



Appeal Decision

Inquiry held on 19-21 November 2019

Site visit made on 22 November 2019

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/N1730/W/17/3185513

Broden Stables, Redlands Lane, Crondall, Farnham GU10 5RF

- 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 Crondall Developments Limited against the decision of Hart District Council.
- The application Ref 16/02377/FUL, dated 6 September 2016, was refused by notice dated 13 April 2017.
- The development proposed is demolition of the existing stable building, arena, floodlights and hardstanding, and the erection of 30 residential dwellings, with associated access, landscaping, and car parking arrangements.
- This decision supersedes that issued on 23 August 2018. That decision on the appeal was quashed by order of the High Court.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing stable building, arena, floodlights and hardstanding, and the erection of 30 residential dwellings, with associated access, landscaping, and car parking arrangements at Broden Stables, Redlands Lane, Crondall, Farnham GU10 5RF in accordance with the terms of the application, Ref 16/02377/FUL, dated 6 September 2016, subject to the 22 conditions set out in the attached schedule.

Procedural Matters

2. The previous appeal decision for this development proposal was quashed by order of the High Court on 14 May 2019 and so is required to be re-determined. Since the previous appeal decision and the High Court order, there have been a number of material changes in circumstances including with regards to planning policy. The emerging Hart Local Plan Strategy and Sites 2016-2032 (ELP) has been at examination and awaits the Inspector's final report. The emerging Crondall Neighbourhood Plan 2017-2032 (ENP) has been examined and the examiner's report was published in November 2019. The National Planning Policy Framework (NPPF) was updated in February 2019.
3. The original application was refused for 6 reasons. Prior to the inquiry, Hart District Council (HDC) indicated that it would not be defending part of the first reason for refusal relating to the effect of the development on Crondall Conservation Area. It would also not be defending the third reason for refusal relating to the effect of development on trees, subject to conditions. However, Crondall Parish Council (CPC) indicated that it would still be contesting both issues and also raised concerns about the effect of the development on the setting of the Grade II listed Whitebridge.

4. HDC confirmed that it would not be defending reasons for refusal 4, 5 and 6 (relating to affordable housing, public open space and off-site highway improvements respectively) on the basis of a Section 106 (S106) agreement addressing these issues. CPC confirmed that it would be contesting reason for refusal 6 based on evidence submitted in representations made at the redetermination stage. CPC took part as a Rule 6 party at the inquiry.
5. Amended plans were submitted by the appellant as part of the original appeal submission. These plans revised the layout of housing and the scale of the access road rather than changed the number or type of dwellings. Based on the extent of the revisions and having considered whether they would be likely to prejudice the interests of interested parties, the previous Inspector accepted the amended plans and based his decision on them. I concur with his approach.
6. Further amended plans were submitted by the appellant at the redetermination stage in terms of the site landscaping plan and landscape strategy. The amendments relate to the repositioning of houses 5-12 to provide sufficient clearance of the root protection areas for trees along Redlands Lane. Consequential amendments to other plans were submitted at the inquiry. The extent of repositioning is small and would have little effect on the overall design and layout considered by the previous Inspector. For the same reason, it would also not prejudice interested parties. Therefore, I have accepted the further amended plans and this decision is based on the appeal scheme.
7. The inquiry was closed in writing on 11 December 2019 following receipt of closing submissions, conditions, the completed and executed S106 agreement, and a note on a financial contribution towards the mitigation of effects on the Thames Basin Heaths Special Protection Area (SPA).

Main Issues

8. On the basis of the above procedural matters, the main issues are:
 - the effect of the development on the character and setting of the countryside and landscape;
 - the effect of the development on the character, significance and setting of Crondall Conservation Area and the Grade II listed building at Whitebridge;
 - the effect of the development on trees;
 - whether the development would make adequate provision for off-site highway improvements;
 - the effect of the development on the Thames Basin Heaths SPA; and
 - the overall planning balance, having regard to the adopted and emerging development plan and national policy.

Reasons

Planning policy

9. The appeal site is located beyond the settlement boundary for Crondall in the Hart District Local Plan (Replacement) 1996-2006 (HLP) as well as in the ELP and so is considered in policy terms to lie within the open countryside. HLP Policy RUR1 defines the extent of rural settlements and countryside. HLP Policy

RUR2 deals with development in the open countryside and only permits proposals that are specifically provided for by other policies in the HLP and that do not have a significant detrimental effect on the character and setting of the countryside by virtue of its siting, size and prominence in the landscape. It was common ground at the inquiry that the development would conflict with Policy RUR1 and the first part of Policy RUR2 due its location outside of the settlement boundary. Policies GEN1, GEN3, GEN4, CON8, CON13, CON23 and T14 cover matters relating to design, landscape character, conservation areas, trees and transport amongst other things.

10. ELP Policy SS1 sets out the overall spatial strategy and states that development will be focused within defined settlements, on previously development land in sustainable locations, and on allocated sites as shown on the Policies Map. ELP Policy NBE1 states that development proposals within the countryside (defined as the area outside settlement boundaries) will only be supported where they meet one of a number of criteria including (j) "located on suitable previously developed land appropriate for the proposed use".
11. ENP Policy 1 sets out the spatial plan for the neighbourhood plan area. The submission version refers to only supporting proposals outside of settlement boundaries if they are appropriate to a countryside location and consistent with other policies. One of the recommended changes following the ENP examination would require development outside of the settlements of Crondall and Mill Lane to be appropriate to a countryside location. Another change would be that development should respect and not obstruct views out of Crondall as shown on the Conservation Area Map in Figure 26. The ENP also sought to allocate around 32 dwellings at Mill Lane, but the examiner has recommended its deletion while retaining reference to a housing target of 66 homes for the plan.

Character and setting of the countryside and landscape

12. Crondall is focused along the principal roads of Pankridge Street, Well Road and Dippenhall Street and a number of connecting minor roads such as Church Street and Croft Lane. The village is situated in a bowl and surrounded by rolling hills and countryside that gives the settlement an attractive green and rural setting. The approach to the village includes country lanes like Redlands Lane which is sunken and bounded by trees and planting along much of its length.
13. The appeal site is located on Redlands Lane on the edge of Crondall in-between a doctors' surgery and a golf course. The site contains a stable building in one corner next to hardstanding and a riding arena lit by two floodlights. Most of the site is laid to grass and used for grazing by horses. The topography of the site rises from front to rear. The site is enclosed by fencing and boundary vegetation with a single vehicular access next to the stable building. An Article 4 Direction removes permitted development rights for works including agricultural buildings, boundary treatments and accesses.
14. The site lies within an amenity landscape as part of the Redlands Character Area in the Hart District Landscape Assessment 1997. The site and adjoining golf course suburbanise the rural, farmed and wooded qualities of the character area through the formal structures and landscaping they contain. The suburbanising effect of the golf course is also mentioned in the Hart Landscape Capacity Study 2016. Nevertheless, the site and golf course remain essentially

green and open and so do not detract completely from the surrounding landscape character which lacks major residential development. The site does not relate strongly to the key characteristics of the National Character Area and the Hampshire County Integrated Character Assessment, but neither is its land use identified as a detracting feature.

15. A number of public footpaths (PF) pass close to the site. PF17 runs parallel to and higher than Redlands Lane between the trees and the site's front boundary. It continues south-eastwards along the edge of the golf course as PF18. PF19a runs along the site's side boundary with the golf course past well-established planting. It continues in a largely south-westerly direction around the edge of the golf course before meeting PF16 which heads south-eastwards from Pankridge Street. PF19b travels north-eastwards from Redlands Lane and the front of the site and climbs up into the wider countryside.
16. The existing topography and boundary vegetation filters and screens views of the site from the above footpaths even in late autumn. PF17 along the site's front boundary provides the clearest views. Views from other footpaths incorporate existing built development on the edge of Crondall although the site itself appears undeveloped. From Redlands Lane, there are clear views across the surgery car park with the site rising up to the rear. Elsewhere on the lane, the difference in levels and thick vegetation limits views apart from at the site entrance where the stable building, arena and hardstanding can be seen. Thus, the existing site forms part of the transition from the settlement to its rural surroundings and so makes a moderate contribution to the character and setting of the countryside and landscape.
17. The development seeks to reflect existing modern housing schemes on the edge of Crondall. While these schemes vary in age and style, the development would be comparable in terms of density and height. The architectural design would be rather repetitive but not dissimilar to the existing modern housing while also attempting to pick up on distinctive features of historic buildings in the village. Houses 1-14 would front the road while the development would provide a reasonable amount of public open space as a focal point. The access road would curve around the open space and use permeable block paving to avoid the appearance of an engineered roundabout. Overall, the development would be no more suburban than existing modern housing in Crondall and in design terms would not be unattractive.
18. The development would result in the loss of a largely open and undeveloped site on the edge of Crondall. While the existing site has suburbanising features, there would be a large and fundamental change in character to the site itself with the introduction of 30 houses and associated works. It would not be compatible with the main features of the Redlands Character Area or relate to any of its enhancement priorities which seek to better manage and integrate the landscape. At a national and county level on the other hand, it would not diminish the key characteristics of these larger character areas.
19. The development would be obvious from PF17, with close-up views of housing. However, views of the development from PF19a to the north-east and PF18 in the golf course to the east would be largely screened by existing vegetation even at Year 1. To the south from PF16 and PF19b, housing would initially be conspicuous above existing vegetation but would gradually be masked by tree growth and new landscape planting by Year 10 aided by finished slab levels

being lower than existing ground levels. Such views would also take in existing housing. Views from Pankridge Street would be very limited due to current buildings and planting.

20. Travelling along Redlands Lane from Pankridge Street, existing buildings would initially limit views of the site and the development would not impinge on the attractive view of the enclosed sunken lane. From Redlands Cottage to the surgery car park entrance, there would be a noticeable change in view from paddock to housing. Due to the proposed finished slab levels, the houses would not be as high up as CPC shows in its proof, but they would still be higher than the road. However, this would be seen against the context of existing housing and the surgery building, while planting would provide some screening in due course. Further along Redlands Lane, the difference in levels plus vegetation would generally reduce the extent of views, with only glimpses of buildings through gaps in planting apart from at the new site access.
21. Due to the degree of change, the effect of the development on landscape character and views cannot be reasonably described as neutral. The development would not be in keeping with the Redlands Character Area but neither is the existing use. Moreover, the design and layout would be attractive and comparable to existing edge of village development in Crondall. The development would be contained and largely screened over time in views further away from the site boundary to reduce the effect of housing creeping eastwards from the core of Crondall. This containment would also reduce the case for further expansion of housing to the east of Crondall as adjacent land varies in terms of topography and vegetation cover. The development would have a greater adverse effect on views from PF17 and parts of Redlands Lane but these would be localised along a relatively short section of road and footpath. Overall, the adverse effect of the development on the character and setting of the countryside and landscape would be limited and not significant.
22. Having reached the conclusions above, the development would not materially harm the character and setting of the countryside and landscape. Therefore, it would accord with the second part of Policy RUR2 as it would not have a significant detrimental effect on the character and setting of the countryside. Moreover, it would not conflict with HLP Policies GEN1, GEN3, GEN4 and CON23 which, amongst other things, seek to ensure that proposals are in keeping with local character and settlement patterns and conserve the District's landscape and landscape character areas. Moreover, the policies require that proposals sustain or improve the design qualities of settlements, whilst resisting development that would seriously detract from the amenity of footpaths by reducing their rural character or detracting from significant views.
23. The development would accord with paragraphs 127 and 170 of the NPPF which require schemes to be visually attractive, sympathetic to local character including the surrounding built environment and landscape setting and establish or maintain a strong sense of place, and recognise the intrinsic character and beauty of the countryside.

Heritage assets

24. The Grade II listed building at Whitebridge dates from at least the 17th century with later re-modelling and restoration. It is a red brick and tiled house with a number of historic and architectural features of interest that contribute to its significance. The house is set back from Redlands Lane by a long driveway, but

the front elevation is angled towards the lane with views across the adjoining field and hill. The countryside setting makes a positive contribution to the significance of this listed building.

25. The site is a reasonable distance from Whitebridge and largely hidden due to intervening vegetation. Although part of the surrounding countryside, it makes a limited contribution to the significance of the listed building. Redlands Lane forms part of the approach past Whitebridge and its tree lined banks can be seen in views to and from the listed building. The lane has already been subject to additional signage and traffic calming measures, but nevertheless it still makes moderate contribution to the significance of the listed building.
26. Crondall Conservation Area stretches from Pankridge Street in the north to the church and Dippenhall Street in the south. At the inquiry, it was agreed that the boundary of the conservation area extends along Redlands Lane up to and including Redlands Cottage based on the Townscape Appraisal Map in Appendix 1 of the Crondall Conservation Area Character Appraisal 2016 (CCACA). The previous Inspector considered that the boundary was closer to Pankridge Street based on the evidence before him.
27. The wealth of historic buildings and the medieval street pattern make an important contribution to the character and appearance of the conservation area as well as its significance. The conservation area adjoins the countryside in several places with a number of important views towards the countryside identified in CCACA Appendix 1 (although the CCACA makes clear that these are not exhaustive). As the surroundings in which the conservation area is experienced, the rural setting and important views contribute positively to the significance of this heritage asset.
28. Appendix 1 is replicated in Figure 26 of the ENP. Policy 1 of the submission version of the ENP seeks to protect the conservation area and views into and out of it as identified in Figure 26 and requires important views to be preserved, protected and enhanced. The examiner's recommendations would delete the latter but retain reference to the views in Figure 26.
29. Appendix 1 identifies important views from the conservation area boundary near to Redlands Cottage with one arrow pointing to the north-east and a second arrow pointing south-east along the northern side of Redlands Lane. The appellant contends that the two arrows denote an arc view across the field and hill next to Whitebridge rather than two separate views. While the second arrow is not on the road itself, the road and trees along it help to frame the view out of the conservation area. Although on the very periphery of the view, the site itself is visible through the surgery car park. Therefore, both Redlands Lane and the site make a moderate contribution to the conservation area's significance as part of views from the boundary in an easterly direction.
30. Appendix 1 also includes two other relevant important views from the conservation area boundary to the south of the site. Firstly, at Pankridge Street at the start of PF16 looking eastwards, and secondly at the junction of PF16 and PF19a looking northwards back to Pankridge Street. The site is largely screened from view in both locations by boundary vegetation while existing properties on Pankridge Street can be seen, but nevertheless it forms part of the rural setting. Thus, it makes a moderate contribution to the conservation area's significance in terms of both view locations.

31. The proposed traffic calming measures and additional signage along Redlands Lane would be low key when seen against the existing highway interventions and so would have little adverse effect on either heritage asset. The removal of trees on Redlands Lane to provide for the new site access as well as road widening would diminish partially the enclosed nature of the lane in views from Whitebridge and the conservation area boundary. Proposed housing would also be visible through gaps in planting from the conservation area. However, the amount of tree loss would not be extensive (as set out below) and would be offset partly by replacement and new planting along the lane and site boundaries that would provide screening over time. Thus, there would not be an adverse effect on views across and along Redlands Lane. From the two conservation area view locations to the south, the housing would be visible initially, especially from the PF16/PF19a junction, but tree screening would increase by Year 10 to avoid adverse effects.
32. Therefore, the development would not harm the significance of both the listed building and the conservation area. In terms of the conservation area, it would accord with HLP Policy CON13 which seeks to conserve or enhance such heritage assets. The development would also accord with the submission version of ENP Policy 1 as it would protect the conservation area and important views, while it would also accord with the examiner's recommended changes with regard to views. The character and appearance of the conservation area would be preserved having regard to Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The setting of the listed building would also be preserved having regard to Section 66 of the same Act.

Trees

33. The trees either side of Redlands Lane past the appeal site are a mix of specimens from common ash and field maple to those which are more commonly found in hedgerows like hawthorn and hazel and have grown taller due to lack of regular management. The quality of the trees varies, with a number suffering decay and ivy damage.
34. In addition to the new site access, the development includes the widening of Redlands Lane on its northern side past the appeal site to provide a passing point for vehicles. Four trees around the new site access would need to be removed (T8, T9, T10 and T11) and four trees on the south side would need to be removed for the new passing point or due to their condition (T30, T32, T33 and T34). A number of trees are recommended for removal due to their condition (T9, T21, T22, T24, T31, T35 and T37) but with the exception of T9 could be retained and coppiced to try and achieve regeneration.
35. The widened section would abut several trees in the bank along the north side of the lane. A hand dig only zone is proposed to reduce the impact on roots. I note that given the bank, the major roots are likely to be either lateral or to the rear rather than towards the road. The root protection zones are not perfect circles in this instance. The precise impact will not be confirmed until works begin, but larger roots could be addressed through a gradual reprofiling of the road.
36. Based on cross-sections provided by the appellant, the remaining bank would not be steeper than 1:1 where a membrane could be used to hold the soil rather than a more visually intrusive retaining wall. On site I observed that the

bank's gradient is relatively shallow. The gradient is steeper on the south side of the lane but again not to the extent that a retaining wall would be required.

37. The appellant's plans propose a 2m visibility splay at the new site access based on the average speed of traffic along Redlands Lane, although a 2.4m splay has been recommended by the local highway authority. Any vegetation within either splay between a height of 1 and 2m would need to be removed. A few trees would be within a 2.4m splay either side of the new site access based on evidence provided by the appellant at the inquiry (ID06). While trunks would interfere with views of the road, they would be few in number. Therefore, it is unlikely that the visibility splays at either 2 or 2.4m would lead to pressure to remove additional trees either side of the access. Ground cover planting up to 1m is indicated for the site entrance to retain a green bank.
38. Tree loss and coppicing would reduce the overall enclosure along the lane and open up views of the development particularly along Redlands Lane. However, I am satisfied that most can be retained along the both sides and coppicing should allow trees to regenerate. Moreover, the landscaping proposals also include the planting of native shrubs around the layby to reinforce the greenery of the bank on the south side. As such, the green and enclosed character of Redlands Lane would be maintained.
39. The appellant submitted an alternative option for carriageway widening shortly before the inquiry opened (Appendix 2 of ID06). This would reduce the length of the proposed layby to lessen the potential impact on trees. However, this option has not been subject to consultation with the local highway authority or other interested parties. Moreover, the formal plans would be acceptable from a tree perspective. Thus, I have not taken the alternative option into account.
40. Therefore, the proposal subject to replanting and landscaping would over time have a neutral effect on the landscape and amenity value of trees. Consequently, it would accord with HLP Policy CON8 which seeks to retain trees and hedgerows of significant landscape or amenity value in the longer term and requires replacement planting where removal is necessary.

Highway improvements

41. Redlands Lane is a narrow 2-way road connecting Crondall to the A287. Its width means that traffic has to rely on passing points along the road to pass safely. The national speed limit applies past the site although observed speeds are typically much slower with the appellant's data indicating below 30mph. The road is used by non-motorised forms of transport including horse and carriage riders. At the inquiry, the latter highlighted the risks for riders associated with motor vehicle movements along the road.
42. The main parties have not disputed the 2016 and 2018 traffic surveys. They took place on Redlands Lane beyond the entrance to the surgery carpark to avoid picking up vehicles heading between Pankridge Street and the surgery only. The main parties have also not disputed the projected trip generation data which at peak hours would represent around 50% more trips than the existing surveys. However, CPC rely on an analysis¹ of the proposed off-site highway works provided as part of representations on the redetermined appeal.

¹ Report by Bellamy Roberts on behalf of Crondall Conservation Area Action Group dated October 2019

43. The off-site highway works involve widening the road to 4m past the proposed site access with traffic heading into Crondall required to give way to traffic leaving the village. The existing site access would be retained as a passing point and there is an existing layby between the existing and proposed accesses. At the inquiry, the appellant acknowledged that the road width would remain tight, with its own swept path analysis showing that it would be difficult for large cars to pass each other at the give way line. Instead, they would be reliant on the new site access to pull into. For larger vehicles such as vans or lorries passing oncoming traffic, the give way line would be redundant and only the site access would assist. Refuse vehicles and larger lorries would block the entire lane when accessing or leaving the site causing potential risks for other road users.
44. However, the development would improve the width of the road compared to the current situation. The existing site access and layby would be retained as passing points and the new site access would provide an additional point when not required for egress. The number of additional vehicles generated by the development would be significant but not excessively high when compared to survey data. CPC estimate 4-5 delivery vans per day for this number of properties which is not a considerable number. In combination with slow traffic speeds, the likelihood of serious incidents arising from traffic movements would be low. I note the concerns of equestrian users in terms of traffic risks, but consider that the traffic flows and speeds, plus opportunities for passing points, would not result in an unacceptable effect for these or other road users.
45. Having reached the conclusions above, the development would make adequate provision for off-site highway improvements necessary to ensure sufficient highway safety. Therefore, it would accord with HLP Policies GEN1 and T14 which, amongst other things, require proposals to make adequate provision for highway safety and access and not result in materially detrimental traffic flows on the surrounding road network. Although not in the original reasons for refusal, there would be no conflict with HLP Policies T5 and T15 which deal with the highway network and the safety of new accesses respectively. The development would also accord with NPPF paragraphs 108 and 109 which require any significant impacts on highway safety to be cost effectively mitigated to an acceptable degree with proposals only prevented or refused on transport grounds if there would be an unacceptable effect on highway safety or residual impacts would be severe.

Thames Basin Heaths SPA

46. The site is within the 5km zone of influence for the Thames Basin Heaths SPA. The appellant has provided a report by Aspect Ecology which sets out the features and conservation objectives of the SPA. The SPA supports important breeding populations of a number of bird species including the Nightjar *Caprimulgus europaeus*, the Woodlark *Lullula arborea*, and the Dartford warbler *Sylvia undata*. Potential adverse effects on the SPA include urbanisation, atmospheric pollution, water abstraction, and recreational pressure and disturbance. The main parties agreed that the latter was the most relevant to this development and that this could result in significant effects in combination with other plans or projects. As such, it is necessary to carry out an appropriate assessment (AA) as part of my decision.

47. As part of the AA, it is necessary to consider whether any potential effects could be addressed through specific measures. The appellant and HDC have agreed that financial contributions towards the provision of Suitable Alternative Natural Greenspace (SANG) at Hitches Lane and the provision of Strategic Access Management and Monitoring (SAMM) would be in line with the approach set out in HDC's Interim Avoidance Strategy for the SPA (2010). Natural England has been consulted as part of the redetermined appeal and has confirmed that subject to securing the above mitigation measures it has no objection to the development.
48. While the nearest part of the SPA is closer to the site than the Hitches Lane SANG, I note that SANGs are intended to function at a strategic level to attract visitors from a wide area including larger centres of population such as Fleet. Thus, the SANG contribution would offset any impact of future occupiers of the development travelling to the SPA for recreational purposes. Moreover, the SAMM element would assist with measures to better manage and monitor visitors to the SPA. Therefore, I am satisfied that the mitigation measures would be effective. The appellant and HDC have also agreed a planning condition requiring the provision of information packs to new occupants of the development informing them about issues relating to the SPA. This would further assist in terms of mitigation.
49. The standard method for financial contributions is via a planning obligation or the Community Infrastructure Levy. However, due to pooling restrictions that existed at the point the original application was made in 2016, the SANG and SAMM financial contributions have already been provided by the appellant to HDC in the form of a bank transfer. HDC provided a note (ID21) to the inquiry confirming that the SANG contribution continues to be held by the Council. It will be transferred for spending on the maintenance and upkeep of the SANG once a planning permission has been implemented or will be returned in the event that either the appeal is dismissed or any permission lapses without implementation. A post-inquiry note (Doc 7) has also been provided by the Council confirming that the SAMM contribution is being held until planning permission has been implemented.
50. Given these assurances from HDC as a public body, I am satisfied that the mitigation will be secured if planning permission is granted as a result of this appeal. As such, it is not necessary to impose a condition requiring confirmation that the contributions have been used. While the payment method was unusual, there is no evidence that it was inappropriate or it unduly swayed HDC's position in relation to the development. As a consequence, and based on the above mitigation measures, the development would not result in a significant effect on the SPA. Therefore, it would accord with Policy NRM6 of The South East Plan 2009 which requires that adequate measures are put in place to avoid or mitigate any potential adverse effects on the SPA. There would also be no conflict with HLP Policies CON1 and CON2 which seek to safeguard European and national nature conservation designations.

Other matters

51. The houses proposed in the north-west corner of the site would be visible from the windows of consultation rooms at the adjacent surgery. Existing and proposed boundary planting would largely screen ground floor windows at the rear of these houses. First floor bedroom windows would be visible. The

appellant and HDC have suggested a condition requiring these windows to be obscured glazed, but this would not be reasonable for future occupants given that it would restrict their outlook. In any case, these bedrooms are unlikely to be occupied regularly throughout the day. Moreover, the rear elevations of these houses would be at an angle to the surgery with a reasonable separation distance to the surgery windows. As such, it would not be necessary to require the development to contribute towards improved glazing at the surgery. Noise arising from the construction process would be temporary and can be controlled via conditions. Noise from the occupation of the houses is likely to be typical for any residential development adjacent to a surgery. Therefore, the development would have an acceptable effect on the staff and patients of the surgery in terms of outlook, privacy, light, noise and any other disturbance.

52. The nearest existing residential property at The Bourne is a bungalow on lower ground to the site. However, the distance between the bungalow and the development would be sufficient with intervening vegetation to avoid negative effects in terms of privacy or light/smoke pollution. Chantry Cottage is set further back than The Bourne and so would not be adversely affected either. The site lies in Flood Zone 1 and the technical evidence presented by the appellant indicates that the proposed foul and surface water drainage strategies would be appropriate. Detailed matters can be addressed via planning conditions and there is nothing before me to suggest any conflict with HLP Policy GEN11 which deals with flood risk.
53. The development would provide a sufficient amount of parking based on HDC's parking standards and local car ownership data. The site is currently in equestrian rather than agricultural use, but it has not been demonstrated that the loss of either use would have a material adverse impact on the local economy or food productivity. The removal of some trees and hedges would be compensated for by replacement planting and conditions can be imposed to secure ecological enhancements. Construction traffic using Redlands Lane can be controlled via a management plan secured by condition.

Planning obligations

54. The completed and executed S106 agreement in clause 16 would require off-site highway works to be agreed and completed as part of the development. These works would include fencing and signage on Redlands Lane to advertise the entrance to Crondall and to encourage responsible driving. The works would be necessary in the interests of highway safety and would accord with HLP Policies GEN1 and T14.
55. The S106 in clause 17 would require a financial contribution towards open space enhancements at Hook Meadow Recreation Ground as the main area of open space in Crondall. Although the development provides on-site open space, HLP Policy URB23 requires a greater level of open space provision for the number of dwellings, while Policy GEN1 seeks necessary improvements to infrastructure provision.
56. The S106 in clause 18 would secure 40% affordable housing equating to 8 rented affordable units and 4 intermediate housing units. This would accord with HLP Policy ALTGEN13 and would contribute towards meeting local affordable housing needs.

57. Given the policy requirements, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Therefore, I can take the obligations in clauses 16 to 18 into account as part of my decision.

Planning balance

58. It is common ground that HDC can demonstrate more than a 5 year housing land supply with a 9.92 years' worth supply. At the time of the inquiry the Housing Delivery Test results showed that local delivery stood at 278%. There is also agreement between the main parties that the most important policies for determining this development are HLP Policies RUR1 and RUR2, with the latter being the key policy. There would be conflict with both policies because the development would be situated beyond the settlement boundary for Crondall. However, there is disagreement as to whether these policies are out of date and whether NPPF paragraph 11(d) is engaged. The weight to be given to these policies is also disputed.
59. Dealing firstly with the issue of policies being out of date, the NPPF identifies two possible circumstances where this might apply in footnote 7 and paragraph 213. The former is not applicable due to the housing land supply and delivery test position of HDC. The latter states that policies are not out of date simply due to their age, but due weight should be given to them based on their consistency with the NPPF. Court judgments² cited at this appeal have found that out of date in this context can include where relevant policies have been overtaken by circumstances that have happened since they were adopted. A relevant factor can involve the consideration of settlement boundaries.
60. In this case, the matter relates to whether the settlement boundaries on which Policies RUR1 and RUR2 are based can still be relied upon as being up to date. In terms of RUR2, this focuses on the first part of the policy. The appellant has highlighted the need for a review of the settlement boundaries as recognised by the ELP. Apart from revisions to the boundaries of a few key settlements in the ELP, this review will be carried out through a future development plan document. However, it has not been shown that the Inspector examining the ELP has raised soundness concerns about existing settlement boundaries. As such, it is not possible to say that the HLP settlement boundaries are out of date due to the need for a review or the likely timescales involved.
61. While there is a healthy housing land supply, the appellant has also argued that this does not automatically render the settlement boundaries up to date. They highlight that HDC has been granting permission for development beyond settlement boundaries in order to meet its current objectivity assessed housing needs and housing requirements which have both increased since the HLP was adopted. This was the conclusion reached by the Inspector in the Netherhouse Copse decision³ and was also the conclusion of the recent recovered Pale Lane Farm decision⁴. HDC and CPC suggest that the Pale Lane Farm Inspector was

² Including *Bloor Homes Limited v SoSCLG* [2014] EWHC 754 (Admin), *Peel Investments Ltd v SSHCLG* [2019] EWHC 2143 (Admin), and *Wavendon Properties Ltd v SoSHCLG* [2019] EWHC 1524

³ APP/N1730/W/17/3167135

⁴ APP/N1730/W/18/3204011

only acknowledging the arguments of the parties, but he nevertheless concluded that Policy RUR2 was out of date due to the settlement boundaries not reflecting current housing need and requirements. This finding was not based on historical instances of granting permissions outside of settlement boundaries due to a lack of a 5 year supply. The Secretary of State endorsed the Inspector's conclusion and his decision found that Policy RUR2 was out of date.

62. HDC pointed towards 3 recent appeal decisions⁵ at Warbrook Lane, Clifton Barns and Thackham's Lane which find that Policy RUR2 is not out of date. However, the Warbrook Lane decision in paragraph 19 simply notes the appellant's position, considers the policy to be consistent with the NPPF in terms of protecting the countryside, and disapplies the tilted balance due to the harm to heritage assets. The Clifton Barns and Thackham's Lane decisions in paragraphs 19 and 46 respectively note that the NPPF does not preclude the use of settlement boundaries, but they do not address the issue of whether the boundaries reflect current housing need and requirements. Therefore, the 3 decisions carry little weight on the issue of settlement boundaries being up to date.
63. HDC also highlighted the judgment in Wynn-Williams⁶ where it was found that Policy RUR2 can only be considered out of date if it serves to constrain the meeting of a more recently identified need. However, it has been demonstrated through the more recent Netherhouse Copse and Pale Lane Farm decisions that the settlement boundaries do not reflect current housing need. The evidence before me does not indicate that I should take a contrary view to these decisions. Therefore, Policies RUR1 and RUR2 are out of date on this basis.
64. Being out of date does not mean that a policy carries no weight. There was general agreement that the second part of RUR2, which seeks to protect the character and setting of the countryside, is broadly consistent with the NPPF in terms of paragraph 170. There is also the context of a current healthy housing land supply. Therefore, moderate weight can be given to Policies RUR1 and RUR2. It was not argued that any other relevant HLP policies carry reduced weight for any reason including consistency with the NPPF.
65. At the time of the inquiry, the ELP was at an advanced stage of production and awaited the Inspector's final report. It has not been demonstrated that Policies SS1 and NBE1 are inconsistent with the NPPF or have any significant unresolved objections. Thus, I can give these two policies considerable weight.
66. As noted above, the examiner's report for the ENP has been received, which states that the plan can proceed to a referendum subject to recommended modifications. CPC has yet to confirm what will happen next, but the appellant has lodged concerns with HDC regarding legal shortcomings with the ENP. This includes the deletion of the Mill Lane site without any replacement site. It is not my role to examine the ENP, but I note that the assessment of potential sites in the evidence document supporting the plan raises some questions. For the appeal site, this includes why flood risk scored negatively in a Flood Zone 1 location and why the site did not score positively in terms of its sustainable location next to the village. I recognise the extent of local engagement in, and

⁵ APP/N1730/W/18/3198552, APP/N1730/W/18/3214505 and APP/N1730/W/18/3203638

⁶ *R(Wynn-Williams) v SSCLG* [2014] EWHC 3374 (Admin)

support for, the neighbourhood plan process. However, based on the above uncertainties, I can only give moderate weight to the ENP.

67. As the most important policies (RUR1 and RUR2) are out of date, NPPF paragraph 11(d) is engaged. As there is no clear reason to refuse the development on heritage grounds, the tilted balance in paragraph 11(d)(ii) of the NPPF applies. This states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The tilted balance is merely a mechanism which carries no weight in itself. Weight should be applied to the benefits and adverse impacts within the balance.
68. Starting with the benefits, the development would be located on the edge of Crondall with the ability to walk to services and facilities including the surgery, the primary school and the village shop/post office. Although the current owners of the latter have said that they are looking to close, there is little in the evidence before me to indicate that a new owner could not be found. The apparent lack of school places and absence of public transport is noted, but HDC has conceded that the location is "sustainable enough" (its own words at the inquiry). The development would help to support local services and would provide investment at the construction stage. Therefore, I give this moderate weight to these social and economic benefits in the overall balance.
69. The levels of affordable housing delivery in Crondall and the wider district are low, notwithstanding general acceptance at the inquiry that HDC is not required to meet its full objectively assessed need. Thus, the delivery of 40% affordable housing on site is a benefit that carries significant weight. The delivery of market housing against the context of a healthy housing land supply is not as important but still carries reasonable weight as a benefit bearing in mind the ENP housing target of 66 dwellings and the recommended deletion by the ENP examiner of the Mill Lane allocation for 32 dwellings. The provision of publicly accessible play space carries only moderate weight as it is likely to be mostly used by future occupants of the development.
70. A key contested issue at the inquiry was the extent to which the site could be regarded as previously developed land (PDL) and the extent to which its redevelopment would represent a benefit. The NPPF promotes the effective use of land including PDL. While it was agreed by the main parties that the stables, riding arena and hardstanding are PDL at around 17% of the site, there was disagreement over the extent of the curtilage.
71. Defining curtilage is a matter of fact and degree. The physical layout of the building/structure and their ownership and function past and present are relevant factors to consider. The site is within a single ownership and has been for at least 15 years. Beyond the stables, riding arena and hardstanding, the rest of the site is divided up by fencing into smaller parcels of land. At my site visit the parcels nearest to the stables were being used for the grazing of horses while there is little reason why the remaining parcels in the southern half of the site could not be used for the same purpose. Although the number of horses currently at the site is fairly low, there is no reason why that could not increase. There is a single function across the site and so I consider that the entirety of it would represent PDL.
72. The NPPF makes clear that it should not be assumed that the whole of the PDL curtilage should be developed. The site is not within the settlement and neither

is it despoiled, degraded, derelict, contaminated or unstable land. As such, it would be inappropriate to give substantial weight to its re-use as set out in NPPF paragraph 118(c). However, it would accord with ELP Policy SS1 in terms of being PDL within a sustainable location adjacent to the settlement. Moreover, the development would not materially harm the character and setting of the countryside and landscape, with a use and scale of development appropriate to the site's rural context. While there are no allocations for Crondall in the ELP, the site would represent suitable PDL appropriate for the proposed development in accordance with ELP Policy NBE1. Therefore, I can give significant weight to the benefit of re-using PDL.

73. The benefits range from moderate to significant based on the proximity to services and facilities in Crondall, the delivery of affordable and market housing, the economic investment, the provision of play space, and the re-use of PDL.
74. Turning to the adverse impacts, the development would only have a limited adverse effect on the countryside and landscape. It would have an acceptable effect in terms of heritage assets, trees and highway improvements. The effect on the SPA can be appropriately mitigated. There would be conflict with HLP Policies RUR1 and RUR2 in terms of the location of the development beyond the settlement boundary but I only give moderate weight to this conflict due to the out of date nature of these policies. There would be no conflict with ELP Policies SS1 and NBE1 given my findings in relation to PDL.
75. There would be conflict with ENP Policy 1 as submitted for examination because the development would be beyond the settlement boundary for Crondall in a countryside location. This would still be the case with the examiner's recommended modifications. However, there remains uncertainty with the progress of the ENP. Thus, I only give moderate weight to this conflict.
76. Therefore, the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. As such, the presumption in favour of sustainable development would apply. While the development would be contrary to the development plan in terms of its conflict with HLP Policy RUR1 and the first part of Policy RUR2 and ENP Policy 1, there are material considerations that indicate planning permission should be granted on this occasion.

Conditions

77. Condition 1 limits the timescale for implementing the development to 18 months rather than the standard 3 years. This is necessary to ensure any unnecessary holding of SANG capacity. Condition 2 sets out the approved plans and is necessary for clarity and compliance. Conditions 3, 4 and 5 are necessary to ensure that access, parking facilities and off-site highway improvements including traffic calming are secured in the interests of highway safety. Condition 5 is a pre-commencement condition to ensure that measures are in place before construction starts given that the access road would cross a public footpath.
78. Condition 6 is necessary to protect the living conditions of occupiers of the dwellings, while Conditions 7, 8 and 9 are necessary to safeguard the character and appearance of the area. Condition 8 is a pre-commencement condition to ensure that protection measures are agreed and in place before any works

- commence. Condition 9 is a pre-commencement condition as some of the hard landscaping details such as proposed finished levels and/or contours need to be agreed before works commence to ensure that they are satisfactory.
79. Conditions 10, 11 and 12 are necessary to provide appropriate drainage arrangements in the interest of minimising flood risk. Condition 12 is a pre-commencement condition to establish the necessary drainage measures before works commence on site. Condition 13 is necessary to ensure that any land contamination found is dealt with in the interests of health and safety. Conditions 14 and 15 are necessary to protect and enhance biodiversity interest at the site. Condition 15 is a pre-commencement condition to address existing species on site before works commence.
80. Condition 16 is necessary to ensure that the play area is designed and maintained in a safe and appropriate manner. Condition 17 is necessary to ensure appropriate provision of refuse storage and collection points. Conditions 18 and 19 are necessary to ensure that the hours and method of construction (including traffic management) have an acceptable effect on highway safety and the living conditions of neighbouring occupiers. Condition 19 is a pre-commencement condition as it would not be possible to commence the development without having agreed the methods of construction.
81. Condition 20 is necessary to help provide sufficient mitigation measures to avoid significant effects on the SPA. Condition 21 is necessary in the interests of safeguarding the character and appearance of the area. It is a pre-commencement condition as any approved slab levels would need to be based on measurements taken from the existing site, which would need to be provided before any works commence. Finally, Condition 22 is necessary to maintain the public footpath through the site in a suitable manner.

Conclusion

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

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Paul G Tucker QC and Philip Robson of Counsel, instructed by Simon Roberts of WSP Indigo.

They called:

Simon Roberts BA (Hons) MTp, FRTPI
Associate Director, WSP Indigo

Andrew Cook BA (Hons) MLD CMLI MIEMA CEnv
Director, Pegasus Group

Nick Corbett MA BA (Hons) BPI IHBC MRTPI
Associate Director, WSP Indigo

Andrew Murdoch
Director, TTP Consulting

Daniel Maughan
Aspect Ecology

FOR THE LOCAL PLANNING AUTHORITY

Timothy Leader of Counsel, instructed by Emma Whittaker, Planning Manager of Hart District Council.

He called:

Rob Moorhouse
Principal Planner, Hart District Council

FOR CRONDALL PARISH COUNCIL

Horatio Waller of Counsel, instructed by the Environmental Law Foundation.

He called:

Chris Dorn BEng (Hons) MIET MAPM MAIM
Chairman, Crondall Parish Council

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Lord Lea of Crondall
Roger White
Deirdre Rook

Peter Hall
Dr Mark Tyrrell
Astrid Angove

Local resident
Local resident
Local equestrian resident representing other local equestrians
Crondall Conservation Area Action Group
Crondall New Surgery
Crondall Parish Council

DOCUMENTS SUBMITTED AT THE INQUIRY

ID01	Appeal Decision APP/N1730/W/18/3204011 (Pale Lane)
ID02	Appeal Decision APP/R0335/W/18/3206527 (Beaufort Park)
ID03	Appeal Decisions APP/R0335/W/19/3228697 and APP/R0335/W/19/3231875 (Binfield)
ID04	Additional wireline visualisations
ID05	Conservation Area important views
ID06	Briefing note update on highway works and trees
ID07	Crondall Neighbourhood Plan examiner's report
ID08	Letter from Gateley Legal dated 18 November 2019 on behalf of the appellant to Hart District Council concerning the Crondall Neighbourhood Plan
ID09	Briefing note on settlement boundaries and Hart's housing supply
ID10	Additional material submitted by Crondall Parish Council in response to additional submissions by the appellant
ID11	Appellant's opening submissions
ID12	Appellant's draft legal submissions
ID13	District Council's opening statement
ID14	Parish Council's opening statement
ID15	Presentation by Dr Mark Tyrrell including images A to E
ID16	Presentation by Deirdre Rook including PowerPoint slides
ID17	Presentation by Peter Hall
ID18	District Council's statement of case for the quashed appeal
ID19	Wynn-Williams Court Judgment [2014] EWHC 3374 (Admin)
ID20	Draft schedule of planning conditions
ID21	Statement by Emma Whittaker on behalf of the District Council relating to the SANG allocation for the appeal development
ID22	Agenda, report and minutes of District Council Cabinet meeting from 2 June 2016
ID23	Site visit itinerary
ID24	Final draft Section 106 agreement
ID25	Annotated version of drawing number 1545-P-02-O showing slab and ridge levels of each proposed dwelling

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Doc 1	Parish Council's closing submissions
Doc 2	District Council's closing submissions
Doc 3	Updated schedule of planning conditions
Doc 4	Completed and executed Section 106 agreement
Doc 5	Appellant's closing submissions
Doc 6	Appellant's legal submissions (a) Bloor Homes Limited v SSCLG [2014] EWHC 754 (Admin) (b) Gladman v Daventry Council [2016] EWCA Civ 1146 (c) Wavendon Properties v SSHCLG [2019] EWHC 1524 (d) Monkhill Limited v SSHCLG [2019] EWHC 1993 (Admin) (e) Peel Investments Limited v SSHCLG [2019] EWHC 2143 (Admin) (f) Paul Newman Homes v SSHCLG [2019] EWHC 2367 (Admin) (g) Wokingham BC v SSHCLG [2019] EWHC 3158 (Admin) (h) Thrasyvoulou v SSE [1990] 2 A.C. 273
Doc 7	Email from HDC dated 9 December 2019 clarifying purpose of SAMM contribution

SCHEDULE OF CONDITIONS (22)

- 1) The development hereby permitted shall begin not later than 18 months from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1545-LP-01 Site Location Plan; 1545-P-01-G Site and Roof Plan; 1545-P-02-O Site Landscaping Plan; 1545-P-03-G Context Elevations; 1545-P-05-F Type 1 Plans and Elevations 1; 1545-P-06-F Type 1 Plans and Elevations 2; 1545-P-07-C Type 2 Plans and Elevations 1; 1545-P-08-D Type 2 Plans and Elevations 2; 1545-P-09-C Type 3 Plans and Elevations 1; 1545-P-10-C Type 3 Plans and Elevations 2; 1545-P-11-C Type 4 Plans and Elevations 1; 1545-P-12-D Type 4 Plans and Elevations 2; 1545-P-13-C Type 5 Plans and Elevations 1; 1545-P-14-D Type 5 Plans and Elevations 2; 1545-P-15-C Type 6 Plans and Elevations 1; 1545-P-16-D Type 6 Plans and Elevations 2; 1545-P-20-G Affordable Housing Land; 1752-1001-08 Landscape Strategy; 1752-1003 Landscape Proposals Site Entrance; 2016-2824-011 Widening Option 1 and Visibility Splays.
- 3) No dwellings shall be occupied until the approved access and off-site highways works, including the works to the footpaths and the proposed roadside replacement hedging, has been provided in accordance with the approved plans and documents and shall be maintained at all times. Access and visibility splays as shown on the approved plans shall be provided and retained at all times. Specifically, any soft landscaping located in a position that would obstruct sightlines as approved from 2.4 metres back from the approved access along adjacent carriageways shall be kept free of any obstruction exceeding 1 metre in height and shall be subsequently maintained so thereafter.
- 4) The car parking facilities, including garages and on-site parking spaces, shown on the approved plans shall be made available before any of the dwellings are first occupied and shall thereafter be retained free from any impediment to their intended use for the life of the development.
- 5) No development shall take place until a traffic calming scheme has been submitted to and approved in writing by the local planning authority. The scheme shall provide for signage to be erected where the proposed access road would cross Footpath 17 to increase drivers' awareness of pedestrians and to slow speeds down as necessary. The approved scheme shall be implemented prior to occupation of any of the dwellings hereby permitted and retained thereafter.
- 6) The first floor windows in the flank elevations of the proposed dwellings shall be glazed with obscure glass only and retained as such thereafter.
- 7) No above ground construction shall take place until details and samples of all external surfaces have been submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.
- 8) No work shall take place until details of the means of protection, including method statements where appropriate, for all trees, hedges, hedgerows and shrubs on site, unless indicated as being removed, have been submitted to and approved in writing by the local planning

authority. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and for at least five years following occupation of the approved development, unless otherwise agreed by the local planning authority. Any such vegetation immediately adjoining the site shall be protected on the site in a similar manner for the duration of works on the site.

Any such vegetation removed without the local planning authority's consent, or which die or become, in the authority's opinion, seriously damaged or otherwise defective during such period shall be replaced and/or shall receive remedial action as required by the authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the authority in writing.

- 9) No development shall take place until full details of both hard and soft landscape have been submitted to and approved in writing by the local planning authority. Hard details shall include, as appropriate, proposed finished levels and/or contours, means of enclosure of unbuilt open areas, including suitable fencing adjacent to Crondall Surgery, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and lighting features. The approved hard landscaping details shall be implemented prior to occupation of any of the dwellings hereby permitted and retained thereafter.

Soft landscape details shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants, noting species, planting sizes and proposed densities where appropriate and a proposed timetable for planting. The trees, hedges, hedgerows and shrubs shall be retained and protected in accordance with the approved details for the duration of works on the site and retained for at least five years following occupation of the approved development.

Any such vegetation removed without the local planning authority's consent, or which die or become, in the authority's opinion, seriously damaged or otherwise defective during a period of five years following occupation shall be replaced and/or shall receive remedial action as required by the authority. Such works shall be implemented as soon as is reasonably practicable and, in any case, replacement planting shall be implemented by not later than the end of the following planting season, with planting of such size and species and in such number and positions as may be agreed with the authority in writing.

- 10) No dwellings shall be occupied until the approved drainage scheme has been provided in accordance with the approved plans and documents (RSK letter 132739.L03 dated 13th December 2016), specifically: Finished Floor Levels are to be set no lower than 150mm above surrounding ground levels; Foul and surface water drainage system are to be sealed; and Non return valves to be fitted to all properties. The development shall only be carried out in accordance with the approved details.

- 11) No dwellings shall be occupied until the approved surface water drainage scheme has been provided in accordance with the approved plans and documents (RSK letter 132739.L04 dated 16th December 2016), specifically: Drainage runoff rate shall be restricted to no more than 4 l/s. The development shall only be carried out in accordance with the approved details.
- 12) No works shall commence until a drainage strategy detailing off site drainage works has been submitted to and approved in writing by the local planning authority. No discharge of foul or surface water from the site shall be discharged into the public system other than in accordance with the approved scheme. The drainage works shall be maintained thereafter.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified in the appellants' Phase 1 Preliminary Risk Assessment report Ref 28582 R01 (00) dated May 2016 shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed.
- 14) The development hereby approved shall be carried out in accordance with the recommended mitigation measures and ecological enhancements contained within section 6 of the approved Aspect Ecology report dated August 2016.
- 15) No development shall take place until an Ecological Management Plan (EMP) is submitted to and approved in writing by the local planning authority. Once approved the EMP shall be implemented in full in accordance with the approved plan and the time frames therein.
- 16) Prior to occupation of the dwellings hereby approved, a detailed plan of the play area shall be submitted to and approved in writing by the local planning authority. The plan shall include details of the play equipment, including health and safety features, together with a Maintenance Strategy. The development shall be carried out in accordance with the approved details and retained thereafter.
- 17) Prior to occupation of the dwellings hereby approved, a detailed plan of the refuse storage and collection points shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the refuse storage and collection points retained thereafter, unless otherwise agreed in writing by the local planning authority.
- 18) No development or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours weekdays or 08:00 to 13:00 hours Saturdays. No development or demolition work or deliveries of materials shall take place on Sundays or Public and Bank Holidays.

- 19) 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) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) a demolition and construction traffic management plan;
 - 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 washing facilities, to include a silt trap;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) details of the site office/compound;
 - ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - x) the routing of construction related vehicles.

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

- 20) Prior to occupation of any of the dwellings hereby permitted, a scheme to promote awareness of Suitable Alternative Natural Greenspace (SANG) shall be submitted to and agreed in writing by the local planning authority. The scheme shall include a home occupiers pack to promote and increase awareness of the Hitches Lane SANG and the Albany Park South SANG, as well as highlighting the sensitivities of the bird species present and deterring visits to the Thames Basin Heaths SPA during the bird breeding season, including promoting appropriate behaviour if visits do take place.
- 21) No development shall take place until details of proposed finished slab levels for all residential plots have been submitted to, and approved in writing by, the local planning authority. The development shall be delivered in accordance with the approved details.
- 22) The part of Footpath 17 within the site shall be maintained to provide a minimum available width of 0.9m which shall be retained at all times.