the Brief shows the appeal site as the land identified as "Housing Character Area 1 South of Brigsteer Road", bounded to the west by an unnamed lane leading to properties at Stainbank Green; to the east by a footpath running along the western side of existing development; and to the south by another footpath, beyond which is the remainder of the allocated site. Apart from a substantial area in the north-east corner and along Brigsteer Road shown as "natural open space", the remainder is indicated for housing, with a "settlement edge / landscaped / soft boundary treatment" along the interface between the two; along the lane to Stainbank Green and a short length of Brigsteer Road. The boundaries of the area are marked with "retained trees and hedges where possible and appropriate". Access to the main vehicular

route serving the whole of the allocation is shown from a short length of the western lane close to its junction with Brigsteer Road. The route is shown running roughly eastwards from that location, before turning southwards. Pedestrian links are indicated to east and west.

10. An earlier (October 2014) published draft of the Brief differs from what was finally adopted in a number of respects. Notably the location of the road access is shown as being from Brigsteer Road, with the access road running almost directly southwards; and the area of open space is smaller. The settlement edge landscaping is not indicated along the interface with the open space.
11. The application was submitted at the end of November 2014 in the period shortly after the draft Brief had been published, and before the final version was adopted. It is clear that the proposed site layout owes much to the draft.

Character and appearance

12. The Brief identifies a number of constraints to development of the allocated land. Relevant to this issue are long distant views and the setting on the edge of Kendal, the open countryside and high quality landscape. In relation to the last, the merging of the site into the open countryside on its southern and western boundaries is said to require very careful consideration.
13. The Brief does not indicate the number of dwellings that might be suitable for each "character area", nor of the appropriate density. But it says that uniform densities are to be avoided to reflect the character areas, topography and the need for a transition between town and country. For Character Area 1, the appeal site, the scale and intensity of development on the north-west and north-east edge should respect the rural character of the area and the gateway entrance into Kendal. Development should be set back from Brigsteer Road and the lane to Stainbank Green.
14. No indication of scale is given for Character Area 3 *West of Underwood and north-west of Maple Drive*, but development on the western edges of Area 2 *East of properties at Stainbrook Green* and Area 4 *West of Cedar Grove / Aldercroft* should be "of a lower scale and intensity in order to respect the rural character of the area"; and in Area 5 *South of Stainbank Green*, development should be of "a scale and massing that respects the rural character in terms of proximity to the open countryside". The section of the Brief relating to Landscaping Framework confirms that the scale and intensity of development towards the western and southern edges of the overall site should be reduced. This reflects the conclusion of the Brief's consultation document that emphasises the gradual transition between the developed edge of Kendal and the countryside.
15. Within this context, although it is clear that development of all of the allocated land should be sensitive to its surroundings, in particular its relationship to the countryside, it would appear that the appeal site is not considered to be any more sensitive than any other part. It is apparent that, if laid out having regard to the indicative land use proposals map in the adopted Brief, the developable area would be constrained. Once the area of open space and boundary landscaping has been excluded, and provision made for the access and access road, perhaps only around half of the area would be available for housing.

16. Against that background, I consider the Council's concerns as set out in the reasons for refusal.

The access

17. The proposed access would be placed roughly centrally along the frontage to Brigsteer Road broadly consistent with the draft Brief, but not in accordance with the adopted version. The consultation document prepared in the period between the publication of the draft and final versions of the Brief does not explain the change between them; and at the Hearing the Council was not able to produce any documentary evidence to justify the alteration. Nonetheless, and notwithstanding what is said in the LADPD about the location of the access being from Brigsteer Road, the adopted DB says that an access other than from the north-west point would result in harmful visual and landscape impact. When the indicative land-use plan contained in the adopted version of the Brief is considered as a whole, it is plain that the decision to increase the size of the open space so that it extends very nearly the whole length of Brigsteer Road effectively limits any opportunity to take access from anywhere other than the north-west corner.
18. The proposed access would be an urbanising influence on Brigsteer Road on the entrance to Kendal. It would require much of the frontage embankment, together with the vegetation growing on it, to be removed in order to provide visibility splays; and it would allow more open views into the site when compared to the Council's preferred location to the west. However, an access from the west would itself not be without visual impact. It would be clearly visible from Brigsteer Road when approaching the site from that direction and would also permit open views into it, arguably from a more sensitive direction. The desirability of creating a firmer landscaped western edge to the development where it adjoins the countryside would thereby be partly compromised. Moreover, the Council's requirement for a footpath to be extended along the whole of the site frontage up to the access would also require removal of much of the present vegetated embankment and introduce a more urban or suburban feel to this part of the road.
19. A further disadvantage of the Council's preferred access point is the fact that it would require the access road for the overall development to run eastwards into the site before turning south. Compared to the fairly direct access presently proposed, it would be longer, and occupy more of the flatter land suitable for housing, and thereby further limit the capacity of the site.
20. I understand that in order to achieve an access from the western location it would be necessary to pass over a small area of land with no registered owner. However, I see no reason why that matter should not be resolved and so this does not weigh strongly in favour of the proposed access. Though the appeal proposal would increase the number of access points to the main road, both would be acceptable from the point of view of highway safety, and the Council does not oppose it on such grounds.
21. I conclude that access to the site, whether from the proposed position or from that indicated in the adopted DB cannot be achieved without some visual impact. Each has its advantages and disadvantages but, subject to my observations below concerning the "embankment", I am satisfied that what is proposed would be acceptable from the visual aspect. The Brief does not

constitute policy, and should be regarded solely as guidance. Development that does not accord precisely with it is not necessarily unacceptable.

The "embankment"

22. The Council's principal concern with the proposed access point relates to the consequential need for a cutting to be made through the rising flank of the site, through which the access road would run. On its upper (western) side, this would create a rock feature variously described as an embankment or an escarpment. The appellant's intention is to excavate the cutting by means of blasting, creating a rough rock feature some 108 metres in length and rising to a maximum of 6 metres. It would be separated from the access road by a dry stone wall, some 1.2 metres high.
23. The Council considers that the embankment would be a large, visually intrusive feature that would not reflect local character. At the Hearing it did not seek to argue its case by reference to its impact on the National Park, the wider landscape or long-distance views. It was not in dispute that, in any views of the site obtainable from some distance away, it would probably not be readily distinguishable from the remainder of the development. The critical views identified were either from Brigsteer Road or from within the site itself.
24. Within the site, the embankment would be clearly visible to users of the access road and footways. The Council says that it does not form part of the local character and would appear out of place. I disagree. On my site visit I saw several examples of exposed stone, both in the rural area in the vicinity of the site and in urban and suburban parts of Kendal. Free-standing dry stone walls are one of the defining features of the local countryside, separating fields, and demarcating roads and properties. In view of the often steeply-sloping topography, stone retaining walls are also commonly seen, providing support for land and buildings. Moreover, the local stone is a very common building material. Some natural stone may be seen *in situ*, either as the result of quarrying, or engineered, as in the case of road cuttings or to provide a platform for buildings. In short, stone is ubiquitous both in the rural and urban context.
25. I acknowledge that the proposed embankment would be of a significant scale, especially at its higher points. But, unlike, for example, the stone block features seen in Briarwood, part of the existing development to the east, I do not believe it would appear overly artificial. It would not have the appearance of an engineered cutting, but would present a rough, fractured surface, at an angle of about 45 degrees. The lower parts would be screened by stone walling that would diminish the perception of bulk; and, in time, the surface would become visually softened by natural weathering and the ground cover planting that is proposed to be undertaken.
26. The embankment would be visible from Brigsteer Road, by those passing in vehicles and by pedestrians. But its height close to the access would be only around 2.2 metres, and the distance over which it would be visible would be fairly short. In my view, it would not present an unacceptable feature in the local street scene or the wider landscape.

Layout

27. In accordance with the adopted Brief, the proposed open space would be on the lower and more sloping parts of the site, leaving the remaining, higher, flatter parts to the west and south for the housing. However, the Council argues that the layout, combined with the stone feature, would result in the housing, particularly plots 14-22, being those backing on to Brigsteer Road and to the south-west of the stone embankment, being excessively prominent owing to their proximity to these features. The former would be set back from Brigsteer Road by the depth of their rear gardens and boundary planting; and the latter would be set in from the top of the embankment behind a private drive and a narrow strip of planting that could accommodate some trees.
28. From the cross-sections supplied with the application, I estimate that approximately the bottom half of the dwellings on plots 14-18 would be screened by the lie of the land when viewed from Brigsteer Road, with the proposed planting providing limited filtering of their upper parts. In views from the access road, the stone embankment would similarly screen much of the houses. Those on plots 19-22, though reasonably close to Brigsteer Road, would in close direct views also be substantially screened by the steep bank alongside the highway.
29. The Council's suggestion that the houses on plots closest to Brigsteer Road and the access road should be set back further in order to reduce their level of prominence and to allow additional landscaping would further constrain the developable area of the site.
30. Towards the western boundary of the site the proposed layout includes 2 short terraces of houses, facing a small paved area shown on the plans laid out for car parking. I appreciate the Council's concern at the location of what may not be the most attractive part of the development close to a sensitive boundary. But I see no reason why the comprehensive landscaping scheme for site should not incorporate effective screening with hedging and trees, so that the parking need not form a prominent or excessively urban feature in views from that direction.
31. The dwellings on plots 1 and 2 would occupy an elevated position at the easternmost part of the appeal site, behind and above the sloping area of open space. Albeit that the view would be in places filtered by roadside planting, they would be clearly visible when viewed from Brigsteer Road, and particularly from the access. However, they would be no less than 60 metres from the road, further away than the existing housing in the development on adjoining land. They would not detract unacceptably from the character of Brigsteer Road.
32. The Council has drawn my attention to the character of Brigsteer Road in the direction of Kendal. It is fair to say that a number of dwellings on its northern side are set well back in extensive grounds. But on the southern side, further towards the town, the development density is much higher, and the houses much closer to the road. The development taking access from Underwood is in the form of an estate, albeit that the houses closest to Brigsteer Road are much closer to it than those presently proposed would be. There is no clear identifiable single character to the road, whether by reference to density, set-back or building design. The Council has not taken issue with the design of the

- proposed dwellings; and I see no reason why, provided suitable materials are used in their construction, the development should not be of a high quality, localised and appropriate.
33. To conclude on this issue, there is no doubt that the site is sensitively located at the entrance to Kendal. Mostly partial views of a number of the proposed houses would be visible from Brigsteer Road; and the site would be readily recognisable as a residential area. But, as the Council's officer stated at the Hearing, it would be possible to reinforce the boundary and some internal landscaping to reduce the visual impact of the built development over time; and, in any event, the Council's intention would not be to render the development invisible.
34. I do not agree with the Council's opinion that the access from Brigsteer Road and the stone embankment would tend to emphasise the presence of the houses proposed to be sited beyond, other than it would limit the ability to create a more extensive intervening landscaping as envisaged in the adopted Brief.
35. Having regard to the South Lakeland Core Strategy, I acknowledge that the development would not enhance landscape character as required by Policy CS1.1 (3), but to a large extent that would in any circumstances be unavoidable in view of the fact that it would introduce housing on to what is presently a greenfield site. But by reference to that policy and to Policies CS2, CS8.2, and CS8.10; to "saved" Policies S2 and S3 of the 1997 Local Plan; and subject to the landscape proposals being revisited, I take the view that the development would take account of its setting and be sympathetic to local character and distinctiveness.
36. I am also satisfied that the requirements of LADPD Policy LA2.7 would be satisfied: the Council does not suggest that the views from the National Park would require mitigation; the ecological interest of the eastern part would be protected by the retention of open space and its future management; trees and hedgerows would, where possible, be retained, replaced or reinforced by new landscape planting; and a transport assessment has been submitted. The site would link to existing residential areas, provide a footpath along Brigsteer Road and retain existing rights of way. The impacts on landscape, transport, drainage and biodiversity would be effectively mitigated and are capable of being controlled by way of conditions and through the provisions of the Section 106 agreement. Notwithstanding access being taken from Brigsteer Road, I do not believe that the underlying intentions of the Brief would be compromised.

Impact on residential amenity and the footpath

37. The Council's concern under this heading relates to the potential for the proposed dwellings on plots 1 and 2 to affect the living conditions of the occupiers of houses to the east of the site, and to diminish the enjoyment of the users of the footpath that runs between the appeal site and those dwellings.
38. Proposed Plot 1, the closest to the site boundary, would be approximately 31 metres from No 3 Briarwood, and further from No 4. Plot 2 would be no closer than 45 metres from either property. No 2 Gyll Brow would be around 37 metres distant from the house on plot 1. These distances are considerably greater than that which would be between facing elevations of houses within

the proposed development and indeed in the development of which Briarwood is part. Consequently, I do not consider that the new houses would be in unneighbourly proximity. Moreover, as the facing elevations of the proposed houses would be blank walls (other than small windows to ensuite bathrooms and toilets), there would be no opportunity for overlooking towards the rear windows of the Briarwood houses or their gardens.

39. The proposed houses would be sited significantly higher than those in Briarwood and at Gyll Brow. Measuring from the cross-sections provided at the Hearing, I would estimate that the ridge line of the house on plot 1 would be around 10.5 metres above that of No 3 Briarwood; and a little over 11 metres above that of No 4. Plot 2 would be some 2.5 metres higher up the slope, but further away. This compares to the height of the proposed houses of around 8.5 metres. While the new houses would be clearly visible, indeed prominent in views from the back of the existing dwellings, I am satisfied that there would be sufficient distance between to avoid them being oppressively dominating. I noted on my site visit that some vegetation to the rear of the existing houses had been removed fairly recently. Nonetheless, they would be partially screened from the proposed development by intervening vegetation along the line of the footpath. Moreover, additional landscape planting could be required by condition at the boundary of the development that would further limit the visual impact.
40. I am not aware that any technical analysis of shading has been carried out. In view of the orientation of the Briarwood houses relative to those proposed, it seems likely that at certain times of the year it may be possible that some afternoon and evening sunshine may be obscured by the proposed houses. But I do not believe that any significant loss of light would be caused. Overall, I believe that the living conditions of existing occupiers would not be affected to an unacceptable degree.
41. Users of the footpath would over a short distance be aware that there were 2 houses in an elevated position to the south-west. But views would be filtered by vegetation, and the character of the footpath is already affected by the presence of the existing Briarwood houses and the remainder of the development to the north-east. I take the view that the effect on the enjoyment of using the footpath would not be significantly impaired.

Other matters

42. I have had regard to the representations made by local residents and others both at the Hearing and in writing. I have already considered a number of the issues raised.
43. Some oppose development of the land in principle, but as this has been established through its formal allocation, this cannot carry any weight. The protection of the ecological interest of the site is assured by means of the layout which retains the relevant area as open space not open to the public, and through the provisions of the conditions and the Section 106 agreement. The surface water drainage of the land is to be designed to be sustainable and to be maintained under the provisions of the agreement. With respect to the potential for light pollution, details of street lighting will have to be approved by the Council. The Council also proposed a condition requiring domestic lights to be controlled, but I consider this to be unreasonable, and I have not imposed it.

44. The development would provide 12 units of affordable housing, ensured by means of the section 106 agreement. This is a significant benefit.

Conditions

45. The Council submitted a schedule of conditions which it would wish to see imposed in the event that the appeal is allowed. These were discussed at the Hearing on a without prejudice basis, and a number of revisions agreed between the parties. In particular, conditions which included or implied maintenance obligations have been omitted and their provisions included within the Section 106 agreement. In the interests of clarity and enforceability, I have made a number of further minor amendments.
46. All of the conditions are necessary in order to render the development acceptable. Apart from the usual requirements concerning the timescale for commencement and identifying the relevant plans, I agree the need for additional details of the development to be submitted to the Council for approval, and implementation as approved. These include:
- a construction method statement, in order to control the effects of the development during the construction phase;
 - details of highways works; a 'gateway'/traffic calming feature, 30mph speed limit transition and footpath on Brigsteer Road, in the interests of highway and pedestrian safety;
 - parking layouts, in the interests of highway and pedestrian safety;
 - provision of a highway link to the remainder of the allocated site, to ensure that access may be assured;
 - details of a surface water drainage scheme & a sustainable surface water drainage system to ensure proper drainage of the site and provide the basis for provisions within the Section 106 agreement;
 - an Open Space Management Plan, to provide the basis for the management of the open space as set out in the Section 106 agreement;
 - a scheme of landscaping, in order to better screen the development and mitigate the visual impact on its setting;
 - details of boundary treatment and samples of building materials for the dwellings, to ensure a high quality appearance to the development
 - methods for the protection of trees, in order to retain important landscape features;
47. In addition, hours of working during the construction phase are limited in order to protect the amenity of nearby residents; and permitted development rights to enlarge, improve or alter a house are withdrawn. In the normal course of events it would not be reasonable to withdraw such rights but, in this case, it is particularly important that the Council should be able to exercise control in order to ensure that the visual quality of the development is maintained in this edge of settlement location.

The Section 106 agreement

48. A planning obligation in the form of an agreement under Section 106 of the Act was completed between the appellants and the Council shortly after the Hearing. It incorporates:

- the provision of affordable sale units (5) and affordable rent housing units (7);
- the payment of a contribution towards the improvement and provision of open space and recreation / play space within the wider allocated site or at the Collinfield Open Space in the event that the remainder of the allocated site is not the subject of a developed housing scheme by 2023; and to provide, manage and maintain the on-site open space (or procure the same) in accordance with an approved On-site Open Space Management Plan;
- to provide, manage and maintain a sustainable surface water drainage system (SuDS) for the site (or procure the same) in accordance with an approved Management Plan; and
- consequential matters, including the timing of provision.

49. The Council has provided a Compliance Statement under Regulations 122 & 123 of the Community Infrastructure Levy Regulations 2010. I am satisfied that the provisions of the Planning Obligation are compliant with the regulations and therefore are material to my decision.

Conclusion

50. Quite rightly, the Council is seeking to achieve a very high quality development on this allocated site that will form a new entrance to the built-up area of Kendal, sensitively located adjoining undeveloped countryside. This aspiration is entirely in line with policies of the development plan and with the guidance of the Development Brief. What has been proposed is acceptable, subject to conditions, in particular the requirement for a revised landscaping scheme to provide additional screening and filtering of views into the site from beyond its boundaries. Significant further mitigation of the effects of the development as suggested by the Council would further constrain a site that is already significantly constrained, and cannot be justified.

Jonathan G King

Inspector

APPEARANCES

FOR THE APPELLANT:

David Hayward	Planner, Story Homes
Andy Dolby	Pod Urban Design
Chantelle Martin	Urban Greenspace Ltd.
Connor Vallely	Associate, HOW Planning LLP
Victoria Hunter	HOW Planning LLP

FOR SOUTH LAKELAND DISTRICT COUNCIL:

Fiona Clark	Principal Planning Officer
Simon Lloyds	Planning Officer

INTERESTED PERSONS:

Mrs Jane Wilson
Mr Keith Dunn

DOCUMENTS SUBMITTED AT THE HEARING AND SUBSEQUENTLY

- 1 Completed Section 106 Agreement dated 25th January 2016
- 2 Revised draft schedule of conditions requested by the Council
- 3 Statement of Common Ground dated 17th December 2016
- 4 Bundle of comments / emails from interested persons

PLANS AND DRAWINGS

A	274 – STO – 007 Rev B	Proposed Boundary Treatment
B	274 – STO – 008 Rev B	Proposed Elevation treatment
C	274 – STO – APP3	Site Section A-A
D	274 – STO – APP4	Site Sections B-B & C-C
E	274 – STO – 011	Site Location Plan
F	274 – STO – 002 Rev W	Proposed Detailed Site Layout
G	K31398/A1/303	Site Plan & Sections
H	274 – STO – 010	Proposed 3D Pictorial Views

ANNEX

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 plan 274-STO-011;
 - Site Layout 274-STO-002 Rev W;
 - Landscape plans and notes 10672_LSC_001 B, 10672_LSC_002 B, 10672_LSC_003 and 10672_LSC_004 A;
 - Access and levels plan K31398/A1/301B;
 - Access and levels plan K31398/A1/302B;
 - Access detail 2014/1436/004;
 - Footway layout and cross section K31398/304;
 - Elevation treatments 274-STO-008 Rev B
 - House types ARU-PLP1-1; ARU-PLP1-2; ARU-PLP3-1; ARU-PLP3-2; ARU-PLE1/11; ARU-PLE1/12; ARU-PLE3/5; ARU-PLE3/6; BAL-PLP1-A; BAL-PLE1/10; BOS-PLP1; BOS-PLE1/8; CHE-PLP3; CHE-PLE3/5; EPS-PLP3; EPS-PLE3/1; HAS-PLP1; HAS-PLP1-1; HAS-PLE1/20; HAS-PLE1/21; HAW-PLP4; HAW-PLE4/1; MAY-PLP1-1; MAY-PLE1/8; ROW-PLP1; ROW-PLP1/6; WAR-PLP1-1; WAR-PLE1/17; WES-PLP1; SG1-EPS4; DG1-EPS3; DG4-EPS5.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - (i) a phasing scheme for the construction of the development, including timescales for the installation of the access roads, parking and turning areas;
 - (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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (vi) wheel cleaning facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) measures to control surface water run-off during construction;
 - (ix) measures to control noise and vibration.

The approved Construction Method Statement shall be adhered to throughout the construction period.

4. No work for the construction of this development, including demolition, shall take place on the site, except between the hours of:

08.00 - 18.00 Monday to Friday; and

08.00 -13.00 on Saturdays;

unless otherwise agreed in writing with the Local Planning Authority. In particular, no work should be carried out on Sundays or officially recognised public holidays without the prior agreement in writing of the Local Planning Authority.

5. No site clearance, preparatory work or development shall take place until the tree protection scheme has been implemented in accordance with the Arboricultural Method Statement and drawing numbers 10672.T03a and 10672.T03b at Section 5 of the Arboricultural Report by Urban Green (November 2014).
6. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree; no equipment, machinery or structure shall be attached to or supported by a retained tree; no trenches shall be excavated or services installed in the root protection area; and no mixing of cement or use of other contaminating materials or substances shall take place within a root protection zone.
7. No development shall begin until a scheme for the design, construction (including longitudinal and cross sections), drainage, street lighting and implementation phasing of the carriageways, pedestrian ways and all off-site highway works, including bus stops has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to achieve a standard suitable for adoption. and shall be implemented and completed in accordance with the approved scheme and agreed phasing timetable.

No dwelling shall be occupied until the internal access roads and footpaths between the dwelling and the junction with Brigsteer Road have been constructed to base course level and street lighting where it is to provide part of the estate road has been provided and brought into operational use.

Prior to the occupation of any dwelling hereby permitted, a detailed scheme for a 'Gateway'/traffic calming feature and the proposed 30mph speed limit transition on Brigsteer Road shall be submitted to and approved in writing by the Local Planning Authority; and the scheme shall be implemented as approved.

8. No development shall begin until a scheme for the detailed design of the vehicular carriageway link between the application site and the remainder of the Stainbank Green Allocated Housing Site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the link to extend to the site boundary in order to assure future connectivity to the remainder of the allocated site and shall include interim pedestrian access to the footpath that runs along that boundary.

The scheme shall be implemented in full prior to the first occupation of any dwelling hereby permitted.

9. No dwelling hereby permitted shall be occupied until the footpath link along Brigsteer Road to Underwood has been constructed and made available for use in accordance with drawing number K31398/A1301 Rev B and K31398/304.
10. Prior to the first occupation of each house, the approved parking layout and turning space associated with that house shall be constructed, marked out and made available for use and shall be retained as such thereafter. The parking spaces shall be used solely for the benefit of the occupants and visitors of the development hereby approved and for no other purpose. Shared parking and visitor parking spaces shall be constructed and surfaced in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority.

Provision shall be made in accordance with the phasing included in the approved scheme.

11. No development shall take place until a surface water drainage scheme (including surface water, land drainage and highway drainage) for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

Prior to the occupation of any dwelling hereby permitted a detailed scheme (Operation and Management Plan) for the implementation, maintenance and management of the sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation over the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime.

The approved surface water drainage system shall be implemented prior to the occupation of any dwelling hereby permitted.

12. Notwithstanding the details shown on the submitted plans, prior to the commencement of development a scheme of landscaping for the site shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved scheme. The works shall be carried out before any part of the development is occupied or in accordance with a programme to be incorporated within the approved scheme. Any trees/shrubs which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees/shrubs of similar size and species to those originally required to be planted unless the Local Planning Authority gives written consent to any variation.
13. Prior to the occupation of any dwelling hereby permitted a detailed On-site Open Space Management Plan for the implementation, maintenance and management of the open spaces (outwith the dwelling curtilages) shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation over the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective maintenance of the open spaces.
14. Notwithstanding the details shown on the submitted plans, prior to the occupation of any dwelling hereby permitted, a scheme for the erection of boundary treatments (including the locations, heights and materials) shall be submitted to and approved in writing by the Local Planning Authority, and the approved boundary treatments completed as approved.
15. Sample panels of the materials to be used for the external surfaces of the development hereby approved shall be erected at the application site. The panels shall be of sufficient size to indicate the method of jointing and coursing to be used. No superstructure shall be erected until written approval for the materials has been given by the Local Planning Authority.

Development shall be carried out in accordance with the approved details of materials unless otherwise agreed in writing with the Local Planning Authority.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development of the type described in Class A, Part 2 of Schedule 2 of that Order shall be undertaken without the express permission of the Local Planning Authority.

--ooOoo--

Richborough Estates