



Appeal Decision

Site visit made on 6 May 2021

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2021

Appeal Ref: APP/Z3825/W/20/3262938

Land at Wellcross Farm, Broadbridge Heath

- 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 Legal & General Senior Living Ltd against the decision of Horsham District Council.
 - The application Ref DC/19/1897, dated 12 September 2019, was refused by notice dated 7 August 2020.
 - The development proposed is an outline application for the erection of a continuing care retirement community of 146 units of accommodation (C2 Use) and community facilities including restaurant, café, shop, hairdressers, spa and consultation / treatment suite for use by GP's and primary healthcare providers, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access).
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of a continuing care retirement community of 141 units of accommodation (C2 Use) and community facilities including restaurant, café, shop, hairdressers, spa and consultation / treatment suite for use by GP's and primary healthcare providers, with access, infrastructure, open space, landscaping and associated works (all matters reserved except for access) at Land at Wellcross Farm, Broadbridge Heath in accordance with the terms of application reference DC/19/1897, dated 12 September 2019, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matters

2. The original description of the development as stated on the application form and subsequently quoted in the above banner has been subject to an agreed change by the main parties, during the planning application process. This reduced the number of units. As a result, the proposal entails 141 units of accommodation, with the remaining parts of the description unchanged. Accordingly, I have applied the revised number of units to my decision.
3. Access is the only detailed matter applied for. All other details are reserved for subsequent approval. Therefore, outside of access provision I have taken all other submitted details to be indicative only. That said, the main parties refer to wider technical plans/information for the purpose of setting out relevant parameters to inform the reserved matters for subsequent approval, owing to the sensitivity of the site. I have considered the information before me in that context.

4. Additional information for access and road safety audit matters also forms part of the appellant's bundle. Because highway safety is not a reason for refusal in the Council's decision notice and given the potential for conditions and the application of separate highways consent, I have taken that into account in reaching my decision. In doing so I am satisfied there is no material disadvantage to parties.

Main Issue

5. The effect of the development on the character and appearance of the open countryside.

Reasons

6. The appeal site is predominantly an undeveloped area of open fields. Along with neighbouring land it comprises of attractive open greenery at the settlement edge of Broadbridge Heath. The open character of the site is an important visual component of the settlements setting. The River Arun cuts across the site not far from the built-up settlement edge as a further noticeable characteristic. The openness of the land also has a distinctive visual connection with the open countryside further to the south.
7. In terms of local planning policy provision, Policy 18 of the Horsham District Planning Framework, November 2015 (HDPF) supports proposals for retirement housing and specialist care accommodation subject to it being within an appropriate location, normally within built up areas with good levels of accessibility.
8. Policies 25 and 26 of the HDPF also in dispute do not prevent all development in the countryside, but they do require that inappropriate development be avoided. This is generally consistent with the wording of 170 (b) of the National Planning Policy Framework (the Framework) which sets out the need to recognise the intrinsic character and beauty of the countryside when considering new development.
9. I recognise that the high degree of intervening landscape openness relative to the river corridor at the settlement edge generates an attractive rural environment. There is existing development to the south of the site, but relative to the overall landscape, existing buildings are largely infrequent and sporadic. Given the total number of units involved there would be substantial intrusion into the rural landscape where greenery presently dominates. Accordingly, factoring the size of the scheme it would result in significant urbanisation of the land comparative to the current levels of openness evident outside of the settlement edge.
10. However, wider public vantages of the appeal site to a large extent would be restricted by intervening landscape features and existing buildings. Although there would be encroachment into the countryside, there would also be a great deal of latitude within the overall site boundary for substantial amounts of landscaping provision to be agreed. This would include separation from the River Arun, and adequate scope to prevent the perception of visual parcellation of the landscape.
11. Therefore, considering existing landscape features there is no convincing basis to conclude that the appeal scheme would not be able to sensitively address existing rural surroundings, should suitable details be agreed at reserved

matters stages. Whilst there would undoubtedly be urbanisation arising from the size and permanence of the scheme, significant areas of landscaping and greenery could still be accommodated relative to the river corridor and other areas of visual sensitivity around the periphery of the overall appeal site.

12. In that context, I find that there would be visual harm arising from urbanisation of the land. The effect would conflict with Policies 18, 25 and 26 of the HDPF. There would also be conflict with the elements of the Framework which entail protecting the intrinsic beauty of the countryside from harm.

Other considerations

13. The appeal scheme would provide important niche market retirement/care accommodation as well as affordable housing provision within the district. There would be significant benefits arising from the provision of specialist housing for the local population which also has support in the development plan. The homes would cater for older residents enabling them to continue to live locally, which could free up existing family size homes within the district. This in turn has the potential to alleviate the pressure elsewhere within rural locations to deliver general housing. There would also be benefits for elderly people currently living in unsuitable accommodation achieved through increased housing choice within the district.
14. Thus, I give the benefits arising from specialist housing provision together with the proposed affordable on-site provision substantial weight in my decision. Further benefits also arise from landscape and ecological enhancements which would be able to be provided, based on the evidence submitted.
15. Outside of the main issue of the case I have carefully considered the range of objections to several other issues suggested as weighing against the scheme. With respect to site accessibility matters, Broadbridge Heath is a Tier 2 Settlement (Small Towns and Larger Villages) as set out within Policy 3 of the HDPF. The settlement is recognised as containing a range of services accommodating resident's needs. The contributions proposed to upgrade nearby bus stops and Public Rights of Way will improve linkages to the settlement and beyond.
16. I note that neither the northern crossing point close to the Newbridge Roundabout or to the north of the site access were deemed as essential to make the development acceptable in the views of the Highway Authority. I have no substantive evidence to disagree with that advice. I also acknowledge that the development is to provide an on-demand shuttle bus service. This also relates to the type of accommodation to be provided and the degree of accessibility to public transport expected.
17. Whilst there would be some limited improvements to existing pedestrian connectivity there is no convincing evidence that highway safety detriment would arise. Although a pedestrian bridge over the river has scope to further improve wider connectivity, I do not find it is not an essential requirement. Moreover, access to public bus stops and the proposed shuttle bus service planned would allow an appropriate level of transportation mode choice for residents if they needed access to services outside of those planned within the development.

18. I accept that widening existing pavements on Five Oaks Road for pedestrian movements has the potential to result in some additional ecological impacts. This would arise from cutting back existing vegetation close to the highway verge. However, the amount of vegetation involved would be modest and I am satisfied that suitably worded planning conditions would be able to successfully manage that issue in line with safeguarding wildlife interests.
19. I note that an Appropriate Assessment (AA) was completed by the Council as the site is within the wider conservation area identified as a habitat for bats in the Sussex Bat Special Area of Conservation (SAC) Protocol and is close to other nearby SACs (namely the Mens SAC and Ebernoe Common SAC). On the advice of Natural England (NE), the Council's recommendation was informed by a static bat survey carried out in May 2020, on the site. NE have considered the AA undertaken by the Council, and the measures proposed to mitigate for any adverse effects. The advice of NE was that it concurred with the findings and raised no objection during the determination period of the planning application.
20. I have considered the range of avoidance and mitigation measures proposed. Alongside those there is no substantive evidence that there would be an adverse effect on the integrity of the habitats listed, either alone or in combination with other projects. As a result, I agree there is no conflict with regulation 63 of the Conservation of Habitats and Species Regulations 2017. I note that given only one bat survey has been undertaken during spring that seasonal change is possible. Nonetheless, considering the site is largely open fields and because tree loss is avoided there are reasonable assurances that if protected species were encountered relevant licences could be obtained. Moreover, there is no strong evidence that birds or reptiles would be negatively impacted upon, alongside scope for conditions to protect flora and fauna.
21. In addition, there are several issues raised in relation to the proximity of Slinfold aerodrome concerning: noise from aircraft; potential increases in the bird population from tree planting associated to the scheme; that no independent body has been consulted on safety. I have considered all of those points. Whilst there would be noise at selected periods it would not be long lasting. I am unconvinced flights would be of a frequency which would make the proposed residential use incompatible with its surroundings bearing in mind mitigation measures can also be provided within the buildings of the scheme.
22. I accept there may be an uplift in bird biodiversity associated to the appeal development. However, existing wildlife corridors close to the river are an existing part of the natural environment. In such surroundings bird biodiversity could increase irrespective of the development. Beyond that point there is also flexibility to calibrate future landscaping so that it minimises any conflict with flight paths. There is also impetus on operators of the aerodrome to ensure its activities are safely undertaken. Considering all those elements I do not find that the proximity of the aerodrome relative to the appeal site is a strong basis to reject the development.
23. Localised flooding problems from the river adjacent to the site are reported, especially at times of high rain fall and as a result there should be a defensible area to prevent such problems affecting built up areas. Nevertheless, there is adequate scope within the boundary of the site for mitigation to ensure flood risks can be managed to an appropriate level.

24. The development would generate increased levels of traffic and noise. This is relevant to patient care interests at Kerwin Court Rehabilitation Centre as well as other nearby residents. Whilst there would be some uplift in traffic and noise levels from what is presently experienced the advice of the Council's technical consultees do not support that those changes would harm surrounding living conditions. I give significant weight to those conclusions. Subject to appropriately worded planning conditions I do not find the resultant level of change would be harmful. Furthermore, there is no evidence that odour arising from the development could not be suitably controlled.
25. I appreciate that the proximity of the nearest hospital is some distance way at Redhill. Although closer proximity to a hospital would be an advantage, I do not find it a strong reason for not accommodating the scheme in this location. This is largely because there would remain a great deal of scope to support residential care needs by future operators, as well as the choice available to potential residents based on their own individual needs.
26. An alternative residential scheme at Lyons Farm (planning application DC/19/1723) is referenced in the evidence alongside suggested inconsistencies in local decision making. There may be some similar arguments as to why the alternative scheme could be beneficial, but it is not the scheme before me. As a result, I give little weight to any comparison exercise. Moreover, in a decision-making context the Framework sets out that prematurity arguments linked to new plan development seldom are justified. I do not consider there is a convincing justification with respect to this appeal case to take a different approach.
27. I am cognisant that Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires me to have special regard to the desirability of preserving the setting of listed buildings in the vicinity. I am satisfied that the separation distances involved as well as intervening landscape features would mean that there is no harm to the setting of a listed building.

Planning Obligation

28. A planning obligation by way of Unilateral Undertaking (UU) has been submitted by the appellant dealing with affordable housing, residential services/ facilities, highway and rights of way infrastructure improvements and ecological enhancements. The Council have indicated agreement with its content.
29. I am satisfied the terms of the UU are in accordance with the relevant legal tests stated within the Framework and associated Planning Practice Guidance. I accept that the provisions within it are able to extinguish the Council's second reason for refusal given within the Decision Notice in relation to an unmet legal agreement and subsequent conflict with Policies 18, 25, 31, 39 and 40 of the HDPF.

Planning Balance

30. Section 38 (6) of the Planning and Compulsory Purchase Act, 2004 requires that in making any determination under the Planning Acts, Local Authorities shall make the determination in accordance with the policies of the Development Plan unless material considerations indicate otherwise.

31. I have found there would be conflict with the Council's development plan by virtue of intrusion into the countryside which would lead to greater levels of urbanisation. However, the level of harm arising from the degree of urbanisation that the scheme involves is offset by several other factors which could inform the design of the scheme at reserve matters stages.
32. I note that accessibility is more limited relative to other urban and village locations the development plan directs residential schemes towards, having regard to Policy 18 and other parts of the HDPF. Nonetheless, accessibility would be improved by pedestrian footpath/bus stop improvements and the onsite bus service to be provided. Planned onsite facilities would also reduce the need to travel. In tandem with those points, there are several important benefits arising from the scheme in terms of niche residential accommodation for elderly members of the district alongside affordable housing provision, where there is an identified need. There is no evidence before me that the scheme could be successfully accommodated within the existing built up areas.
33. Bringing all relevant points together, I find that the benefits of the scheme outweigh the conflict with the development plan and the visual harm that would arise from intrusion into the open countryside. There is adequate scope to ensure the development is not positioned too close to the defensible barrier of the River Arun and that flood risks can be appropriately managed.

Conditions

34. I have considered the suggested conditions put forward by the Council should the appeal be allowed. Subject to minor modification standard conditions relating to the approved plans, time limit and the reserved matters requiring consent are necessary to properly define the development benefiting from consent in accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended).
35. Conditions setting out phasing and a range perimeter information contained within the planning application documentation for landscaping; wetlands; massing and access provision are necessary given ecological sensitivity to the development and having regard to protected species.
36. Conditions for securing ecological/biodiversity mitigation and enhancement implementation are required for defined phases to ensure wildlife is protected and sufficient enhancement takes place. The prior approval and implementation of a Construction Environmental Management Plan is required to ensure ecological impacts of the scheme are properly managed throughout all phases.
37. Approval of lighting design for each phase is required to protect natural habitats of protected species and other wildlife. Conditions requiring reptile and separate dormouse mitigation strategy approval and implementation are necessary in the interests of species protection.
38. Conditions seeking biodiversity mitigation and enhancement measures for each phase are needed to ensure wildlife is properly protected. I am satisfied that a condition ensuring vegetation removal being subject to adequate licensing enquiries is necessary and complementary to other regimes outside of the planning system. Conditions requiring tree protection is implemented throughout construction and agreed tree removal/constraints are also

necessary to protect visually significant trees and to further safeguard wildlife interests.

39. Conditions for noise mitigation/ construction management plan approval and implementation are necessary to protect living conditions. The prior approval and implementation of Archaeological investigations along with an appropriate reporting mechanism are necessary given the potential for archaeological finds on the site.
40. Conditions requiring suitable drainage strategy implementation for both foul and surface water, along with finished levels are appropriate to ensure the development is properly drained and flood risk is managed.
41. Standard conditions suggested relating to land contamination; travel plan implementation; a suite of conditions for highway safety issues: access, parking, cycle parking, and high speed broad band provision are also necessary in the interests of ensuring public safety and contamination risks are properly dealt with; highway safety and sustainable travel measures are applied, and to ensure the site is adequately serviced.

Conclusion

42. Overall, the benefits of the scheme would outweigh the harm arising to the character of the countryside in this location subject to appropriately worded planning conditions.
43. For the reasons given above the appeal succeeds.

M Shrigley

INSPECTOR

Schedule of conditions

1. The approved plans to which this outline planning permission relates are:
Site Location Plan 2738_001 Rev C / Main and Construction Access 13808 H-02 Rev P2/ Emergency Access 13808 H-05 Rev P1.
2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last reserved matters as defined in condition 3 whichever is the later.
3. The permission hereby granted is for outline consent and subject to the following:
 - (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, and the landscaping for each phase of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development within that phase is commenced;
 - (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, and the landscaping for each phase of the

development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;

(c) Applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission;

(d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. Prior to or in conjunction with, the submission of the first reserved matters application, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved Phasing Plan.
5. The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate substantial compliance with the following parameter plans to fix the development principles, unless otherwise agreed to and approved in writing by the Local Planning Authority:- 04 REV E – Landscape Strategy received 20 January 2020; SK005 S2 REV P1 – Wetland Scrape Levels date received 16 January 2020; 2738-006 REV E Proposed Site Plan date received 20 December 2019; 2738-009 REV A Massing Strategy date received 20 December 2019; 2738_002 REV E Parameters Plan date received 20 December 2019 2738_001 REV C Location Plan date received 16 September 2019; H-02 REV P2 Main and Construction Access date received 16 September 2019; H-05 REV P1 Emergency Access date received 16 September 2019.
6. The submission of reserved matters applications pursuant to the outline application hereby approved shall demonstrate that all ecological and biodiversity mitigation and enhancement measures and/or works required for each Phase shall be carried out in accordance with the details contained in the Ecological Impact Assessment (EcIA) by BWB dated August 2019 and the Ecological Addendum (BWB, January 2020), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
7. The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a Noise Mitigation scheme against external noise. The scheme shall have regard to the recommendations set out in the Peter Moore Assessment of aircraft noise Repot reference 191001/2 dated 27 May 2020. The approved sound attenuation works shall be completed before the dwellings are occupied and be retained thereafter.
8. The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following: a) Description and evaluation of features to be created and

managed (i.e. bats, dormouse and badger); b) Ecological trends and constraints on site that might influence management (i.e. bats, dormouse and badger); c) Aims and objectives of management; d) Appropriate management options for achieving aims and objectives; e) Prescriptions for management actions; f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); g) Details of the body or organisation responsible for implementation of the plan; h) Ongoing monitoring and remedial measures. Where the reserved matters relate to a phase of the development hereby permitted, the LEMP may relate to that individual phase. The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objective of the LEMP(s) 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 LEMP(s) shall also detail the long-term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility for all communal landscape areas. The landscape areas shall thereafter be managed and maintained in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

9. The reserved matters applications pursuant to the outline planning application hereby permitted shall be accompanied by a lighting design scheme for each phase. The schemes shall identify those biodiversity features on site that are particularly sensitive for nocturnal species (in particular bats, dormice and badgers) and that are likely to cause disturbance along important routes used for roosting, shelter, foraging and / or commuting; and show how and where external lighting will be installed (through the provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species using their territory both during construction and operation. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
10. The following approved works within each phase to clear vegetation on site shall not in any circumstances commence unless the local planning authority has been provided with either of the following in relation to that phase: a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 authorising the specified activity/development to go ahead; or b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
11. No development within a phase shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles in that part of the site, has been submitted to and approved in writing by the local

planning authority, to be guided by appropriate surveys and good practice guidance. The Reptile Mitigation Strategy shall include the following: a) Results of presence / absence reptile surveys; b) Purpose and conservation objectives for the proposed works; c) Review of site potential and constraints; d) Detailed design(s) and/or working method(s) to achieve stated objectives; e) Extent and location/area of proposed works on appropriate scale maps and plans; f) Type and source of materials to be used where appropriate, e.g. native species of local provenance; g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; h) Persons responsible for implementing the works; i) Details of initial aftercare and long-term maintenance of the Receptor area(s); j) Details for monitoring and remedial measures; k) Details for disposal of any wastes arising from works. The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

12. Prior to commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) may relate to the development hereby permitted as a whole, or specific phases. The CEMP (Biodiversity) shall include the following: a) Risk assessment of potentially damaging construction activities; b) Identification of "biodiversity protection zones"; c) 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); d) The location and timing of sensitive works to avoid harm to biodiversity features; e) The times during construction when specialist ecologists need to be present on site to oversee works; f) Responsible persons and lines of communication; g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP(s) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
13. No development or preliminary groundworks shall commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work and before any reserved matters are agreed. No development or preliminary groundworks shall commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Local Planning Authority). This will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

14. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed to and approved in writing by the Local Planning Authority. The CMP shall provide details as appropriate but not necessarily be restricted to the following matters: • the anticipated number, frequency and types of vehicles used during construction, • the method of access and routing of vehicles during construction • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials and waste, • the storage of plant and materials used in construction of the development, • the erection and maintenance of security hoarding, • the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, if required), • hours of works, • A site compound plan, • details of public engagement both prior to and during construction works, • Noise and dust mitigation, including vibration from any groundworks.
15. No development shall commence within each phase until a drainage strategy detailing the proposed means of foul water disposal to serve that phase has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
16. Notwithstanding details previously submitted, no development within a phase shall commence until a detailed surface water drainage scheme for that phase including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme (to be submitted with reserved matters applications) and shall be designed to prevent the discharge of water onto the public highway. The surface water drainage scheme for each phase shall subsequently be implemented prior to first occupation of that phase in accordance with the approved details and thereafter retained as such.
17. No phase of the development shall commence until precise details of the existing and proposed external ground levels and finished floor levels of the development within that phase in relation to adjacent datum points on land adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details, unless otherwise agreed to and approved in writing by the Local Planning Authority.
18. No phase of the development shall commence until a Biodiversity Mitigation and Enhancement Layout for that phase, providing the finalised details and locations of the mitigation and enhancement measures contained within the Ecological Impact Assessment (EcIA) by BWB dated August 2019 and the Ecological Addendum (BWB, January 2020), shall be submitted to and approved in writing by the local planning authority. The enhancement measures for each phase shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

19. Prior to the commencement of development (of each phase of the development hereby permitted) the following components of a scheme to deal with the risks associated with contamination, including asbestos contamination, of the site shall each be submitted to and approved, in writing, by the local planning authority: a) A preliminary risk assessment for each phase which has identified: • all previous uses • potential contaminants associated with those uses • a conceptual model of the site indicating sources, pathways and receptors • potentially unacceptable risks arising from contamination at the site; b) A site investigation scheme for each phase, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken within each phase. The development shall be completed in accordance with the approved details, unless otherwise agreed to, and approved in writing, by the Local Planning Authority.
20. Prior to the first occupation (or use) of each phase of the development hereby permitted, a verification report demonstrating that the SuDS drainage system for that phase has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.
21. Prior to the first occupation (or use) of any part of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall thereafter be implemented in full as specified. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
22. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled MAIN AND CONSTRUCTION ACCESS -A264 FIVE OAKS ROAD and numbered H-02 rev P2. The works shall be undertaken in strict accordance with the approved details, and shall thereafter be maintained as such, unless otherwise agreed to and approved in writing by the Local Planning Authority.
23. No part of the development shall be first occupied until the access restrictions to the existing Wellcross Cottage/A264 access has been provided on site in accordance with the approved plans and details submitted and approved to the Local Planning Authority before provision. Thereafter, the access once provided shall not be used by residents, staff or visitors of the development, including deliveries, other than for emergency access.
24. No dwelling shall be first occupied until the car parking serving the accommodation/facilities of the relevant phase of the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

25. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the accommodation/facilities of the relevant phase of the development have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the spaces shall thereafter be retained, at all times, for their designated purpose.
26. Prior to the first occupation of each dwelling, the necessary infrastructure to enable connection to high-speed broadband internet (defined as having speeds greater than 24 megabits per second) shall be provided.
27. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
28. All works shall be executed in full accordance with drawings:- • 1164-KC-XX-YTREE-TreeSurvey-REV E date received 16 September 2019 • 1164-KC-XX-YTREE-TR01 REV C Tree Removal Plan date received 20 December 2019 • 1164-KC-XX-YTREE-TCP01 REV E Tree Constraints Plan date received 16 September 2019.
29. No development within a phase shall take place until a Dormouse Mitigation Strategy addressing the safeguarding of dispersing dormice has been submitted to and approved in writing by the local planning authority, to be guided by good practice guidance. The Dormouse Mitigation Strategy shall include the following:-
 - a) Purpose and conservation objectives for the proposed works.
 - b) Risk assessment of potentially damaging activities to dispersing dormice.
 - c) Timing of vegetation clearance to avoid critical periods of breeding and hibernation.
 - d) Precautionary measures of vegetation clearance including scale maps indicating where such methods are required.
 - e) Location and species mix of replacement vegetation to ensure no net loss of suitable dormice habitat.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for providing ecological supervision and elements of work which require supervision.
 - h) Details of initial aftercare and long-term maintenance of retained/replaced habitat.
 - i) Details of pre-commencement toolbox talk to be given to all site workers.

The Dormice Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Richborough Estates