



Appeal Decision

Inquiry held on 10 –11 September 2019

Site visit made on 9 September 2019

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd October 2019

Appeal Ref: APP/J2210/W/19/3229319

Grasmere Gardens, Land South of The Ridgeway, Whitstable

- 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 Kitewood Estates Limited against the decision of Canterbury City Council.
 - The application Ref 17/00469, dated 23 February 2017, was refused by notice dated 7 March 2019.
 - The development proposed is mixed use development comprising 300 residential dwellings, 3,500 sqm of employment space (or 1,000 sqm employment space and a new primary school), a community hub to include uses within use classes a1-a5 (shops, financial services, food and drink outlets) and use class d1 (non-residential institution uses such as clinics, health centre, creche, nursery and day centre), a cafe/restaurant/bar within use classes a3-a4 and 7.16ha of open space including children's play areas. Phase 1 (detailed element) comprising development of 140 residential dwellings, of which 39 will be affordable, provision of main access road from Reeves Way and emergency access from Richmond Road, community hub, cafe/restaurant/bar, open space and play facilities and associated car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for:

A mixed use development including up to 300 dwellings and 3,500 sqm of employment floorspace comprising:

Detailed proposals for the erection of 140 residential dwellings, 1 no. Locally Equipped Area of Play (LEAP), vehicular access from Reeves Way and emergency access from Richmond Road, associated internal roads, footpaths and cycleways, open space, associated car park and overspill car park from Reeves Way, pumping station and landscaping.

Outline proposals for up to 160 dwellings and 3,500 sqm of employment (Use Class B1 (a)) with associated parking, allotments, Multi Use Games Area (MUGA) and open space with all matters reserved except access (excluding internal circulation)

at Grasmere Gardens, Land South of The Ridgeway, Whitstable, in accordance with the terms of the application Ref 17/00469, dated 23 February 2017, subject to the conditions contained in the Schedule to this decision.

Preliminary Matters

2. The description of development, as set out in the header above, was changed (with the agreement of both parties) several months prior to the determination of the application. Thus, in granting planning permission I have used the amended description of development. I do not consider that anyone will have been prejudiced by this change and have determined the appeal on the basis of the amendment.
3. The application was made in hybrid form (part outline, part full) and I have determined it on that basis, treating drawings relating to the outline proposal as indicative.
4. The City Council confirmed at the Inquiry that, following the agreement with the appellant of suitable planning obligations and satisfactory emergency access arrangements, it would no longer be defending its reasons for refusing the application. These reasons had been a) a concern that the proposed emergency access could not be delivered and b) the failure by the appellant to secure necessary mitigation for impacts of the proposal upon local transport infrastructure; community infrastructure; open space; and the Swale Special Protection Area (SPA) and the Thanet Coast & Sandwich Bay SPA.
5. The City Council confirmed that it was now of the view that planning permission should be granted for the appeal proposal, subject to appropriate planning conditions and obligations (which I address in the relevant sections below). This being so, neither of the main parties formally called witnesses, with key matters being addressed by round table discussions (involving interested parties). The appellant confirmed that they would no longer be pursuing a claim for costs.

Main Issue

6. In the light of the above, I consider that the main issue is whether safe and secure access to the site can be achieved.

Reasons

7. The main access to the site would be from Reeves Way, over the narrow bridleway, The Ridgeway, which runs along the site's northern boundary. It is common ground that, due to the need to narrow the width of the access road at this point (as a traffic calming measure in relation to the bridleway), an emergency vehicular access from Richmond Road would also be required.
8. The main issue falls, thus, into two parts. First, the proposed main access to the site and, second, the proposed emergency access. I deal with them separately before concluding.

Main access

9. There was no dispute between the main parties that running the access road across The Ridgeway would be legally acceptable. In the City Council's case, this was on the basis of advice from Kent County Council (Highways department and Public Rights of Way & Access Service). The County Council required only that traffic calming and appropriate signage be put in place where Reeves Way would cross The Ridgeway. It was also supportive of the proposals for a new shared footpath/cycleway on Reeves Way.

10. Local residents' groups, however, raised a number of concerns about the legality of running the proposed access route over The Ridgeway. These concerns were addressed by the appellant in legal submissions¹ to the City Council. These submissions are thorough and cogent. In the absence of any substantive expert rebuttal to them, and noting also the County Council's position vis-à-vis the public right of way, I see no reason to gainsay them.
11. In any case, the delivery of the main access would be required in advance of development on taking place on the site. Thus, should there prove to be legal (or other) impediments to the delivery of the main access, the development would be unable to proceed.
12. Of greater concern is the, currently, unrestricted parking on Reeves Way. The presence of parked vehicles either side of the carriageway at the bottom of Reeves Way serves to reduce considerably the width of the road. It was common ground between the main parties that such a situation, if not addressed, would compromise the safe and efficient use of the proposed access. It would also prevent the provision of the shared footpath/cycleway.
13. To resolve this issue, a Traffic Regulation Order (TRO) would be required. This would introduce double yellow lines onto the relevant sections of Reeves Way, displacing the parked vehicles and allowing free flow into and from the appeal site. Such action would, clearly, result in a *de facto* increase in the usable width of the highway. Indeed, the County Council was of the view² that:

"The acceptable parameters for a Local Distributor Road³ are between 6 metres and 10.5 metres wide. The proposed layout for Reeves Way ... demonstrates that 6 metres is achievable other than at the point of the crossing of the Public Bridleway CW40 which is required to be narrowed to a width of 3.7m for reasons of public safety".
14. There was no dispute that the majority, if not all, of the vehicles parked on Reeves Way's roadside belonged to people working at the John Wilson Business Park. The displaced vehicles would have access to an overspill car park, of at least 35 spaces, on the appeal site. This would be secured by condition.
15. The overspill carpark would be unrestricted, in the same way that the on street parking is at present. Thus, it would be open for use by anyone. Even so, the County Council was satisfied that the appeal scheme would meet their local parking standards, such that one could reasonably consider that there would be sufficient parking spaces available on the development for those who would be living and working upon it. Neither these individuals nor any visitors, therefore, would have regular, if any, need for use of the overspill carpark.
16. That said, I share the concerns of local residents that the conclusions of the appellant's Reeves Way traffic survey may not be as robust as one might hope. I do not consider it at all likely, for example, that one would park on Reeves Way to then walk back up it for the sole purpose of shopping at Sainsburys, which itself has a large carpark.

¹ CD11.1-11.3

² Mr Finch Proof of Evidence paragraph 4.2

³ As Reeves Way is classified by the County Council.

17. There is no reason, however, why a further survey could not be undertaken, if required by the highway authority⁴, to ensure that the necessary level of parking spaces is being provided. Indeed, the appellant was clear that there was space within the site for additional spaces to be provided. I have amended the relevant condition accordingly.

Emergency Access

18. Turning to the emergency access, the key issue in dispute between the main parties, before its resolution, was whether the appellant had the necessary land ownership to be able to deliver this access⁵.
19. The appellant, on the basis of expert legal advice, asserted that they owned the land in question. The City Council, while not disputing the legal authorities cited, nonetheless maintained concerns that the relevant legal presumption(s) could not or would not be rebutted.
20. This debate became moot, however, following Kent County Council's agreement to use its powers under section 228 of the Highway Act 1980, whereby the emergency access would become a highway maintainable at the public expense⁶. This approach was acceptable to the City Council.
21. Such a step would require that a formal process is followed. It seems to me, on the basis of the evidence available, that the likelihood of there being any impediment to the adoption is slim. Indeed, there is no evidence before me to suggest that any other party has, either now or in the past, purported to own or to have accrued rights over the triangle of land in question.
22. Notwithstanding this, residents' group representatives raised concerns about the operation of the emergency access, to wit whether it was wide enough and how it would be controlled.
23. Turning to the first point, the highway authority raised no concerns in this regard and did not suggest that the access failed to meet relevant standards. Furthermore, emergency vehicles travel along narrow roads, and through congested areas, every day, with motorists manoeuvring to allow the emergency vehicles through. I can see no logical reason why this would not occur in the event that the main site access was blocked, that vehicles were, thus, seeking to exit the site through the emergency access, and that an emergency vehicle was seeking to enter the site through the same.
24. Emergency access routes into and from large developments, although not ideal, are not uncommon. There is no reason why an appropriately designed and managed emergency access from the appeal site would not be effective. Indeed, the City Council must approve any operational details, as per the relevant condition. One would reasonably consider that, before doing so, the City Council (and the appellant) would liaise with the emergency services to ensure that any proposals were agreeable to them. I note at this point that Kent Police raised no objections to the proposal in its consultation response.

⁴ Which does not take issue with the current survey.

⁵ There being a small triangle of unregistered land between the site and the Richmond Road.

⁶ Section 228 of the 1980 Act details how, in specific circumstances, new roads may be adopted when any works undertaken by the local authority (not by a statutory undertaker) have been executed in a private street. For instance, it can be used where the owner of the land is not traceable; the land is not registered; or where a developer has a right of way over the land, but does not own the land.

Conclusion on the Main Issue

25. On the basis of all that I have read and heard, I conclude that the appeal proposal would provide safe and secure access into the site, which could be retained in perpetuity. It would not, therefore, conflict with Canterbury District Local Plan (the Local Plan) policy DBE3. This requires, among other things, the safe movement of pedestrians, cyclists and cars within and around the proposed development.
26. The Council's decision letter also cites Local Plan policy T1, but it is difficult to see how its criteria relate to provision of the emergency access. As such, it does not appear to be directly relevant to the matter in question.

Other Matters

27. Local residents and residents' groups raised a number of other matters in their representations. In addition, specific individuals spoke eloquently and at length about a range of matters, chiefly flood risk and highway safety/efficiency, at the Inquiry. Overall, these fell broadly into the following topic areas.

Character and Appearance of the Chestfield Conservation Area

28. The appeal site is adjacent to the Chestfield Conservation Area (the CA). National planning policy is clear that "*great weight*" should be given to a designated heritage asset's conservation⁷.
29. On the basis of all that I have read and seen, I consider that the significance of the CA derives largely from its architectural and wider aesthetic value as an example of an interwar 'garden suburb' around the historic core of the original settlement (albeit compromised by some unremarkable, more modern development, notably to the north of the CA).
30. The deep verges, expansive areas of landscaping and, in some cases very, large plots add to the CA's low density, suburban aesthetic and make positive contributions to its character and appearance.
31. Turning to setting, the setting of a heritage asset is defined in national planning policy as "*the surroundings in which a heritage asset is experienced*"⁸.
32. Arguably, the appeal site contributes to the CA's sense of openness and low density, suburban character, acting as a break between it and the higher density, later 20th century development further west. It is, however, separated from the CA by a dense band of mature trees and hedgerow. As such, the degree to which one experiences the CA from within the site, or is conscious of the existence of the appeal site from within the CA, is very limited. This is different to, say, the cricket ground, which is appreciated as an open gateway to, and space within, the CA.
33. In addition, the proposed development would retain some green space against the CA boundary, with the effect that a characteristic open area would remain. This would be comparable to, if not larger than, the other spaces in and around the CA (the golf course and open countryside excepted).

⁷ National Planning Policy Framework paragraph 193

⁸ *Ibid* Glossary

34. In short, the contribution that the appeal site makes to the setting of the CA, and thus to its significance, is minimal. Any harm arising to the character and appearance of the CA would be less than significant, and well towards the lower end of the scale. Weighed against this is the significant public benefit that would arise through the provision of needed housing, on a site allocated in the Local Plan. In my judgement, such benefit would clearly outweigh the very limited harm that would arise to the setting of the CA. This accords with the conclusion reached by the City Council on the same matter.

Flood risk and drainage

35. Turning to sewerage, it is not disputed that reinforcement would be needed to provide sufficient capacity in the foul network to take the predicted flows from the proposed development. Southern Water has not objected to the appeal proposal, however, and is content that the matter can be dealt with by condition. On the basis of the evidence before me, I have no reason to doubt Southern Water's formal position.
36. Concerns were raised in relation to the possibility of increased flooding arising from the proposed development. This is understandable given the area's history and the fact that part of the site lies within flood zones 2 and 3. I do not take this issue lightly.
37. The principle of development upon the appeal site has been established through its allocation in the Local Plan, which was informed by a Strategic Flood Risk Assessment. The site was also assessed against a range of factors, including flood risk, through the Local Plan sustainability appraisal process. In addition, the Local Plan Inspector determined⁹ that:
- "the major part of the site is outside Zones 2 and 3. The built residential development could be accommodated on that part of the site and, as such, in sequential terms would be in an area with a lower probability of flooding".*
38. He also noted that there was no in principle objection from the Environment Agency (EA) to the site's allocation.
39. The EA has not objected to the planning application, subject to appropriate conditions, and its position is the same as that of Kent County Council (as lead local flood authority). It may be that there are some shortcomings in the initial flood scheme calculations provided by the developer, but the lack of in principle objection from these two statutory bodies is a factor that carries significant weight.
40. There is no substantive evidence before me to suggest that the site is so unusual that a final drainage scheme could not be designed and delivered to their satisfaction, such that the development would not be at significant risk of flooding and would not increase the risk of flooding elsewhere.
41. Indeed, the relevant conditions would require the approval of such a scheme by the City Council. It is difficult to conceive of a reason why this authority would not seek the advice and guidance of the relevant statutory bodies, which would require that *"the detailed proposals meet an exacting set of criteria"*.¹⁰

⁹ CD 1.8 paragraphs 207-208

¹⁰ Canterbury City Council Engineering Technician (Drainage) CD 7.22.5

42. I am also mindful of the safety concerns raised about the proposed drainage/balancing pond(s). Such features are, however, common on modern developments and there is no evidence before me to suggest that they are inherently unsafe or cannot be made safe through appropriate measures.
43. Finally, turning to the matter of waterlogging, some of the proposed open space may be boggy at certain times of the year (albeit that there was no evidence of such at the time of my site visit). There was no suggestion that this is a permanent situation or of significant longevity, such that the area would be fundamentally unusable. In addition, the LEAP and MUGA would be designed with appropriate surfacing (and access routes), making them usable in most weather conditions.

Highway safety and efficiency

44. I have addressed matters in relation to the site accesses above. In addition, however, concerns were raised about impacts of the proposal upon the wider highway network.
45. First, in this context, I note that there is no objection to the proposal from Kent County Council as highway authority, subject to relevant off-site highways works being undertaken. These are secured by condition and the County Council is satisfied that the works would mitigate the impacts of the development upon the local highway network.
46. Issues were raised with the ARCADY model used by the appellant. I appreciate that no model is perfect but ARCADY is one of a number of industry standard tools and, while it may be that microsimulation tools are more effective in certain circumstances, it is a matter of professional judgement whether or not ARCADY is appropriate here. Two sets of highways engineers¹¹ concur that it is.
47. This is not to downplay Dr Jackson's¹² obvious depth of experience in this area, but there is no alternative modelling before me such that I would be persuaded to depart from the consensus between the County Council and appellant. Namely that, although there would be some worsening of RFC and queue values on some arms of the A2990 Thanet Way/Chestfield Road roundabout with the development proposal in place, there would also be some betterment on others.
48. Overall, there is no technical evidence before me that would lead me to depart from the conclusion that the proposal would not result in an unacceptable impact on highway safety, or that, on balance, the residual cumulative impacts upon the road network would not be severe.
49. This conclusion was also reached by the Local Plan Inspector, who noted that the County Council raised no objection on highways grounds at that time.

Site location

50. The suitability of the appeal site for the development proposed was called into question in so far as its accessibility credentials were concerned. I concur with the assessment of local residents that access to bus stops is, perhaps, not ideal when assessed against relevant guidance.

¹¹ Kent County Council and Cannon Consulting

¹² For Grasmere Village Residents Association

51. While such guidance can be a significant material consideration, policy T3 of the Local Plan requires only that proposals do not prejudice the effective implementation of bus improvement measures. In addition, once again, I note that the principle of development at the site (of the type and quantum proposed by the appeal proposal) has been established by the Local Plan, in the full knowledge and consideration of the site's location.
52. Planning obligations would secure improvements to local public transport infrastructure and public rights of way, with Reeves Road benefiting from a shared cycleway and footpath.

Privacy

53. Concerns were expressed about the potential for overlooking of certain extant dwellings around the site. Certainly, particular and careful attention would need to be paid to the juxtaposition between new dwellings in later phases and those that already exist on the site's south/southwestern/southeastern boundaries.
54. It would be important to ensure that new dwellings were appropriately scaled; that separation distances reflected the proximity of some existing dwellings to the appeal site's boundary; and that boundary treatments were suitably effective. It would be imperative to ensure that the privacy of the occupiers of the extant dwellings, either within their dwellings or gardens, was secured.
55. Given the size of the appeal site, which allows some flexibility in the situation of proposed dwellings, I see no reason why satisfactory relationships could not be achieved, with attention also being paid to ensuring that outlook from the rear gardens of extant dwellings is not compromised by overly tight positioning of new development.

Council decision making

56. It was suggested that the City Council's reasons for refusal were inaccurate and did not reflect the views of members of its Planning Committee, which determined to refuse the original application. It is not for me, however, to second guess the City Council's reasons for refusal, which were set out clearly in the decision notice.
57. Even if those reasons were felt, by Members, to be incomplete, there has been ample time since the lodging of the appeal for the City Council to add to them or to raise other issues of concern with the application. It has done neither. As such, I must take the issues that it raised at face value.
58. In addition, it was stated that the City Council would be re-considering the allocation of the appeal site through a Local Plan review process. This might be the case (albeit that the City Council representatives did not suggest so) but at present the site is allocated for development in the adopted Local Plan. There is nothing to indicate that a final review document is imminent, if it exists at all. Therefore, the established principle of development upon the site remains.

The need for the proposed development

59. Representation was made that there was no need for the appeal site to be brought forward, as there were ample sites available (some of which had not been anticipated by the Local Plan) to deliver the area's housing requirement.

60. It is not, however, unusual for windfall sites (i.e. unallocated sites) to come forward during a plan period, such that they make a contribution to meeting an area's housing needs. Nor does this point negate the fact that the appeal site is allocated in the Local Plan and that delivery of housing from it has been factored into the City Council's forward supply calculations.
61. In addition, the housing requirement in the Local Plan is a minimum rather than a maximum and the City Council did not dispute, for the purposes of this Inquiry, that it was unable to demonstrate a five-year supply of deliverable housing sites (as required by national planning policy). This being so, the clear inference is that there is, in fact, a need for the proposed development.

Loss of open space

62. The appeal proposal would result in the loss of a sizeable area of open space. The site is, however, private land. With the exception of the public rights of way across it there is no public right of access. Nor has any been alleged. As such, the site's loss to development would not, in real terms, diminish the amount of recreational open space that is, legally, available to local residents.
63. The loss of the open site would, clearly, change the character and appearance of the area. Change does not, however, necessarily equate to harm. The site is unremarkable, being a flat, grassed field, within a suburban setting. It is well-contained by development on three sides, with mature vegetation to the east. I am not persuaded that a well-designed scheme, of appropriate scale, density and layout, would give rise to any significant adverse impacts upon the character and appearance of the area.

Amount of on-site open space

64. It was noted that the amount of space to be provided as sports facilities on the site was less than required by the local open space provision standards. Local Plan policy OS11 makes allowance for such an eventuality, however, requiring instead financial contributions towards the provision or improvement of open space/recreational facilities elsewhere. This is the case here, with a planning obligation securing improvements to Radfall Recreation Ground Pavilion and Sports Pitch.

Biodiversity

65. I do not doubt that wild animals use the appeal site. There is nothing before me, however, to suggest that it is a site of any significance in biodiversity terms or that any habitat losses could not be compensated for effectively (as required by condition). There is no objection to the scheme from either Natural England or the County Council's biodiversity officer (subject to appropriate conditions and planning obligations).
66. In wider biodiversity and habitat terms, the site is in close proximity to the Swale Special Protection Area (SPA) and the Thanet Coast & Sandwich Bay SPA. The Local Plan has identified a Zone of Influence (within which the appeal site falls), wherein it is assumed that any new residential development will result in a likely significant effect upon these sites, which are important for a range of "Annex 1" migratory bird species that breed and/or over winter there. I have no reason to disagree with this position and, as such, an Appropriate Assessment is required.

67. The City Council has established Strategic Access Management and Monitoring (SAMM) mitigation programmes for the SPAs (supported by Natural England through the Local Plan process), contributions to which are required by relevant developments (such as the appeal proposal) under Local Plan policies SP6 and LB5.
68. The appeal proposal would make appropriate financial contributions to the relevant SAMMS, secured by planning obligation, to be paid in regular instalments tied to the occupation of new dwellings. These contributions would go towards the funding of wardens; signage and interpretation; increased education initiatives; and site monitoring and surveys. As such, I conclude that with such measures in place the proposed development would not have an adverse effect upon the integrity of either the Swale Special Protection Area (SPA) and the Thanet Coast & Sandwich Bay SPA. In reaching this view, I am also mindful that Natural England scrutinised the City Council's original Appropriate Assessment and that it reached the same conclusion as I have.
69. Given that nothing substantive about the appeal scheme has changed since Natural England reached its view, I consider that Natural England's involvement to date satisfies the purposes of Regulation 63(3) of the Habitats Regulations 2017.

Planning Obligations

70. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
71. The submitted S.106 agreement sets out obligations in relation to the provision of healthcare; primary education; community learning; youth, social care and library services; local sports and open space facilities; travel plan monitoring; bus service infrastructure; bridleway improvements; and Strategic Access Management and Monitoring of relevant SPAs.
72. Evidence of the necessity, relevance and proportionality of these obligations was set out in detailed submissions from both the City and County Councils. They demonstrate the basis for the obligations, how they relate to the development proposed (indicating the relevant planning policy basis for them) and set out how any financial contributions have been calculated. In my judgment these provide persuasive evidence that the above obligations meet the tests set out in the Regulations.

Conditions

73. The parties provided the Inquiry with a draft set of planning conditions. These were discussed at the Inquiry, with agreement from the parties that I could adjust the wording, as necessary, to address matters of clarity and enforceability. This I have done.
74. As set out in the National Planning Policy Framework, planning conditions must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; and reasonable in all other respects. I address these matters, as necessary, below.

75. The conditions defining the scope of the reserved matters; specifying the time limits for submission of reserved matters and commencement of development generally; requiring compliance/accordance with the relevant plans; requiring provision of specific information for each reserved matter; setting the maximum number of dwellings; setting the maximum floor space of the non-residential uses; and requiring phasing and master plans are necessary to provide certainty and to define the permission in line with what has been proposed.
76. In line with adopted planning policy, archaeological and land contamination conditions are necessary given, respectively, the potential presence of contamination (notably given the past agricultural use of the site) and historic remains on the site.
77. The condition relating to an employment land travel plan is necessary to ensure policy compliance, by encouraging use of sustainable modes of transport.
78. A range of highways, access, parking (including cycle storage), public rights of way and refuse storage conditions are necessary in the interests of highway safety and efficiency, and to ensure appropriate living conditions for future residents.
79. Conditions relating to drainage are required to ensure that the site is properly drained and to mitigate flood risk on and off the site. That relating to foul water is necessary to ensure that the local infrastructure for foul water has sufficient capacity to meet needs arising from the development.
80. Ecological/landscape mitigation, management and strategy conditions are required to ensure that appropriate ecological protection, mitigation and enhancement is secured in line with agreed recommendations.
81. Conditions relating to open space and play/games areas are necessary to ensure that the requisite quantum, type and quality of public open and play space is provided on the site, and its future maintenance secured.
82. The Construction Environment Management Plan condition is necessary to ensure that there is no adverse impact upon the living conditions of local residents, or upon the local highway network, during construction.
83. Conditions relating to the provision of samples/details of materials, and to the siting of external meter cupboards, vents, etc, are necessary to shape the proposal's character and appearance.
84. The condition relating to tree and hedgerow protection is necessary to ensure that appropriate safeguards are in place for retained trees and hedges, in the interests of ecology and character/appearance.
85. The air quality, Sustainability Strategy, Energy Statement, accessible/adaptable homes and broadband conditions are necessary in the interests of achieving planning policy compliance, meeting public policy priorities and future proofing the development.
86. An Employment Marketing Strategy condition is necessary to support the achievement of the economic benefits of the proposal and to ensure that local economic priorities are met, in line with adopted planning policy.

87. I am satisfied that, in order to enable a full and complete understanding of the nature and construction of the development that may come forward as a result of this decision, all of the conditions requiring action before commencement of development should be so structured.

Conclusion

88. At the event, my attention was drawn to a very recent appeal decision wherein the Inspector concluded that Canterbury City Council was unable to demonstrate a five-year supply of deliverable housing sites. As noted above, for the purposes of this Inquiry, the Council did not dispute that decision. In practical terms, however, this position makes little difference to my conclusion.
89. The appeal proposal accords with the development plan and there is no weight of material considerations sufficient to justify a decision other than in accordance with it. This being so, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Richard Schofield

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE COUNCIL:

Miss Megan Thomas of Counsel
Ms Joanna Dymowska

Instructed by Canterbury City Council
Principal Planning Officer, Canterbury
City Council

FOR THE APPELLANT:

Mr Stephen Morgan of Counsel
Mr Mark Kirby *DipCE*
Mr Simon Chadwick *BSc (Hons) MRICS*

Instructed by WYG
Cannon Consulting
SC5 Planning

INTERESTED PERSONS:

Dr Robert Jackson (Grasmere Village Residents Association)
Mr Gerard Jakimavicius (Richmond Road Residents)
Mr Steven Bailey (Chestfield Parish Council)
Ms Amanda Sparkes (Chestfield Parish Council)
Mr Steven Barrow
Mr Mark Boardman
Mr Patrick Whelan

Richborough Estates

DOCUMENTS SUBMITTED DURING THE INQUIRY

1. Canterbury City Council Statement – Reason for Withdrawal of Reason for Refusal No. 1
2. Opening Submissions for the Appellant
3. Statement of Mr Gerard Jakimavicius
4. Statement of Dr Robert Jackson
5. Statement of Mr Steven Barrow
6. Emails from Kent County Council re adoption of proposed Emergency Access onto Richmond Road
7. Final Draft S106 Agreement
8. Further emails from Kent County Council re adoption of proposed Emergency Access onto Richmond Road
9. Final Draft Conditions
10. Closing Submissions for the Appellant

Richborough Estates

SCHEDULE OF CONDITIONS

Timing of Phase 1

1. The development hereby permitted, identified as Phase 1 on Drawing No.3076_DR_1012 AB, shall commence before the expiration of three years from the date of this permission.

Timing of subsequent outline phases

2. Each further phase of the development hereby permitted subsequent to Phase 1 shall commence before the expiration of two years from the date of approval of the final reserved matters to be approved for that phase.
3. Applications for approval of reserved matters for Phases 2 and 3 identified on Drawing No. 3076_DR_1011 AB, or any subsequent phasing details, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Phase 1 Drawings

4. The development hereby approved, identified within the 'Phase 1' boundaries on Drawing No.3076_DR_1012 AB Phase 1 Site Layout, shall be carried out in strict accordance with the following approved plans and documents:
 - S101-PL-SK-008 Rev. P03 Proposed Reeves Way Site Access
 - S101-PL-SK-011 Rev. P02 Proposed Emergency Access
 - 3076_DR_1012 rev. AB Phase 1 Site Layout
 - 3076_DR_1013 rev. C Phase 1 Material Layout
 - 3076_DR_1000 rev. AC, Revised Proposed Masterplan
 - 3076-DR-1305 rev. I, Materials
 - 3076-DR-1013 rev. C, Phase 1 Material Layout
 - 3076-DR-1304 rev. R, Street Elevation AA
 - 3076-DR-1301 rev. P2, Street Elevation BB
 - 3076-DR-1303 rev. P2, Street Elevation CC
 - 3076-DR-1302 rev. P2, Street Elevation DD'
 - 3076-DR-1620 rev. H, Type A
 - 3076-DR-1621 rev. H, Type B
 - 3076-DR-1631 rev. H, Type C1
 - 3076-DR-1632 rev. H, Type C2
 - 3076-DR-1633 rev. H, Type C3
 - 3076-DR-1633-1 rev. I, Type C3 Variation 1
 - 3076-DR-1634 rev. H, Type C4
 - 3076-DR-1635 rev. H, Type C5
 - 3076-DR-1636 rev. H, Type C6
 - 3076-DR-1640 rev. H, Type D
 - 3076-DR-1641 rev. H, Type E
 - 3076-DR-1650 rev. J, Type F
 - 3067-DR-1651 rev. J, Type G
 - Revised Design and Access Statement, November 2018
 - 3076-DR-1702 rev. H, Apartment Block Elevation

- 3076-DR-1701 rev. H, Apartment Block Plans
- 3076-DR-1803 rev. G, Cycle Store for Apartments
- 3076-DR-1802 rev. G, Typical Bin and Cycle Store – Plan and Elevation
- 3076-DR-1801 rev. G, Typical Carports – Plan and Elevation
- Landscape Playground Concept 1589-LS-01
- Accommodation Schedule – Phase 1 detailed, Phase 2 and 3- indicative, received 4th December 2018
- GG-WA-MP-CF-DR-L-017, Phase 1 External Lighting Plan
- GG-WA-MP-CF-DR-L-015, Site Levels Plan
- GG-WA-MP-GF-DR-L-008, Existing and Proposed Public Rights of a Way
- GG-WA-MP-GF-DR-L-018 – Phase 1 Public Realm Furniture Plan
- GG-WA-MP-GF-DR-L-019 – Phase 1 Fencing Plan
- GG-WA-MP-GF-DR-L-020, Phase 1 Hardworks Plan
- GG-WA-P-GF-DR-L-022, Phase 1 Main Entrance Detail
- GG-WA-MP-GF-DR-L-023, Phase 1 Typical Housing Cluster Detail
- GG-WA-MP-GF-DR-L-025, Phase 1 Green Corridor Housing Cluster Detail
- GG-WA-MP-GF-DR-L-026.1, Phase 1 Green Corridor North Sections
- GG-WA-MP-GF-DR-L-026.1, Phase 1 Green Corridor South Sections

Outline phases drawings

5. The reserved matters submissions shall be prepared in accordance with the parameters established in the following approved plans:
 - Application site boundaries, GG-WA-MP-GF-DR-L-000
 - Design and Access Statement (revised) November 2018
 - 3076_DR_1000 rev. AC, Revised Proposed Masterplan
 - GG-WA-MP-GF-DR-L-006, Land Use Plan
 - GG-WA-MP-GF-DR-L-007, Building Heights Plan
6. Any application for approval of reserved matters for any phase of the development after Phase 1 shall be made in accordance with the Phasing Plan shown on the drawing 3076_DR_1011 rev. AB.
7. The development hereby approved shall be carried out in accordance with the Masterplan for the entire application site, as shown on Drawing No. 3076_DR_1000 rev. AC.

Reserved Matters Phases

8. Prior to commencement of the development hereby approved, details for the timescale and order of delivery of Phases 2 and 3 of the development, or any subsequent phasing details as approved under condition 2, shall be submitted to and approved in writing by the local planning authority. The phasing of the development shall not be carried out otherwise than in accordance with the approved plan.
9. Approval of the details for internal access routes, layout, scale, appearance of any buildings to be erected and the landscaping of the site (hereinafter called 'the reserved matters') for each phase of development after Phase 1 shall be submitted to and approved in writing by the Local Planning Authority before

any development of that phase of development takes place. The development shall thereafter be carried out in accordance with the approved details.

10. Each Reserved Matters application for a phase of development after Phase 1 shall be accompanied, as necessary, by the following documents and/or information:

- Design Statement that demonstrates how the proposals accord with the approved parameters under Condition 5.

In relation to the matter of access:

- Details (including specifications) of the access to the sub-phase and within the sub-phase for vehicles, cycles and pedestrians (including Access for All standards).

In relation to the matter of layout:

- Details of the siting and orientation of the proposed buildings and any relevant roads, as well as the location of any landscaped or open space areas, demonstrating the minimising of opportunities for crime;
- Details of any necessary temporary layout required between the sub-phases;
- Details of parking areas, servicing areas, and plant areas in accordance with the standards set out in the Kent Design Guide Interim Guidance Note or subsequent document;
- Details of cycle parking in accordance with the standards set out in the Kent Design Guide Interim Guidance Note 3 or subsequent document;
- Details of any public rights of way affected by the proposal;
- Details and specification (including cross sections if necessary) of proposed earth modelling, mounding, re-grading or changes of level to be carried out including spot levels; and
- Where relevant, details of the facilities for storage of commercial refuse, including recyclable material, and point(s) of collection.

In relation to scale and appearance:

- Details of building heights and massing;
- Details of housing mix including the mix and location of affordable and market housing, which shall meet local housing needs, as set out in the Council's Housing, Homeless and Rough Sleeping Strategy 2018-2022 or subsequent document;
- Details of the internal layout of buildings with space standards indicated;
- Details of the external treatment and design of the buildings; and
- Details of finished floor levels.

In relation to the matter of landscaping:

- Plans, drawings, sections, and specifications giving full details of the hard and soft landscaping treatment and works including: materials (size, type

and colour), proposed drainage arrangements, children's play equipment, street furniture, lighting columns/brackets, private and communal areas, opens spaces, edges, boundary treatments, public rights of way and roads in accordance with the overarching Open Space Strategy approved under Condition 12;

- Tree planting details and specification of all planting in hard and soft landscaped areas; and
- Details of the programme for implementing and completing the planting.

Archaeology

11. No development of each phase, other than demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- archaeological field evaluation works in accordance with a specification and written timetable which has first been submitted to and approved in writing by the Local Planning Authority; and
- following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation, post-excavation assessment, analysis, publication or conservation in accordance with a specification and timetable which has been first submitted to and approved in writing by the Local Planning Authority.

Open Space

12. There shall be no building operations on site until an Open Space Strategy for the long term management and maintenance of the open space has been submitted to and approved in writing by the Local Planning Authority. The Open Space Strategy for the site shall be in accordance with the Public Open Space Strategy shown on Drawing No. GG-WA-MP-GF-DR-L-004 rev. A. It shall:

- Demonstrate the quantum of open space to be provided on-site;
- Identify the location(s) of the main areas of formal and informal open space to be provided within the development and set out a programme for their delivery;
- Set out measures to ensure that the Locally Equipped Area of Play (LEAP) and Multi-Use Games Area (MUGA), and pathways to them, are appropriately surfaced such that they remain accessible and playable all year round;
- Identify the location(s) of the local play space and the distribution of play areas within the development and set out a proposed sequence for their delivery; and
- Set out a programme for delivery of the area of allotments and proposals for future management of the allotment area.

The development and delivery of open space shall be carried out in accordance with the approved Open Space Strategy.

13. Pursuant to Condition 12, prior to the occupation of the 244th dwelling of the development hereby approved a MUGA shall be provided, in accordance with details first submitted to and approved in writing by the Local Planning Authority and retained and maintained thereafter.

Sitewide Sustainability

14. No development shall commence within any phase of the development until a Sustainability Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. It shall include a strategy to increase energy efficiency, to reduce energy consumption and to reduce carbon emissions. The development shall be carried out in full accordance with the approved Sustainability Strategy for each phase.
15. Phase 1 of the development hereby approved shall be carried out in accordance with the Energy Statement submitted with the application and all measures set out within the Energy Statement shall be fully implemented prior to the first occupation of Phase 1.

Drainage and Flood Risk

16. The development hereby permitted shall be carried out in accordance with the flood resilience measures, including raised floor levels, detailed in the submitted Flood Risk Assessment (Addendum to FRA prepared by Fairhurst, November 2018).
17. No development within Phase 1 and any subsequent phase(s) as approved under Conditions 2 and 3 shall commence until a detailed surface water drainage scheme (the scheme) for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be consistent with the strategic surface water provision for the site as described within Drawing No. 26788/C.110 Drainage Strategy (Fairhurst, June 2018) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated without increase to flood risk on or off-site. The scheme shall include:
- A description of the drainage system and its key components;
 - Details of the drainage measures to be incorporated within the area(s) designated as Open Space;
 - A general arrangement plan with the location of drainage measures and critical features clearly marked;
 - A timetable for the implementation of the drainage system;
 - Details of the design, location and capacity of each drainage/SuDS feature, including details of ownership, long-term management/maintenance and monitoring arrangements/responsibilities (including the frequency of inspections and maintenance activities and details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other); and

- Arrangements to secure the operation of the drainage system throughout its lifetime.

The scheme shall also demonstrate that:

- Any ordinary watercourse within the site has been accommodated within the design and profiled acceptably to requirements as first agreed in writing by the local planning authority;
- Surface water is discharged at the agreed rates and shall account for all contributions from the development area including the access roads; and
- Silt and pollutants resulting from the site use and construction can be adequately managed to ensure that there is no pollution risk to receiving waters.

The scheme shall subsequently be implemented in accordance with the approved details before the phase is completed.

18. No development within Phase 1 or any subsequent phase(s) shall commence until a strategy detailing the proposed means of foul disposal from the development and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme, which shall be retained and maintained thereafter.
19. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report (the Report) pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system will operate such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Highways

20. No occupation or use of the development hereby permitted shall take place until a Traffic Regulation Order that restricts on-street parking on Reeves Way has been implemented or an alternative scheme that prevents on street parking on Reeves Way, which has been first submitted to and approved in writing by the Local Planning Authority, is in place.
21. No dwelling in the development hereby approved shall be occupied until an Overspill Car Park as shown on drawing no. 3076_DR_1000 Rev. AC Revised Proposed Masterplan has been provided. The Overspill Car Park will have sufficient car parking spaces (of a minimum of 35) to accommodate vehicles displaced from the newly restricted on street parking on Reeves Way pursuant to Condition 20. The Overspill Car Park shall thereafter be retained and maintained and used for no other purpose than as a car park.

22. Prior to the occupation of any dwelling or other building within each phase the following works between the dwelling or building and the adopted highway shall be provided:
- Footways and/or footpaths, with the exception of the wearing course; and
 - Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
23. No development shall commence, other than access works, until the main access to the site from Reeves Way has been constructed in accordance with the approved plans and is capable of operation.
24. No more than 50 dwellings shall be occupied until the emergency access to the site from Richmond Road has been constructed in accordance with details, including for its future operation and maintenance (in line with advice to be secured from the emergency services), that have been first submitted to and approved in writing by the Local Planning Authority. The emergency access shall be retained and maintained thereafter.
25. Prior to the occupation of the 40th dwelling on the site a submission shall be made in writing to Kent County Council requesting them to instigate the section 228 Highways Act procedures relating to the adoption of the emergency access as necessary.
26. No development in any phase shall take place over any public right of way that exists in that phase (or sub-phase) until confirmation of the order permanently diverting or extinguishing it has been submitted to and approved in writing by the Local Planning Authority.
- The developer shall notify the local planning authority in writing of the interim arrangements for temporary diversion to any public right of way agreed with the relevant authority (including width and alignment of interim route, boundary demarcation, signage for users and a timescale for the duration of the interim route arrangements).
27. Any application for the approval of the Reserved Matters shall include details of areas for the parking and manoeuvring of vehicles in that phase of the development in accordance with the Local Planning Authority's Adopted Parking Standards. Once approved in writing by the Local Planning Authority such areas shall thereafter be provided in accordance with the approved details prior to the occupation of each dwelling to which they relate and retained thereafter.

Contamination

28. If, during the course of construction of the approved development, contamination not previously identified on the site is found to be present the occurrence shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended. A risk assessment shall be carried out and submitted for the written approval of the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. No development or relevant phase of development shall be resumed or continued until the risk assessment and, if required, remediation and verification schemes

have been submitted to and approved in writing by the Local Planning Authority and the schemes carried out in full accordance with the approved details.

29. Prior to the commencement of development within any phase, a Construction Environmental Management Plan (CEMP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following details:

- Routing of construction and delivery vehicles to/from site;
- Parking and turning areas for construction and delivery vehicles and site personnel;
- Timing of deliveries;
- Details of site access point(s) for construction;
- Dust control measures;
- Site operation times between 0730 – 1800 Monday to Friday, 0800 – 1300 Saturday and at no time on a Sunday or Bank Holiday unless in association with an emergency;
- Demolition and construction waste - storage and removal;
- Temporary traffic management/signage; and
- Details of wheel washing facilities prior to commencement of spoil removal on site and for the duration of spoil removal.

The development shall be carried out in accordance with the approved details.

Air Quality

30. Prior to the occupation of development within any phase of the development, the mitigation measures set out within the Air Quality Mitigation Strategy (November 2018) shall be implemented in full for that phase.

Ecology

31. No development shall commence (including any ground works, site or vegetation clearance) until a Method Statement for Ecological Mitigation for the site has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include:

- The purpose and objectives for the proposed mitigation works;
- The measures, informed by the ecological survey work including a reptile mitigation strategy, updated as required, to achieve the stated objectives;
- Details of the extent and location of proposed mitigation works, including the identification of any required receptor sites, shown on the plans at an appropriate scale;
- A timetable for implementation, demonstrating that works are aligned with the proposed phasing and construction;

- Details of persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- Details of protective fences, exclusion barriers and warning signs;
- Details of initial aftercare and long-term maintenance (where relevant); and
- Details of the disposal of any waste arising from implementing the works.

The works shall be carried out in accordance with the approved details and shall be retained thereafter.

32. No development within any phase shall take place until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include species specific enhancements such as bird/bat nest boxes, reptile hibernacula and generous native planting. The EDS shall include the following:

- The purpose and conservation objectives for the proposed works;
- A review of the site's potential and constraints;
- Detailed design(s) and/or working method(s) to achieve the stated objectives;
- The extent and location/area of proposed works on appropriately scaled maps and plans;
- The type(s) and source(s) of materials to be used e.g. native species of local provenance;
- A timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- Details of persons responsible for implementing the works;
- Details of initial aftercare and long term maintenance;
- Details for monitoring and remedial measures; and
- Details for disposal of any waste arising from work (where relevant).

The EDS shall be implemented in accordance with the approved details and all features shall be retained and maintained in that manner thereafter.

33. No development within any phase shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following:

- A description and evaluation of features to be managed;
- Details of ecological trends and constraints on the site that might influence management;
- The aims and objectives of management;
- Appropriate management options for achieving aims and objectives;

- Prescriptions for management actions, together with a plan of management compartments;
- Preparation of a work schedule including an annual work plan capable of being rolled forward over five-year periods;
- Details of the body or organisation responsible for implementation of the plan; and
- Details of ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

34. Existing trees, shrubs and hedgerows identified for retention within the development site and/or existing trees growing on adjacent sites, where excavations, changes to land levels or underground works are within the crown spread, shall be protected in accordance with BS 5837:2012 using the following protective fence specification:

Chestnut paling fence 1.2m in height, to BS 1722 part 4, securely mounted on 1.7m x 7cm x 7.5cm timber posts driven firmly into the ground. The fence shall be erected below the outermost limit of the branch spread or at a distance equal to half the height of the tree, whichever is the furthest from the tree, unless otherwise agreed in writing with the Local Planning Authority.

Such tree protection measures shall remain throughout the period of construction. The protective fencing shall be erected before the works hereby approved or any site clearance work commences, and shall thereafter be maintained until the development has been completed.

The following tree protection measures shall also be implemented throughout the period of construction:

- At no time during the site works shall building materials, machinery, waste, chemicals, stored or piled soil, fires or vehicles be allowed within the protective fenced area(s);
- Nothing shall be attached or fixed to any part of a retained tree and it shall not be used as an anchor point;
- There shall be no change in the original soil level nor trenches excavated within the protective fenced area(s);
- No roots over 50mm diameter shall be cut and no buildings, roads or other engineering operations shall be constructed or carried out within the protective fenced area(s);

- Ground levels within the protective fenced areas(s) shall not be raised or lowered in relation to the existing ground level;
- No trenches for underground services shall be constructed within the protective fenced area(s) or within five metres of hedgerows shown to be retained, without the prior written consent of the Local Planning Authority.

Landscaping

35. Pursuant to Condition 33 all hard and soft landscape works shall be carried out in accordance with the approved LEMP and specification for that phase. The works shall be carried out prior to the occupation of any part of the phase of the development to which it relates, or in accordance with a programme of works to be agreed in writing with the Local Planning Authority. 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, unless the Local Planning Authority gives prior written consent to any variation.

Travel Plans

36. Prior to the first occupation of any part of the employment development on site, an Employment Travel Plan and programme for implementation shall be submitted to and approved in writing by the Local Planning Authority. The Employment Travel Plan, once approved, shall be implemented in full, in accordance with the timing set out in the approved programme for implementation and thereafter retained.

Broadband

37. Prior to the commencement of each phase of the development, details for the installation of fixed telecommunication infrastructure and High Speed Broadband shall be submitted to and approved in writing by the Local Planning Authority. Details shall include connections to multi-point destinations and all residential and commercial buildings to provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details for each phase and at the same time as other services during the construction process. High Speed Fibre Optic Broadband shall be installed into the buildings before they are occupied.

Phase 1 details

38. Prior to the above ground building operations in Phase 1 of the development hereby permitted, details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:
- Details and/or samples of all external materials and surface finishes including 1 square metre of the brickwork sample;
 - Details of the location, dimensions, materials, colour(s) of any proposed external pipes, vents, grilles or ducts; and
 - Details and/or samples of the external wall finishes.

The works shall be carried out in full accordance with the approved details/samples.

39. Prior to the landscaping of Phase 1 of the development hereby approved, full details of both hard and soft landscape works and boundary treatments, to include:

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted;
- the treatment proposed for all hard-surfaced areas beyond the limits of the highway;
- walls, fences, gates and other means of enclosure proposed; and
- bike racks, benches and litter bins

shall be submitted to and approved in writing by the Local Planning Authority and then carried out in accordance with the approved details.

40. Prior to the occupation of the 140th dwelling on the site a LEAP shall be provided in full in the location shown on the Revised Proposed Masterplan Drawing No. 3076-DR_1000 rev. AC in accordance with Open Space Strategy for the site and thereafter retained and maintained.

41. No meter cupboards, vents, flues or extract grilles shall be installed on any elevation fronting a highway.

42. The refuse storage facilities and cycle storage for Phase 1 of the development hereby approved, as specified on approved Drawing No. 3076-DR-1802 rev. G, Typical Bin and Cycle Store – Plan and Elevation, shall be provided prior to the first occupation of the development hereby approved and shall be kept available for use at all times.

43. The development hereby approved shall provide 20% of adaptable homes to meet the accessibility and adaptable dwellings Regulations M4(2).

44. Prior to the commencement of any phase of development that includes employment floorspace, an Employment Marketing Strategy shall be submitted and approved in writing by the Local Planning Authority. The Employment Marketing Strategy shall include the following details:

- the provision of a vision for the future development of the site's Employment Area, including investment objectives and measures to procure that future occupiers of Employment Area are made aware of, and adhere to, that vision;
- a strategy to secure anchor occupants and key investors;
- measures to work with the local planning authority in order to attract occupiers of niche employment workspace targeted at, for example, start-ups, small businesses and/or other creative enterprises;
- a commitment to work with the local planning authority and its designated partners to market the Employment Area to potential occupiers (including potential anchor tenants) and potential investors including:
 - finding suitable occupiers;

- marketing through reputable commercial local and national agents; and
- liaising with the local planning authority in relation to any potential tenants and/or occupiers who approach the local planning authority from time to time with enquiries about pursuing an interest in the Employment Area.

45. The total number of dwellings authorised by this permission shall not exceed 300 and the total employment floorspace shall not exceed 3,500 square metres. No more than 140 dwellings are permitted in Phase 1 pursuant to Condition 1.

Richborough Estates