



Appeal Decision

Site visit made on 11 June 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/M4320/W/19/3220771

Land West Of Damfield Lane, Maghull, Merseyside L31 3EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Richard Gee (Romansummer Associates Ltd) against Sefton Metropolitan Borough Council.
 - The application Ref DC/2018/01681, is dated 10 September 2018.
 - The development proposed is the erection of 14 x 4 bedroom detached dwellings with garages, driveways, private gardens, bin stores, communal landscaping with pond feature and means of enclosure, a sustainable drainage system (SUDS), and a managed access open space / educational / ecological enhancement zone (with pond and dipping platform) / nature trail (with associated paths, viewing platforms and interpretation boards), all to be accessed from a new single point of access via Damfield Lane.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 14 x 4 bedroom detached dwellings with garages, driveways, private gardens, bin stores, communal landscaping with pond feature and means of enclosure, a sustainable drainage system (SUDS), and a managed access open space / educational / ecological enhancement zone (with pond and dipping platform) / nature trail (with associated paths, viewing platforms and interpretation boards), all to be accessed from a new single point of access via Damfield Lane, at Land West Of Damfield Lane, Maghull, Merseyside L31 3EL, in accordance with the terms of the planning application Ref DC/2018/01681, dated 10 September 2018, and subject to the conditions in the attached schedule.

Applications for costs

2. Applications for costs were made by Romansummer Associates Ltd against Sefton Metropolitan Borough Council, and by Sefton Metropolitan Borough Council against Romansummer Associates Ltd. These applications are the subject of separate Decisions.

Preliminary and Procedural Matters

3. The appellant states that the Council changed the description of development without reference to them, although he does not oppose the description used. In any event, I have used the original description of development in the banner heading and formal decision above.

4. The appeal is made against the Council's failure to give notice of its decision within the prescribed period. The Council's Planning Committee, at a meeting on 16 January 2019, resolved to refuse the application but a decision notice was not immediately issued. Rather, Council officers brought the application back to a subsequent committee meeting on 6 February 2019 in order to clarify the reasons for refusal. In the interim, the appellant submitted an appeal against the refusal of planning permission. However, as a decision notice had not been issued at that point, the appeal was registered as being against the non-determination of the application. The Council's case and its putative reasons for refusal are set out in its appeal statement. It is on this basis that I consider the appeal.

Main Issues

5. Although not among the Council's putative reasons for refusal, the appellant has challenged the Council's requirement for financial contributions towards affordable housing and education provision. Given these are matters of dispute, I consider they should form additional main issues in this case.
6. Therefore, the main issues in this case are:
- The effect of the proposal on the character and appearance of the area, in particular the effect on the Damfield Lane Conservation Area and the setting of St Andrew's Church, a Grade II listed building;
 - Whether the proposal would be a suitable location for housing, having regard to relevant development plan policies and national guidance;
 - Whether, if necessary, the proposal would make adequate provision for affordable housing, having regard to relevant development plan policies and national guidance;
 - Whether, if necessary, satisfactory provision is made to mitigate the impact of the proposed development on local education infrastructure.

Reasons

Character and Appearance

7. The appeal site is located in the settlement of Maghull and comprises a roughly triangular site of open land surrounded on its three sides by Damfield Lane, the grounds of St Andrew's Church, and the Leeds and Liverpool Canal. The site is bordered by prominent bands of mature trees to the Damfield Lane and church sides. There is intermittent vegetation along the canal edge, which otherwise is open and allows views over the site from the towpath on the far side of the canal.

Damfield Lane Conservation Area

8. The site is located within the Damfield Lane Conservation Area (DLCA). This is a compact conservation area centred on a group of historic buildings including St Andrew's Church. The informal arrangement of buildings, the prominent, mature tree groupings, boundary walls and the relationship to the canal are elements which contribute to the significance of the DLCA. At my visit, I observed the conservation area to be quite enclosed by significant tree cover around the church, the opposite side of the canal and along Damfield Lane. The stark physical demarcation of the A59 Northway flyover/dual carriageway

further defines the extent of the DLCA. Indeed, from the flyover, from the sports grounds to the south of the site and on approach along Damfield Lane, the conservation area is largely concealed by trees.

9. The Conservation Area Advisory Leaflet describes the canal as an important part of the DLCA, along with the open land sweeping down to the canal from the church (a reference to the appeal site), which contribute to the rural character of the area and the setting of the listed St. Andrew's Church and other buildings. However, I observe the land to be relatively flat and the canal was not evident from either the church car park or Damfield Lane owing to this topography. Moreover, whilst it is open in so far as there is no built development, the site is heavily overgrown and inaccessible. It therefore evokes little of the past connection to agricultural use and the strength of the rural character is undermined by the sight and sound of the A59 dual carriageway and extensive construction works on the opposite side of Damfield Lane.
10. The proposal would see 14 dwellings erected to the Damfield Lane side of the site. They would be accessed via a new entrance on Damfield Lane and would be laid out in a roughly linear pattern angling into the site on a line which would create a terminal view of the church tower in the distance. The dwellings themselves would be contemporary in style but would make use of materials sympathetic to the historic palette of the DLCA, including 'antique brick' and natural slate. Given the variety of materials and styles of building within the DLCA, and the presence of significant new development immediately across Damfield Lane just outside the conservation area, the design of the dwellings would not appear discordant within their surroundings.
11. I also note the positive comments of Historic England that the proposal would retain the aspects of the site which contribute positively to the character of the conservation area including keeping sightlines to and from the church free from development.
12. The proposal would result in the loss of five mature trees along the Damfield Lane boundary and alteration of the boundary wall to create the proposed entrance. The tree line is a prominent feature of the DLCA. The proposed gap, though it would interrupt the generally consistent tree line, would conversely permit views towards the church tower from the entrance, which are presently obscured. Moreover, the proposal includes planting of a significant number of trees within the site, which would serve to embed the development into its surroundings and would compensate for the loss of trees at the entrance. The loss of the boundary wall would be compensated in part by reusing the stone to close up the existing field entrance. The opening in the wall would be limited in the context of its overall length, and it would reflect a similar entrance to the opposite side of the road. The prevailing boundary appearance would be largely preserved by the development.

Settings of listed buildings

13. The Grade II listed St. Andrew's Church is set amid extensive groups of mature trees. In views across the appeal site from the canal towpath, only the uppermost part of the church tower is visible. Even from Damfield Lane, the scale of the building is not apparent until entering the site, due to the screening provided by trees on the front boundary. The list description refers to

it achieving a 'successful blend with both its semi-rural environment and with other nearby listed structures to form a well-balanced group.'

14. The proposed dwellings would be located to the eastern side of the site. I observed the solidity of the intervening trees and other vegetation from the church graveyard. This would limit the extent to which the dwellings would be seen from within the church grounds and the experience of the listed building and the other listed structures in the grounds would not be adversely affected as a result.
15. Views along the canal towpath would take in both the church tower and the proposed dwellings; however, the tower would not be obscured by the dwellings. Given the solidity of the tree line, the main contribution of the appeal site to the setting of the listed building is its openness and the resulting views across it. The proposed open space to the western half of the site would preserve this open character between the church and the canal and so would not adversely affect its setting.

Conclusion on first main issue

16. For the reasons given, I find that the proposed development would preserve the character and appearance of the DLCA, and the setting of the St Andrew's Church and the other listed buildings within its grounds. There would be no conflict with Policies SD2, EQ2, EQ9 or NH12 of the Local Plan for Sefton (adopted April 2017) (the LPFS) or Policy MAG 4 of the MNP, which together require development to achieve high quality design, not result in the unacceptable loss of existing trees, respond positively to the character and local distinctiveness of its surrounds and the Character Area in which it is located, and preserve or enhance the character or appearance of the conservation area or its setting.

Location for housing

17. The Council's second putative reason for refusal cites conflict with Policy HC3 of the LPFS. The third limb of this policy permits new residential development in areas other than primarily residential areas as shown on the Policies Map, subject to a number of criteria. As the appeal site is not designated for any purpose in the LPFS, being described as 'white land', the proposal would not offend the first two criteria, which relate to the land being required for another designated purpose, or development conflicting with that purpose.
18. The third criterion resists development if it would result in an unacceptable residential environment. There is no substantive evidence before me that the proposed dwellings, or overall site, would create an unacceptable residential environment, and I see no conflict with this criterion.
19. Finally, the fourth criterion resists development where it would be inconsistent with other policies in the Plan. I have found there would be no conflict with policies relating to the character and appearance of the DLCA or the settings of adjacent listed buildings. As the Council has not cited conflict with any other policy in its putative reasons for refusal, I conclude that the proposal would not offend the criteria of the third limb of Policy HC3.
20. The Maghull Neighbourhood Plan (MNP) has been prepared by Maghull Town Council (MTC) and has successfully passed referendum and been adopted by the Council as part of the development plan in January 2019. MTC oppose the

proposal on the basis that development would conflict with the MNP. It refers to the site being removed as a housing allocation in the local plan process, and to the aspirations of MTC to see a community use on the site reflecting the agricultural origins of the town. However, there is no policy within the MNP requiring a community use of the site. Nonetheless, the proposal would include a significant area of meadow/park/nature trails which would be accessible to the local community on a managed basis. Though this appears to fall short of the aspirations of the MTC for a fully accessible park or allotments, it is still a considerable benefit of the scheme which would enable access to and enjoyment of the land which is currently not possible, given the site is in private ownership and is not in an accessible state.

21. For these reasons, I find that the proposal would represent a suitable location for housing and would not conflict with Policy HC3 of the LPFS or the MNP.

Local education infrastructure

22. The proposed development would include family sized housing and so would be expected to add to the number of school-aged children in the area. Policy IN1 of the LPFS states that where appropriate, contributions will be sought to enhance and provide infrastructure to support new development.
23. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (the Regulations) states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. These tests are also set out in paragraph 56 of the Framework.
24. The Council seeks a contribution of £29,808.10 (£2,129.15 per dwelling) towards the provision of additional primary school places. This figure is derived from the formula set out in the Council's 'Contributions towards education provision guide', though I note the latest version of this document¹ seeks a higher contribution of £2,181 per dwelling. However, the Council has not sought to adjust its requirement.
25. The appellant argues that there is spare capacity of 70 places in the nearest existing school, St Andrew's Church of England Primary, and that a contribution is not therefore necessary. The Council points out that St Andrew's has reduced its intake from 60 pupils per year to 30, and that it therefore is unlikely to have spare capacity. This reduction has led to part of the school being 'mothballed', but which the appellant argues could be brought back into use should demand increase. The Council accepts this could occur in theory, but points to the academy status of the school and thus its inability to insist on these spare classrooms being made available.
26. The appellant estimates, based on the Council's primary pupil yield factor of 0.175 places per dwelling, that 14 dwellings would produce demand for 2.45 primary places, or no more than 3 places when rounded up. The Council's 'Pupil Place Plan 2017/2018 – 2022/2023 (December 2018) lists St Andrews's Planned Admission Number (PAN) at 390, reflecting its reduced intake of 30

¹ September 2017 – updated to reflect inflationary charges for 2019/20. An earlier version of this document was also presented in evidence by the appellant (Appendix EPDS03).

having previously had 420 places². Even with this reduced PAN, surplus capacity is still given at 70 places, with 320 pupils on roll in May 2018. Table 17 of the document shows that pupil numbers in the Maghull and Aintree planning area are estimated to remain below the combined PAN until 2022/23, when they would exceed the PAN by 4 places.

27. In its statement of case, the Council points to the allocation of land for over 2,100 homes in the Maghull area in the LPFS, and the potential demand this would place on local infrastructure. At paragraph 3.29 a table presents different data to the Pupil Place Plan, showing pupil numbers in Maghull overtaking the PAN sooner, by 2021/22, and the gap widening up to 2029/30. The appellant questions the accuracy of these forecasts given pupils entering the school system in 2029 have yet to be born. More pertinently, the appellant points out that whilst pupil numbers in this table appear to be increasing from proposed developments, in particular a 1,400 home urban extension to the east of Maghull, capacity continues to trend downwards. This is despite the Council's acknowledgement that contributions from the urban extension scheme will fund an extension to Summerhill Primary School for 210 additional pupils. The Council further argues that the urban extension will potentially generate demand for more than 210 places (as many as 298) and that other developments in Maghull will also add to future demand.
28. The appellant also points to the fact that Sefton is a net 'importer' of pupils, with more pupils attending school in the Borough who live outside it than pupils resident in Sefton attending school outside the Borough.
29. I note that birth rates in Sefton are and will remain steady³, as will overall projections for primary pupil numbers up to 2022/2023⁴. Maghull is the only area in the Borough predicted to have a shortfall in places by 2022/23, eliminating a surplus of 274 places in 2017/18.⁵ However, pupil numbers are projected to increase by only 113 in that time. The surplus is otherwise lost due to a reduction in the PAN of 165 places. Developments such as the urban extension to the east of Maghull would be expected to mitigate their own impact on local infrastructure, and if that would be greater than initially anticipated, that is a matter for the Council to address separately. I am not provided with details of other development alluded to by the Council, but they would similarly be required to address their own impacts.
30. On the evidence before me, St Andrew's School has sufficient capacity to accommodate demand for pupils arising from the proposed development. Notwithstanding the academy status of the school, I note the guidance of the Department for Education which states that *'Academy trusts should work collaboratively with LAs, dioceses and other schools in the area, to ensure that there is a co-ordinated approach to place management and the strategic needs of the area.'*⁶ It would seem to me a more efficient and cost effective approach to addressing increasing pupil numbers to re-open unused space in an existing school than to embark on construction of new buildings, the funding for which may need to come from a number of developments and take many years to

² School Organisation Data Book 2013/2014 to 2017/2018 – Table, page 80

³ Place Plan 2017/2018 – 2022/2023 (December 2018) – Tables 2 and 3

⁴ Ibid, Table 7

⁵ Ibid, Table 17

⁶ Department for Education, *Making significant changes to an open academy and closure by mutual agreement - Departmental advice for all types of academy trust*, October 2018, page 4.

accrue. I am not presented with evidence that St Andrew's would not be willing to consider increasing its capacity again.

31. My attention is also drawn by the appellant to an appeal decision in Cheshire West and Chester.⁷ Although in a different area, the Inspector addressed the matter of students from outside the school's catchment area, and how places are allocated. I note Sefton operates a similar policy of giving priority to children residing in the Borough, and to siblings of children from outside the Borough already attending school in Sefton. The pertinent point made by my colleague Inspector is that in the long-term any children from the appeal site could be accommodated within the existing school, as they would take priority in the allocations process and the number accepted from out-of-area would be reduced accordingly. I see parallels in the situation in this appeal.
32. Therefore, the demand for 3 pupil places would be capable of being accommodated physically by the existing education infrastructure given the spare capacity which exists, and administratively given children living in the development would be given priority in the admissions process. For these reasons, I find that a financial contribution towards the provision of permanent additional education infrastructure is not directly related to the development and it is not necessary to make it acceptable in planning terms, and so would not meet the tests of the Regulations.

Affordable housing

33. Policy HC1 of the LPFS requires that outside Bootle and Netherton, in all developments of 15 dwellings or more, 30% of the total scheme (measured by bed spaces) will be provided as affordable housing. The Council refers to Paragraph 64 of the Framework, which states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
34. The Framework is therefore clear that a requirement of 10% affordable home ownership does not apply if this would exceed the level of affordable housing required in the area. I do not have detailed evidence as to the background to the affordable housing threshold set by the Council in Policy HC1, though I note the Council's comment that the limit of 15 was chosen to avoid small numbers of social/affordable rented housing on different sites, which registered providers of affordable housing do not wish to manage. However, I have no evidence to suggest that Policy HC1 was not formulated in light of relevant local evidence of affordable housing need, nor has the Council advanced evidence that since the relatively recent adoption of Policy HC1 in April 2017, the situation within the Borough has materially changed, such that affordable housing need is now more pressing and justifies a lower threshold.
35. Therefore, whilst I have had regard to the Framework as a material consideration and given it great weight, the statutory position is that planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework does not

⁷ Appeal Ref: APP/A0665/A/13/2193956

lead me to conclude that an affordable housing threshold other than that set out Policy HC1 should be applied in this case. I therefore find that the proposal for 14 dwellings would not trigger a requirement for affordable housing and would not conflict with either Policy HC1 of the LPFS or the guidance of the Framework.

36. In coming to a view on the preceding matters, I have had regard to the evidence surrounding the viability of the proposal if it were required to make contributions to affordable housing and education infrastructure. Given my findings above that these contributions are not necessary to make the development acceptable in planning terms, it is not necessary for me to consider the evidence on viability further.

Other Matters

Flooding and drainage

37. Although the Council does not oppose the proposal on the matters of flooding or drainage, strong concerns have been raised by interested parties about the potential for the development to increase the risk of flooding in the area. The application was accompanied by a flood risk assessment (FRA) which identified parts of the site in Flood Zones (FZ) 1, 2 and 3; however, the dwellings would be located entirely within FZ1, with only water-compatible development in FZ2 and FZ3. As such, the sequential test of the Framework would be satisfied. The FRA further details that the sewer network would be designed to manage and control surface water runoff, using an attenuation pond to store water and ensure it is released to the adjacent canal at no greater a rate than the existing runoff rate from the greenfield site. Therefore, the proposal would offset its own impact and runoff into the surrounding watercourses would be no greater than at present.
38. I have had regard to the concerns raised. In the main, they relate to past flooding events and linked issues of capacity and condition of existing infrastructure. I appreciate that flooding, when it occurs, can have serious consequences, and that residents who have experienced it before will be justifiably concerned about it happening again. However, it is not the responsibility of an applicant for planning permission to address pre-existing problems with the drainage system, unless the proposal would have a direct effect on it. In considering this matter, I note that no objection was raised to the proposal by various consultees including the Council's Flooding and Drainage Manager, the Canal and River Trust and United Utilities. From the evidence before me, therefore, I am satisfied that the development would be able to manage its own impact on surface and foul water drainage, and that it would not lead to a demonstrable increase in the risk of flooding in the surrounding area.

Contamination and Ecology

39. I note the survey work which was carried out in relation to various protected species and the recommendations for further survey work before development commences or subsequent mitigation. I have no evidence to dispute the outcome of this survey work, or that these matters could not be satisfactorily addressed by planning conditions.

Access and highway safety

40. No objection is raised by the Council to the proposed new access onto Damfield Lane and based on all I have seen and read, I have no reason to reach a different conclusion.

Living conditions

41. The proposed dwellings would offer suitable standards of accommodation both internally and externally and would be laid out to ensure suitable living conditions for future residents. Existing dwellings are sufficiently distant and screened by tree cover such that occupants' living conditions would not be harmed.

Unilateral Undertaking

42. A signed unilateral undertaking has been submitted by the appellant. It includes undertakings to pay contributions to both affordable housing and education infrastructure, and details of the management of the proposed community orchard. I have found that neither contribution would be necessary to make the development acceptable in planning terms. I note the undertaking includes a clause to negate the enforceability of the contributions in such circumstances. I have, however, taken into account the undertaking in respect of the management plan for the community orchard.

Conditions

43. The Council has suggested conditions in the event the appeal is allowed, which I have considered in light of the tests of conditions within the Framework and guidance of the Planning Practice Guidance (PPG). The appellant has confirmed its written agreement to those conditions which are pre-commencement.
44. I have imposed a condition specifying the approved plans to provide certainty.
45. The Council seeks a written scheme of investigation for archaeological works. Given the undertaking of works would inherently jeopardise any surviving archaeological records, such a condition is required to be pre-commencement, and is necessary in the interests of recording items of archaeological or historic interest.
46. Conditions are necessary in respect of a Construction Traffic Management Plan, a Construction Environmental Management Plan and a method statement for dealing with Japanese Knotweed, in the interests of highway safety, protection of breeding birds and the immediate environment and preventing the spread of an invasive species. Each of these are pre-commencement as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measures which could be used.
47. A condition is also necessary for a site survey to determine the presence of otters and water vole to prevent harm to protected species. Though the timing was queried by the appellant, I note the recommendations for further pre-development surveys for both species in the relevant reports submitted with the application. In view of this, and the potential for development to start as far as three years in the future when site conditions may be different, a pre-commencement condition is justified in this case.

48. The Council seeks details of bird boxes to be erected on site. I agree with the appellant that there is no need for this condition to be pre-commencement, as it is unlikely that they would be installed until the latter part of the construction phase. I have therefore amended the timing to pre-occupation of the development.
49. A condition is necessary in respect of the external materials to be used, and hard and soft landscaping, to ensure a satisfactory overall appearance. A condition is also required for soft landscaping which fails in the first five years to be replaced, to ensure the satisfactory appearance is maintained.
50. A condition requiring adherence to the Arboricultural Method Statement is necessary to protect retained trees, shrubs and hedges from damage during construction. Details of a sustainable drainage scheme are necessary in the interests of mitigating flood risk.
51. Conditions are necessary to ensure the new site access, parking and turning areas and off-site improvements to footpaths and the highway are laid out, and a traffic regulation order regulating the speed limit within the site is implemented, prior to the development being brought into use in the interests of highway safety. A condition requiring details of street lighting is also necessary in the interests of highway safety, but as these installations would come towards the end of construction, a pre-occupation trigger would suffice.
52. Conditions are necessary for the installation of electric charging points and broadband connections, in the respective interests of reducing air pollution and facilitating economic growth.
53. Finally, conditions are requested to remove permitted development (PD) rights to construct garages, outbuildings, other extensions, gates, fences, walls or other means of enclosure. The PPG states that conditions restricting the future use of PD rights will rarely pass the test of necessity and should only be used in exceptional circumstances. In this instance, given the bespoke and co-ordinated design of the development, and its position within the conservation area, the enlargement of the dwelling or the addition of curtilage buildings or boundary treatment under PD could have significant effects on the character and appearance of the conservation area. I consider, therefore, that this represents an exceptional circumstance, and I have imposed the conditions to restrict these PD rights.

Conclusion

54. I have found that the proposal would comply with development plan as a whole, and there are no material considerations of such weight as to indicate permission should be withheld. For the above reasons, based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

K Savage

INSPECTOR

Schedule – Conditions

Time Limit

- 1) The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Details and Plans

- 2) The development hereby granted must be carried out strictly in accordance with the following details and plans: Proposed Location Plan (A003 Rev P05); Proposed Site Plan (A004 Rev P05); Proposed Block Plan (A005 Rev P05); Landscape Layout (101 Rev D); Access Layout (J977 Access Fig 1 Rev E); House Type 1 Plans and Elevations (A101 Rev P02 and A102 Rev P04); House Type 2 Plans and Elevations (A103 Rev P02 and A104 Rev P04); House Type 3 Plans and Elevations (A105 Rev P02 and A106 Rev P04); House Type 2A Plans and Elevations (A107 Rev P02 and A108 Rev P04); Site Section A-A (A007 Rev P02); Site Section B-B (A008 Rev P02).

Pre-Commencement

- 3) Prior to the commencement of development, a written scheme of investigation for archaeological works must be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved scheme.
- 4) Prior to the commencement of development, a Construction Traffic Management Plan must be submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, methods for traffic management and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Construction Traffic Management Plan shall be implemented in full during the period of construction.
- 5) Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority including the following:-
 - a) Details of how breeding birds will be protected should it be necessary to undertake works to trees during the period 1st March to 31st August inclusive;
 - b) Details of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal throughout the demolition and construction phases;
 - c) Plans showing the location of any construction compounds and what methods will be implemented to prevent accidental pollution or spillage into the canal.

The provisions of the approved Construction Environment Management Plan shall be implemented in full during the course of development.

- 6) Prior to the commencement of development, a survey of the site must be carried out by an experienced ecologist to determine the presence of otters and water vole. If present, details of how they will be protected are required to be submitted for approval.
- 7) Prior to commencement of development, a method statement detailing how Japanese Knotweed will be prevented from spreading throughout the development site must be submitted to and approved in writing by the Local Planning Authority. The statement must include a plan showing the extent of the plants, the methods used to prevent spreading, the methods of control to be used and details of monitoring. The recommendations of the approved statement shall be carried out prior to the occupation of the development.

Pre-Construction

- 8) Before any equipment, machinery or materials are brought onto site, protective fencing as specified within the Arboricultural Method Statement shall be erected around the outer limit of the crown spread of all trees shown to be retained on the Tree Protection Plan. The barriers shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored or trenches dug within these enclosed areas.
- 9) No development shall commence above slab level until full details of a scheme of sustainable drainage which accords with the Drainage Strategy Document (18-1023-REP002 P1) and Drawing (18-1023-200) has been submitted to and approved in writing by the Local Planning Authority. This must include a technical specification for the connection to the canal and headwall including a fuel/oil interceptor, details of implementation, maintenance and management for the lifetime of the development. The sustainable drainage system shall be fully constructed prior to occupation and be managed and maintained thereafter in accordance with the approved details.
- 10) Before any construction commences samples of the external facing materials to be used in the construction of this development must be submitted to and approved in writing by the Local Planning Authority. Roof tiles must be natural Welsh grey slate and the approved materials shall then be used in the construction of the development.

Pre-Occupation

- 11) Prior to occupation of any part of the development, a landscaping scheme covering the land subject of this application shall be submitted to and approved in writing by the Local Planning Authority, including:
 - a) Details of boundary treatments including how the existing gate onto Damfield Lane is to be blocked up utilising stone and copings removed from the new vehicular access
 - b) The location, size and species of all trees to be planted
 - c) The location, size, species and density of all shrub, hedgerow and ground cover planting
 - iv) A schedule of implementation.

The approved hard and soft landscaping scheme shall be carried out in full within 3 months of occupation of any part of the development or in

accordance with a timetable to be agreed in writing with the Local Planning Authority.

- 12) A scheme of works for the proposed vehicular access on to Damfield Lane must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until this means of access has been constructed in accordance with the approved scheme.
- 13) A scheme of works for the following off-site improvements and alterations must be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved scheme(s):-
 - a) Construction of new 2.0m wide footways on either side of the proposed access with dropped crossing to the east side of Damfield Lane - New dropped crossing and tactile paving on either side of the new access. - Appropriate carriageway markings and signage
- 14) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific dwelling.
- 15) No part of the development shall be brought into use until a Traffic Regulation Order for a 20mph speed limit on the proposed access road has been implemented in full.
- 16) No dwelling shall be occupied unless and until full details of a scheme of street lighting on the access road in compliance with the requirements of BS4389 must be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into use.
- 17) No dwelling shall be occupied unless and until an electric vehicle charging point for that dwelling has been installed and is operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be permanently retained thereafter.
- 18) No dwelling hereby approved shall be occupied until details of full fibre broadband connections to all proposed dwellings within the development has been submitted to and approved in writing by the Local Planning Authority. The infrastructure shall be installed prior to occupation and made available for use immediately on occupation of any dwelling in accordance with the approved details.
- 19) No dwelling hereby approved shall be occupied until a scaled plan detailing the number, type and location of bird nesting boxes to be erected on site has been submitted to and approved in writing by the Local Planning Authority. The boxes shall be erected in accordance with a timetable to be agreed with the Local Planning Authority and be retained thereafter as such.

Post-Occupancy, Monitoring and Management

- 20) Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species,

size and number as originally approved in the first available planting season.

- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected other than those expressly authorised by this permission.
- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no gate, fence, wall or other means of enclosure shall be erected other than those expressly authorised by this permission.

END OF SCHEDULE

Richborough Estates