



Appeal Decision

Site visit made on 19 July 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2022.

Appeal Ref: APP/U4610/W/21/3288560

Land Accessed from Siddeley Avenue, Coventry

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the 'TCPA 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 Wellington Arch Limited and The Sphinx Club against Coventry City Council.
 - The application Ref OUT/2021/0104, is dated 15 January 2021.
 - The development proposed is described as Outline planning application for the demolition of no. 69 Siddeley Avenue and two-storey former party venue building, and erection of residential development (Use Class C3), including affordable retirement units (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of 69 Siddeley Avenue and two-storey former party venue building, and erection of residential development (Use Class C3), including affordable retirement units (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access, at land accessed from Siddeley Avenue, Coventry, in accordance with the terms of the application, Ref OUT/2021/0104, dated 15 January 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Wellington Arch Limited and The Sphinx Club against Coventry City Council. This application will be the subject of a separate Decision.

Background and Preliminary Matters

3. The appeal results from the Council's failure to reach a decision on the application submitted by the appellant within the prescribed period.
4. The application was presented to the Council's Planning Committee with an Officer recommendation for approval. The Minutes of that meeting explain the application was deferred following Committee Members' concerns with regard to ecology/biodiversity/trees, air quality, density, access to the site and impact on traffic. The appellant appealed before the application was taken back to the Planning Committee for determination. As the appeal is against non-determination and the Council has not issued a decision notice, I have had regard to the Minutes as an indication of the reasons why the Council would have refused planning permission had it been able to do so.

5. The proposal was submitted in outline with all matters reserved for subsequent approval, except for the principal means of access. Whilst not stated in the description of the development, the submitted Design and Access Statement (the DAS) describes the proposal originally for 231 dwellings. During determination of the application the proposal was revised in order to retain the under-9s football pitch. This resulted in a reduction in the application site area and a reduction in the total number of dwellings to 228.
6. In addition to the DAS, the outline application was accompanied by an illustrative masterplan layout, a number of parameters plan and various technical documents. Whilst the plans are indicative, apart from the access drawing plan, they provide a useful guide as to how the site could be developed for the quantum of development proposed. The Council considered the proposal on this basis and so shall I.
7. Being an outline application, the exact form, layout and positioning of the residential development and other features on the site would be subject to separate Reserved Matters application that would be subject to further public consultation, should the appeal be allowed.
8. During the course of the appeal a duly dated and executed planning obligation, pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (the 'S106') has been submitted. I will discuss this in more detail later.

Main Issues

9. In light of the above, the main issues are:
 - Whether the proposed development would secure an appropriate density of development,
 - The effect of the proposed site access and additional traffic on highway safety and the local highway network,
 - The effect of the proposed development on air quality, and
 - Whether sufficient information has been provided regarding the effect of the proposed development on ecology, biodiversity and trees.

Reasons

Density

10. The site is a former privately-owned golf course that closed in 2000. Since then it has lain vacant unavailable for community use and has become overgrown. The site wraps around the southern and western boundaries of the existing Sphinx sports club with its clubhouse, bowling green and football pitches. The site is surrounded by housing on its other boundaries and lies within a predominantly residential area to the west of Coventry city centre.
11. The development would provide 174 market dwellings, with a mix of 1, 2, 3 and 4-bed dwellings, together with a block of 54, one-and two-bedroom affordable retirement units. The illustrative plans also indicate there would be areas of formal and informal public open space as well as land set aside for natural habitat and sustainable drainage.

12. On my visit I saw that Siddeley Avenue comprises mainly inter-war terraced and semi-detached housing. There was also recent housing development nearby to the east and I also saw a number of taller buildings for dwellings/flats in newer residential schemes in the area. The submitted parameter plans and illustrative layout show a number of areas of buildings that could be 3-4 storeys in height, including the block of retirement apartments. The majority of the site is indicated to be mostly 2-2½ storeys in height, in the form of terraced or semi-detached dwellings with gardens and parking, not dissimilar to the majority of housing development in the surrounding area.
13. The National Planning Policy Framework (the 'Framework') promotes the most efficient and effective use of land. Policy H9 of the Coventry City Council Local Plan (the 'Local Plan') recognises this and expects on sites over 2 hectares that at least 20% of the gross site area should remain undeveloped, and that the undeveloped areas should focus on providing localised green spaces, landscaping and other public realm provision. Outside the Ring Road a minimum density of 35 net dwellings per hectare (dph) should be provided on previously developed land. Policy H9 also explains how it is important that developments provide other essential facilities such as gardens, landscaping and open space. This can affect density.
14. The 6.34 hectare site would accommodate up to 228 dwellings, giving a gross density of 35.9 dph. The appellant has calculated that the site would also provide approximately 1.85 hectares of open space, in the form of a Locally Equipped Area of Play (LEAP), a Multi Use Games Area (MUGA) and a Skate Park, plus land for landscaping, natural habitats and sustainable drainage. This would give a net density that would exceed 35dph and hence be in accordance with Policy H9. Coupled with what I saw during my visit, I am satisfied that the development would secure a density of development that would be appropriate to the surrounding area and would accord with Local Plan Policy H9.

Access and Traffic

15. The primary access to the site would be off Siddeley Avenue, using an existing track between 69 and 73 Siddeley Avenue. The track would be upgraded and widened by demolishing No.69, an end-of-terrace dwelling. A 4-armed mini-roundabout, or roundel, would be constructed where the track meets Siddeley Avenue and its junction with Armstrong Avenue. A 2 metre wide pavement would be constructed on either side of the new access road into the site. Alongside the new access road, vehicle crossovers would be provided to retain existing access to the rear of some of the properties on Siddeley Avenue.
16. A secondary access off the existing Sphinx Drive would serve some 25 of the proposed new dwellings and the remaining Sphinx Club. However, the site layout shows there would be no vehicular access between the two areas of the proposed housing site. The majority of traffic accessing/leaving the site would therefore use the new access road and min-roundabout on Siddeley Avenue.
17. I saw that the majority of dwellings along Siddeley Avenue have front gardens with low boundary walls along the back edge of the pavement. Generally there were no driveways and most parking was on-street, although I saw a number of properties had removed the front boundary and created parking on the 'front garden'. The construction of the mini-roundabout would necessitate extending the yellow lining in the vicinity of the junction. This would remove a number of

on-street parking spaces. However, the plans indicate that some provision for dropped kerbs and on-site parking is to be made for 73 and 75 Siddeley Avenue near the junction.

18. When considering the suitability of new residential development on unallocated sites such as this, Local Plan Policy H3 expects new development to have a safe and appropriate access. In accordance with Local Plan Policy AC3, a Transport Assessment (TA) was submitted with the application. Its scope was agreed with Highway Authority beforehand, as was the modelling, trip-rates and an area of influence for the development to inform which junctions needed to be assessed. The impact of COVID-19 restrictions on the flow of traffic was also considered and factored-in to ensure counts were reflective of pre-COVID traffic levels.
19. The TA revealed that at peak hours, trip generations for 177 dwellings and 54 retirement flats would be 74 departures and 23 arrivals in the weekday morning peak hour (08:00 – 09:00 hours). In the evening weekday peak (17:00 – 18:00 hours), there would be 69 arrivals and 36 departures. Detailed junction capacity assessments were also made of 5 nearby junctions in the area and some were found to be already over capacity with or without the proposed development traffic. The proposed development would result in a 2% increase in trips in both the AM (morning) and PM (evening) peaks. However this increase could reasonably be expected within levels of daily traffic. The majority of any additional queuing and delay would be due to increases in background traffic growth, but there are a number of alternative junctions drivers could also use. The Highway Authority assessed the two proposed access points in terms of safety and capacity, taking into account the findings of the TA, as well as the existing traffic and parking situation in the area. The Highway Authority raised no objection, subject to a number of conditions for detailed junction plans and details of the improvements to the cycle/pedestrian ways. Therefore, there are no reasons for withholding approval on highway grounds.
20. The site is well located in relation to a range of services and facilities. There is a Primary School, Local Centre with a convenience store, pharmacy, and community centre, and two supermarkets within 300-800 metres. There is access to public transport with bus stops nearby providing frequent connections to Coventry city centre and the railway station. One of the parameter plans shows pedestrian and cycle linkages to and from the site to the surrounding area to improve connectivity and permeability, as well as improved access to these nearby services and facilities. A new pedestrian and cycle path would be provided in the south-east corner of the site to connect to the existing footpath. Improvements would also be made to the cycle route into Coventry city centre along the Binley Cycleway, with the developer agreeing to contribute £75,000 towards its upgrade and improvement through the S106.
21. In accordance with government policy for promoting sustainable development, as set out in the Framework at paragraphs 104-105, the development has identified and pursued opportunities to promote walking, cycling and public transport. There would therefore be a genuine choice of transport modes to access day-to-day facilities, thus limiting the need to travel and reducing the dependency on the car.

22. I note the local opposition on highway issues and concerns arising from more vehicles using Siddeley Avenue and other nearby streets. However, in the absence of substantive evidence to the contrary, I have no reason to take a different view to the Council and the Highway Authority. Furthermore, the Framework advises at paragraph 111 that development should only be prevented or refused on highway grounds if the proposed development would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. There is no substantive evidence before me to suggest this would be the case.
23. To conclude on this main issue I am satisfied, based on the evidence before me, that the proposed site accesses and additional traffic would not have a significantly adverse impact on highway safety or the capacity of the local highway network. Furthermore, the site's accessible location to a range of services, facilities, employment generating areas, public transport, and proposed improvements to cycle and pedestrian routes would all help reduce dependency on the car, with the associated knock-on effects for traffic, highway safety and the local highway network.
24. Accordingly the proposal would accord with Local Plan Policies AC1, AC2 and AC3. These collectively seek to ensure, amongst other things, that Transport Assessments are submitted for major new developments; that such developments are integrated with the existing transport networks, including public transport, walking and cycling routes to promote access by a choice of transport modes; that the accessibility needs of residents are considered, and that new developments do not cause unacceptable levels of traffic congestion or highway safety problems. It would also accord with Local Plan Policy H3 whose aims are outlined above.

Air Quality

25. Concerns about air quality stem principally from an increase in vehicle emissions from the additional traffic that would use Siddeley Avenue and the surrounding residential streets. There is inevitably some overlap with the 'Access and Traffic' main issue above.
26. Local Plan Policy H3 expects new residential environments to be, amongst other things, safe from environmental pollutants including air quality issues. Furthermore, Local Plan Policy EM7 requires major development schemes to promote a shift in the use of sustainable low emission transport, such as electric vehicles, and that development is located where it is accessible to support the use of public transport, walking and cycling.
27. The site lies within an Air Quality Management Area (AQMA). As required in such locations, an Air Quality Assessment was submitted with the application which considered the impacts of additional exhaust emissions from the additional vehicle trips. Road traffic exhaust emissions includes particulate matter, including PM₁₀ and PM_{2.5} described by the size of the particles, and various oxides of Nitrogen, including Nitrogen Oxide and Nitric Oxide. There are UK air quality limit values (AQLVs) for annual levels of these substances. The Framework also requires development to sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMA and cumulative impacts for sites in local areas. The potential for residents to be exposed to poor air quality, including during construction, was taken into consideration and industry-

standard modelling was undertaken as part of the Air Quality Assessment. Some 23 receptors in the surrounding area were used, including on Siddeley Avenue and Armstrong Avenue.

28. The Council's report to committee reported that the Council's Environmental Protection team (the EP team) raised no objection to the proposed development, subject to the imposition of conditions requiring the use of NO_x boilers and the installation of electric vehicle charging points. The EP team agreed and accepted the findings of the appellant's submitted Air Quality Report. The Air Quality Assessment found that annual mean levels of NO₂, PM₁₀ and PM_{2.5} concentrations were below AQLVs at all receptor locations.
29. At the planning committee verbal concerns were raised by third parties that air quality monitoring and assessments had only been done at adult height and not been done at the height of a child. In accordance with best practice, air quality monitoring such as this is done at a height of 1.5m to equate to the breathing zone of an adult.
30. In response to this and to support the appeal, an additional Air Quality Assessment was undertaken where by the dispersion model was re-run with receptors at a height of 0.8 metres to represent the breathing zone of a child. The results for all receptors for each of the pollutants are set out in the report. In summary, the predicted annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} are all below the relevant AQLVs at all of the receptor sites. These equate to having a negligible impact. In consideration of the results as a whole, the air quality impacts associated with the proposed development are predicted to be 'not significant' in accordance with best practice, for both adult and child height receptors. I have not been presented with any substantive evidence to the contrary from the Council, local residents or any other third parties.
31. As already mentioned above, the site is located where there is easy access to a range of services and facilities and public transport. The development would also support the use of walking and cycling to help reduce vehicle journeys and hence vehicle emissions. Furthermore, pedestrian and cycle links would be improved and the provision for electric vehicle charging points will also help reduce air pollution.
32. I am therefore satisfied that the proposed development would not have a significantly harmful effect on air quality in the area. Accordingly the proposal would accord with Local Plan Policies EM7 and H3, whose aims are outlined above.

Ecology, biodiversity and trees

33. The site lies about 200 metres from the Sowe Valley Stoke Aldermoor to London Road Local Wildlife Site, part of the Sowe Valley green corridor. The site is now a mosaic of grass, scrub, trees, tall ruderal, scrub and mature trees, and one of the few large areas of unmanaged habitat within the urban area and has significant value within Coventry's urban context. Consequently, the site has acquired greater wildlife value over time.
34. The application was accompanied by a Preliminary Ecological Assessment and further professional surveys were undertaken. A revised Biodiversity Impact Assessment was also requested and submitted and was able to be reported on at the Planning Committee.

35. The proposal would see most of the site's unmanaged habitats largely removed. However, it would provide a 'natural habitat allocation' along the site's southern boundary to help continue the green infrastructure and linkages, as well as formal green spaces and play areas.
36. I have not been presented with any evidence that the site's biodiversity and ecology has not been properly assessed, recorded and mitigated for. Indeed, the Council's Ecology Officer comments that the ecology surveys were very comprehensive and provide full details of the background of the site, the habitats present and the potential for protected species. There are no records of notable wildlife from the site itself, although there are nearby records of bats, amphibians and other wildlife. The Council's report to committee states that the Council's Ecology officer has no objection to the proposed development, subject to suitable mitigation being agreed and controlled by way of planning conditions, and which were listed in the committee report.
37. With regards trees, the application was accompanied by an Arboricultural Survey Report (the ASR), which was informed by a Tree Constraints Survey. This sought to evaluate the direct and indirect effects of the proposed development on trees within the site and their value in arboricultural terms. It identified a number of mature trees on site, some of which are self-setting. There is also a protected Lime tree towards the north west part of the site that would be retained. A mature Ash in the south west part of the site is worthy of a Tree Protection Order and on the advice of the Council's Tree Officer this would be retained as well. These are shown on the indicative Masterplan.
38. The ASR also records informal groups of Lombardy poplar trees, which some local residents are keen to retain. A number of the trees have been previously topped or pollarded and a number have pockets of decay. The Council's Tree Officer was less concerned about their loss in the overall context of the site's development with the proposed compensatory tree planting, and has not objected subject to conditions.
39. In the absence of evidence to the contrary I am satisfied that the appropriate level of professional ecology and biodiversity survey of the site has been undertaken and that sufficient information has been provided regarding the effect of the proposed development on ecology, biodiversity and trees. I am also satisfied that appropriate mitigation and biodiversity enhancement would be provided and can be conditioned.
40. Accordingly, the proposed development would accord with Local Plan Policies GE1, GE3 and GE4. Together these seek, amongst other things, to ensure that green infrastructure is protected and that new development makes provision for, and integrates with, existing green infrastructure; avoids negative impacts on existing biodiversity; implements identified mitigation measures, an unacceptable loss of trees is avoided, and that existing trees worthy of retention are incorporated into the overall design of the scheme.

Other Matters

41. I am aware of the level of local interest, both in support and against the proposed development, from local residents and other third parties, including local Councillors. Many raised other issues and these were summarised and discussed in the Council's Committee Report. The Council raised no objections to other technical matters, or to the principal of residential development on the

site, including affordable housing, noise, ground conditions, archaeology, flood risk and drainage. I have no reason to take a different view.

42. With the agreement of the main parties I have accepted late evidence submitted by a local resident concerning a newspaper article¹ published after the deadline for the submission of appeal documentation. This refers to the difference in estimated population growth and housing need when comparing the data from the 2021 Census, the Office for National Statistics and the Local Plan housing figures. There is the suggestion that the population growth figures have been overestimated leading to an over-estimation of the number of houses needed. The Census is a snap-shot in time. The Local Planning Authority is required to calculate its housing need using approved methodologies as part of the Local Plan process. It is for any future Local Plan Review to consider the implications of the 2021 Census for plan-making. Any alleged difference in the various figures and data-sets would be examined through the Local Plan process and any future Local Plan Inspector would need to assess the 'soundness' of any housing requirements against the relevant data presented at the time.
43. I am not aware that the Council cannot demonstrate it has a 5 years' supply of deliverable housing sites. Therefore, in accordance with the Framework, the Local Plan's housing policies are up-to-date and the statutory starting point for the determination of the planning application is the development plan.
44. I am advised there is a covenant on the site that restricts the use of the land for recreational purposes. The covenant would need to be removed through a separate legal process which is beyond the scope of this appeal.

Planning Obligation

45. Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that planning obligations should only be sought where they are necessary to the development and acceptable in planning terms; directly related to the development, and fairly and reasonably related in scale and kind to the development.
46. Local Plan Policy IM1 (Developer Contributions for Infrastructure) states that development will be expected to provide or contribute towards provision of a) measures to directly mitigate its impact and make it acceptable in planning terms, and b) physical, social and green infrastructure to support the needs associated with the development.
47. The S106 provides financial contributions towards improved cycle access, health, education, ecology/biodiversity and Travel Plan monitoring. It would also ensure the provision and permanent maintenance and management of formal and informal open space on site, including the LEAP, MUGA and skatepark.
48. The largest financial contributions are in respect of Education. Contributions will go towards increasing early years/pre-school provision within 2 miles of the development; expansion of Primary Special Educational Needs (SEN) facilities at Tiverton and/or Sherbourne Fields Special School; Secondary education facilities at Ernesford Grange Secondary School; post-16 facilities at Ernesford Grange Secondary School, and secondary and post-16 SEN education at

¹ The Guardian 28 June 2021

Baginton Fields, Riverbank Academy and/or Sherbourne Fields Special School. The expansion of facilities will depend on each facility and may also include the purchase of land and/or buildings. These contributions have been calculated by the Council's education department using formulae based on existing capacity and projected pupil forecasts from the number of dwellings.

49. A Health contribution for the NHS Coventry and Rugby Clinical Commissioning Group (the CCG) would be used towards improvements to existing off-site medical care and health facilities within 1km of the site at Mansfield Medical Centre, Copsewood Medical Centre, GP Alliance Teaching Practice at Stoke Aldermoor Surgery and Stoke Aldermoor Medical Centre. The contributions have been calculated based on housing numbers, population forecasts and analysis of existing practices, using the NHS England and CCG modelling tools.
50. A Highways contribution would go towards works to improve the cycle access linking the site to the city centre via the Binley Cycleway. This is reasonable and necessary to improve connectivity and reduce the need to travel to promote sustainable development. There would also be contributions, paid in tranches, to enable the authorities to monitor the Travel Plan. The Planning Practice Guidance (the PPG) confirms that authorities can charge a monitoring fee through S106 obligations. The sums seem reasonable.
51. There would be a Biodiversity Offsetting Scheme for the Council's approval to deliver biodiversity enhancements. This would include a clause that if no land can be made available for the provision and offsetting of features, then a sum not exceeding a specified maximum would be paid to the Council for it to use to enhance and secure the long-term management of biodiversity sites that are connected to the appeal site and within the River Sowe catchment.
52. The S106 will also require the provision of open space, with submission of a maintenance and management strategy. There is provision for when the Open Space is transferred to the Open Space Management Company the Council shall be paid a maintenance contribution.
53. The on-site and off-site provision of affordable housing was to have initially been secured through the S106. The parties were asked to explain why affordable housing was not then included in the duly executed S106 and how the affordable housing was to be delivered. The parties have confirmed that the appellant seeks to secure grant funding to deliver the affordable housing, through the Government's Affordable Homes Programme. This programme does not permit the delivery of affordable housing through a S106 agreement. The appellant states that without such grant funding the delivery of the affordable housing would not be viable. Therefore, the affordable housing would be secured through a planning condition.
54. The Planning Policy Guidance 'Use of Conditions' does allow the use of a condition in exceptional circumstances. Securing funding through the government programme, whose mechanisms prevent the use of the S106, amounts to exceptional circumstances in my view in this instance. The Council has confirmed its agreement to the use of a condition and the main parties have submitted an agreed suggested wording. The condition would require the submission of a scheme detailing the numbers, tenure and location of the affordable housing; the timing of its construction and occupancy in relation to the open market housing; arrangements for the transfer of the affordable housing to an affordable housing provider; arrangements to ensure the units

remain affordable, and occupancy criteria. In this instance therefore, based on the particular circumstances of this appeal, I am satisfied such a condition would be the most appropriate way of securing the 25% affordable housing as required by Local Plan Policy H6.

55. I am satisfied that the contributions and provisions of the S106 meet the tests of necessity because they are required to mitigate the impacts of the development. They are relevant as the facilities and land to benefit from the S106 are near to the site and are directly related to the development. Where appropriate they have also been calculated using various formulae to ensure they are fairly and reasonably related in scale and kind to the development. I have sought and received clarification as to the interests of the appellants and proofs of title. There is no dispute between the main parties that the obligations meet the relevant legal and policy tests and I agree that they do so.

Conditions

56. The Council has listed a number of conditions to be imposed, which are set out in its report to committee and 'late representations'. The appellants have replicated them in their Appeal Statement and confirm they are in agreement with them, including a number of pre-commencement conditions. I have considered the conditions against the advice and tests in the Framework and the PPG.
57. A number of the suggested conditions would have been triggered at the submission of certain reserved matters and a number of them repeated the contents of others. Therefore, where necessary and in the interests of clarity, precision and enforceability I have amended or combined conditions, using model conditions² where possible. Following the advice in the PPG I have also listed the conditions in the order that they need to be satisfied.
58. In addition to the standard time limit conditions for the submission of reserved matters and commencement of development, a condition specifying the application boundary has been included for certainty, as the site boundary was amended during determination of the application to retain the Under-9s football pitch.
59. The planning permission for the development is granted at outline stage and therefore it is necessary to impose conditions on the outline permission that fall outside the scope of the reserved matters, such as archaeology and contamination. In addition and in the interests of preventing flooding, pollution and because drainage is not a reserved matter, I have imposed conditions relating to surface water drainage.
60. In the interests of highway safety and promoting sustainable transport choices, I have imposed conditions relating to the accesses, cycle parking and improvements of the cycle routes in/out of the site. To help future-proof the development in terms of the government's intended shift away from petrol and diesel vehicles and support to the transition to a low carbon future, maintaining air quality and reducing vehicle emissions the provision of electric vehicle charging points and installation of low NOx boilers is reasonable and necessary.
61. To ensure the necessary biodiversity gain and ecology mitigation I have imposed a number of arboricultural and ecology conditions. I have also

² Based on the retained Appendix A of Circular 11/95: the use of conditions in planning permissions.

imposed the affordable housing condition for the reasons already discussed above.

62. Given the proposed access points are through an existing residential area, and in the interests of the living conditions of nearby residents, the submission and approval of a Construction Management Plan prior to any demolition or construction work is necessary.
63. A condition requiring a scheme for targeting and utilising local people for construction and employment, whilst laudable, would not be relevant to planning or the development and would be difficult to enforce. I shall not impose it.

Conclusion

64. For the reasons given above I conclude that the appeal should be allowed.

K Stephens
INSPECTOR

Schedule of Conditions

- 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 development hereby permitted shall be carried out in accordance with the following approved plans:
 - Amended Site Location Plan Drawing No.PL001 Rev C,
 - Access drawing SK011 P02, and
 - Access drawing SK010 P2.
- 5) The reserved matters shall include the following specific requirements and/or be supported by the following documents in so far as relevant to that matter:
 - a) The development shall provide at least 1.17ha of informal open space and 0.47ha formal open space on site;
 - b) A site-wide phasing programme shall be submitted, which shall include:
 - i. details of the precise location and extent of individual development phases;
 - ii. the extent of development within each phase and a description of the intended timing of the development and completion of each phase
 - iii. permanent and temporary access arrangement to serve each phase of the development

- iv. any interim surface or boundary details relating to each phase of the development
 - v. details of major internal infra-structure including roads, footpaths and cycle ways - details of sustainable drainage systems and associated infrastructure;
 - vi. details of the timing of any off-site highway works required under this permission, a planning obligation or agreement under the highway act 1980;
 - c) Pedestrian and cycle routes shall be provided within the site;
 - d) A schedule of the mix of dwellings proposed across the site to include a mix of market housing which contributes towards a balance of house types and sizes across the city in accordance with Policy H4;
 - e) Car parking and servicing arrangements for each building shall be provided;
 - f) Details of noise mitigation measures.
- 6) No development shall take place until full engineering and construction details of the proposed access off Siddeley Avenue have been submitted to and approved in writing by the Local Planning Authority. The access and road shall be completed in accordance with the approved details before the respective dwellings to which they serve are first occupied and thereafter shall be retained.
- 7) No development shall take place until full engineering and construction details of the proposed access off Sphinx Drive has been submitted to and approved in writing by the Local Planning Authority. The access and road shall be completed in accordance with the approved details before the respective dwellings to which they serve are first occupied and thereafter shall be retained.
- 8) No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units and the retirement units shall be social rented;
 - b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - c) the arrangements for the transfer of the affordable housing to an affordable housing provider;
 - d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- The affordable housing shall be retained in accordance with the approved scheme.

- 9) No development shall take place until details of a scheme for the provision of surface water drainage, fully incorporating open air Sustainable Drainage System (SuDS), SuDS attenuation techniques and infiltration SuDS. Surface water attenuation shall be located outside the flood plain, has been submitted to and approved in writing with the Local Planning Authority. The scheme shall also:
- a) Take into account features such as green roof technology for the management of surface water peak and total flows, biodiversity and water filtering.
 - b) Ensure that discharge rates that shall not exceed 14.94 litres per second, or any other value agreed by the Local Planning Authority.
 - c) Include an intrusive ground investigation report to establish the depth and type of strata including percolation results in accordance with BRE 365 and the presence and risk associated with migrant contaminants and provide evidence of existing groundwater levels and seasonal variation.
 - d) On the basis that this site represents a risk of contamination, detailed plans of the pollution control measures must be included;
 - e) Include evidence that receiving water bodies or sewers are capable of accepting attenuated flows and that this will not exacerbate flood risk on or off site;
 - f) Include a detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.

The drainage details shall be implemented in accordance with the approved documentation prior to occupation of the development and thereafter shall be maintained and shall not be removed or altered in any way.

- 10) No development shall take place until details and samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter shall be retained.
- 11) No development shall take place until a written scheme of archaeological investigation (WSI), which shall include a detailed programme of archaeological works, has been submitted to and approved in writing by the Local Planning Authority. The agreed WSI shall include:
- a) The statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI.
- 12) No development shall take place until a scheme of noise mitigation in accordance with British Standard 8233:2014 (Guidance on sound insulation and noise reduction for buildings) to ensure residents are protected from potential noise disturbance associated with the operation of the Sphinx Club and adjacent AGP pitch, has been submitted to and approved in writing by the

Local Planning Authority. The development shall not be occupied unless and until all the works within the approved scheme have been completed in accordance with the approved details and thereafter the works shall be retained at all times and shall not be removed or altered in any way.

- 13) No development shall take place until a scheme ('the offsetting scheme') for the offsetting of biodiversity impacts at the site has been submitted to and approved in writing by the Local Planning Authority. The offsetting scheme shall include:
- a) A methodology for the identification of receptor site(s);
 - b) The identification of receptor site(s);
 - c) Details of the offset requirements of the development (in accordance with the recognised offsetting metrics standard outlines in the Defra Metrics Guidance dated March 2012, or any document that may update or supersede that guidance).
 - d) The provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery); and
 - e) A management and monitoring plan (to include for the provision and maintenance of the offsetting measures in perpetuity).

The approved offsetting scheme shall be implemented in accordance with the approved details within 3 months of the first occupation of the development hereby permitted and thereafter shall not be withdrawn or amended in any way.

- 14) No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:
- a) An Arboricultural Impact Assessment to assess the direct and indirect implications of trees upon the proposal and visa-versa, including locations for under-ground/over-ground services, level changes within Root Protection Areas,
 - b) An Arboricultural Method Statement, and
 - c) A Dimensioned Tree Protection Plan (to include protection measures during and after construction and any construction exclusion zones), site monitoring to British Standard BS5837:2012 (Trees in relation to design demolition and construction – Recommendations) which shall also include any proposal for pruning or other preventative works.

The approved mitigation and/or protection measures shall be put into place prior to the commencement of any works and shall remain in place for the duration of all construction work.

- 15) No development shall take place until a detailed badger survey, including timetabled mitigation measures where appropriate, and which has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be fully implemented in accordance with the approved timetable of works, and thereafter retained.
- 16) No development shall take place until an external lighting strategy (including a plan) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how lighting shall be kept to a minimum at night in order to minimise impact on emerging and foraging bats, and to restrict light spillage onto foraging corridors. The lighting shall be installed in full accordance with the approved strategy and all lighting

thereafter shall be subsequently retained and maintained in strict accordance with the approved details.

- 17) No development shall take place until details of cycle parking have been submitted to and approved in writing with the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to first occupation of the building(s) they serve and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
- 18) No development shall take place until details of all bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The bin storage areas shall be provided in accordance with the approved details prior to first occupation of the building(s) to which they serve. The bin storage areas shall remain available for their designated use at all times and shall not be removed or altered in any way
- 19) No development shall take place until details of the provision for electric vehicle (EV) recharging points per dwelling or building have been submitted to and approved in writing by the Local Planning Authority. The approved recharging points shall be made 'EV-ready' so a power connection is available to install an EV charge point as required prior to first occupation of the building(s) to which they serve.
- 20) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Hard landscaping details shall include:-
 - a) boundary treatments and all means of enclosure, including full details of any walls, railings and gates and the type of bricks and colour of the railings and gates.
 - b) footpaths.
 - c) hard surfacing (which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area).

Soft landscaping details shall include planting plans and written specifications of plants, trees and shrubs.

The hard landscaping works shall be completed in accordance with the approved details within 3 months of the first occupation of any part of the development or in accordance with approved implementation timetables.

All planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation of the development.

- 21) No development shall take place until a combined Ecological and Landscaping Scheme (ELS) and Landscape and Ecological Management Plan (LEMP) have been submitted to and approved in writing by the Local Planning Authority.

The ELS scheme shall include all aspects of landscaping including details of any compensation for biodiversity loss, including the erection of bat boxes

and/or bird nesting boxes (to include box type, numbers, location and timing of works).

The LEMP shall include:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management, including mitigation and enhancement for species identified on site;
- d) Appropriate management option 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 ten-year period);
- g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
- h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.

The schemes shall be implemented in accordance with the approved details within three months of the first occupation of the development and thereafter shall not be withdrawn or amended in any way.

- 22) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing with the Local Planning Authority. The CEMP shall include the following:
- a) a risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);
 - c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);
 - d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
 - e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
 - f) responsible persons and lines of communication; and
 - g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

- 23) No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing with the Local Planning Authority. The CMP shall include details of:
- a) hours of work;
 - b) hours of deliveries to the site; the parking of vehicles of site operatives and visitors during the demolition/construction phase;
 - c) the delivery access point;
 - d) the loading and unloading of plant and materials;
 - e) anticipated size and frequency of vehicles moving to/from the site;
 - f) the storage of plant and materials used in constructing the development;

- g) the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
- h) wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- i) measures to control the emission of dust and dirt during demolition and construction;
- j) measures to control the presence of asbestos;
- k) measures to minimise noise disturbance to neighbouring properties during demolition and construction;
- l) details of any piling together with details of how any associated vibration will be monitored and controlled; and
- m) a scheme for recycling / disposing of waste resulting from demolition and construction works.

Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period and shall not be amended in any way.

- 24) No development shall take place until a scheme which sets out how the principles of 'Secured by Design' standards will be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. These measures should be installed in accordance with the approved details prior to first occupation of the development and thereafter shall be retained.
- 25) No development shall take place until a Sustainable Building Statement that demonstrates how the requirements of Local Plan Policy EM2 (Building Standards) have been met has been submitted to and approved by the Local Planning Authority. The development shall not be occupied unless and until all the works within the approved scheme have been completed in accordance with the approved details and thereafter the works shall be retained at all times and shall not be removed or altered in any way.
- 26) Prior to the construction of the proposed cycle and pedestrian track connection at the south east of the site and its connection with the cycle track from Knotting Way, full engineering and construction details of the proposed cycle and pedestrian track connection at the south east of the site and its connection with the cycle track from Knotting Way shall be submitted to and approved in writing by the Local Planning Authority. The cycle and pedestrian track connection at the south east of the site and its connection with the cycle track from Knotting Way shall be completed in full accordance with the approved details before the respective dwellings to which they serve are first occupied and thereafter shall be retained.
- 27) In the event that any contamination or unusual ground conditions are encountered during the development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared for submission to and approval in writing by the Local Planning Authority. Following completion of the measures identified within the approved remediation scheme, a verification report must be prepared for submission to and approval of the Local Planning Authority.

- 28) Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428: Code of Practice for General Landscape Operations.

End of conditions

Richborough Estates