



Appeal Decision

Inquiry held on 9 August 2022

Site visit made on 10 August 2022

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2022

Appeal Ref: APP/G1630/W/22/3295270

Land off Brook Lane, Twigworth

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Robert Hitchins Limited against Tewkesbury Borough Council.
 - The application Ref 21/00976/OUT, is dated 16 July 2021.
 - The development proposed is for residential development (up to 160 dwellings), associated works, including demolition, infrastructure, open space and landscaping with vehicular access from the A38.
-

Decision

1. The appeal is allowed, and planning permission is granted for residential development (up to 160 dwellings), associated works, including demolition, infrastructure, open space and landscaping with vehicular access from the A38 at Land off Brook Lane, Twigworth, in accordance with the terms of the application 21/00976/OUT, dated 16 July 2021, subject to the conditions set out in the attached schedule.

Applications for Costs

2. At the Inquiry an application for costs was made by Robert Hitchins Limited against Tewkesbury Borough Council. This application is the subject of a separate Decision.
3. At the Inquiry an application for costs was made by Tewkesbury Borough Council against Robert Hitchins Limited. This application is the subject of a separate Decision.
4. At the Inquiry an application for costs was made by Gloucestershire County Council against Robert Hitchins Limited. This application is the subject of a separate Decision.

Preliminary Matters

5. The appeal is for outline planning permission with all matters reserved. A Parameters Plan Ref P20-1011_07 04 Rev F has been submitted providing details of an access corridor, surface water sewer flexibility zone, locations for the proposed residential development and green infrastructure, and pedestrian and cycle access points. An Illustrative Masterplan Ref P20-1011_07 05 Rev B has also been submitted, which I have taken account of as appropriate in my Decision whilst allowing for its illustrative nature.

6. A number of additional documents and submissions were made in the lead-up to, and at, the Inquiry. These are listed at Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the additional documents.
7. The Council took the planning application to their planning committee on 19 April 2022, which resolved that, had the Council been in a position to determine the proposal, the application would have been refused on three grounds, relating to failure to provide financial contributions in mitigation of the proposal on local infrastructure, failure to provide adequate education facilities, and failure to provide a mixed and balanced community to meet the needs of the local area.
8. The financial contributions in relation to education, libraries and highways matters relate to Gloucestershire County Council (GCC), who were a Rule 6 Party at the Inquiry.
9. Since the planning committee, the appellant, the Council and GCC entered into further discussions. In particular, several legal agreements have been signed, as follows:
 - a Unilateral Undertaking securing the provision of 35% of the proposed dwellings as affordable housing, dated 9 August 2022 (the AH UU);
 - a Unilateral Undertaking securing contributions towards education, libraries and highways, including a Travel Plan, dated 9 August 2022 (the ELH UU);
 - a Unilateral Undertaking securing the provision of a play area, public open space, their management and maintenance, and a contribution towards the provision of refuse and recycling bins, dated 9 August 2022 (the POS UU); and,
 - a planning agreement securing contributions towards primary school transport, dated 9 August 2022 (the s106).
10. The Council's CIL Compliance Statement sets out the detailed background and justification for each of the obligations. I agree with the conclusions of the statement and am satisfied that the provisions of the submitted documents would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests at paragraph 57 of the National Planning Policy Framework.
11. The Development Plan for the area includes the Tewksbury Borough Plan 2011-2031, adopted June 2022 (the BP), the Gloucester, Cheltenham and Tewksbury Joint Core Strategy 2011-2031, adopted December 2017 (the JCS), and The Parishes of Down Hatherley, Norton and Twigworth Neighbourhood Development Plan 2011-2031, made May 2019 (the NP).
12. Both the Council and GCC have confirmed, through Statements of Common Ground, that all of their objections to the proposal have now been resolved by the legal agreements. The ELH UU and POS UU provide payments to mitigate the effect of the proposal on local infrastructure, the s106 secures the required contribution towards education facilities, and the AH UU secures the necessary affordable housing, all of which together would create a mixed and balanced

community. There are therefore no contested issues between the main parties, and no main issues for this appeal. It is common ground, and I agree, that the proposal accords with the Development Plan policies most important for the appeal, including Policies SP1, SP2, SD10, SD11, SD12, INF1, INF2, INF6, INF7, SA1, A1 and REV1 of the JCS, Policies RES5, RES12, RES13, DES1, NAT1, NAT2, NAT3, NAT5, ENV2, HEA1, RCN1, RCN2, RCN3, COM2, TRAC1 and TRAC9 of the LP, and Policy FP1 of the NP.

Other Matters

13. Although there are no main issues, several neighbours and interested parties have maintained objections to the proposal. I deal with these below.

Highways

14. Concerns have been raised regarding access to the appeal site from Brook Lane. Brook Lane is a privately owned, narrow road in very poor condition and would be unsuitable as an access road, both during construction and on occupation. However, on completion, access to the development would be from the A38 via a link road, not via Brook Lane. During construction, a haul road or similar would be used, also not using Brook Lane. This could be controlled by conditions. The proposed access route would involve crossing over Brook Lane and concern has been raised that there is no guarantee that the relevant access rights would be provided by the private owners of the lane. However, no substantiated evidence is before me that agreement would not be forthcoming. Whilst this may have implications for implementation were the appeal to succeed, I have made my decision only on the planning merits of the case.
15. Concerns have been raised regarding safety along the A38. However, no substantiated evidence has been provided that the road is particularly unsafe in this location, for vehicles, pedestrians, or cyclists. I am particularly conscious in this regard that the Highway Authority does not object to the proposal on this, or any other, grounds. The proposal therefore complies with Policy TRAC1 (pedestrian accessibility) of the LP and Policy INF1 (transport) of the JCS.

Flooding and drainage

16. Evidence has been provided of fluvial flooding and poor drainage on and around the appeal site. However, the appeal site is in Flood Zone 1 Low Risk, as shown on mapping by the Environment Agency. Importantly, the appellant has also undertaken, a detailed site-specific assessment of these issues in a Flood Risk Assessment, dated April 2021. It is also relevant that the appeal site is several metres above the level of the brook.
17. There are localised areas where surface water flooding would need to be controlled and mitigated. The appellant has set out a proposal to do so on-site, which would likely improve upon the current situation. The full details of this would follow at reserved matters stage(s) or by the discharge of relevant conditions. The appellant has explained that the drainage on the neighbouring site, Yew Tree Farm, goes to the A38, whereas the appeal scheme would drain to the brook. I am also conscious that the Lead Local Flood Authority, Severn Trent, and the Environment Agency raise no objection to the appeal proposals, subject to appropriate conditions. The proposal therefore complies with Policy INF2 (flood risk management) of the JCS, Policy ENV2 (flood risk) of the LP and Policy FP1 (water and sewerage) of the NP.

Other

18. Existing problems with foul water drainage in the area have been highlighted. Full details of how this would be managed are not yet available and would follow at the detailed design stage. Seven Trent Water has reviewed the proposal and suggested a condition in this regard. Foul sewage is not normally an issue for the planning system. However, in this case, because the proposed drainage strategy would likely partly involve the foul sewage system, a condition would be necessary. Subject to this, the proposal would not have an unacceptable effect on foul water drainage.
19. The proposal is in outline and the detail of the proposed dwellings is not yet known. The appropriate design of the proposed dwellings, both in terms of their type and size, as well as matters of detailed design, can be agreed at the reserved matters stages or by condition. This would ensure a high quality design is achieved. The proposal therefore complies with Policies SD4 (design) and SD6 (landscape) of the JCS and Policy DES1 (housing space standards) of the LP.
20. Concern has been raised regarding the effect of the proposal on local infrastructure, particularly transport to primary schools. The ELH UU and PST s106 secure contributions and measures to mitigate the effect of the proposal on local infrastructure, including transport to local schools. Subject to these, the proposal would be acceptable in these respects. The proposal therefore complies with Policies INF4 (local infrastructure), INF6 (infrastructure delivery) and INF7 (developer contributions) of the JCS.
21. The appeal site is within walking distance of services and facilities in Twigworth Green, as well as nearby bus stops. There is a small section of narrow footway on the route to a bus stop from the appeal site. However, this is only because it has become overgrown and this could be easily rectified by the Highway Authority. Overall, I am satisfied that the appeal site is in a sustainable location with good and safe access to services, facilities and public transport. The proposal therefore complies with Policy SP2 (distribution of development) of the JCS.

Appropriate Assessment

22. There are no statutory designations or European Protected Sites within the appeal site. However, the Cotswolds Beechwoods Special Area of Conservation (SAC) lies around 8km to the south east, and the appeal site falls within the zone of influence of the SAC. In light of that, Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment (AA) in this case. As the Competent Authority, I am therefore required to undertake an AA.
23. The SAC's qualifying features include its beech forest habitat, as well as semi-natural dry grassland, which are important orchid sites. The conservation objectives for the SAC include ensuring that the extent and distribution of its qualifying habitats are maintained or restored.
24. The proposal would create up to 160 dwellings. Some of the future occupants would be likely to engage in recreation activities, including dog walking, on the SAC and in the surrounding area. Such activities have the potential to harm its qualifying features. However, the SAC is relatively distant from the appeal site.

There are a number of alternative recreation facilities closer by, such as within the wider site allocation, Plock Court Playing Fields, or Robinswood Hill Country Park. People are therefore unlikely to regularly take their dog for a walk at the distance the SAC is from the appeal site, particularly where there are suitable alternatives closer by.

25. The likely amount of dog walking, and therefore potential harm to the integrity of the SAC, would therefore be limited. Nevertheless, and as requested by Natural England, it would be necessary to mitigate this potential harm through the provision of Home Information Packs to the future occupants of the proposed dwellings, so that they would be made aware of the potential harm from recreation, and the alternative locations closer to the appeal site. Subject to this mitigation, which can be secured by condition, I am therefore satisfied that there would be no likely significant effects that would be a consequence of the development proposed, either alone or in combination with other developments, and that there would be no harm to the integrity of the SAC.

Sites of Special Scientific Interest

26. The Innsworth Meadow and Cotswold Commons and Beechwoods Sites of Special Scientific Interest (SSSIs) both lie within the SAC and have the same special interest features. In addition, Hucclecote Meadows, Range Farm Fields and Crickley Hill & Barrow Wake SSSIs all have public access and lie relatively close to the appeal site. These SSSIs key special interest features are lowland meadows rich in plant species, flower-rich unimproved grassland, and species rich grassland and scrub, respectively. In the same manner as with the SAC, some of the future occupants of the proposed dwellings are likely to use these areas of recreation, potentially including dog walking, even if only on a limited basis. The special interest features could be harmed by such activity.
27. SSSIs are protected under the Wildlife and Countryside Act 1981 from damaging operations, including from development proposals. I am a section 28G authority and have a duty to further the conservation and enhancement of the SSSIs. In this regard, Natural England has concluded that the provision of Home Information Packs would provide sufficient mitigation to ensure that there would be no adverse effects on the special interest features of the SSSIs. Subject to the packs being secured by condition, I am therefore satisfied that the proposal would not result in unacceptable harm to the SSSIs.

Conditions

28. A condition schedule agreed between the main parties was discussed at the Inquiry. I have revised the wording to a number of the suggested conditions in light of that discussion, and of government guidance on the use of conditions in planning permissions.
29. In addition to the standard conditions regarding the submission of reserved matters, a condition specifying the relevant drawings provides certainty. A condition requiring implementation of the proposal either within five years from the date of permission or two years of the date of approval of the last of the reserved matters is necessary to ensure timely implementation of the proposal. The use of the either/or option reflects the proposal being part of a wider site allocation and the potential need for more flexibility on implementation times.

30. The tree protection, waste and recycling, Design Principles Document, materials, ground floor levels, landscaping, and external lighting conditions are necessary to ensure high quality design and to ensure the proposal would not harm the character and appearance of the area.
31. The tree protection, biodiversity net gain (BNG), Construction Ecological Management Plan, landscaping, Landscape Ecological Management Plan, and external lighting conditions are necessary to ensure the proposal does not unacceptably harm, and where possible enhances, biodiversity. I am satisfied that the requirement for 10% BNG is necessary and reasonable because the reasoned justification for Policy NAT1 of the Tewksbury Borough Plan 2011-2031 explicitly requires 10% BNG.
32. The drainage, ground floor levels and landscaping conditions are necessary to adequately control surface water drainage and to effectively mitigate flood risk. The foul water condition is reasonable and necessary because of the direct links between the proposed method of surface water discharge and the foul water network.
33. A condition limiting the number of proposed dwellings is necessary to control the scale of development. The archaeology condition is necessary to protect archaeology on the appeal site. The site waste condition is necessary to minimise waste and maximise recycling of waste during construction. The waste and recycling condition is necessary for the same reasons during occupation. The acoustic condition is necessary to ensure acceptable living conditions for the future occupiers of the development. The Construction Management Plan (CMP) condition is necessary to ensure the effects of construction on the highway network are acceptable, with regard to highway safety and the free-flow of traffic, and to protect the living conditions of existing neighbouring occupiers. The housing mix condition is necessary to ensure the proposed dwelling mix is suitable to meet the identified housing needs of the area. The highways improvements condition is necessary to ensure that Brook Lane is not used for access, as well as to ensure appropriate improvements to the existing infrastructure where the proposal would result in greater use.
34. The tree protection, drainage, foul water, archaeology, site waste management, waste and recycling, acoustic, BNG, Construction Ecological Management Plan, and CMP conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Conclusion

35. There are no contested main issues for the appeal. Appropriate mitigation, where necessary, has been provided through legal agreements as set out above, or can be controlled by condition. I have found no material harm from the proposal on any other matter. The proposal would therefore accord with the Development Plan when considered as a whole, and I conclude that the appeal be allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jeremy Patterson. He called:

Gary Spencer
Paul Instone MRTPI

Tewkesbury Borough Council (TBC)
TBC

FOR THE APPELLANT:

Killian Garvey, of Counsel. He called:

David Hutchison MRTPI
Julian Alexander MCIHT CMILT
Peter Amies
Robyn Evans

Pegasus Group
PFA Consulting
Phoenix Design Partnership
Robert Hitchins Group Limited

FOR THE RULE 6 PARTY:

Andrew Fraser-Urquhart QC. He called:

Elizabeth Fitzgerald MRTPI

Barker Parry Town Planning Ltd

INTERESTED PERSONS:

David Evans
Lesley Jones
Councillor Paul Ockelton
Councillor Mark Williams

Chairman, Down Hatherley Parish Council
Local resident
Innsworth Ward Councillor, TBC
Down Hatherley Ward Councillor, TBC

ANNEX B: DOCUMENTS

- 1 An objection from the Down Hatherley Parish Council, dated 1 August 2022
- 2 An objection from Lesley Jones, dated 2 August 2022
- 3 Flood Risk in Twigworth - A record of failure, by George Sharpley
- 4 Email from Phil Hardwick, dated 15 June 2022
- 5 Appearances on behalf of the appellant
- 6 Opening Statement to the Inquiry by the local planning authority, by Jeremy Patterson, dated 8 August 2022
- 7 Flood Risk Statement by George Sharpley, Chair of Twigworth Parish Council, dated 4 August 2022
- 8 Comments on hydrology - Prof. Ian Cluckie, dated 15 April 2022
- 9 Opening submissions on behalf of the appellant, by Killian Garvey, dated 4 August 2022

Richborough Estates

ANNEX C: SCHEDULE OF CONDITIONS

- 1) Details of the access, 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 three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than:
 - i. the expiration of five years from the date of this permission; or,
 - ii. before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan ref.348.P.1 Rev.R and Parameters Plan Ref. P20-1011_07 Sheet No 04 Rev.F.
- 5) The development hereby permitted shall provide no more than 160 dwellings.

Pre-commencement

- 6) Prior to the commencement of development, including all preparatory ground work, a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a Tree Protection Plan(s) (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the local planning authority. The TPP and AMS should include details of the following:
 - i. location and installation of services/ utilities/ drainage;
 - ii. details of construction within the root protection areas or that may impact on the retained trees;
 - iii. a full specification for the installation of boundary treatment works;
 - iv. a specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing;
 - v. a specification for scaffolding and ground protection within tree protection zones;
 - vi. tree protection during construction indicated on a TPP and construction plan and construction activities clearly identified as prohibited in this area; and,
 - vii. details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.

All works shall be carried out in accordance with the approved details.

- 7) Prior to commencement of development, details of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The information shall accord with the principles set out in the Drainage Strategy embedded in the Flood Risk Assessment and Drainage Strategy, prepared by Phoenix Design Partnership Ltd, dated April 2021. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in The SuDS Manual, CIRIA C753 (or any subsequent version) and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation;
 - iii. provide a full risk assessment for flooding during the groundworks and building phases with mitigation measures specified for identified flood risks; and,
 - iv. provide a management and maintenance plan for the lifetime of the development which shall include 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.

The approved surface water drainage scheme shall be carried out in accordance with the approved details and shall be maintained thereafter.

- 8) Prior to commencement of development, details for the disposal of foul water flows shall be submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the foul water drainage scheme for that dwelling has been implemented in accordance with the approved details. The scheme shall be maintained thereafter.
- 9) Prior to commencement of development, a programme of archaeological work shall have been implemented in accordance with a written scheme of investigation which has previously been submitted to and approved in writing by the local planning authority.
- 10) Prior to commencement of development, a detailed construction site waste management plan or equivalent shall be submitted to and approved in writing by the local planning authority. The detailed site waste management plan must:
- i. identify the specific types and amount of waste materials forecast to be generated from the development during site preparation and demolition and construction phases;
 - ii. identify the specific measures will be employed for dealing with this material so as to:

- minimise its creation, maximise the amount of re-use and recycling on-site;
 - maximise the amount of off-site recycling of any wastes that are unusable on-site; and,
 - reduce the overall amount of waste sent to landfill.
- iii. set out the proposed proportions of recycled content that will be used in construction materials.

The detailed site waste management plan shall be adhered to throughout the construction period.

- 11) No above ground development shall commence until full details of the provision made for facilitating the management and recycling of waste generated during occupation of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. This must include details of appropriate and adequate space and infrastructure to allow for the separate storage of recyclable waste materials. The management of waste during occupation must align with the principles of the waste hierarchy and not prejudice the local collection authority's ability to meet its waste management targets. All details shall be fully implemented as approved and maintained thereafter.
- 12) Prior to commencement of development, details of the mitigation measures to achieve compliance with BS8233:2014 Recommended internal and external noise levels for the occupiers of the new dwellings shall be submitted to and approved in writing by the local planning authority. The mitigation measures approved shall be completed prior to any dwellings to which they relate being occupied. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 13) Prior to commencement of development, a Biodiversity Net Gain Assessment using the Defra Biodiversity Metric 3.1 shall be submitted to and approved in writing by the local planning authority. The assessment shall include details to demonstrate how a biodiversity net gain of at least 10% will be delivered either on-site and/or off-site, including ongoing management of relevant sites. The development shall be implemented in full accordance with the approved Biodiversity Net Gain Assessment prior to occupation of 150 of the dwellings.
- 14) Prior to commencement of development, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall expand on the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated June 2021. The CEMP shall include information in relation to bats, Great Crested Newts, hedgehogs, nesting birds, and badgers, as appropriate. All works shall be carried out in accordance with the approved CEMP and a copy shall be given to the contractors on site to ensure that everyone is aware of the requirements to protect wildlife and habitats.
- 15) Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide for:
- i. 24-hour emergency contact number;

- ii. hours of operation;
- iii. parking of site operatives' and visitors' vehicles (including measures taken to ensure satisfactory access and movement for occupiers of neighbouring properties during construction);
- iv. locations for loading/unloading and storage of plant, waste and construction materials;
- v. methods of preventing mud being carried onto the highway;
- vi. measures to protect vulnerable road users (cyclists and pedestrians);
- vii. any necessary temporary traffic management measures;
- viii. arrangements for turning vehicles;
- ix. arrangements to receive abnormal loads or unusually large vehicles; and,
- x. methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

The approved plan shall be adhered to throughout the construction period.

Reserved matters

- 16) Prior to, or alongside, the submission of the first reserved matters application(s), a Design Principles Document shall be submitted to and approved in writing by the local planning authority. The document shall include the following:

- i. the principles for determining the design, form, heights and general arrangements of external architectural features of buildings;
- ii. the principles of the hierarchy for roads and public spaces;
- iii. the potential arrangement of car parking;
- iv. the principles for the design of the public realm;
- v. the principles for the layout of the green infrastructure, including access to public open space, location and general arrangements of play area; and,
- vi. details of how the new development will integrate with and complement the wider Strategic Allocation in an appropriate manner.

Any Reserved Matters application shall be in accordance with the approved Design Principles Document.

- 17) The first Reserved Matters application submitted pursuant to Condition 1 shall include a Market Housing Mix Statement, setting out how an appropriate mix of dwelling sizes, types and tenures will be provided in order to contribute to a mixed and balanced housing market to address the needs of the local area, including the needs of older people, as set out in the local housing evidence base, including the most up-to-date Strategic Housing Market Assessment for the area at the time of the submission. The development shall be implemented in accordance with the approved Housing Mix Statement.
- 18) The relevant Reserved Matters application(s) submitted pursuant to Condition 1 shall include details of existing and proposed ground levels

and finished floor levels of the buildings relative to Ordnance Datum. The development shall be carried out in accordance with the approved details.

- 19) The relevant Reserved Matters application(s) submitted pursuant to Condition 1 shall include details of the materials to be used in the construction of the external surfaces of any building. Development shall be carried out in accordance with the approved details.
- 20) The landscaping details to be submitted pursuant to Condition 1 shall provide full details of both hard and soft landscape proposals. The landscape scheme shall include the following details:
 - i. positions, design, materials and type of boundary treatments to be erected;
 - ii. hard landscaping materials;
 - iii. a plan showing details of all existing trees and hedges on the site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread;
 - iv. a plan showing the layout of proposed tree, hedge, shrub, ornamental planting and grassland/wildflower areas;
 - v. a schedule of proposed planting, noting species, planting sizes and proposed numbers/densities;
 - vi. a written specification outlining cultivation and other operations associated with plant and green grass establishment;
 - vii. the works required in relation to the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated June 2021;
 - viii. a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting; and,
 - ix. a timetable or sequencing plan detailing the phased implementation of the landscaping scheme.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

No dwelling hereby permitted shall be occupied until all hard landscaping and boundary treatment related to that dwelling has been completed in accordance with the approved details.

- 21) The landscaping details submitted pursuant to Condition 1 shall include a Landscape Ecological Management Plan (LEMP). The LEMP shall expand on the mitigation measures outlined and recommended in Chapter 6 (Biodiversity) of the Environment Statement, prepared by Ecology Solutions, dated June 2021, and shall include details of a monitoring regime for a minimum period of five years, the name of a responsible person/organisation, and habitat enhancements as necessary and

appropriate. All works shall be carried out in accordance with the approved LEMP.

- 22) No external lighting (excluding that in residential curtilages relating to domestic properties) shall be installed other than in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The details to be submitted shall clearly demonstrate that the lighting will not cause excessive light pollution or disturb or prevent bat species using key corridors, forage habitat features or accessing roost sites (to be informed by results of bat activity surveys). The details shall include, but are not be limited to, the following:
- 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 including a lux contour map;
 - iv. a drawing(s) showing the location and where appropriate the elevation of the light fixings; and,
 - v. methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR)).
- 23) The relevant Reserved Matters application(s) submitted pursuant to Condition 1 shall provide details of vehicle and cycle parking. Such details shall include a scheme for enabling charging of electric plug-in and other ultra-low emission vehicles. The relevant vehicle and cycle parking shall be provided for each dwelling prior to the occupation of the relevant dwelling, in accordance with the approved details. Parking and charging points shall be maintained for this purpose thereafter.

Pre-occupation

- 24) The development hereby approved shall not be first occupied until drawings of the highway improvements/offsite works have been submitted to and approved in writing by the local planning authority. The details shall comprise:
- i. improvements to Brook Lane, to include details of surfacing and street lighting; and,
 - ii. measures to restrict vehicle access from the development site to Brook Lane.

The dwellings shall not be occupied until those works have been constructed in accordance with the approved details.

- 25) Prior to the first occupation of any dwelling, details of a Homeowner Information Pack (HIP) must be submitted to and approved in writing by the local planning authority. The pack must contain information to make new residents aware of the sensitivities of nearby sites of nature conservation concern, including, Alney Island Local Nature Reserve and the Cotswolds Beechwoods Special Area of Conservation and how to act responsibly to avoid disturbing wildlife (including: residents should be advised to keep dogs on leads at the aforementioned sites and recommendations to keep cats in at night to reduce hunting pressure on

wildlife). In addition, a map of alternative public open spaces including those in the development and their foot/cycleway links plus public transport links needs to be included along with guidelines on wildlife gardening and leaving the pre-cut 13x13cm hedgehog tunnels in fences to allow their movement across the estate. Two copies of the approved HIP shall be provided to all future residents prior to the first occupation of each dwelling.

===== END OF SCHEDULE =====

Richborough Estates