



Appeal Decision

Hearing Held on 23 September 2020

Site visits made on 19 December 2019 and 28 September 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2020

Appeal Ref: APP/P1615/W/19/3236737

Land off Bradfords Lane, Newent

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Kodiak Land against the decision of Forest of Dean District Council.
 - The application Ref P1990/18/OUT, dated 19 December 2018, was refused by notice dated 11 April 2019.
 - The development proposed is up to 50 dwellings, new planting and landscaping, informal open space, car parking, vehicular access point from Bradfords Lane and associated ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for up to 50 dwellings, new planting and landscaping, informal open space, car parking, vehicular access point from Bradfords Lane and associated ancillary works at Land off Bradfords Lane, Newent in accordance with the terms of the application, Ref P1990/18/OUT, dated 19 December 2018, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural matter

2. The appeal relates to an application for outline planning permission. All matters are reserved except access. Indicative drawings have been provided which give an indication as to how the site could be developed. Other than the site access plan, I have treated these as illustrative.

Main Issues

3. The main issues are:
 - (i) The effect of the development on the character and appearance of the area;
 - (ii) the effect on heritage assets, with particular regard to the setting of Mantley House Farm;
 - (iii) Whether the site is in a suitable location for the development, with regard to development plan policy;
 - (iv) Whether there are any material considerations that may indicate a decision otherwise than in accordance with the development plan, with particular regard to housing land supply.

Reasons

Character and appearance

4. The site is field at the edge of Newent. It is bordered by existing development on Bradfords Lane, which is a clear part of the existing developed area. There are other buildings close to the site which mean that it would not stand isolated from the built form. Nevertheless, on approach from outside the settlement, the field is seen as part a wider pattern of irregular interlocking fields in a rolling landscape that contribute to the area's character and appearance, and the setting of Newent.
5. From Ross Road, the rising landform of the site makes it visible, particularly in winter months. However, existing housing already breaks the ridgeline in these views and the settlement is not hidden. Whilst, the topography is such that new dwellings at the site may be more visible than existing ones, the visibility of existing development and keeping housing away from the Ross Road and countryside boundaries as suggested, significantly reduces the level of harm that would be caused by further development in this location. Over time, this visual harm would be further reduced by any additional planting.
6. There would be greater harm from the loss of mature trees, protected by Tree Preservation Orders, required to form the site access. These trees are clearly visible in views along Ross Road on leaving Newent. New planting would take time to establish and the position of the vehicular access would mean that replacement planting would not fully mitigate the tree loss. There would also be some, smaller-scale loss of vegetation around the proposed pedestrian access point. However, the views are dominated by the mature hedge-lined Ross Road and further trees beyond the site, so the most significant effects would be localised and overall, Newent would continue to be grounded in its landscape setting.
7. With regard to the above, I find that the effect on the character and appearance of the area would be to slightly extend the settlement into the countryside. As it would be seen in the context of existing development, there would be little harm to distant views or the approach to and setting of Newent. The Council's Landscape Officer has indicated that the overall effects on landscape character are unlikely to be substantive in their magnitude. For the above reasons, I share this view.
8. Nevertheless, the localised impacts, particularly surrounding the formation of the access and effect on protected trees would result in some limited conflict with Policy CSP.1 of the Forest of Dean Core Strategy 2012 (LP) and Policy AP4 of the Forest of Dean Allocations Plan 2018 (AP) that seek to ensure that new development takes into account important characteristics of the environment and contributes to environmental enhancement.

Heritage

9. Mantley House Farm, a grade II listed complex with three separately listed elements of house and farm buildings is on the opposite side of Ross Road to the appeal site. They have been described by another Inspector¹ as a high quality group, indicative of a prosperous historic farmstead. That Inspector found that the significance of the heritage asset is derived first and foremost

¹ APP/P1615/A/14/2228822

from the age and architectural interest in the individual buildings and their grouping. The surrounding fields, including the appeal, site make an important contribution to the setting by enabling the farmstead to be understood and read in the landscape. I have no reason to disagree with that assessment.

10. Following that appeal, recent housing development, partly currently under construction, at Valegro Avenue² has eroded part of the setting of Mantley House Farm. The proposed development would further erode the setting and its historical association with the surrounding countryside. Tree removal at the access would open up the site and make the development visible alongside the heritage assets as viewed from Ross Road when leaving Newent.
11. Nevertheless, in these views, Mantley House Farm is already seen alongside existing development and the rolling landscape behind the buildings would still be visible alongside the former farm buildings. I, therefore, conclude that the site has a smaller part to play in understanding the origins of the heritage asset and its significance than the land that is contiguous with it.
12. Accounting for the cumulative effect of recent development around Mantley House Farm, the proposal would result in less than substantial harm to the setting of the listed building and thereby its significance. Given the contribution of the site to the setting, the harm would be towards the lower end of the 'less than substantial' category.

Location of development

13. The site is outside the development boundary for Newent. It is high quality agricultural land and the Framework indicates that decisions should recognise the economic and other benefits of the best and most versatile agricultural land.
14. CS Policy CSP.4 sets out that most change will take place within existing settlement boundaries, with new development concentrated at the towns in a manner that relates closely to the intended role of each. The Policy indicates that in the north forest, development will be centred around Newent, but nevertheless areas outside settlement boundaries will be treated as part of the open countryside. In support of this, CS Policy CSP.15, relating to Newent, indicates that additional housing beyond the target set in CSP.5, allocated in the AP, will only be permitted on small unidentified sites and suitable previously developed land within the town. Therefore, the proposal conflicts with these policies.

Housing land supply

15. There is no dispute that, based upon the Forest of Dean Allocations Plan 2018 (AP) and accounting for an existing shortfall, the 5 year housing requirement for the years 2020-2025 is 2260 dwellings (the five year period). There is dispute over whether a 5% (translating to 2372 dwellings) or 20% (2712 dwellings) buffer should be applied to this. The appellant advocates 5% based on Housing Delivery Test results whereas the Council suggests 20% being in accordance with the approach set out in the AP.
16. Against this requirement, the Council has produced a Housing Trajectory that indicates a deliverable supply of 3135 dwellings within the five year period. The

² Referred to by its developer as Picklenash Grove

Glossary to the Framework clarifies that sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable unless there is clear evidence that homes will not be delivered within 5 years. Where a site has outline planning permission for major development or has been allocated in a development plan it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

17. The Council's trajectory includes a number of allocated sites³ that do not have planning permission. Another site⁴ is included that has previously had outline permission, but has no extant permission. Whilst these sites may have been subject to pre-application discussions, the Council has not referred to any clear evidence, such as a written agreement to delivery intentions or site assessment work to demonstrate firm progress being made to the submission of an application or commencement of development.
18. I appreciate that the Council may have recently experienced difficulties contacting developers due to the Covid-19 pandemic, but detailed evidence was not available in the original submissions that pre-dated such restrictions. I also understand that the Council considers much content of its pre-application discussions to be confidential. However, in the absence of detailed supporting evidence, the Council's claims regarding pre-application discussions amount to unsubstantiated assertions that development may be forthcoming. That is not the clear evidence required by the Framework and, so, I cannot account for these sites in the supply.
19. In addition, there are a number of other allocated sites⁵ that are simply said to have no application and, at the Hearing, the Council could provide no further evidence about them. Along with the allocated sites where some pre-application discussions have taken place, these sites account for 395 dwellings within the five year period that must be removed from the supply.
20. The trajectory includes a number of sites in Cinderford that have had previous planning permissions⁶. However, it was confirmed at the Hearing that there were no current permissions and the Council was unable to provide any clear evidence of intent to submit any.
21. Elsewhere in Cinderford is a site⁷ with outline permission for a new college and residential development. However, while the permission is extant, there is no clear evidence of intent to develop the residential part of the site for housing and the Council indicated at the Hearing that there is currently a condition preventing access to the residential area from the existing road. Although the Council's representatives saw no reason that the condition could not be varied, there is no particular evidence of an intention to do so.
22. The Council confirmed at the Hearing that Cinderford presents a challenging market for developer-led housing. I was told that recent housing delivery at the settlement has been secured by other means, including subsidies and grants.

³ Land off Sneyd Wood Road; Land at Poolway Farm, Coleford; Coleford Milkwall Ellwood Road; Coleford Kings Meade; Drybrook High Street

⁴ Drybrook Farm

⁵ Mitcheldean Former Coach Depot, St Michaels Close; Cleeve Mill Lane, Newent; former Victoria Hotel, High Street, Newnham; adjacent to Miners Arms, Sling; Netherend, Ash Way, Woolaston

⁶ Cinderford Station Street, former Cannop Foundry; Cinderford Station Street, Turley Ct and Wilce land; Cinderford Station Street, Former Listers

⁷ Cinderford Northern Quarter

Although discussions about similar arrangements to bring other sites forward may have occurred, there is no clear evidence before me that delivery of the above Cinderford sites is likely within the five year period.

23. A final site in Cinderford⁸ has permission for residential development which is partially built, but the developer left the site some time ago. Despite having been marketed for 3 years, I was told that there is currently no developer interest. Given the challenging market conditions referred to above, this amounts to clear evidence that the site will not deliver more housing within the next 5 years. There is similarly no clear evidence to support additional housing at this site, beyond that in the extant permission.
24. For the reasons given, these sites in Cinderford cannot be included in the housing trajectory for delivery within the five year period. Collectively, they amount to 205 dwellings.
25. There are a number of outline planning applications⁹ for major development currently under consideration by the Council. The Council has been working with the relevant applicants to resolve various issues to enable the grant of permission. However, although some are anticipated to be granted within the next few months, I could not be given any firm commitment at the Hearing as to the likely dates for their determination. Moreover, there is no clear evidence of when reserved matters may be submitted that may indicate deliverability within the five year period. In the absence of such clear evidence these sites, which together account for 133 dwellings must be removed from the 5 year supply.
26. A reserved matters application has been submitted in relation to an outline planning permission at Lydbrook, Former Rothdean tinplate works. It would deliver 26 dwellings. However, the reserved matters application was made in 2017 and progress to resolve outstanding issues has been slow. The Council was unable to confirm when outstanding matters might be resolved. Given the length of time since the application was made, there appears to be no urgency to move matters forward. Moreover, there is no clear evidence of a commitment to commence the development. Therefore, I find that these dwellings should also be removed from the 5 year supply.
27. A large component of the Council's housing supply is focussed on allocated sites at Lydney. I was told that the AP47 allocation is split into various parcels and multiple developers are active on parts of the site. However, one parcel, known as Lydney East phase A, does not yet have outline planning permission. The Council confirmed that the outline application, currently under consideration, is complex and includes mixed uses. There is no clear evidence of when permission may be given or of any discussions on future reserved matters applications that may allow the site to deliver housing quickly.
28. A similar situation exists at Holms Farm where an outline application (with one dwelling detailed in full) has been undetermined since its submission at the end of 2015. The Council confirmed that it was delayed due to the need to complete a planning obligation, but whilst this was said to be at an advanced stage, there is no clear evidence to support this, the preparation of reserved matters

⁸ Cinderford – St Whites Farm, Sneyd Wood Road

⁹ Coleford North Road, Worcester Walk, Broadwell; Huntley – adjacent The Poplars, Tibberton Lane; Whitecroft Scovill Lydney Road, Whitecroft; Woolaston/Netherend Farm

(notwithstanding that much detail is already agreed), or commencement within 5 years.

29. It may well be that Lydney East Phase A is a logical extension to development activity within the AP47 allocation and that development will progress to it next. However, without clear evidence of when the outline planning permission may be granted, I can only give limited weight to this scenario.
30. I note the Council's contention that failure to deliver at the Lydney East Phase A site may be compensated by increased activity on the other parts of the allocation which are otherwise predicted to continue delivering houses beyond the five year period. However, if I were to remove this site, and the Holms Farm site from the supply, the trajectory indicates that the other sites in Lydney would deliver an average of 157 dwellings per year over the three years that those two sites were expected to make a contribution. As the Council believe that the Lydney Sites could collectively achieve an annual delivery of between 150 and 160 dwellings, there is little prospect of any failure being accommodated elsewhere.
31. Therefore, dwellings indicated for Lydney East Phase A and Holms Farm should be removed from the 5 year supply. Collectively this represents 88 dwellings.
32. Based on the foregoing, I conclude that 847 dwellings should be removed from the 5 year supply. This leaves a total of 2288 dwellings. If I were to apply a 5% buffer, which would give the lowest requirement of 2372 dwellings, the supply would be in the region 4.8 years. Applying a 20% buffer as suggested by the Council would result in a lower supply.
33. The appellant has suggested that a number of other sites may not deliver as anticipated by the Council, and also suggested further discounts should be made based upon rates of delivery or anticipated start dates, as well as for windfall sites. Detailed analysis of these factors may result in further reductions, but not an increase. Therefore, a supply of 4.8 years is a best-case scenario.

Other matters

34. Access to the site would be onto a sloping section of Bradford's Lane, close to its junction with Ross Road. Whilst I understand that this section of highway can flood after heavy rainfall and be challenging to navigate in icy conditions, the Highway Authority are satisfied that the access arrangements would be safe.
35. Opposite the site, the dwelling Glenwood has a pedestrian gate, onto the carriageway which I understand is utilised when accessing the school. Although the development may place more traffic onto this stretch of road, there would be good visibility of any pedestrians on the highway from vehicles leaving the site.
36. Heading away from Ross Road, Bradford's Lane provides access to a pre-school, pedestrian access to Picklenash Junior School and other existing residential development including on West View. Beyond this the road narrows to a single vehicle width and has no footways. I understand that this route is used by some pedestrians accessing the junior school from Vauxhall. Although there could be some increase in traffic along this route, traffic speeds are low due to the restricted width and forward visibility and there is no substantive

evidence that any existing safety concerns would be exacerbated by the proposed development.

37. During my site visit, I witnessed parking along Bradfords Lane associated with the end of the school day. This effectively limits the road to a single lane width, and I observed some congestion whilst vehicles manoeuvred around the parked cars. However, the access is some distance from the pinch point and given the proximity of the development to the school, it is unlikely to have a significant effect on these school-related traffic flows, or short-term parking patterns. Mindful that the Highway Authority has raised no objection to the proposal in principle, I, therefore, find that there would be no adverse effect on highway safety.
38. In order to facilitate safe access to public transport, new footways are required to bus stops on Ross Road. At the Hearing, the Highway Authority confirmed that such routes would be achievable within highway limits and could be secured by planning conditions. The Highway Authority recommended a further condition to secure upgrades to a public footpath to West View. This footpath would provide a more direct route on foot to town-centre facilities than walking via the road network. There is dispute between the parties as to whether a planning condition or planning obligation would be the most appropriate way to secure the upgrade.
39. Nevertheless, planning obligations and conditions should only be used where they are necessary to make the development acceptable in planning terms or where it would otherwise have been necessary to refuse planning permission. In this case, use of the footpath would make the walk to town centre facilities slightly shorter, but the route via the highway network is not significantly longer as a proportion of the whole journey. Although Framework Paragraph 108 indicates that appropriate opportunities to promote sustainable transport modes should be taken up, I therefore find that improvements to the footpath are not necessary to make the development acceptable or promote walking.
40. That said, the route would be a desire line representing the shortest available route and would be available in any case to those choosing to use it. Given the existing condition, it may not be suitable for all users, particularly those with reduced mobility. I have, therefore, given due regard to the Public Sector Equality Duty contained in the Equality Act 2010 that requires, amongst other things, decisions to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. However, given that the acceptability of the proposal is not reliant upon upgrading the route, I conclude that no inequality of opportunity would arise in connection with my decision.
41. Vehicles exiting the site would face towards the existing dwelling, Glenwood. After dark, headlights would shine towards the dwelling and could affect bedroom windows. However, Glenwood is raised up from Bradfords Lane, so vehicles approaching the junction would be at a lower level than the windows. As such, any disturbance would not be so great as to result in a significant harm to living conditions. I, therefore, attribute limited weight to this matter.
42. There is some concern amongst local residents about the amount of development that has occurred in Newent and the effect on local services and facilities. However, there is no substantive evidence that the planning

obligations that I discuss below would not adequately address any shortcomings in infrastructure.

43. Whilst noting local concerns about potential increases in flood risk, the Council is satisfied that the development would adequately deal with surface water drainage so as to avoid increasing flood risk elsewhere. I note that additional information provided to the Council during consideration of the application resulted in the Lead Local Flood Authority confirming that it had no objection. There is no substantive evidence to lead me away from that conclusion.

Planning obligations

44. A unilateral undertaking would provide a number of planning obligations. Those relating to the provision of affordable housing are required by planning policy and represent a benefit that would arise from the development. There are other obligations intended to secure maintenance of on-site features such as open space and surface water drainage facilities, or as mitigation for the effect of the development on infrastructure. These are neutral in the planning balance.
45. The Council has indicated that some of the contributions, including those relating to the Newent Initiative Trust, Scout hut and upgrades to the Watery Lane recreation ground, are not necessary to make the development acceptable in planning terms. I heard nothing at the Hearing to lead me away from that position.
46. With regard to this and my earlier reasons, I, therefore, conclude that the obligations defined as the Footpath Contribution, the Initiative Trust Contribution, the Open Space Contribution, and the Scout Hut Contribution, can be given no weight in determining the appeal. The other obligations are justified and proportionate to the development proposed.

Appropriate assessment

47. The site is close to the Wye Valley & Forest of Deane Bat Special Area of Conservation (the Bat SAC). Development of the site could result in loss of foraging habitat and connectivity for bats, loss of vegetated commuting/connectivity corridors via increased public activity, or external lighting from the development negatively affecting foraging and commuting behaviours. Therefore, Appropriate Assessment (AA) under the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations), is required. This I have undertaken on a proportionate basis.
48. The Council carried out an AA in respect of the development. It notes that there is a low level use of the site by horseshoe bats, mainly on the south-western site boundary. The Council's AA also concluded that the provision of a bat foraging buffer zone, Landscaping and Ecological Management Plans including during construction, and an external lighting strategy would be sufficient to avoid adverse effects on the integrity of the Bat SAC.
49. Natural England, as Statutory Nature Conservation Body under the Habitats Regulations has reviewed the Council's AA and proposed mitigation and advises that it concurs with the conclusions. There is no particular evidence to lead me away from these findings. Therefore, following AA, I also conclude that there would be no adverse effects on the integrity of the Bat SAC.

Planning balance

50. I have found that harm would arise in respect of the effect on the character and appearance of the area, location of the development outside the defined settlement boundary and effect on the setting of Mantley House Farm and its significance.
51. Framework Paragraph 196 indicates that the less than substantial harm to the heritage assets should be weighed against the public benefits of the proposal. In accordance with Framework Paragraph 193, I give great weight to the assets' conservation. Public benefits would arise in terms of the delivery of market and affordable housing. Given that there is less than 5 years supply of housing within the Forest of Dean District, I give these benefits very substantial weight. Whilst giving great weight to the harm to the significance of the heritage assets, given the low level of harm that would result and the substantial public benefit, I conclude that the public benefits would outweigh the harm.
52. Although there would be harm to the character and appearance of the area, this would be localised and limited. Therefore, whilst recognising the intrinsic character and beauty of the countryside and the benefits of the best and most versatile agricultural land as required by Framework Paragraph 170, I give only moderate weight to the harm and consequential conflict with CS Policy CSP.1 and AP Policy AP4 that would result.
53. CS Policy CSP.5 indicates that new greenfield sites will not be released unless it can be proven that land is not available from other sources and is needed to meet the plan's requirements. The shortfall in housing supply means that sufficient land is not available to meet the plan's requirements and, therefore, there is no particular conflict with Policy CSP.5.
54. The site's location outside the settlement boundary means that there is conflict with CS Policy CSP.4. However, given the shortfall in supply, close relationship of the site to the existing settlement and that Policy CSP.4 indicates that new development in the north forest will be centred around Newent, I find little harm would arise to the overall strategy set out in the development plan.
55. Other Inspectors have previously accepted that a 5 year housing land supply exists and found the development plan to be consistent with the Framework. However, under Framework Paragraph 11(d), the shortfall in housing land supply now indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. Policies that protect heritage assets are policies that protect assets of particular importance. However, I have already found that the public benefits of the proposal outweigh the harm to the significance of the heritage assets and, therefore, Framework Paragraph 196 does not provide a clear reason for refusing the development.
57. A key objective of the Framework is to boost significantly the supply of homes. In light of the weight that I have attached to the various identified harms, and

as the public benefits would outweigh the harm to heritage assets, I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal benefits from the presumption in favour of sustainable development, outlined at Framework Paragraph 11.

58. Conflict with the development plan, read as a whole, remains. However, I have ascribed only little to moderate weight to the conflict with the aims of its various policies. The benefits associated with the delivery of housing, compliance with the Framework and the presumption in favour of sustainable development are material considerations to which I attach very substantial weight.
59. While I understand that the site was not supported as an allocation by an Inspector in 2003, with other sites being preferred, I must determine this appeal on the basis of prevailing planning policy and material considerations now. I, therefore, conclude that material considerations indicate a decision otherwise than in accordance with the development plan.

Conditions

60. To ensure that adequate facilities are available for the traffic likely to be attracted to the site, full details of vehicle parking facilities and their subsequent maintenance are required, and the access and visibility splays and estate roads should be provided. To ensure no harm to the operation of the public highway a construction method statement should be prepared.
61. To ensure that there is no increase in off-site flood risk, conditions are necessary to secure details of surface and foul drainage proposals and their future maintenance. To promote non-car and low-carbon transport opportunities, details are required to secure electric vehicle charging points, cycle parking facilities, pedestrian links to the Ross Road bus stops and implementation of the submitted travel plan. To minimise waste, a waste minimisation statement should be submitted.
62. To ensure that ecological interests and biodiversity are safeguarded and enhanced, a Construction and Ecological Management Plan, Landscape and Ecological Management Plan, and biodiversity enhancement scheme must be secured. As the schemes would be assessed in accordance with current guidelines, a separate condition requiring adherence to the Council's methods of working for reptiles is not necessary. Although covered by the reserved matters, a specific condition requiring a buffer zone where peak bat foraging activity occurs is necessary to give certainty as I have relied upon it in conducting my appropriate assessment. For the same reason, a condition requiring a lighting design to safeguard bat activity is required.
63. To ensure that any archaeological interests are properly recorded and investigated, a condition is necessary to secure a programme of archaeological works. To minimise risks from contamination to future users of the land, a condition is necessary requiring investigation and remediation of any unexpected contamination found at the site.
64. The Council has recommended a condition that full details of levels are provided with a reserved matters application, but this detail relates to the

reserved matters and a condition on the outline planning permission is not necessary. Similarly, details of tree protection and site landscaping relate to the reserved matters. The provision of fire hydrants is covered by other legislation. I have made some revisions to the Council's suggested conditions in the interests of clarity and consistency and to ensure compliance with the Framework and Planning Practice Guidance.

Conclusion

65. For the reasons given, I conclude that the appeal should be allowed.

M Bale

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Christien Lee MRTPI – Planning Manager
Jason M Tait BA (Hons) Dip.TP MRTPI – Director, Planning Prospects
Chris Dodds BA (Hons) MA MRTPI – Associate Director, Planning Prospects
Jason Clemons BA (Hons) MA MSc MRTPI IHBC – Director, Head of Heritage &
Townscape, Savills
Nicola Baines – Solicitor

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Colegate BA (Hons) MPlan MRTPI – Principal Planning Officer
Nigel Gibbons BSc MRTPI – Forward Plan Manager
David Haigh BA MA AA Grad. Dip.Cons. FSA Scot. IHBC – Conservation Advisor
Stephen Hawley BSc (hons) IEng MCIHT FIHE MTPS Cert(mgmt)open
– Highway Development Management Team Leader
Alastair Chapman – Sustainability Representative

INTERESTED PERSONS:

Margaret Highton
Peter Tufnell Dip.TP MRTPI

Schedule

- 1) 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.
- 2) 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.
- 3) 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.
- 4) The details submitted under Condition (1) shall include full surface and foul water drainage proposals, including connection to any existing facility. Thereafter the approved drainage details shall be fully implemented before the dwelling it serves is occupied and shall thereafter be maintained as such.
- 5) Prior to the occupation of any dwellings hereby permitted, a SUDS management and maintenance plan for the lifetime of the development, including the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall fully detail the access that is required to reach surface water management components for maintenance purposes. It shall also include details for safe and sustainable removal and disposal of waste periodically arising from the system, detailing the materials to be used and standard of work required including method statement. The approved SUDS management and maintenance plan shall be implemented in full in accordance with the agreed details.
- 6) The details submitted under Condition (1) shall provide a minimum of one electric vehicle rapid recharge point per dwelling and one electric vehicle charge point for every 3 visitor parking spaces within the site. The approved details shall be implemented prior to the occupation of the dwellings to which they relate and shall be thereafter be maintained as such.
- 7) The details submitted under Condition (1) shall include provision of secure and covered cycle storage facilities for a minimum of 1no. bicycle per dwelling. The approved details shall be fully implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such.
- 8) The details to be submitted under Condition (1) shall include vehicular parking and turning facilities within the site. The approved details shall be fully implemented prior to the occupation of the dwelling to which they relate and shall thereafter be maintained as such and available for those purposes.
- 9) Notwithstanding the approved plans, the details to be submitted under Condition (1) shall include details of pedestrian links to the Ross Road bus stop. The approved details shall be fully implemented prior to the occupation of the first dwelling at the site and shall thereafter be maintained as such.
- 10) No works shall commence on site until the proposed vehicular access off Bradfords Lane has been provided in accordance with plan no 523.0001.003 Rev D, with the first 20m of the access road surfaced in a bound material and the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the

access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 32.4m to the right and 29.8m to the left of the access (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility above 1 metre in height.

- 11) The Travel Plan, PB Associates Document No. 523.0001/TP/4 shall be fully implemented as set out therein.
- 12) No dwelling on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.
- 13) The details submitted under Condition (1) shall include a Waste Minimisation Statement. It shall include:
 - i. Details of the types and volumes of construction and demolition waste likely to be generated including measures to minimise, re-use and recycle that waste and minimise the use of raw materials.
 - ii. All construction and demolition waste to be re-used on site unless it can be demonstrated that this is not the most sustainable option.
 - iii. Where waste is generated that cannot be re-used/recycled either on or off site, proposed measures for the disposal of this waste in an environmentally acceptable manner.
 - iv. Provision within the residential development of 'on-site' storage receptacles for recycling a range of materials such as may be required by the development.
 - v. Suitable accessing arrangements for recycle/waste collection vehicles.The provisions shall be implemented in accordance with the agreed Waste Minimisation Statement and thereafter maintained as such.
- 14) 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:
 - i. Specify the type and number of vehicles;
 - ii. Provide for the parking of vehicles of site operatives and visitors;
 - iii. Provide for the loading and unloading of plant and materials;
 - iv. Provide for the storage of plant and materials used in constructing the development;
 - v. Provide for wheel washing facilities;
 - vi. Specify the intended hours of construction operations;
 - vii. Specify measures to control the emission of dust and dirt during construction.The approved details shall be fully implemented throughout the construction period of the development.
- 15) No works shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has

been submitted to and approved in writing by the Local Planning Authority. The CEcMP shall include, but not be limited to the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of "biodiversity protection zones";
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The locations and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour after sunset);
- v. The times during construction when an ecological or environmental specialist needs to be present on site to oversee works;
- vi. Responsible persons and lines of communication;
- vii. The role and responsibilities on site of an ecological clerk of works or similar person;
- viii. The use of protective fences, exclusion barriers and warning signs;
- ix. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEcMP shall be strictly adhered to and implemented throughout the construction period.

- 16) Notwithstanding the approved details, prior to above ground works a Landscape and Ecological Management Plan (LEcMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEcMP shall include the following:

- i. Description and evaluation of features to be managed;
- ii. Ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management including those in relation to dormice and bats;
- iv. Appropriate management options for achieving aims and objectives including appropriate enhancement measures;
- v. Prescriptions for management actions;
- vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- vii. Details of the body or organization responsible for implementation of the plan;
- viii. Legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer;
- ix. Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEcMP are not being met) how contingencies and/or remedial action will be identified, agreed and

implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan shall be implemented and thereafter maintained in accordance with the approved details.

- 17) Notwithstanding the submitted details, prior to above ground works, a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and be agreed in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the following details:
 - i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
 - ii. Materials and construction to ensure long lifespan of the feature/measure;
 - iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken;
 - iv. When the features or measures will be installed within the construction, occupation, or use phases of the development permitted;
 - v. Timeframe for delivery.Thereafter the approved details shall be fully implemented, retained and maintained for their purpose in accordance with the approved scheme and timings therein.
- 18) A 10 metre buffer, where no development shall take place and lighting must be below 0.5 lux, shall be maintained along the south-western boundary, where peak bat foraging activity occurs (Figure F3 of the Ecological Impact Assessment, report CSA/3202/05c, dated 08/2017, prepared by CSA Environmental), in addition to the illustrated open space and new tree planting along the north-western boundary.
- 19) No development shall take place within the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented as specified.
- 20) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- 21) Prior to above ground works taking place, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites. The details shall include, but not be limited to, the following details:

- i. A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- ii. Description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- iii. A description of the luminosity of lights and their light colour;
- iv. A drawing(s) showing the location and where appropriate the elevation of the light fixings;
- v. Methods to control lighting control (e.g timer operation, passive infrared sensor (PIR));
- vi. Timeframe for delivery.

Thereafter all external lighting shall be installed in accordance with the specifications and locations set out in the approved details and shall be maintained in accordance with these details. Under no circumstances shall any other external lighting be installed without written prior approval of the Local Planning Authority.

Richborough Estates