



Appeal Decision

Inquiry opened on 13 March 2018

Accompanied Site visit made on 20 March 2018

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2018

Appeal Ref: APP/X2220/W/17/3183959

Land off Dover Road, Walmer, Deal CT14 7PE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Dover District Council.
 - The application Ref: DOV/17/00487, dated 26 April 2017, was refused by notice dated 28 July 2017.
 - The development proposed is the demolition of existing stable blocks and the erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system, and vehicular access from Dover Road.
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Preliminary Matters

1. All matters with the exception of access to the appeal site have been reserved for future determination. Some illustrative material was provided which indicates the manner in which the appeal site might be developed.
2. The inquiry sat for 4 days, with an extensive site visit on the fifth day. I also carried out unaccompanied site visit before the inquiry opened, and at other times outside the inquiry sitting period.

Matters of Agreement

3. A number of matters were agreed between the Council and the Appellant as set out in Statements of Common Ground. The principal agreed matters relate to:
 - The fact that the housing requirement of the development plan is out of date, having been based on 'policy on' calculations derived from the revoked Regional Strategy, so that the tilted balance of paragraph 14 of the National Planning Policy Framework (NPPF) is engaged;
 - The policies of the development plan¹ most relevant to the appeal and cited in the reasons for refusing planning permission are Core Strategy (CS) policies DM1, DM15 and DM16;
 - That there are no impediments to development on the grounds of highways and transportation, ecology or archaeology.
 - It is agreed that the site is, with regard to proximity to services and public transport, in an accessible location.

¹ The Development Plan is made up of the Core Strategy (2010) Land Allocations Local Plan (2015) and saved policies of the Dover District Local Plan (2002)

Decision

4. The appeal is allowed and planning permission is granted for the demolition of existing stable blocks and the erection of up to 85 dwellings with public open space, landscaping and sustainable drainage system, and vehicular access from Dover Road at land off Dover Road, Walmer, Deal CT14 7PE in accordance with the terms of the application, Ref: DOV/17/00487, dated 26 April 2017, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

5. The main issues in the appeal are:
 - (a) The effect of the proposed development on the character and visual amenity of the surrounding area;
 - (b) Housing provision;
 - (c) The planning balance, and whether any adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

Reasons

Character and Appearance

6. There are 3 landscape character assessments (LCA) which cover this location. These are at national (North Downs National Character Area) county (Landscape Assessment of Kent) and district (Dover District LCA) scale. Key characteristics of each apply in part to the general locality here, but the appeal site itself exhibits few, if any, of them. The site has its own characteristics which are not representative of the wider landscape, albeit that it has a relationship with that landscape. In essence the site displays characteristics of the urban edge of Walmer/Deal. The gently rolling, more open character, and long range views, of the Dover District LCA (the most fine grained and relevant LCA) lies to the south, east and west and are separated from the appeal site by a combination of topography, built development and vegetation. The site is largely self-contained in that respect.
7. Although defined as countryside because of its location outside the identified settlement boundary in the development plan, the self-contained nature of the land means there is little cross-fertilisation with the Eastry arable and woodland clumps landscape (Dover District LCA). I do not accept that the boundary wall and vegetation to the west of the site, and the narrowness of the road corridor, lend any sense of rural character to the surroundings. The built up part of Dover Road immediately to the west, the lack of significant direct views into open land when travelling south, and the prominent nature of the development at Walmer Court Farm all lead to this route being predominantly urban in character.
8. In light of my finding that the site owes more to the urban edge of Walmer than to the countryside it is my judgement that the site has, at worst, moderate susceptibility to development.
9. In this context there would be some harm through the loss of open paddocks. But this would be of negligible impact on the identified LCAs. The wider landscape character would be almost untouched if the appeal site were to be developed as proposed. The relatively modest widening of Dover Road and the re-siting of the boundary wall would have similarly low level impact on the

- landscape. The impact of the proposal on the landscape character can be summed up as being minor adverse.
10. Visually the site is also heavily self-contained. There are limited views in to the land from public viewpoints. From the south-west some visibility of the tops of the proposed houses would occur, but this would be limited in magnitude because of the presence of Dover Road properties and those around Walmer Court Farm.
 11. From the east the existing plantation has a strong screening effect. It is possible that the tops of the ridges of houses may be seen in the early years of development, but this would recede with the continued growth of the trees (likely to be enhanced by proposed management). It is also possible that there would be glimpses of light spill in winter through the plantation. However, although these impacts would be adverse they would not achieve anything beyond negligible to minor magnitude when observed from the public rights of way (rightly regarded as being used by sensitive receptors) to the east, south and south-west.
 12. The main visual impact would be on the residents of dwellings to north and west, and I acknowledge that these residents are sensitive to any change. The details of the development would require careful attention in addressing the properties to the north in order to provide adequate mitigation. This is particularly so in respect of No28 Thistledown where windows of habitable rooms are close to the site boundary. It would be difficult to conclude that the magnitude of impact on most of the dwellings to the north would be less than major and, in visual terms, adverse. But this impact would affect relatively few dwellings, must be seen in the context of there being no right to a view, and would be almost inevitable when housing sites on the edge of settlements are developed.
 13. There would be a lesser impact on the occupants of the dwellings to the west, across Dover Road. Quite apart from the distance involved, the view across the road is affected by the traffic using the highway and the presence of the boundary wall and vegetation. The latter elements would be retained in a different form such that any impact would be reduced. I find that any impact for these residents would be moderate at worst.
 14. So far as the users of Dover Road are concerned there is at present a limited impression of the paddocks which lie beyond the wall and boundary vegetation. That would not change dramatically with the development in place. The presence of dwellings would be apparent, not least because of the site access, but highway users are not in the same class of sensitivity as residents of users of public rights of way. Any adverse impact for road users would be fleeting and minor.
 15. Taking this issue overall there would be a negligible to minor adverse impact on landscape and moderate adverse impact on visual amenity. There is potential for the final design of any development to significantly mitigate impact. CS Policy DM16 is restrictive of development which would harm the character of the landscape subject to 2 alternative criteria. The second criterion is that harm can be reduced or incorporated into design so as to mitigate the impacts to an acceptable level. That is the case here and I therefore find no conflict with Policy DM16.

16. Policy DM1 indicates that development will not be permitted outside settlement boundaries defined in the CS except in specified circumstances. The proposal conflicts with this policy. However, that blanket restriction does not sit well with the more balanced approach required by the NPPF, and the requirement to boost significantly the supply of housing. The policy may be said to pay heed to the NPPF aim to have regard to the intrinsic character and beauty of the countryside, but it does not suggest how this might be approached in a balanced manner. The NPPF taken in context seeks a balance between development and the stewardship of important interests throughout its content. In addition the fact that it is agreed that the development plan is out of date in respect of housing requirement, coupled with the Council's acknowledgement that the proposal does not conflict with CS Policy CP1 relating to the settlement hierarchy, lead me to afford limited weight to the conflict with Policy DM1.
17. Policy DM15 takes the matter little further as it too deals with land beyond settlement boundaries. It seeks to avoid development which adversely affects the character or appearance of the countryside unless it complies with certain exceptions which do not apply here. Hence there is conflict with the policy. The policy justification acknowledges that housing need (at that time) cannot be met on brownfield land alone. Given that housing need is now greater, as set out below, and in light of my comments above relating to Policy DM1 I also afford limited weight to the conflict with DM15.

Housing Provision

18. As noted above there is agreement that the housing requirement set out in the CS is out of date (it was set at 505 dwellings per annum). The Council's Strategic Housing Market Assessment (SHMA) of 2017 has identified a need for 529 dwellings per annum (dpa) for the period of 2014 – 2037. It is agreed that the methodology for calculating the requirement has followed appropriate guidance. As a result the figure of 529 dpa is agreed between the parties. What is not agreed is the appropriate buffer to apply and the rate of delivery on a few sites.
19. Dealing first with the buffer, it is well known that the NPPF requires that Councils ensure that there is a 5 years supply of deliverable housing sites. To the resultant housing requirement it is necessary to add a 5% buffer or, where there has been a record of persistent under delivery, a 20% buffer. There is no universally accepted definition of what persistent under delivery means, and the draft revised NPPF deals with the matter differently and has no relevance to this appeal.
20. I have noted that the Inspector who carried out the examination into the Land Allocations Local Plan accepted at that time that a 5% buffer was appropriate, but I have no detailed knowledge of the evidence given then. However, it appears that 5% was used at least in part because of the fact that the Council could show a housing supply over 5 years of 4072 dwellings against a requirement of 2525 (when the previous shortfall was discounted).
21. The recent appeal decision relating to land at Sandwich Road, Ash² also accepts that a 5% buffer is acceptable. The Inspector made that judgement on the basis of the information given to him. I heard different evidence, as is clear

² APP/X2220/W/17/3174842

from the fact that it is not conceded by the Appellant here that all of the backlog of housing delivery has been satisfactorily accounted for in the SHMA. The Inspector in the Ash appeal found it acceptable to concentrate his deliberations on the appropriate buffer to the question of delivery since 2014 based on the evidence he heard.

22. It is unclear to me exactly how the under delivery in the years between 2006 and 2014 have been rolled into the OAN produced by the SHMA. A market signals uplift of 5% to 10% is suggested to reflect 'modest' market pressures, and 10% is applied. The result is a figure which reflects what is now required (including previous shortfall) over the period of the calculation to 2037, and the previous backlog is therefore inevitably spread over the whole plan term. I acknowledge that the shortfall since 2014 is accounted for in the most recent Annual Monitoring Report, but this is only a small part of the under delivery since 2006. I also acknowledge that it would be questionable to add the under delivery since 2006 to the OAN as this would be adding 'apples to oranges'. As acknowledged in the SHMA the formulation of objectively assessed need (OAN) is not a precise science and in this case the SHMA seems to imply that the requirement in previous years was in any event too ambitious. Be that as it may a figure of 529 dpa is agreed in this case and how it has been reached is therefore largely a moot point.
23. In relation to the buffer Planning Practice Guidance suggests that a longer rather than shorter period is appropriate when assessing whether there is persistent under delivery. Here I see no reason not to go back to 2006. That then includes buoyant (pre 2008 and post 2012) periods, as well as the recession. In that whole period the requirement was met in only one year and in most years was very much below the requirement. I recognise that since 2014 the shortfall in supply is modest overall despite the requirement not being met in 2 of the 3 years. In any event I believe that the longer term record unequivocally represents persistent under delivery against the requirement set. I therefore agree that a 20% buffer is appropriate. On that basis the Council contend that there is a 4.76 year supply, and the Appellant a 4.50 year supply. I discuss the implications of this below.
24. The difference in the above figures (4.76 v 4.50) results from the dispute of delivery of 3 main sites. This is a very small difference. Because of the evidence given at the inquiry round table session on this topic I generally prefer the cautious approach to delivery outlined by the Appellant. Having reviewed the information it seems to me that the delivery advanced by the Council in relation to Discovery Park, Sandwich, and Station Road, Walmer, is excessively optimistic. The Council has included delivery commencing at Discovery Park in the monitoring year beginning April 2018, but to date there has been no reserved matters application. It seems unlikely to me that any houses would be available on that site until the monitoring year beginning in 2020 given typical lead in times and infrastructure provision arrangements. That accords with the Appellant's prediction. Similarly the suggestion by the Council that 30 homes will be provided at Station Road, Walmer in the approaching year is too optimistic. Pre-commencement conditions remain to be discharged, and when combined with a change in land ownership, this appears to be an unrealistic scenario. The Appellant's evidence is more robust.
25. Finally there is dispute about whether to include the C2 units at the Old Sorting Office, Dover. PPG indicates that C2 units should normally be included.

Although I am inclined to give the Council the benefit here and include this minor element of supply it makes little difference to the overall calculation. The Inspector in the Ash appeal took a different view but that was a matter of judgement for him based on the evidence heard in that case.

26. This means that the current supply should be reduced from the Council's assessment by a moderate amount and would stand at just over 4.5 years. But as will be seen from the planning balance I carry out below this does not in fact play a decisive role in the outcome of the appeal.

Other Matters

27. Before turning to the overall balance in the case I deal here with other matters raised, principally by local residents and Parish Councils. The site is at the junction of 3 parishes and I have considered fully all representations made, from Councils, other organisations and individuals.
28. The impact of the proposal on highway safety and congestion is a matter of concern for local people. My own observations demonstrated that Dover Road is at times busy, and I therefore understand the concerns. However there is agreement between the Appellant and Highway Authority that the traffic likely to be generated at the site would be capable of being absorbed onto the local network without undue detriment. I have no substantive evidence to suggest otherwise and accept the consensus reached by the highways and transportation professionals in this field. Crossing of Dover Road requires care, and the access proposal includes a pedestrian refuge and a right turn lane into the site. These proposals have also been considered by the appropriate experts and I do not have sufficient evidence that there would be any harm to safety for pedestrians. Certainly in some respects, notably footpath widening, safety would be improved. As for the possibility of Dover Road being partially blocked by parked vehicles, this is a current possibility too. Any such concerns could be dealt with by the Highway Authority in due course. Hence these are not matters which weigh against development.
29. The closest residents to the appeal site would undoubtedly be affected by the proposal to a degree, as set out above in relation to their changed outlook. But that does not equate to an unacceptable impact so long as the living conditions at their homes are not made intolerable. In this case careful design at the next stage of development would provide the opportunity to 'design out' the potential for unacceptable intrusion by way of loss of privacy or disturbance. As such I am satisfied that the living conditions of nearby residents can be adequately safeguarded. So far as the design of any dwellings being in character with those nearby this is a matter for a later stage in the process.
30. Statements of Common Ground have been prepared which deal with ecological matters and archaeological matters. Furthermore, the imposition of conditions (as set out below) would ensure that the development is not harmful to these interests.
31. It is acknowledged that the site encompasses best and most versatile agricultural land. The NPPF requires that account is taken of the economic and other benefits of this land. I was told at the inquiry that a high percentage of land in the District falls into this category. The land is not currently used for agricultural production, being used for grazing horses. In any event it is a small area of land in relative terms, and its loss would be of minor consequence

in relation to the overall resource. This is not a matter which weighs against the proposal.

32. Concern has been expressed in relation to drainage, both surface water and foul. There is, though, no technical objection from relevant authorities and I am satisfied that adequate provision can be made, and this is a matter which can be ensured by condition. I have noted the comments made in relation to matters such as healthcare and the provision of other services. The planning obligation provided (which I address below) includes payments to be made which are designed to enable improvements to relevant services. This mitigates the concerns in this respect.

Planning Balance

33. There is conflict with the development plan, but the policy conflict is limited as I have set out above. My starting point is that the decision must be made in accordance with the development plan unless other material considerations indicate otherwise.
34. The benefits of the scheme are undisputed. The provision of market housing contributes towards the NPPF objective of boosting significantly the supply of housing. There is, of course, no ceiling on the number of houses provided. Furthermore the provision of 30% affordable housing (secured by legal undertaking) on the site is a major benefit in an area with an acknowledged and serious shortfall in such provision. This social benefit is of great weight in the balance.
35. Economic benefits have been estimated by the Appellant and range from immediate spend and provision of direct jobs on site, together with longer term economic activity in the area. This too is a benefit of the scheme.
36. I have acknowledged above that there are minor impacts on the character and appearance of the area and some conflict with the development plan, albeit that the conflict is reduced as described. On the other hand there is no conflict with other development plan policy. There would also be an area of public open space created on site which would be of environmental benefit.
37. It is my judgement that the material benefits of this scheme are of such significant weight that they point to a decision other than in accordance with the development plan. The tilted balance brought about by paragraph 14 of the NPPF indicates that in cases such as this planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. In my judgement the harm is so limited that it does not significantly and demonstrably outweigh the benefits. The scheme accords with the principles of the NPPF as a whole.
38. It is therefore clear to me that planning permission should be granted. Even had I accepted the Council's position on housing land supply and the appropriate buffer in its entirety the benefits are of sufficient weight in this case that it would have made no difference to the overall balance and my final conclusion.

Conditions and Obligation

39. A list of conditions agreed between the Council and the Appellant was submitted at the inquiry. This deals with matters which are required before development can begin and matters to be addressed as development proceeds. I agree that conditions are necessary to control the reserved matters, and to ensure that other factors are adequately dealt with. These include setting parameters for access, site levels, construction operations and drainage. Further conditions are necessary to control works dealing with ecology, biodiversity, archaeology, open space and tree protection. Conditions ensuring that a travel plan is agreed, and that noise is at acceptable levels are also necessary. As a precaution a condition requiring the reporting and elimination of any unforeseen contamination is also reasonable.
40. An Obligation pursuant to S106 of the 1990 Act has been signed and dated. It provides legal certainty in relation to the provision of affordable housing, payment of healthcare contributions, payment of education contributions, and the provision and proper management of sustainable urban drainage and open space proposals. There is also an obligation to provide a wheelchair accessible unit. The Obligation has been assessed by the Council as being acceptable should planning permission be granted.
41. I am satisfied on the basis of the information supplied that each of the provisions within the Obligation meets the tests of the Community Infrastructure Levy (CIL) Regulations. Furthermore I have noted the CIL compliance note which indicates that no contribution is caught by pooling restrictions. The Obligation can therefore be taken fully into account.

Overall Conclusion

42. For the reasons given above I conclude that the appeal should be allowed subject to the conditions set out in the schedule below.

Philip Major

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Keen	Queen's Counsel
He called	
Mr B Coyle BA DipLA(Hons) CMLI	Technical Director for Landscape, Jacobs
Mr A Fox BSc MCRP MRTPI	Senior Policy Officer, Dover District Council
Mrs L Roach BUD DipTP MRTPI	Principal Planner, Dover District Council

FOR THE APPELLANT:

Mr G Williams	Of Counsel
He called	
Mr T Jackson BA(Hons) DipLA CMLI	Director, FPCR Environment and Design Ltd
Mr T Dodkins BSc(Hons) DipTP MRTPI	Director, Phase 2 Planning and Development Ltd
Mr J MacKenzie BSc DipTP MRTPI	Planning Director, Gladman Developments Ltd

INTERESTED PERSONS:

Mr & Mrs D Porteous	Local Residents
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DOCUMENTS HANDED IN AT THE INQUIRY

- 1 Opening submissions for the Appellant
- 2 Opening Statement for the Council
- 3 Statement of Common Ground on housing land supply
- 4 Statement of Common Ground on general planning matters
- 5 Statement of Common Ground on ecology
- 6 Statement of Common Ground on archaeology
- 7 Statement of Common Ground on highways and transportation
- 8 Appeal decision APP/P1560/W/17/3176089
- 9 High Court judgement – Telford and Wrekin v SoS CLG and Gladman Developments Ltd
- 10 High Court Judgement – Bloor Homes East Midlands Ltd v SoS CLG and Hinckley and Bosworth BC
- 11 Plan of appeal site incorporating potential layout and contour lines
- 12 Draft Unilateral Undertaking
- 13 First draft of suggested planning conditions
- 14 Second draft of planning conditions

- 15 SoS appeal decision APP/R0660/W/16/3150968
 - 16 Extract from the draft changes to the NPPF relating to supply and delivery of housing
 - 17 Community Infrastructure Levy Regulations compliance statement
 - 18 Revised visual effects assessment table of Mr Coyle
 - 19 Enlarged visualisations and cross sections
 - 20 Final agreed list of conditions
 - 21 Signed and dated Unilateral Undertaking
 - 22 Closing submissions on behalf of the Council
 - 23 Final submissions of the Appellant
- Document below submitted after the close of the inquiry as agreed at the site visit by the Inspector
- 24 Representations and attachments from Mrs D O'Dempsey

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development shall be carried out only in accordance with the approved access drawing number 16-T129-06-D dated 17 July 2017 including the creation of a new southbound bus stop, widening of the footway on the western side of Dover Road and the provision of visibility splays shown on the approved plans; and no structure, tree or plant within the approved splays shall exceed 1 metre in height. No occupation of dwellings on the site shall take place until the access works shown in the approved drawing have been completed and thereafter the works shall be so retained.
- 4) The Dover Road/western boundary treatment shall be undertaken in substantial accordance with indicative plan numbers 7573-L-06 Rev B dated 09.01.2018 and 7573-L-01 Rev B dated 08.01.2018.
- 5) The existing vehicular access to Dover Road shall be permanently closed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- 6) No development shall take place until detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and any adjoining buildings, together with proposed finished floor levels of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 7) No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved

in writing by the Local Planning Authority. The detailed drainage scheme shall be based on the preliminary strategy prepared by RSK Consulting Ltd (March 2017) 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 and disposed of through infiltration features located within the curtilage of the site.

- 8) No development shall take place until a detailed scheme for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
- 9) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) A timetable for its implementation; and
 - ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The approved scheme shall not be varied thereafter.

- 10) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority; and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The hours of work;
 - ii) The parking and turning of vehicles of site operatives and visitors;
 - iii) Loading and unloading of plant and materials;
 - iv) Storage of plant and materials used in constructing the development;
 - v) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) Wheel washing facilities;
 - vii) Measures to control the emission of dust and dirt during construction;
 - viii) A scheme of recycling/disposing of waste resulting from construction works;
 - ix) Means of protection of trees and hedgerows during site preparation and construction;
 - x) Access arrangements for emergency vehicles within the site during the construction phase;
 - xi) Measures to minimise the risk of offsite flooding caused by surface water run-off and groundwater;
 - xii) Details of the site access and egress points, if different from the approved access.

11) No development shall take place until a scheme for the mitigation of noise has been submitted to and approved in writing by the Local Planning Authority. The scheme of mitigation shall ensure that noise levels do not exceed the noise criteria based on current figures by the World Health Organisation Community Noise Guideline Values/BS8233 "good" conditions as below:

- i) Living/dwellings rooms in daytime: 35dB L_{Aeq} , 16 hours
- ii) Outdoor living areas in daytime: 55dB L_{Aeq} , 16 hours
- iii) Inside bedrooms at night-time: 30dB L_{Aeq} , 8 hours (45dB L_{Amax})

The development shall be carried out in accordance with the approved scheme and no dwelling shall be occupied prior to its implementation and shall be retained as agreed thereafter.

12) No development shall take place until details of the proposed public open space including equipped play area has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

13) No development shall take place until such time as a Biodiversity Enhancement and Management Plan for all created and retained habitats (including a timetable for its implementation) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Management Plan.

14) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

15) No development shall take place until the reptile mitigation measures have been undertaken in accordance with the Reptile Survey Report dated October 2017.

16) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by putting in place the following measures prior to commencement of the development:

- i) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2005 (or as may be subsequently amended). Such tree protection measures shall remain throughout the period of construction;
- ii) No materials or equipment shall be stored within the spread of the branches or root protection area of the trees and other vegetation;
- iii) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or root protection areas of the trees and other vegetation at any time;
- iv) Ground levels within the spread of the branches or root protection areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level;

- v) No trenches for underground services shall be commenced within the root protection areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.

These measures shall be retained as such for the duration of the construction period.

- 17) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS 3998:2010 (or as may be subsequently amended). If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition a "retained tree or shrub" is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and the above paragraphs shall have effect until the expiration of 5 years from the date of the (occupation of the building/commencement of use of the approved development) for its permitted use.

- 18) Prior to the occupation of any dwellings, details of a Residential Travel Plan and Information Packs for dwellings to encourage sustainable transport and to include two weekly bus tickets for each new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved Information Packs shall be distributed to each dwelling on first occupation thereof.
 - 19) If during the course of development, significant contamination is suspected or found, or significant contamination is caused, works shall cease and the Local Planning Authority shall be notified in writing immediately. Where required, a suitable risk assessment shall be carried out and where necessary any remedial action shall be carried out in accordance with an agreed process and within a timetable approved in writing by the Local Planning Authority. The remediation measures shall be implemented as approved and completed prior to the recommencement of works.
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