



Appeal Decision

Hearing held on 28 & 29 September 2023

Site visit made on 29 September 2023

by **J Ayres BA Hons, Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2024

Appeal Ref: APP/D0840/W/23/3319223

Land at Bickland Hill, Eve Parc, Falmouth, TR10 8WZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Persimmon Homes Cornwall and West Devon against the decision of Cornwall Council.
 - The application Ref PA21/09638, dated 21 September 2021, was refused by notice dated 29 September 2022.
 - The development proposed is Erection of 40 residential properties, which includes 14 affordable houses with associated infrastructure, access to the existing development and public open space to the west and north.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of 40 residential properties, which includes 14 affordable houses with associated infrastructure, access to the existing development and public open space to the west and north. at Land at Bickland Hill, Falmouth, TR10 8WZ in accordance with the terms of the application, Ref PA21/09638, dated 21 September 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. The parties have been given the opportunity to comment on the revised Framework, and I have had consideration of these comments in reaching my decision.

Main Issues

3. The main issues are;
 - The effect of the proposal on the character and appearance of the area, with particular regard to the green gap between Budock Water and Falmouth;
 - The effect of the proposal on protected trees;
 - Whether the proposal would result in the loss of high quality agricultural land; and
 - Whether the site is an appropriate location for the proposed development, having regard to local and national policies for the provision of housing.

Reasons

The effect of the proposal on the character and appearance of the area, with particular regard to the green gap between Budock Water and Falmouth

4. The Budock Water Neighbourhood Plan (the NP) designates a green buffer between the development within Budock Water and the neighbouring town of Falmouth. The aim of the buffer is to act as a physical and visual barrier between the two settlements, preserving the more rural feel of Budock Water. On inspection of the site and surrounding area the buffer achieves this separation. The appeal site is adjacent to the buffer. Whilst the appeal site is within the parish of Budock Water, and policies of the NP are applicable, in visual terms the appeal site sits comfortably within the form of a new development on the edge of Falmouth, called Eve Parc, to which it is immediately adjacent.
5. The appeal site is bordered by mature established hedgerows and dense hedge banks, with trees interspersed along the boundaries. With the exception of two sections of hedgerow on the boundary with Eve Parc being removed as part of the proposal to create an access, the boundaries of the site would largely remain as they are. This would create a contained development with clear boundaries between the site and the green buffer within Budock Water.
6. The appeal site is within Local Landscape Character Area 4: Kergilliack to Menehay (LLCA4), which forms an important part of the skyline and backdrop to the present extent of Falmouth and Penryn, having an intimate and close relationship with the edges of these towns. The wider character of LLC4 is predominantly farmland, which reflects the agricultural development and nature of the area. However the area's character is becoming increasingly urbanised, particularly at the edges of Falmouth, and this is a natural evolution of the development of sustainable settlements to accommodate growth. This change in character is functionally and visually separate from the more rural character of Budock Water, due to the contribution of the green buffer.
7. The wider changes in the character of LLC4 are not detrimental to the appeal site or the adjacent Local Landscape Character Areas, for the wider character of the area includes significant swaths of farmland and functional green wedges of space. These areas, having particular regard to Local Landscape Character Area 3: Eglos and Menehay (LLCA3), reinforce the fundamental rural character of the county. The built form identified in the proposal would be located immediately adjacent to the boundary of the site with Eve Parc, and would be experienced within the context of that existing development. The area of the appeal site closest to the houses within Budock Water would benefit from significant levels of soft landscaping to include new trees, which would in turn be bordered by established hedge banks, as identified above. The resulting layout would reinforce the operation of the green buffer as set out in the NP, and move development towards Eve Parc, which is experienced as a residential development. The development would accord with the evolution of LLC4 when viewed from the wider area, and would conserve the aims of the neighbouring Local Landscape Character Areas.
8. Bickland Hill assists in connecting Budock Water to Falmouth, approaching Budock Water from Falmouth, Bickland Hill rises with Eve Parc and the appeal site on the right hand side. The built form of Eve Parc is visible in places, and the proposed development would be visible in respect of those houses near to

the boundary with Bickland Hill. However, existing views are transient in nature and development is partially obscured by the vegetation and the change in land levels, with Bickland Road being set down within the tall hedge banks. When leaving Budock Water towards Falmouth, Bickland Hill rises steeply from the village towards the appeal site and then falls on the approach to Falmouth.

9. The presence of housing to one side of Bickland Hill does not currently impact on the semi rural character of Bickland Hill, the character is created by the steep hedge banks and tree canopies with the road narrowing in places and rising and falling, as one would expect from a semi rural road. Accordingly, whilst there would be a modest increase in the level of built form in the proximity of the boundary, I do not consider that it would be harmful to the character of the area.
10. I find that the design of the proposal would sit comfortably within the landscape. It would comply with policies 2, 12, 21, 23 and 25 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP). Collectively these policies require development to accommodate growth with a balanced mix of economic, social and environmental benefits. It would comply with policy H3 of the Budock Neighbourhood Plan 2019-2030 (the NP) which requires development to be in keeping with the surrounding built form, to preserve and enhance the green infrastructure and to demonstrate how further planting will complement the character of the area.
11. It would also comply with advice in the Framework at paragraphs 131, 135 and 180, which advise that the creation of high quality buildings and places is fundamental to what the planning process should achieve.

The effect of the proposal on protected trees

12. There are a number of protected trees within the appeal site. The key trees are along the boundary with Bickland Hill, including three sessile oaks, a turkey oak and an ash. Three of the boundaries surrounding the appeal site contain mature hedgerows.
13. No significant trees would be removed as part of the proposal, whilst two sections of hedgerow would be removed to facilitate access, I am satisfied that this would not be harmful to the historical field pattern as significant levels of the pattern would be retained, with development set within it.
14. During the construction period there would be a minimum working space of two metres between the tree protection area and the front of the dwellings. Whilst it would be important during construction to carefully phase construction such to avoid harmful incursion into the root protection area, I am satisfied that the Arboricultural Impact Assessment and Addendum, Tree Constraints Plan, and Tree Protection Plan identify that this would be achievable and could be secured by way of planning condition.
15. There would be an incursion into the root protection area of the early mature sessile oak tree. This tree is prominent within the setting of Bickland Hill and contributes to the character of the area. The tree would be capable due to being a long lived resilient species, of withstanding some short term stress. Accordingly, provided the planning condition is properly adhered to and enforced, the construction work would not cause a significant risk to the long term viability of the oak.

16. BS5837 advises that 'The relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread.' The sessile oak has a rather low crown which would require lifting and reducing in spread. This would not affect the visual appearance from the road and would ensure that its relationship to the plot would not be overly dominating such to risk pressure in the future.
17. There would be some shade cast by the protected trees towards the buildings in plots 19 and 21, however I am satisfied that the shade would not affect the properties from lunch time onwards. Accordingly, the properties would benefit from good levels of sunlight and there would not be pressure to prune or fell the trees in the future. Successful retention of trees is reliant upon technical designs being mindful of the arboricultural constraints and high-quality site management during the construction phase. I am satisfied that planning conditions would be suitable to secure these matters.
18. Accordingly, I find that the proposal would comply with policies 23 and 25 of the LP which requires development to protect Cornwall's natural environment and retain and enhance important environmental infrastructure assets. It would comply with policy HB2 which requires development that supports development that sympathetically retains trees and includes measures to ensure protection during the course of development and their continued survival in the long term.

Whether the proposal would result in the loss of high quality agricultural land

19. The definitive agricultural land classification for the appeal site has been classified as a mix of Grades 2, 3a and 3b. The land previously appeared to function as part of Eve Parc, which has subsequently been developed, however the change in use of neighbouring land does not provide direct justification for any further loss of agricultural land.
20. At present the site is substantially overgrown with very restricted access, and has not been utilised for a number of years. The appellant made it clear within the written evidence and at the hearing that there would be no intention to return the land to a functional agricultural site should the appeal be dismissed. Whilst the site has access onto Bickland Hill and there is nothing in theory to stop the land being used for agricultural purposes I have no evidence to lead me to conclude that the land would be used for agricultural purposes in the future. At best it would be left as it currently is, which is significantly overgrown.
21. A number of suggestions have been made regarding the possible future agricultural use of the site to include small scale pastureland or indeed allotments. However, the site has been left unattended for a considerable period of time, with no future agricultural plans in place for its use. Whilst this does not justify the loss of the land it does reduce the level of economic and environmental harm that would be caused by its development.
22. The loss of agricultural land would conflict with the spirit of policy 21 of the LP which advises that poor quality land should be used in preference to that of higher quality. However, I consider that this conflict would be tempered by the fact that the site is relatively modest in size, it has been unproductive for a

significant period of time, and there is no intention to reinstate any form of agricultural use.

Whether the site is an appropriate location for the proposed development, having regard to local and national policies for the provision of housing

23. The appeal site is directly adjacent to the recently developed Eve Parc which is within Falmouth, Falmouth having extended over time to contribute to the supply of housing in the area. Despite being immediately adjacent to Eve Parc, and the inclusion of access to the site from that development, the appeal site is outside the settlement of Falmouth.
24. The appeal site lies within the parish of Budock, it is separated from the development boundary of Budock Water by an identified green buffer as provided for in Policy H4 of the NP, the purpose of which is to avoid the coalescence of Falmouth and Budock Water. The appeal site does not form part of the green buffer for policy purposes and therefore would not conflict with policy H4 of the NP, indeed at the time that the NP was drafted and consulted upon, the appeal site benefitted from an extent planning permission for residential development. That permission has now lapsed.
25. The site is not allocated for development in either the NP or the Council's allocations DPD. The NP limits new housing to sites within the development boundaries of Budock Water, Treverva and Lamanva or to rural exception sites. The appeal site is not within a development boundary, nor was it put forward as a rural exception site. Nevertheless, the proposal would in principle conflict with policy H2 of the NP which advises that development outside of the development boundaries will be supported only where it is to deliver affordable housing to meet an identified local need and in accordance with policy 9 of the LP. Whilst there would be conflict with these policies, H2 was not stated within the reason for refusal given by the Council in its decision to refuse planning permission.
26. The Cornwall Local Plan supports development within Falmouth, and Policy 1 of the Local Plan supports windfall development at settlements which would include small scale rounding off. Whilst the appeal site is not within Falmouth, it is immediately adjacent to established residential development. The previous consent was granted in the context of linking through the Eve Parc development, and proposal before me would do the same. I am satisfied that the proposal would be appropriate when viewed visually in the context of Falmouth. Setting aside the boundary with Bickland Hill, beyond which there is an existing industrial site, the appeal site is bordered on two sides by the Eve Parc development with a mixture of housing and open space. The boundaries of the site are, as previously set out in my reasoning, mature and substantial hedgerows which create a significant boundary. Accordingly, development of the appeal site would not encroach into open countryside, and would not result in any incremental growth.
27. The proposal would be in a sustainable location, with good accessible links to services and facilities, allowing it to develop as an integrated development for future residents.
28. The proposal would comply with policies 2, 12, 21, 23 and 25 of the Cornwall Local Plan Strategic Policies 2010-2030, which collectively require development

to accommodate growth with a balanced mix of economic, social and environmental benefits.

29. However, despite the wider compliance with the local plan, the proposal would conflict with policies H1 and H2 of the NP and policy 9 of the LP in respect of its location outside of the development boundary. The proposal would not conflict with policy H4 of the NP as the site would not affect the green buffer between the settlements.

Other Matters

The effect of the proposal on the historic environment

30. The appeal site does not lie within a conservation area, nor are there any heritage assets within the site itself. However, the site is within the near vicinity of a group of heritage assets. The parish church of St Budock is a Grade II* listed building, with a Grade II listed vestry to its immediate south, it was established by at least the 13th century, along with many of the surrounding farms. The appeal site is between four farmsteads of medieval origin, elements of these survive at Nangitha, Eglos and Lower Kergilliack and now Grade II listed.
31. Through the second half of the 20th century the town of Falmouth had expanded up to Bickland Water Road, and the smaller settlement of Bickland Water expanded towards the appeal site. The listed buildings and the appeal site signify elements of the character of the medieval period, with distributed farmsteads connected by lanes and set within a layout of agricultural fields. However, whilst the appeal site has retained its historic boundaries there is very limited visibility into or out of the site, and due to the evolution of development within the area it does little to contribute to the significance of the heritage assets in its current form.
32. St Budock Church, the Vestry and Eglos Farmhouse share a common setting and are experienced as a pocket of rural settlement that has survived between the expanding urban areas. The immediate setting is decidedly rural, accessed from a quiet country lane and flanked by pockets of woodland. This creates a setting for the group as a whole, and the Church's more intimate setting includes the church yard and historic tombs and headstones. There is a group of approximately twenty-one Grade II listed heritage assets within the church yard, including individual and grouped tombs and headstones, in addition to the vestry building. The setting of these heritage assets is focused within the churchyard, the setting within the churchyard is a key contributor to their special interest as listed structures.
33. Whilst the wider area has developed, the green buffer and woodland character has protected the setting of the group. The appeal site is beyond this buffer, due to topography and intervening vegetation there is no intervisibility between the appeal site and the assets. As such it does not form part of the setting, moreover, the design of the proposal would ensure that the appeal site would be experienced as part of the Eve Parc development. Accordingly, I am satisfied that the proposal would not be harmful to the setting of Budock Parish Church, the twenty one listed assets within the churchyard, or Eglos Farmhouse.

34. Nangitha Farmhouse is experienced within its own enclosed grounds, and whilst in landscape terms it contributes to the medieval agrarian character, it has a more intimate setting, contributed to by the access through fields. The entrance to Nangitha Farmhouse is adjacent to the corner of the appeal site. However, there is no intervisibility between the properties, the area of the appeal site closest to the boundary with the historical lane would be set out as soft landscaping which would include trees, and traffic on the site would be directed towards Eve Parc. I am satisfied that the proposed development would not be harmful to the setting of Nangitha Farmhouse.
35. Lower Kergilliack, a Grade II listed Farm, lies to the north of the appeal site, however due to its distance from the appeal site and the existing intervening housing developments, I do not consider that the proposal would affect the listed building.
36. I am satisfied that the proposal would not be harmful to the setting of listed buildings within the area, nor would it be detrimental to those historical elements of the surrounding environment.

The effect of the proposal on the Fal and Helford Special Area of Conservation (SAC)

37. The appeal site is within 12.5 kilometres of the SAC, which is a European Site. European Sites have been designated following the EC Habitats Directive (1992), interpreted into British law by the Conservation of Habitats and Species Regulations (2017). The aim of the Directive is to "maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest".
38. The SAC encompasses the two rias of the Fal Estuary and the Helford River and the inner part of Falmouth Bay. Saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs are all interest features which contributed to its selection as a SAC. The proposal would be likely to impact on the interest features of the SAC and therefore the proposal is likely, in combination with other developments in the area, to have a significant effect on the SAC.
39. The Fal and Helford SAC Mitigation Plan identifies a management scheme which requires actions to be undertaken by relevant authorities, either working alone or in partnership, to manage the SAC and to conserve and enhance the interest features of the SAC. Natural England has been consulted on the proposal and has confirmed that, provided a suitable financial contribution is secured and applied in accordance with the Fal and Helford SAC Mitigation Plan, the proposal would not have an adverse effect on the integrity of the SAC.
40. A contribution of three hundred and fifty two pounds (£352.00) per unit would be secured through the obligation, and would be directly applied to the Fal & Helford SAC Strategic Mitigation Plan. Having regard to the response from Natural England I am satisfied that the proposal would not have an adverse effect on the integrity of the SAC.

The S106 Planning Obligation

41. A completed S106 planning obligation (the obligation) was agreed and submitted as part of the appeal. The obligation would secure a level of

- affordable housing at 35%, the equivalent of 14 units on site. The obligation would also secure a financial contribution of thirty five thousand seven hundred pounds (£35,7000) towards the provision of affordable housing.
42. A contribution of two thousand seven hundred and thirty six pounds (£2736) per qualifying dwelling would be secured to contribute towards additional or improved school places or school facilities within the Falmouth Dezoned Area.
43. A financial contribution of thirteen thousand five hundred and ninety four pounds and fifty pence (£13,594.50) would be secured for health facilities to assist in supplying additional primary healthcare facilities.
44. Whilst the proposal would provide links to the adjacent Eve Parc development, which includes existing open space, the appeal site would not provide any additional public open space. Accordingly the obligation would secure a financial contribution of two hundred and fifty six pounds (£256) per affordable dwelling and nine hundred and eight pounds (£908) per open market dwelling towards the improvement of outdoor sports at Trescobeas playing field and/or the creation or improvement of outdoor sports open space within Falmouth Parish and/or Budock Parish.
45. A transport contribution of two thousand six hundred and fifty five pounds (£2,655) per open market dwelling towards the cycleway works on Bickland Water Road as set out in the Falmouth and Penryn Transport Strategy.
46. As I have set out in my reasoning above, a financial contribution of three hundred and fifty two pounds (£352.00) per unit would be secured through the planning obligation and directly applied to the Fal & Helford SAC Strategic Mitigation Plan.
47. The S106 agreement is a material consideration. I am satisfied those provisions relating to affordable housing, community facilities and financial contributions meet the three tests of the 2010 Regulations, in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The Council's CIL compliance statement sets out the detailed background and justification for each of the obligations. I have therefore taken it into account in determining the appeal.

The effect of the proposal on ecology and biodiversity

48. Other than the sections of hedgerow to be removed for access to Eve Parc, the hedgerows around the boundaries of the site would be retained. In addition, new hedges would be introduced on the site to provide a 10% net gain, and a 10% net gain for habitat would be achieved through the use of open space. Accordingly the proposal would proactively contribute to and ecology and biodiversity.

Other issues

49. The evidence suggests that there are not significant contamination issues at the site, and archaeological matters would be secured through the use of planning conditions. The site would not have direct access to Bickland Hill, traffic would be directed through Eve Parc and join at the roundabout, as such the proposal would not be detrimental to highway safety. In addition, it would possible to walk or cycle through Eve Parc towards Falmouth, which would

encourage other modes of transport. The planning obligation would secure contributions towards infrastructure to ensure that additional demand for facilities would be met.

50. There were previously linked appeals for the appeal site, for which the appeals were dismissed¹. I have carefully considered the Inspector's reasoning. The appeals related to the development of land without complying with a planning condition, and against the council's refusal to approve details. In those appeals the Inspector found harm directly attributable to the removal of the hedgerow adjacent to Bickland Hill to provide access to the site. The proposal before me is fundamentally different in respect of access, and subsequent effect on the character of the area.
51. Interested parties also raised a parliamentary restriction on the coalescence of Falmouth and Budock Water. Having regard to my conclusion in relation to the green buffer, which actively provides a green buffer zone and would continue to function with the proposal, I am satisfied that the historical legislative position would be protected.

Conclusion

52. The proposal would comply with the LP in respect directing housing towards sustainable locations. However, it would conflict with the NP insofar as it would locate housing on a site not allocated for development within the NP. Whilst I acknowledge the arguments made in respect of the history of the site, the previous permission has lapsed, and development of the site would conflict with the direction of housing in the NP. Accordingly, the proposal would conflict with the development plan when taken as a whole.
53. It then turns to consider whether any material considerations would outweigh the conflict. The proposed development would provide housing in a location sustainably located in respect of services and facilities which would contribute to the supply of housing within the area, including the delivery of affordable units. The proposal would help to support the construction industry during the initial stages, as well as local services and contribute to creating a vibrant local community. There would also be an enhancement to biodiversity and ecology.
54. Furthermore, whilst the previous permission has lapsed, it is a material consideration. At the time the NP evolved, the community was aware that the site had been considered suitable for development. It was not allocated for development within the NP, however it already had the benefit of permission. I am also mindful that policy H2 of the NP was not stated as a reason for refusal. I do not consider that the previous permission would in itself justify a scheme that would, due to the effluxion of time, now conflict with policies in the LP and NP. However I do consider the history of the site and the development of policy in the area generally to be a material consideration.
55. The totality of these benefits can be given considerable weight in the overall planning balance.
56. The proposal would not be harmful to the character of the area, and whilst it would result in the loss of agricultural land I consider the harm associated to be very modest. The scheme would sensibly extend and round off the Eve Parc

¹ APP/D0840/W/18/3194503, APP/D0840/W/18/3194506

development, whilst continuing to provide a clear boundary between the green buffer within the parish of Budock Water and Falmouth.

57. The appeal scheme would conflict with the development plan taken as a whole. However, in this instance, I find that there are material considerations that outweigh this conflict.

Conditions

58. Turning to conditions. I have had regard to the advice in the Planning Practice Guide and the suggested conditions, which were discussed at the Hearing. In addition to the standard commencement condition (1), I have imposed a plans condition as this is necessary in the interest of certainty (2). An archaeological investigation condition is necessary having regard to the historical development of the area (3). Conditions relating to access, parking and turning are necessary in the interest of highway safety and to living conditions of future occupiers (4 and 5). Conditions securing the works relating to biodiversity and ecology management are necessary to ensure that the scheme actively supports biodiversity and ecology (6 and 7). It is necessary to impose a condition securing a scheme of landscaping in the interest of the character of the area (8), and to impose a condition requiring compliance with procedures to ensure the protection of trees within the site (9). A construction method statement is necessary to protect living conditions of nearby occupiers and in the interest of safety (10). A condition securing a travel plan is necessary to encourage sustainable modes of transport (11). Conditions securing details for surface water management are necessary to ensure that the proposal deals with flood issues and does not increase the risk of flooding elsewhere (12, 13, 15). A condition imposing a construction quality control plan is necessary to ensure that the development is of a high quality to respect the character of the area (14).
59. Pre-commencement conditions are required. I have imposed these in the interest of ensuring appropriate controls during the construction period related to living conditions. These were agreed by the appellant in writing.
60. I have found that the development would conflict with policies in the NP relating to the location of housing. However, I have also found a number of material considerations that, when taken together, lead me to conclude that the conflict with the NP is outweighed.
61. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

J Ayres BA Hons, Solicitor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following plans;

EV-3805-TCP Tree Constraints Plan (EveSp) Mar-21
EV-3805-AIA REV A Arboricultural Impact Assessment Eve Parc (EveSp) Mar-21

EV-3805-TPP REV A Tree Protection Plan (EveSp) Jun-22
194 BNG Marc2022 194 Land at Bickland Hill BNG Mar2022 Mar-22
Bat_Activity_Survey Bat_Activity_Survey Sep-15
EIA Ecological_Impact_Assessment Jul-15
BNG BNG 3.0 Calc v08 May-22
BNG BNG March 2022 Mar-22
EcIA Land off Bickland Hill EcIA Apr 2022 Dec-21

803_ Maps Figure Set 803_ Maps Figure Set Jul-21
803_Viewpoint Figure Set 803_Viewpoint Figure Set Aug-21
803_03 Details and Notes Mar-22
803_04 Planting Plan North Full Canopy Mar-22
803_05 Planting Plan South Full Canopy Mar-22
LVA REV A Aug-21

10109 DAS REV_B Part 1 Reduced Sep-21
10109 DAS REV_B Part 2 Reduced Sep-21
Agricultural Land Classification Assessment N/A
CIL Jun-21
Covering Letter Sep-21
DAS REV A Jun-21
Draft Heads of Terms Sep-21
Archaeological Survey May-15
Contaminated Land Report + A Jun-15
Contaminated Land Report B Jun-15
Contaminated Land C Jun-15
Contaminated Land D Jun-15
Contaminated Land E Jun-15
Contaminated Land F Jun-15
Contaminated Land G Jun-15
Heritage Statement Sep-21
Historic Environment Assessment May-15
Transport Statement Sep-21
Travel Plan Sep-21
Affordable Housing Statement Final with Appendices May-22
Statement of Community Involvement May-22
Planning Statement

SK101 Site Plan Feb-22
SK103 REV A Materials Plan Mar-22
SK107 REV A HA Plan_A Aug-21

SK111 REV A Colour Site Plan_A Feb-22
SK114 REV A Connectivity Plan_A Aug-21
SK102 Landscaping Plan Aug-21
SK104 Location Plan Aug-21
SK111 Colour Site Layout Aug-21
SK112 Colour Landscaping Plan Aug-21
SK120 Enclosure Details Aug-21
SK107 Site Sections Feb-20
EMS External Material Schedule Jun-21
SK740-02 Double Garages Mar-22
SK105 Street Scene 1 Feb-20
SK106 Street Scene 2 Feb- 21
R20 Range Housetype Pack Oct-21
SK720-WD-01 Single Garages Mar-22
SK600 2021BH_SK600_643_Alnmouth_SK600 Mar-22
SK602 2021BH_SK600_643_Alnmouth_SK602 Mar-22
SK604 2021BH_SK600_643_Alnmouth_SK604 Mar-22
SK606 2021BH_SK600_643_Alnmouth_SK606 Mar-22
SK610 2021BH_610_647_Ashridge_SK610 Mar-22
SK620 2021BH_SK620_755_Redhill_SK620 Mar-22
SK622 2021BH_SK620_755_Redhill_SK622 Mar-22
SK630 2021BH_SK630_811_Danbury_SK630 Mar-22
SK632 2021BH_SK630_811_Danbury_SK632 Mar-22
SK633 2021BH_SK630_811_Danbury_SK633 Mar-22
SK640 2021BH_SK640_1012_Charnwood_SK640 Mar-22
SK650 2021BH_SK650_1012_Barnwood_SK650 Mar-22
SK660 2021BH_SK660_1035 & 1043_Saunton & Braunton_SK660 Mar-22
SK670 2021BH_SK670_1204_Barnwood DT_SK670 Mar-22
SK680 2021BH_SK680_1259_Brampton_SK680 Mar-22
SK681 2021BH_SK680_1259_Brampton_SK681 Mar-22
SK682 2021BH_SK680_1259_Brampton_SK682 Mar-22
SK690 2021BH_SK690_HA_Alnmouth_SK690 Mar-22
SK700 2021BH_SK700_863_HA_Wareham_SK700 Mar-22
SK702 2021BH_SK700_863_HA_Wareham_SK702 Mar-22
SK710 2021BH_SK710_1123_HA_Ashdown_SK710 Mar-22
SK712 2021BH_SK710_1123_HA_Ashdown_SK712 Mar-22
SK720 2021BH_SK720_Garages_SK720 Mar-22
BIC-0003-P4 Impermeable Area Plan Feb-21
BIC-0004-P3 Existing Layout Feb-21
BIC-0500-P4 Drainage Layout Feb-1
BIC-0501-P4 S104 Layout Feb-21
BIC-0510-P4 Exceedance Routing Feb-21
BIC-0700-P4 Highway Layout Feb-21
BIC-0702-P4 Highway General Arrangement Feb-21
BIC-0703-P4 S38 Layout Feb-21
BIC-0710-P4 Vehicle Swept Path Refuse Feb-21
BIC-0711-P1 Vehicle Swept Path Fire Feb-21
FRA FRA 40 Units - REV 4 Mar-22

- 3) A) No development shall take place until a programme of archaeological recording work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The

scheme shall include an assessment of significance and research questions, and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

D) The archaeological recording condition will normally only be discharged when all elements of the WSI including on site works, analysis, report, publication (where applicable) and archive work has been completed.

- 4) No development shall commence until details of the access and associated works, pedestrian footways, estate roads and their junctions, surface water drainage, street lighting and means of access to the proposed dwellings, have been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of any unit, the pedestrian footways, estates roads and accesses shall be constructed in accordance with the approved plans and shall be retained as such thereafter.
- 5) Before the first occupation of any dwelling, the parking and turning areas serving it shall be laid out and constructed in accordance with the approved drawings, and the said areas shall not thereafter be obstructed or used for any other purpose.
- 6) No development shall commence unless and until a Biodiversity Management Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the local planning authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include:
 1. Proposals for on-site biodiversity net gain (full details of which will be provided in relation to each phase of development and/or for off-site offsetting;
 2. A management and monitoring plan for any onsite and offsite biodiversity net gain including 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the biodiversity net

gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented and maintained in full accordance with the requirements of the approved Biodiversity Management Plan approved by the local planning authority in writing.

- 7) The development shall take place in accordance with the recommendations set out in the Ecological Impact Assessment Rev 3 dated 26 April 2022. Details of the lighting plan, number and locations of bird, bat boxes and bee bricks, and other mitigation and enhancements, shall be submitted to and approved in writing by the Local Planning Authority and installed prior to the first occupation of the development. The development will be undertaken in accordance with the approved details and the necessary works undertaken before the development is first brought into use and shall be maintained for the lifetime of the development.
- 8) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:
- Full schedule of plants.
 - Details of the mix, size, distribution and density of all trees/shrubs/hedges.
 - Cultivation proposals for the maintenance and management of the soft landscaping.
 - Proposals for the maintenance and management of the public open space.

An Arboricultural Method Statement (AMS) including an arb monitoring schedule (including sign off and evidencing of Tree protection fencing by project arboriculturist) and methodology for construction within RPAS (e.g. boundary treatments, ground protection, and footpaths in rooting areas/CEZ). This should be in line with industry best practices and provide sufficient clear detail to ensure that any approved construction activity within RPAS and the proposed construction exclusion zones (CEZ) are undertaken with appropriate care and that outside of these approved activities the CEZ will remain sacrosanct.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

- 9) The approved tree protection fencing set out in the Arboricultural Report Rev A, dated 7 June 2022 which will be erected in accordance with the specification given in the British Standard BS 5837 prior to commencement

of any works associated with the development and be retained and maintained until the completion of the development. At no time shall any works in connection with the development, including storage, access, cement mixing, bonfires, excavations or other level changes occur within the protected area. The development shall be implemented in strict accordance with the agreed tree protection methods.

- 10) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - Wheel washing facilities.
 - Measures to control the emission of dust and dirt during construction; a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - Hours of working.
- 11) No development shall take place until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the new development shall be occupied prior to implementation of those parts identified in the Approved Travel Plan as capable of being implemented prior to occupation. Those parts of the Approved Travel Plan that are identified therein as capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented in accordance with the approved details as long as any part of the development is occupied.
- 12) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved by the Local Planning Authority. The details shall include:
- A description of the foul and surface water drainage systems operation;
 - Details of the final drainage schemes including ground investigation and testing results, calculations and layout;
 - A Construction Surface Water Management Plan; A Construction Quality Control Plan;
 - A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
 - A timetable of construction;
 - Confirmation of who will maintain the drainage systems and a plan for the future management and maintenance, including responsibilities for the drainage systems and overland flow routes. The plan must include a drawing which clearly indicates the management responsibility for each drainage element, and schedule of maintenance.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100-year peak rainfall event plus a minimum allowance of 50% for the impacts of climate change.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.

- 13) Prior to the commencement of any phase or sub-phase details of the Construction Phase Surface Water Management Plan must be submitted to and approved by the LPA. This must include:
- Areas proposed for drainage features must be fenced and protected from compaction during the construction phase with a plan clearly indicating the extent of the fenced areas;
 - Construction Phase Surface Water Management Plan for each phase or subphase of construction. This must clearly identify how surface water runoff from the site and the effects of silt and surface water on land, property, watercourses and the highway will be mitigated and managed throughout the construction period;
 - Evidence that all necessary Land Drainage consents and Environmental Permit applications have been submitted;
 - Details of pollution water quality and emergency control measures, including temporary sediment basins, sediment traps, silt fences, bunds and trenches;
 - Construction Phasing and Sub-Phasing Plan;
 - Construction Site Plan showing compounds, material storage areas, temporary vehicle parking areas.
- 14) Prior to the commencement of any phase or sub-phase details of the Construction Quality Control Plan must be submitted to and approved by the LPA. This must include:
- Procedures used to ensure that the quality of contractors and subcontractors workmanship is in accordance with the approved design.
 - Details of the proposed storage and use of materials which must be in accordance with the manufactures recommendations and specifications.
 - Procedures implemented to ensure that all materials used, including any materials which are substituted, are compliant with the approved design.
 - Details of how inspections, non-compliances and corrective actions will be recorded.
- 15) Prior to the commencement of any phase or sub-phase details of the Surface Water Drainage Systems Operation and Maintenance Manual is required and must be approved by the LPA. This must include the following:
- A brief summary of the SuDS design, how the SuDS components work, their purpose and potential performance risks.
 - A plan showing the location of all SuDS components within and serving the development including inlets and outlets. Each component must have a unique reference.

- Confirmation of who will adopt, operate, manage and maintain each SuDS component.
- Maintenance trigger requirements, including visual indicators for silt removal, vegetation removal.
- A description of the proposed maintenance activities and a log of the activities.
- Maintenance Schedule identifying regular and occasional maintenance and remedial actions.
- Confirmation of maintenance buffer areas.
- Details of the maintenance access routes and easements.
- Details of the contributing drainage catchment(s).
- The landscaping and planting scheme.
- Details of the management schemes for the habitats and amenity areas created as part of the drainage scheme.

END OF CONDITIONS

Richborough

APPEARANCES

For the LPA:

Mr J Holman of Cornwall Council
Mr B Curnow of Cornwall Council
Mr Oliver Bradbear of Cornwall Council

For the Appellant:

Mr C Banner KC of Keating Chambers
Mr J Millard of Blue Fox Planning
Mr N Bunn of Redbay Design Landscape Consultants
Mr A Field of Reading Agricultural Consultants
Mr S Proctor of Evolve Tree Consultancy
Mr J Stacey of Tetlow King Planning

Interested parties who addressed the Hearing:

Mr Burnett
Mr Hart
Councillor D Saunby
Mr Baskin
Mrs Moor
Mr Jewel
Mr Somerville
Mr Owens
Mr Selley