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## Appeal Decision

Inquiry held on 11-13 October 2016 and closed on 26 October 2016

Site visit made on 13 October 2016

by **G D Jones BSc(Hons) DipTP DMS MRTPI**

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

Decision date: 5 January 2017

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**Appeal Ref: APP/R3650/W/15/3141255**

**Hewitt's Industrial Estate, Elmbridge Road, Cranleigh, Surrey GU6 8LW**

- 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 Sackville UK Property Select II (GP) No. 1 Ltd c/o Threadneedle Port against the decision of Waverley Borough Council.
  - The application Ref WA/2014/2384, dated 18 November 2014, was refused by notice dated 30 September 2015.
  - The development proposed is the demolition of the existing buildings and the erection of 120 dwellings with associated landscaping and access.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and the erection of 120 dwellings with associated landscaping and access at Hewitt's Industrial Estate, Elmbridge Road, Cranleigh, Surrey GU6 8LW in accordance with the terms of the application, Ref WA/2014/2384, dated 18 November 2014, subject to the conditions contained within the Schedule at the end of this decision.

### Preliminary Matters

2. A revised draft legal agreement containing potential planning obligations was submitted during the Inquiry, however the final version had not been completed by the end of the period over which the Inquiry sat. On that basis, with the agreement of both main parties, I adjourned the Inquiry on the final day of sitting in order to allow such a legal agreement to be put in place. A legal agreement under s106 of the Town and Country Planning Act 1990 (the S106 Agreement) was subsequently submitted<sup>1</sup> and I have had regard to it during my consideration of the appeal.
3. The Council has also confirmed that the matters that would be secured via the S106 Agreement address its concerns embodied in the second, third and fourth refusal reasons such that it no longer wishes to defend these reasons concerning highway improvement works, infrastructure contributions and affordable housing provision respectively. I have assessed the appeal on this basis and adjusted the main issues, as I identified them at the start of the Inquiry, accordingly.

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<sup>1</sup> Inquiry Document 22

4. The proposal is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the details relating to these reserved matters submitted with the appeal planning application as a guide as to how the site might be developed.

### **Main Issues**

5. The main issues are:
  - Whether or not the Council is able to demonstrate a five-year supply of housing land for the area;
  - Whether the appeal property is viable for employment purposes;
  - The effect of the loss of industrial and commercial land that would result from the appeal development; and
  - Whether any harm arising is outweighed by any considerations, including whether or not there is a National Planning Policy Framework compliant supply of housing land in the area.

### **Reasons**

#### *Housing Land Supply*

6. In respect to housing delivery, the National Planning Policy Framework (the Framework) requires the Council to meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a five-year supply of deliverable housing sites. The main parties disagree over whether or not the Council can do so.
7. I have found no reason to conclude that the Council's undisputed full objectively assessed housing need figure (the FOAN), which equates to 519 dwellings per year or 2595 dwellings over the five year period, is incorrect. The primary areas of disagreement between the main parties concern which buffer, 5 or 20%, should be applied to the FOAN, whether a lapse rate should be applied and the inclusion, or otherwise, of several of the sites that the Council relies upon to achieve its claimed five-year supply of housing. In summary, the Council's best case scenario is a 5.3 years housing land supply, which is based on a 5% buffer and the application of no lapse rate. In all of the other identified scenarios supply would fall below the requisite five years.
8. I have concerns about a number of the assumptions made by the Council, such that it has failed to demonstrate a five-year supply of deliverable housing sites. In my view a 20%, rather than a 5%, buffer should be applied to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land on the basis that the evidence indicates that there has been a record of persistent under delivery of housing. My primary reasons for coming to this conclusion are set out below.
9. The Council has not met its housing targets in each year since 2009. In my judgement this represents a persistent record of under delivery in the terms of the Framework. This is consistent with the approach taken by two other

Inspectors in reasonably recent appeal decisions in Waverley (the two Inquiry decisions)<sup>2</sup>.

10. I also note the Council's evidence in this regard. This includes the market/economic conditions and the effect of the Thames Basin Heaths Special Protection Area (SPA) during that period as well as previous housing delivery performance, the increasing number of planning permissions for housing granted in recent years, how the two Inquiry decisions should be interpreted and another appeal decision where the Inspector concluded that a 5% buffer should be applied (the Hearing decision)<sup>3</sup>.
11. I recognise that market conditions for the housing sector have been difficult during at least part of the period since 2009. However, this is a sufficiently lengthy period to gain a long term view and reasonable understanding of delivery. Given its length, combined with the current scale of the shortfall that has accumulated over that period, which exceeds 874 dwellings for the period 2013-16 alone, the application of an increased buffer of 20% is warranted.
12. The Council maintains that the two Inquiry decisions should not be interpreted as concluding that a 20% buffer is justified. In the earlier of these decision letters, from April 2016, the Inspector states *with the relevant target being missed each year since 2009 (a period of 7 years) and a cumulative shortfall since then of well over 1,000 dwellings, it appears that this is at least a borderline case of a 20% buffer being warranted*. On its face and when read in the context of the wider decision letter, this clearly means that a 20% buffer was warranted in the eyes of that Inspector; its warrant being *at least* borderline.
13. In the latter decision letter, from August 2016, the Inspector states, with reference to the decision letter referred to above, that she is *inclined to agree with [her] colleague that this is a "borderline case of a 20% buffer being warranted."* In doing so she commented that *the Council has failed to meet its housing targets for the last seven years. The lack of delivery can be attributed to the recession and added effects of the SPA. However, even in the last three years the shortfall has accumulated to 830 dwellings. There must be some merit in the appellant's argument that lack of an up to date plan for over 10 years and the absence of a spatial strategy or release of land to address the area's development needs has contributed to the backlog.* Therefore, that Inspector also concluded that a 20% buffer would be warranted for similar reasons to those that I have identified.
14. The Council has also drawn my attention to the Hearing decision in which the Inspector states that he does not accept that persistent under provision over the longer term has been proven such that a 5% buffer was appropriate. However, that decision predates the two Inquiry decisions. It is also likely that as that appeal was the subject of a one day hearing, in contrast to the multi-day Inquiries associated with the current appeal and the two Inquiry decisions, the evidence in this regard may not to have been subject to the same level of scrutiny as in these Inquiry cases. Consequently, the Hearing decision does not alter my conclusion that the 20% buffer should be applied in this case.

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<sup>2</sup> Core Document EO5 & EO6 – Appeal Decision Ref Nos APP/R3650/W/15/3008821, dated 18 April 2016, and APP/R3650/W/15/3136799, dated 10 August 2016

<sup>3</sup> Inquiry Document 11

15. The evidence indicates that applying the 20%, rather than the 5%, buffer to the Council's best case scenario results in a 4.6 years supply of housing land. This figure relies on the inclusion of proposed strategic allocations in the pre-submission version of the Council's emerging Waverley Borough Pre-Submission Local Plan 2016 Part 1: Strategic Policies and Sites (the eLP).
16. The Council's decision to include these sites in its estimated deliverable housing land for the five year period in question came following the publication of the eLP in August 2016. It also came after the publication of its statement of case for this appeal and led the Council to change its position from one where it considered that a Framework compliant supply of housing land could not be demonstrated to one where it believes that it can.
17. Since the Inquiry closed it has brought to my attention that eLP has been submitted to the Secretary of State (SoS) for independent examination. Nonetheless, the eLP is still in its early stages and given that the majority of proposed strategic housing allocations within it appear to involve at least some greenfield land and as there are likely to be objections to some and possibly all of those allocations, they cannot be considered to be deliverable in the terms of the Framework, at the very least not to the extent predicted by the Council during the five year period in question.
18. I also hold reservations regarding the full deliverability within the five years of some of the sites identified in the Waverley Land Availability Assessment<sup>4</sup> given that they are not currently part of a development plan allocation and do not have an extant planning permission. There is also a strong case for the application of a lapse rate bearing in mind the Council's record of under delivery as outlined above as well as bearing in mind its record of over-optimism in forecasting housing delivery in the Borough<sup>5</sup>.
19. These considerations indicate that the correct level of deliverable housing land supply is likely to fall within the range of the appellant's preferred estimate of 3.4 years and the 4.6 years identified above. In the context of the 20% buffer, even in the best-case scenario for the Council, the shortfall of some 309 homes is significant and substantially exceeds the potential 120 dwellings proposed.
20. In respect to affordable housing the West Surrey SHMA – Waverley Sub Area Addendum November 2015<sup>6</sup> indicates there is an estimated net annual need of 314 homes, which equates to 6282 homes across the period 2013-33. This annual figure is referred to in the eLP. The eLP also states there is a significant need for more affordable housing across the Borough and that there are currently over 1500 households on the Council's Housing Needs Register in housing need. It is proposed to provide 36 affordable homes as part of the appeal scheme.
21. Therefore, the proposed development would make a valuable contribution to identified housing need. For the reasons outlined, I find that the need for market and affordable housing both carry significant weight in favour of the proposal.

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<sup>4</sup> These are included among the sites within Appendix 3 to the Council's Five Year Housing Supply 1 July 2016 document – Core Document C14

<sup>5</sup> For instance, based on a comparison of the site yield estimates for the first five year periods identified in the Council's 2010 and 2011 SHLAAs (Core Documents C02 and C03) relative to actual completions over those periods (Core Document C14, Appendix 1)

<sup>6</sup> Part of Core Document C12

*Site Viability for Employment Use and Loss of Industrial / Commercial Land*

22. I deal with viability and the effect of the potential loss of the appeal site to non-employment use under a single heading as they are related matters.
23. The appeal site measures some 3.05ha of previously developed land within the settlement boundary of Cranleigh. It is occupied by 30 single and two storey industrial buildings, some of which have been sub-divided. The evidence indicates that the total gross internal floor area is some 116,892sqft, which equates to some 10,860sqm. The main parties agree that the units are life-expired, most having been constructed in the 1960s and 1970s. I have found no reason to disagree. At the time of the Inquiry the significant majority of the site was vacant with a single occupier remaining, operating primarily from one unit but also using ancillary storage space in some of the other units.
24. The site is designated as 'suitably located industrial and commercial land' in the Waverley Borough Local Plan 2002 (the Local Plan). Policy IC2 of the Local Plan states that the loss of such land will be resisted and that in giving consideration to applications which conflict with the Policy in that regard, the Council will require the applicant to demonstrate that there is no need for the site to be retained for employment purposes.
25. Bearing in mind that Policy IC2 allows flexibility in terms of the assessment of whether a site is needed for employment purposes, I consider that it is broadly consistent with the Framework, including para 22. Consequently, its weight is not diminished when assessed in the terms of para 215 of the Framework. However, the absence of a Framework compliant supply of housing land does have a bearing in this regard; I return to this point in the following sub-section.
26. Policy IC1 of the Local Plan is also cited in the remaining refusal reason. However, as it relates to proposals for industrial and commercial development only, which is not the case in this instance, there is no conflict with this Policy.
27. The main parties' positions regarding the site's viability for employment purposes evolved over the course of the appeal, particularly so in the case of the Council. In summary, by the time the Inquiry closed it was common ground that redevelopment would be unavailable. I have found no reason to disagree. The remaining area of difference between the parties, therefore, relates to whether the site could be viably refurbished for employment purposes. I return to the significance of viability in this regard a little later.
28. The Council has commissioned two reports on employment land, which were published in 2014 and 2016<sup>7</sup> (the 2014 Report and the 2016 Report). Both Reports identify that there is a substantial surplus of previously developed employment land falling within use classes B1c (light industrial), B2 (general industry) and B8 (storage and distribution).
29. The 2014 Report anticipates that B1c and B2 demand will decline over the period 2013-31 ranging from 13,600sqm to 21,400sqm, depending on the scenario, causing a surplus of industrial space in the range of 25,300sqm to 33,100sqm. It also projects that the Borough will have sufficient B8 floor space under all of the scenarios used, including that there may be a surplus of some 30,000sqm by 2031, such that the emphasis should be on quality rather than quantity.

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<sup>7</sup> Core Documents C09 and C10 respectively

30. The 2016 report also projects a surplus of floor space for these uses. Based on the scenario that it identifies as being most realistic and best aligned to the Council's Economic Strategy, it forecasts that by 2033 there will be a surplus of 29,400sqm B1c/B2 and 81,800sqm B8 floor space.
31. Notwithstanding the predicted surplus of B1c/B2 and B8 employment land, set against a predicted shortfall in B1a/b floor space, both the 2016 and the eLP indicate that it would be wrong to necessarily treat current employment sites as dispensable. The reasons for this as cited by the Council include that:
- Some B1c/B2/B8 land will be suitable for conversion to B1a/b to meet the forecast shortfall;
  - The local market is currently constrained by a lack of flexible industrial premises that can accommodate SMEs;
  - Permitted development rights have led to a loss of employment land to housing and this may continue;
  - Not all sites with potential for redevelopment or intensification are likely to come forward in the short-term, as occupiers would need to vacate before sites can be redeveloped; and
  - For the market to function efficiently and to allow effectively for churn, choice and flexibility, it will always be necessary for pipeline supply to be in excess of projected levels of future demand.
32. Nonetheless, the scale of the likely surplus of industrial and storage/distribution floor space identified in the 2014 and 2016 Reports is substantial. There is also no good reason to believe that the appeal site would be suitable for B1 office use given its location away from the principal centres and transport nodes. With these matters in mind, along with the wider evidence, I am content that the appellant has reasonably demonstrated that there is no need for the site to be retained for employment purposes in the terms of Local Plan Policy IC2. Consequently, there is no conflict with this Policy.
33. Although not included in its remaining refusal reason, the Council also maintains that the proposed development would conflict with eLP Policy EE2. The eLP proposes to retain the appeal site for employment purposes. The requirements of this Policy would include that such sites will be protected against non-employment use unless it can be clearly demonstrated that there is no reasonable prospect of the site being used for employment use. However, given that the eLP is still in its early stages any conflict with it can attract only very limited weight at this stage notwithstanding that it has now been submitted to the SoS for examination.
34. I have reservations regarding both main parties' final position on the viability of a scheme for the refurbishment of the site for employment purposes. Nonetheless, if I were to accept the Council's best case scenario in this regard it would not alter my overall conclusion, as outlined above, that there is no need for the site to be retained for employment purposes. Moreover, Local Plan Policy IC2 carries no specific requirement to assess an affected site's viability for employment purposes.
35. For all of the foregoing reasons, therefore, the loss of industrial and commercial land that would result from the appeal development carries only limited weight. On the basis that there is no need for the site to be retained for employment purposes, I have also found that the proposal would accord with Policy IC2 of the Local Plan.

### *Planning Balance*

36. The Framework states that there is a presumption in favour of sustainable development which means, among other things, approving development proposals that accord with the development plan. I have not found any conflict with the development plan and therefore the appeal development should normally be granted planning permission.
37. I have, nonetheless, also found that the Council cannot demonstrate a five-year supply of deliverable housing sites. Given the approach adopted by the Court of Appeal in the Richborough Estates case<sup>8</sup>, Local Plan Policy IC2 is a relevant policy for the supply of housing.
38. Although I have not, had I found there to be conflict with Policy IC2 of the Local Plan in the terms promoted by the Council at the appeal, given the scale of the housing shortfall<sup>9</sup> and bearing in mind the forecast surplus of industrial land and the limited weight carried by the eLP, that policy conflict and the loss of employment land, along with the associated consequences identified in the evidence, would not have significantly and demonstrably outweighed the benefits that would be brought by the appeal development, particularly those associated with the delivery of market and affordable housing. Consequently, in those circumstances the proposed scheme would also have been assessed as being sustainable development in the terms of the Framework.

### **Other Matters**

39. As outlined above, the S106 Agreement was submitted during the appeal process. In the event that planning permission were to be granted and implemented it would secure the provision of on-site affordable housing; the provision/maintenance of on-site public open space/play equipment including sustainable drainage measures; the implementation of a cycle and public transport voucher scheme; and financial payments to secure primary education, community, sports, leisure and recreation facilities, highway works and pedestrian/cycle infrastructure improvements.
40. The Council has produced a comprehensive suite of papers that address the application of statutory requirements to the planning obligations within the S106 Agreement and also set out the relevant planning policy support/justification (the Planning Obligations Statement)<sup>10</sup>. The Council also confirmed during the Inquiry that none of the financial contributions that would be secured would result in the pooling of more than five obligations for that project or type of infrastructure projects. I have found no reason to disagree.
41. I have considered the S106 Agreement in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy/guidance on the use of planning obligations. Having done so, I am content that the obligations therein would be required by and accord with the Policies set out in the Planning Obligations Statement. Overall, I am satisfied that all of those obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.

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<sup>8</sup> Core Document E02

<sup>9</sup> For the purposes of this exercise I have used the 'best case scenario' of 4.6 years housing land supply identified previously in my decision as a benchmark.

<sup>10</sup> Inquiry Document 9

42. In addition to the foregoing matters, concern has been expressed, including by those who spoke at the Inquiry, in respect to several considerations. These include that the site is largely vacant now in spite of being well occupied until reasonably recently because occupants have been forced to leave and due to the way the site has been managed by the appellant; there is demand for this type of commercial premises; the appellant bought the site with the intention of redeveloping it for housing; the loss of the employment use would detrimentally effect the balance of uses in Cranleigh, reduce local spending linked with the commercial uses and increase commuting and the associated consequences such as car emissions and highway congestion; the potential effect of neighbouring businesses on the living conditions of future occupants of the development and any potential associated restrictions on the use of these businesses; and the general effect on highway safety and congestion.
43. These matters are largely identified and considered within the Council officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry. The Council did not conclude that they would amount to reasons to justify withholding planning permission apart from as set out in its evidence. Other than as set out above, I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions. In any event, when combined with all of the other matters identified that would weigh against the development, they would not significantly and demonstrably outweigh the benefits offered by the appeal scheme, particularly those associated with housing delivery.
44. There have also been several representations made in support of the appeal development. However, these have not led me to any different overall conclusion.

### **Conditions and Conclusion**

45. The Council and the appellant jointly prepared a list of draft conditions, which include the standard time limit/implementation conditions. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly.
46. A condition would be necessary to specify the approved drawings in order to provide certainty. In the interests of highway safety and to safeguard residents' living conditions, a condition to ensure that the construction works proceed in accordance with a Construction Method Plan would also be necessary. Conditions requiring that an investigation of the nature and extent of contamination affecting the site, along with any requisite remediation, would be necessary to safeguard the health and well being of future occupiers.
47. Conditions to secure the installation of sustainable drainage as part of the development and foul water drainage would be necessary in the interests of flood prevention, to provide appropriate/adequate facilities and to protect the environment. To promote sustainable modes of transport and reduce the need for travel, conditions to secure the provision of cycle storage and electronic vehicle charging points and the implementation of a Travel Plan would also be necessary. To secure satisfactory living conditions for occupants of the development, a condition to secure acceptable noise levels and associated mitigation would also be necessary.



48. To safeguard the character and appearance of the area and residents' living conditions, a condition would be necessary requiring the submission and approval of lighting. To protect the character and appearance of the area and in the interests of arboricultural good practice, a condition would also be necessary to secure the proposed tree protection measures. A condition would be necessary to ensure that features of archaeological interest are properly examined/recorded.
49. Overall, notwithstanding the loss of employment premises/land that would result from the appeal scheme, I have identified no conflict with the development plan and found the proposals to be sustainable development in the terms of the Framework. Consequently, the appeal is allowed subject to the identified conditions.

*G D Jones*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Robin Green, of Counsel He called	Instructed by Waverley Borough Council
Alex Medhurst BSc(Hons) DipSurv MRICS	Associate Director, Adams Integra - Commercial Marketing and Viability
Brian Woods BA, MRTPI	Managing Director, WS Planning & Architecture – Planning

### FOR THE APPELLANT:

Russell Harris, of Queens Counsel He called	Instructed by Montagu Evans LLP
Joanna Fone MRICS	Partner, Montagu Evans LLP – Commercial Marketing
David Bowen BSc	Director, Wadham & Isherwood - Viability
Nicholas Sharpe MRTPI	Partner, Montagu Evans LLP – Planning

### INTERESTED PERSONS:

Richard Graham	President of Cranleigh Chamber of Trade
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## DOCUMENTS submitted during the Inquiry

1. Aerial photographs of the appeal site, Mansfield Park and Dunsfold Business Park
2. Waverley Borough Council – Authority Monitoring Report 2014-2015
3. Copy of Richard Graham's statement on behalf of Cranleigh Chamber of Trade
4. Update Refurbishment Appraisal prepared by Alex Medhurst, 6 October 2016
5. Explanatory Notes by Alex Medhurst, 10 October 2016, regarding his Update Refurbishment Appraisal
6. Table summarising Mr Medhurst's three appraisals, submitted by the appellant
7. Land Value Estimates for Policy Appraisal, DCLG, December 2015
8. Draft suggested conditions
9. The Council's Infrastructure Contributions justification papers
10. Appeal Decision Ref APP/R3650/W/15/3023031, dated 25 November 2015
11. Appeal Decision Ref APP/R3650/W/15/3130438, dated 4 February 2016
12. Appeal Decision Ref APP/R3650/W/15/3129019, dated 31 March 2016
13. Signed Statement of Common Ground
14. Copy of Register of Title, title number SY238779 and associated map
15. Table 'Cleared Industrial Land Comparables within 15 miles of Hewitt's Industrial Estate'
16. Page 46 from the Core Strategy Pre-Submission document July 2012, including Table 6.1
17. Page 49 from the Core Strategy Pre-Submission document August 2012, including Table 6.1
18. Policy H2, extract from the South East Plan, May 2009
19. Rebuttal of Nicolas Sharpe, Updated 12 October 2016

20. Email from Jane Todd (Community Partnership Officer) to Chris French dated 13 October 2016
21. Vehicular and Cycle Parking Guidance, Surrey County Council, January 2012
22. Signed Planning Obligation under section 106 of the Town and Country Planning Act 1990, dated 24 October 2016

Richborough Estates

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/R3650/W/15/3141255:

1. Details of the layout, scale, landscaping (including planting for biodiversity) and appearance (hereafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall begin either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: 1351/S101F (Site Location Plan); 130712/01 (Vehicular Access Plan).
5. Prior to the commencement of any demolition or construction, a Construction Management Plan, to control the environmental effects of the construction work, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of:
  - The parking of vehicles of site personnel, operatives and visitors;
  - The loading and unloading of plant and materials;
  - Storage of plant and materials;
  - A programme of works (including measures for traffic management);
  - Provision of boundary hoarding behind any visibility zones;
  - HGV deliveries and hours of operation;
  - Vehicle routing;
  - Measures to prevent the deposit of materials on the highway;
  - Before and after construction condition surveys of the highway, and how any damage as result of construction works shall be repaired;
  - The operations involving the bulk movement of earthworks/materials to and from the development site;
  - Measures for the control of noise, dust, smell and other effluvia.
  - Measures to ensure that there is no burning of materials on the site during the construction phase; and
  - Measures to ensure that demolition or construction works that are audible beyond the boundary of the site only take place between 0800 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays and not outside of those hours nor at any time on Sundays or Bank Holidays.The development shall be carried out in strict accordance with the approved Plan for the duration of the works.
6. Development shall not commence until an investigation and risk assessment has been completed in accordance with a scheme to be approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The report of the findings shall include:
  - A survey of the extent, scale and nature of any contamination;
  - An assessment of the potential risks to:
    - Human health;

- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
  - Adjoining land;
  - Ground and surface waters;
  - Ecological systems; and
  - Archaeological sites and ancient monuments.
- An appraisal of remedial options, and proposal of the preferred options.
7. In the event of contamination being discovered following the exercise undertaken pursuant to Condition 6, development shall cease and not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and approved in writing of the Local Planning Authority (LPA). The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site shall not qualify as contaminated land under Part of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise approved in writing by the LPA. The LPA shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and approved in writing of the LPA.
  8. In the event that contamination is found at any time when carrying out the development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of Condition 6 and where remediation is necessary the requirements of Condition 7 shall be fully addressed and completed.
  9. No development shall take place until details of the site-wide drainage have been submitted to and approved in writing by the Local Planning Authority. No discharge of foul or surface water from the site shall take place into the public system until the approved drainage works have been completed in accordance with the approved details.
  10. No development shall take place until a sustainable drainage system scheme, along with details of future maintenance, for the site, have been submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water into the ground shall be permitted. The development shall be carried out in accordance with the approved details.
  11. No development shall take place until full details of a scheme for the provision of Electric Vehicle Charging Points within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained for as long as the development remains in existence.
  12. The development hereby approved shall not be first occupied until details of cycle parking facilities have been submitted to and approved in writing by the

- Local Planning Authority and installed in accordance with the approved details. Thereafter they should be retained as approved and used for that purpose only.
13. No development shall take place until a scheme to demonstrate that the internal noise levels within the residential units and curtilages will conform to the "indoor ambient noise levels for dwellings" and "design criteria for external noise" guideline values specified within BS 8233:2014 has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation and retained thereafter.
  14. No development shall take place until a detailed scheme of external lighting including maintenance of the lighting has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation and retained thereafter.
  15. Prior to the commencement of development a Travel Plan Statement shall be submitted to and approved in writing the Local Planning Authority. The approved Statement shall be fully implemented prior to first occupation and continue to be implemented thereafter.
  16. The development shall be implemented at all times in full accordance with the tree protection measures shown within the Simon Jones Associates Arboricultural Implications Report.
  17. Prior to the commencement of development a scheme for archaeological investigation and works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented at all times in accordance with the approved details.

Richborough Estates