



Appeal Decision

Site visit made on 28 January 2020

by R Norman BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2020

Appeal Ref: APP/P3040/W/19/3238073

Land on Wilford Lane, West Bridgford, Nottinghamshire NG2 7QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission on a part full and part outline application.
 - The appeal is made by Wilford Lane Developments Limited against the decision of Rushcliffe Borough Council.
 - The application Ref 18/02920/HYBRID, dated 18 January 2019, was refused by notice dated 26 July 2019.
 - The development proposed is a hybrid application comprising full planning permission for construction of retail units (Class A1), café / restaurant (Class A3), and drinking establishment (Class A4), along with associated highway works including new access of Wilford Lane, servicing, landscaping and boundary treatments, and outline planning permission (with all matters reserved except for access) for residential uses (Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for a hybrid application comprising full planning permission for construction of retail units (Class A1), café / restaurant (Class A3), and drinking establishment (Class A4), along with associated highway works including new access of Wilford Lane, servicing, landscaping and boundary treatments, and outline planning permission (with all matters reserved except for access) for residential uses (Class C3) at land on Wilford Lane, West Bridgford, Nottinghamshire NG2 7QZ in accordance with the terms of the application, Ref 18/02920/HYBRID, dated 18 January 2019, subject to the conditions in the attached schedule.

Procedural Matters

2. Since the Council determined the application, the Rushcliffe Local Plan Part 2: Land and Planning Policies has been adopted (October 2019). As a result, the Policies of the Rushcliffe Borough Non-Statutory Replacement Local Plan have been superseded by the newly adopted Policies and I have therefore considered the appeal proposal against the new Local Plan Policies and those of the Local Plan Part 1.
3. Revised plans were submitted to the Council during the application process. In addition, 5 additional drawings have been provided with this appeal which consist of an updated site plan showing existing landscaping adjacent to Bede Ling and annotated with distances (Ref: 170762-PL-03 Rev L); amended site sections plans to show the relationship between the proposed residential buildings and the existing dwellings on Bede Ling (Refs: 170762-PL-23-01A and 170762-PL-23-02A); a design intent document which has been updated to show the site plan, section and illustrative perspectives in relation to Bede Ling (Ref: 170726 Rev D September 2019) and a Parameters Plan giving further

details of the relationship of the development with the properties on Bede Ling (Ref: 170762-PL-24-B September 2019).

4. I find that the additional information does not change the proposed scheme and would not need additional or further consultation. As accepting the aforementioned documents would not result in any prejudice to any of the parties, I have considered them as part of the appeal proposal.

Application for costs

5. An application for costs was made by Wilford Lane Developments Limited against Rushcliffe Borough Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are:
 - The effect of the development on the character and appearance of the area as a result of the loss of the protected Lime tree;
 - whether the level of information provided can adequately demonstrate that the proposed development would not adversely affect the living conditions of nearby residents; and
 - the effect of the development on highway capacity and safety.

Reasons

7. The appeal site is located on the junction of Wilford Lane and The Becket Way and currently comprises a vacant area of land adjacent to The Becket School. The site occupies a corner position and fronts onto Wilford Lane. The surrounding area comprises a mix of uses. Opposite the site and to the east and south are residential estates including Bede Ling and Compton Acres. There is a health club located on the opposite side of the road and the school is located to the rear of the appeal site.

Protected Lime Tree

8. Within the site, in proximity to the junction, is a prominent Lime Tree which is subject to a Tree Protection Order (TPO) as part of a wider TPO. The Appellant's Arboricultural Assessment has assessed the trees on site, including the Lime (T6 within the Assessment and T3 within the TPO) and identified that it is a Category B(ii) tree, meaning it is of moderate quality with an estimated remaining life expectancy of at least 20 years. The inspection of the tree identified a basal cavity which was found to extend into the centre of the trunk. The assessment of this tree identified that the cavity did not present a major concern however would require monitoring and further assessment. The report concluded that the tree has moderate landscape and arboricultural value.
9. The proposed development would see the removal of this tree, amongst others, to facilitate the proposed public house. The proposed development would involve substantial replanting within and to the site boundaries.
10. The tree is prominent within the street scene and from a number of angles along Wilford Lane, The Becket Way and Compton Acres. Whilst it is a large specimen and makes some contribution to the visual character of the

surroundings it is relatively solitary within the wider site, which is relatively poor in terms of visual amenity.

11. I find the arboricultural assessment is reasonable. Given the cavity and the resulting potential for the loss of the tree in the future, and that it is not fundamental to the visual character of the surrounding area the loss of the tree would not render the development unacceptable.
12. I note the potential to redesign the scheme to retain the tree and the subsequent application which proposes a different layout for this purpose. However, the end use of the site sufficiently demonstrates the reasons for the layout while I have very limited details of the rationale behind this alternative layout. Given that I have found the harm resulting from the loss of the tree to not be so significant so as to make the scheme unacceptable, this does not alter my conclusions.
13. The proposed development would bring a number of benefits which include the site being located in an area with good access to services and facilities, the use of previously developed land, the provision of affordable homes and retirement apartments, economic benefits arising from the additional residents, a more sustainable pattern of shopping in the immediate area, investment in the local area, the creation of jobs and financial contributions secured by legal agreement. I have balanced the loss of the tree against these considerations.
14. Consequently, I find that the proposed replacement landscaping and the benefits identified by the Appellant outweigh any harm caused to the character and appearance of the area as a result of the loss of the tree. The development would therefore comply with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy (2014) (LP Part 1) and Policy 37 of the Rushcliffe Local Plan Part 2: Land and Planning Policies (2019) (LP Part 2) which collectively seek to ensure that new development should make a positive contribution to the public realm through the impact on important views and vistas including landscape, have regard to the local context and avoid or mitigate against adverse impacts upon mature trees, amongst other things.

Living Conditions

15. The proposed development includes an area of the site to the east for residential properties. At this stage the design and layout of this element of the proposal is not committed however the submitted plans indicate that this would comprise 204 residential apartments and 63 retirement living apartments set within five large blocks with associated parking and shared amenity space.
16. Submission of layouts, whether labelled as indicative or not, are commonly utilised to demonstrate to the decision maker that the level of proposed development can likely be accommodated within the site with final designs requiring submission at reserved matters stage. It is clear, from the evidence before me, that the Council have treated the plans as indicative. The committee report refers to the indicative nature of the plans and that details of layout, landscaping, scale and appearance have been reserved and are not subject to the outline planning application. I find that the proposed plans, in all but access, should clearly be considered as indicative.
17. The part of the appeal site where the residential development is proposed wraps around Bede Ling which is a residential cul de sac comprising two storey

dwelling of a modest scale. A number of the properties have their rear gardens and rear windows facing the appeal site.

18. The appeal site is separated from Bede Ling by a small watercourse and existing trees and landscaping. Although indicative only at this stage the submitted details suggest that the residential development would take the form of apartment blocks. In addition, the retirement living apartments are shown on the indicative plans as potentially being located to the west of Bede Ling towards the front part of the appeal site.
19. The Council have raised concerns specifically in relation to the impact of Blocks C, D and E on the living conditions of the residents of Bede Ling. Based on the indicative plans, these Blocks could potentially be 4 storeys or more in height and have substantial footprints. However, I have had regard to the submitted information from the Appellant identifying the separation distances between the proposed blocks and the properties on Bede Ling, as well as the level of intervening mature landscaping. Based on the evidence before me, I consider that it has been adequately demonstrated that the proposed residential development could be located a sufficient distance from the existing dwellings to avoid an unacceptable overbearing impact on the occupiers of these properties.
20. Based on the indicative scale and size of the proposed residential blocks, it is likely that in the suggested form they will be visible from a number of surrounding areas including along Bede Ling, Wilford Lane and The Becket Way. Whilst the existing properties along Bede Ling are reasonably modest, the surrounding area is mixed in scale and character. The Roko Health Club opposite the site is a modern and prominent building which is set close to Wilford Lane. Similarly, although not comprising tall buildings, the school located to the rear of the site comprises of buildings with substantial footprints. As a result of the varied buildings in the locality, and the existing screening resulting in a distinct visual separation between the properties on Bede Ling and the appeal site, I conclude that the introduction of larger and taller residential buildings in this location would not be visually harmful to the surroundings.
21. Accordingly, whilst the residential element of the proposed development could result in large buildings I find that, as a result of their set back, separation and the presence of other large buildings in the vicinity, I am satisfied that a form of residential development set within the areas indicated on the indicative plans could be accommodated within the site without resulting in undue harm to the living conditions of nearby occupiers or in terms of visual prominence. Specific details of the scale, design and positioning of these buildings would be thoroughly considered in any subsequent reserved matters applications.
22. I therefore find that it has been adequately demonstrated that the proposed quantum of residential development could be acceptably accommodated within the appeal site. Therefore, it would comply with Policy 10 of the LP Part 1 and Policy 1 of the LP Part 2. Collectively, these seek to ensure that development creates an attractive environment through the positioning of buildings, ensures that there are no significant adverse effects on the amenity of adjoining properties and the development does not lead to an over intensive form of development, be overbearing in relation to neighbouring properties nor lead to undue overshadowing or loss of privacy, amongst other things.

Highway Safety

23. The appeal site is located adjacent to a large, signal controlled junction which serves the crossroads of Wilford Lane, The Becket Way and Compton Acres. In order to access the large residential estate opposite and the school to the rear traffic must utilise this junction. The Appellant has provided a substantial amount of information in terms of highways impacts which include assessments of the existing traffic, potential traffic growth, impacts of construction traffic and the likely traffic effects arising as a result of the proposed development.
24. I have carefully considered all of the information submitted as part of the original application and this appeal. I find the analysis and predictions to be based on reasonable data and assumptions and comply with the relevant standards and guidance in respect of this matter. I have also had regard to the comments of the County Council Highways Team and Highways England. The conclusions of the Transport Assessments demonstrate that the impacts of the proposed development on the highway network would be acceptable and would not give rise to severe impacts.
25. The Council have referred to the previous permission on the appeal site for a Sainsbury's supermarket and highlights that this required a convincing case in relation to traffic generation grounds and that this was a number of years ago and the existing traffic levels are now higher. I acknowledge this, however I have been provided with limited details of the assessments and analysis in relation to this lapsed permission and for the above reasons I find that the information provided in relation to the scheme before me is sufficient to demonstrate that the proposed development would not result in significant harm to highway capacity or safety.
26. I note the proximity of the appeal site to the tram stop beyond The Becket Way and the relationship between the proposed access for the residential properties and the existing access serving the Roko Health Club. However, the Council have put forward limited evidence to support their views that the cumulative impacts of these nearby facilities and the proximity to the junction would be significantly harmful to the safety of the users of the highway and capacity of the surrounding highway network.
27. It has therefore been adequately demonstrated that the proposed development would comply with Policy 1 of the LP Part 2 which requires a suitable means of access to the development and that significant adverse effects on the surrounding area by reason of traffic generation would not result. It would also comply with paragraphs 108 and 109 of the National Planning Policy Framework (2019) which states that development should ensure that safe and suitable access can be achieved for all users, any significant impacts on the transport network or on highway safety can be cost effectively mitigated and development should be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Other Matters

28. The proposed development would trigger a number of financial contributions. I have been provided with a signed copy of a Section 106 Agreement dated 10 February 2020 which includes provisions for 30% affordable housing, health contributions, sports pitch contributions, allotment contributions, open space

contributions, all including equivalent retirement contributions, and a biodiversity contribution in relation to the commercial land. I have also been provided with a copy of a Unilateral Undertaking dated 10 February 2020 which makes provision for waste, travel plan, bus stops, highway, and education contributions.

29. The Council have provided justification for the required contributions included in the submitted legal agreements which I have considered. I find that the Council's requirements are reasonable and justified and accordingly, I find the content of the legal submissions to be acceptable.
30. The Appellant states that the Council cannot currently demonstrate a 5-year supply of housing land and it appears, based on the Council's committee report, that this point is not disputed. I have limited details of the current situation regarding the shortfall, nevertheless whilst the provision of a number of residential apartments would be beneficial in contributing to the shortfall, I have found the proposed development to be acceptable in any event for the above reasons.
31. A number of local objections have been received concerning, in addition to the above matters, pedestrian safety when accessing the school, the sale of fast food in proximity to a school, noise and air pollution, loss of countryside and open space, impact on existing businesses, the potential alternative use of the site as a nature area and the lack of need for the commercial units.
32. I have carefully considered the concerns raised. In relation to the sale of fast food close to the school, this is not something that could be reasonably controlled by condition, nor have I been presented with evidence that would demonstrate that this would be against the Council's policies or that it would be significantly harmful enough to render the proposed development unacceptable. In relation to noise and air pollution, conditions relating to these matters can be imposed requiring details and limits on noise and odours from the commercial elements of the development. I note the points relating to the loss of countryside however the site is fenced off and vacant and is not categorised as countryside or formal open space. The development would include areas of landscaping and would also make the necessary contributions to open space.
33. I have been provided with little evidence that would indicate that the proposed development would be detrimental to other businesses in the wider area or that there is a lack of need for the proposed units. Whilst I acknowledge the suggestion that the site could be used for a nature area or for the school to use, I must consider the scheme that is put before me rather than suggested alternatives. The transport assessments have adequately considered impacts on pedestrian safety. Consequently, these matters would not result in undue harm that would result in the development being considered unacceptable.

Conditions

34. In addition to the standard time limit conditions for both full and outline applications I have imposed a condition listing the approved plans as this provides certainty. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance and amended or omitted where necessary.

35. Conditions for the submission of details as per condition 6 and external materials are necessary in the interests of the character and appearance of the area. I have imposed conditions relating to a phasing plan, restriction on number of residential units, access details, the requirement for a travel plan coordinator, detailed travel plan and associated reports as these are necessary to ensure that the development does not adversely affect the highway network.
36. Conditions for the development being carried out in accordance with the Flood Risk Assessment, details of the drainage systems, contamination investigations, the provision of a Construction Environmental Management Plan, extraction details, noise and acoustic statements, details of flood evacuation measures, details of security or floodlighting, restriction on hours of opening and details of deliveries to the proposed store are all necessary to protect the living conditions of future and existing nearby residents and to ensure the site is suitable and safe for its intended end use.
37. Conditions for tree protection measures, details of a landscape and planting scheme and ecological management plan, submission of an Ecological Design Survey and the submission of a time restriction for the ecology report are necessary in the interests of protecting and enhancing the ecology and biodiversity on and around the appeal site.
38. I have imposed a condition for a Waste Management Plan in the interests of the living conditions of future occupiers and highway safety. A condition for the provision of electric charging points is supported by Policy 2 of the LP Part 2 therefore I have imposed this also. A condition for the restriction of permitted development rights for the commercial units is necessary to retain a development that is acceptable in terms of impacts upon the highway network, suitable parking provision and to protect the living conditions of existing and future residents. A condition for the submission of an Employment and Skills Strategy is necessary ensure that there are opportunities for local employment as supported by the aspirations of the development plan.
39. I have not imposed a condition requiring details of the risk of ball strike and required mitigation from the use of the adjacent sports facilities as I do not find that it would be reasonable to place the burden on the Appellant for the use of the adjacent and separately owned sports pitches. The Council have not demonstrated to me that this would be necessary and meet the relevant tests.
40. Conditions 10, 12, 17, 25 and 28 are pre-commencement conditions as it is fundamental to have these details agreed before any works are carried out on site. The Appellant has indicated their agreement to the suggested conditions, aside from the omitted condition, in their final comments.

Conclusion

41. For the reasons given above, and having carefully considered all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

Time Limit for the part Full Application

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Time Limit for the part Outline Application for residential uses

- 2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Conditions

- 5) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 170762-PL-01 B; 170762-PL-03 J; 170762-PL-04 H; 170762-PL-05 G; 170762-PL-06 G; 171762-PL-07 F; 1710762-PL-08 A; 171762-PL-09 A; 170762-PL-10 C; 170762-PL-11 C; 170760-PL-12 B; 171762-PL-13 C; 171762-PL-14 E; 171762-PL-15-D; 170762-PL-16-E; 170762-PL-03 L; 170762-PL-23-01A; 170762-PL-23-02A; and 170762-PL-24-Rev.B.
- 6) The reserved matters to be submitted in accordance with condition 2 for any relevant phase shall include details of all earthworks, mounding, finished floor levels of all buildings and details of existing and proposed site levels in that phase; the disposition of roads, buildings and other site features in that phase and Sections and cross sections of the site showing their relationship with land and buildings adjacent to that phase; details of the siting, design and external appearance of the proposed buildings and structures in that phase; details of the cycle and bin storage facilities in that phase; details of any plant, equipment and other structures in that phase; sample details of facing, roofing, boundary and hard surfacing materials for that phase; details of the means of pedestrian and cycle access, parking layout and servicing and manoeuvring areas in that phase; and details of soft landscaping in that phase in accordance with other conditions attached to this permission including those concerned with landscaping, trees and ecology.
- 7) No development, other than demolition and site clearance, shall take place until a phasing plan has been submitted to and approved in writing by the local planning authority. This shall include a plan or plans and associated information to set out details of the sequence of the provision of infrastructure to serve the proposed development or phase thereof, other off-site and on-site highways works, drainage and other utilities provision and improvements and the sequence of the provision of green infrastructure within the site, habitat creation / enhancement works and other formal open space, allotments, biodiversity, sustainable urban drainage and strategic landscaping features. The phasing plan shall be

prepared in accordance with other conditions attached to this permission relating to the timing of specified highway works. The development or phase thereof shall be carried out in accordance with the approved phasing plan.

- 8) The total quantum of residential development hereby approved shall not exceed 267 residential (C3) units, in the form of flats/maisonettes.
- 9) The development of any phase permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by RSK (Ref 881536-R1(01)) dated December 2018 and in particular the following mitigation measures detailed within:
 - Identification and provision of safe route(s) into and out of the site to an appropriate safe haven;
 - All habitable finished floor levels (FFL) for the first-floor residential areas (including retirement apartments) to be set no lower than 26.3m above ordnance datum (AOD) as stipulated within Section 8.1 of the FRA;
 - All FFL for commercial 'less vulnerable' uses to be set no lower than 23.40m AOD as stipulated within Section 8.1 of the FRA. The mitigation measures shall be fully implemented prior to occupation of any use in any phase and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.
- 10) No part of the development within any phase shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved FRA and Drainage Strategy for that phase have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the development in that phase. The scheme to be submitted for each phase shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rainstorm to the rates proposed by the FRA for the developable area.
 - Include provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return period and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

- For all exceedance to be contained within the site boundary without flooding new properties in a 100 year + 40% storm. Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details for the lifetime of the development.
- 11) No development, other than demolition and ground works, shall take place within any phase of the development until a scheme for the remediation of land and/or groundwater contamination affecting the site as identified in the submitted Geo-Technical report by RSK required for that relevant phase have been submitted to and approved in writing by the local planning authority. If soils are imported for use on the site, then verification shall be provided to demonstrate that they are suitable for use and do not compromise the remediation strategy. Copies of a full completion/verification report and a non-technical summary confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to and approved in writing by the local planning authority prior to occupation. The development shall thereafter be carried out in accordance with the approved details and retained as such for the lifetime of the development.
- 12) No development, including any site clearance, demolition or ground breaking shall take place within any phase of the development until a Construction Environmental Management Plan (CEMP) required for that phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the means of access for demolition and construction traffic; parking provision for site operatives and visitors; working and delivery hours; the loading and unloading of plant and materials; the locations for any site compounds including the heights of any buildings or structures, lighting and means of enclosure; the locations for the storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities including full details of specification and siting; a risk assessment of construction activities with a potentially damaging effect on ecological receptors; the location and timing of sensitive work to avoid harm to biodiversity features; the disposal of surface water during construction; arrangements for the turning of vehicles within the site so that they may enter and leave the site in a forward gear; measures to control the emission of noise (including vibration suppression), dust and dirt during demolition, ground breaking, site clearance and construction; restrictions on burning; the use of generators; roles and responsibilities for the implementation of CEMP requirements and measures; and a scheme for recycling/disposal of waste resulting from construction works. Thereafter all demolition, ground breaking, site clearance and construction works for that phase shall be carried out in accordance with the approved CEMP.
- 13) Prior to the installation of any extraction equipment on any A1, A3 or A4 units within any relevant phase, full details of all proposed extract ventilation systems for that phase shall be submitted to and approved in writing by the local planning authority. The submission shall include the following: The extract vent should terminate not less than 0.6 metres (ideally 1 metre) above the ridge of the building and not less than 1

metre above any openable window/skylight; details of when the extraction system will be used; details of the expected noise levels generated by the fan, including a full octave band analysis; details of how the equipment will suppress and disperse fumes and/or odour produced by cooking and food preparation and/or noise from vibration produced by the equipment's use; and the siting and appearance of the equipment. Thereafter the extraction ventilation systems shall be installed and operated in accordance with the approved details and shall be retained and maintained in accordance with those details for the lifetime of the development.

- 14) No buildings in any phase of the development hereby permitted shall be occupied until a scheme for the provision of electric vehicle charging points for that phase has been submitted to and approved in writing by the local planning authority. Provision should be made for electric vehicle charging points in all phases of both the commercial and residential developments. Thereafter the charging points shall be installed, maintained and operated in accordance with the approved scheme for the lifetime of the development.
- 15) Prior to the installation of any fixed plant and/or machinery to each of the A1, A3 or A4 units details of the siting and appearance of the equipment and a noise scheme detailing the noise outputs for both day time and night time operation shall be submitted to and approved in writing by the local planning authority. Thereafter any fixed plant and/or machinery shall be installed, operated and maintained in accordance with the approved details for the lifetime of the development.
- 16) Prior to the erection of any residential development, within any phase, an Acoustic Design Statement for that phase shall be submitted to and be approved in writing by the local planning authority. The statement shall detail the acoustic design process and propose any noise mitigation measures required to ensure that there will be no significant adverse noise impacts affecting the future residents, including from the neighbouring sports facilities. Thereafter the relevant phase of the residential development shall be constructed in accordance with the approved acoustic design.
- 17) No development, including site clearance, demolition, breaking ground or site preparation, shall take place within any phase of the development hereby approved until an Employment and Skills Strategy for that phase has been submitted to and approved in writing by the local planning authority. This shall provide for the recruitment of people in the locality and apprenticeships for young persons for the construction phase of the approved development and the operation of the A1, A3 and A4 uses of the approved development and shall include the date by which the Employment and Skills Strategy is to be implemented by the developer for that phase. The development shall thereafter be implemented in accordance with the terms of the strategy.
- 18) All future owners and occupiers of the residential properties hereby approved shall be provided with details of the approved flood evacuation plan including the details of the safe exit route (in accordance with the approved flood evacuation plan) upon their first occupation of the dwellings. The agreed safe exit route contained within the approved

strategy must be in place before any occupancy of any of the residential buildings.

- 19) If any unexpected, visibly contaminated or odorous materials or tanks or structures of any sort are encountered during development, remediation proposals shall be submitted to and approved in writing by the local planning authority, before further work is undertaken in the affected area and works shall proceed only in accordance with the agreed remediation proposals.
- 20) Prior to the installation of any security lighting/floodlighting, details of the lighting including a timetable for implementation shall be submitted to and approved in writing by the local planning authority, together with a lux plot of the estimated illuminance. The lighting scheme shall be designed to reduce effects upon sensitive species and upon sensitive habitats to be retained or created on the site. Thereafter the lighting/floodlighting shall be installed only in accordance with the approved details and maintained as such for the lifetime of the development.
- 21) No development other than demolition and site clearance shall take place within any relevant phase of the development until a Waste Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Waste Management Plan shall include details of the numbers of bins to be provided, the sizes and volumes of all bins, the storage locations of all bins, details of where bins are to be presented for collection on collection days and details of who is responsible for presenting and rehousing all bins. Thereafter the development shall be carried out in accordance with the approved Waste Management Plan for the lifetime of the development.
- 22) The A1 uses hereby approved shall only be open to the public between the hours of 0700 hours to 2300 hours Monday to Saturday and only between the hours of 1000 hours to 1700 hours on Sundays and Bank Holidays.
- 23) The A3 use hereby approved shall only be open to the public between the hours of 0700 hours to 2300 hours Monday to Saturday and only between the hours of 0800 hours to 1900 hours on Sundays and Bank Holidays.
- 24) The A4 use hereby approved shall only be open to the public between the hours of 0900 hours to 2400 Monday to Saturday and only between the hours of 0900 to 2300 hours on Sundays and Bank Holidays.
- 25) No development, including site clearance, demolition, breaking ground or site preparation, shall take place within any phase of the development until the existing trees and/or hedges which are to be retained within that phase have been protected in accordance with details which are to be submitted to and approved in writing by the local planning authority. Thereafter the approved protection shall be implemented in accordance with the approved details and retained for the duration of the construction period of that phase. No materials, machinery or vehicles are to be stored or temporary buildings erected within the perimeter of the fence, nor is any excavation work to be undertaken within the confines of the fence without the written approval of the local planning authority. No changes of ground level shall be made within the protected area without the written approval of the local planning authority.

- 26) Before the construction of any buildings within any phase of the development is commenced, a Landscape and Planting Scheme, including a Landscape and Ecology Management Plan connected with that phase broadly in accordance with the illustrative Masterplan and the Landscape Strategy, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall include a description and evaluation of features to be managed; long term landscape and ecology design objectives and management responsibilities; a plan showing the planting layout of proposed tree, hedge, shrub and grass areas; a schedule of the proposed planting, indicating species, size at the time of planting, numbers/densities of plants and a proposed implementation timetable; a written specification outlining cultivation and other operations associated with plant and grass establishment; existing and proposed finished levels or contours; means of enclosure and boundary treatments; a schedule of maintenance for all landscape and ecology areas other than privately owned domestic gardens for a period of five years from the date of first planting; details of the body or organisation responsible for implementation of the plan; and ongoing monitoring and remedial measures. The approved Landscape and Planting Scheme including Landscape and Ecology Management Plan shall be carried out in the first tree planting season following the substantial completion of the development within that phase and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. The development shall also be managed in accordance with the details in the approved management plan for the lifetime of the development.
- 27) No development within any relevant phase of the development shall proceed above finished floor level until details of the facing and roofing materials to be used on all external elevations within that phase have been submitted to and approved in writing by the local planning authority. Thereafter the development shall only be undertaken in accordance with the approved details.
- 28) No works for any phase of the development, including for site clearance and demolition works, shall commence until details of an Ecological Design Strategy (EDS) to serve that phase has been submitted to and approved in writing by the local planning authority. The approved EDS shall be broadly in line with details set out in the Framework Ecological Appraisal (Revision A) submitted by FPCR. The mitigation, compensation, management and other detailed measures and requirements, including a programme of implementation, set out in the approved EDS shall be implemented in accordance with the approved details. The approved EDS for each phase shall include the following: the purpose and conservation objectives for that phase of the proposed works; a review of the ecological potential and constraints in that phase; detailed designs and/or working methods to achieve the objectives, including the extent and location of proposed works; where relevant, details of Tree Management Plans; the type and source of materials to be used; a timetable for implementation demonstrating that works are aligned with the proposed phase of development; and identification of the persons responsible for implementing the works. The EDS shall be implemented in accordance

- with the approved details and all features shall thereafter be retained as approved and the local planning authority shall be notified when these measures have been carried out.
- 29) Before Unit 1 (the A1 supermarket) is first brought into use, details of a Noise Management Plan that covers all deliveries to the store shall be submitted to and approved in writing by the local planning authority. The plan shall include noise calculations from all delivery scenarios, a management plan for how deliveries will be carried out, and a scheme of measures to reduce noise from deliveries. All deliveries shall be carried out in accordance with the agreed plan and only when all of the approved noise reduction measures are in place.
- 30) Notwithstanding the provisions of Schedule 2, Part 7 Classes A to D (inclusive) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or alteration of the proposed A1 retail units without first obtaining planning permission to do so.
- 31) No residential unit shall be occupied until a scheme for the proposed access works on Wilford Lane (as shown indicatively on drawing 18105-010 Rev I) has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter the access works shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.
- 32) No A1, A3 or A4 uses within any relevant phase of the development shall be brought into use until a scheme for access works on Becket Way (as shown indicatively on drawing 18105-011 Revision G) has been provided in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter the access works shall be implemented in accordance with the approved details and retained as such for the lifetime of the development.
- 33) No development in any phase shall be occupied or brought into use until the owners and the occupiers of the site have appointed and thereafter continue to employ or engage a site-wide travel plan coordinator for that phase who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework. The details of the travel plan coordinator shall be provided and continue to be provided thereafter to the local planning authority.
- 34) The travel plan coordinator shall within 6 months of occupation of any individual phase of the development produce or procure a Detailed Travel Plan for that phase that sets out final targets with respect of the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Framework Travel Plan to be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates as agreed with the local planning authority.
- 35) The travel plan coordinator for each phase shall submit reports in accordance with the Standard Assessment Methodology (SAM) to be

approved by the local planning authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the local planning authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the local planning authority. Thereafter any revised initiatives and measures shall be implemented for the following monitoring periods.

- 36) Any phase of the development which has not commenced within 1 year of the date of permission shall not commence until a new ecology report, including any mitigation measures as appropriate for that phase to be submitted to and approved in writing by the local planning authority. Thereafter the development within that phase shall be implemented in accordance with the approved ecology report and implementing the relevant mitigation measures.

Richborough Estates