



Appeal Decision

Hearing held on 25 November 2014

Site visits made on 25 & 26 November 2014

by L Rodgers B Eng (Hons) C Eng MICE MBA

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

Decision date: 7 January 2015

Appeal Ref: APP/P1750/A/14/2219733

Land at Sun Park, Minley Road, Blackwater, Camberley, Surrey GU17 9QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James McConnell (Bellway Homes (Thames Valley) Ltd and DV4 Properties Co Ltd) against the decision of Rushmoor Borough Council.
 - The application Ref 14/00014/FUL, dated 9 January 2014, was refused by notice dated 3 April 2014.
 - The development proposed is described as "Demolition of the existing part-built steel framed structures. Redevelopment of the site for the construction of 150 dwellings, internal roads, open space, landscaping and associated infrastructure. Formation of new accesses onto Sandy Lane and the closure of the existing access from Minley Road roundabout except for emergency vehicles. Provision of school parking area."
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Decision

1. The appeal is allowed and planning permission is granted for "Demolition of the existing part-built steel framed structures. Redevelopment of the site for the construction of 150 dwellings, internal roads, open space, landscaping and associated infrastructure. Formation of new accesses onto Sandy Lane and the closure of the existing access from Minley Road roundabout except for emergency vehicles. Provision of school parking area." on land at Sun Park, Minley Road, Blackwater, Camberley, Surrey GU17 9QG in accordance with the terms of the application, Ref 14/00014/FUL, dated 9 January 2014 subject to the conditions in Annex A.

Procedural matters

2. The address above reflects that given on the appeal form rather than that used on the application form. However, it is more comprehensive than that on the application form and appears from the submitted documentation to have been generally adopted by the main parties. The location of the site is in any event clear from the submitted drawings and consequently no confusion should arise from my use of the above address.
3. The Appellant has submitted a planning obligation dated 21 November 2014 pursuant to Section 106 of the Town and Country Planning Act 1990. This is a material consideration which I shall take into account in my decision.
4. The appeal site spans the boundary between two local authority areas, Rushmoor Borough Council ('the Council') and Hart District Council (HDC). Just

prior to the hearing, on 21 November 2014, HDC granted planning permission¹ in respect of an identical application (13/02633/MAJOR). This is a further material consideration for me to take into account.

Main Issue

5. The effect of the proposed development on highway and pedestrian safety.

Reasons

Background

6. The appeal site is located within the urban area and settlement boundary of Farnborough. It is some 5 hectares in size and was formerly part of the Guillemont Barracks. Although currently vacant, the site contains two part-built steel structures originally intended to form part of the Sun Park business campus to the west and northwest of the site. To the north of the site is a footpath with the Guillemont Junior School beyond. To the east are the residential properties on Sandy Lane and to the south is a continuation of Sandy Lane and a non-operational bus link known as 'Old Minley Road'.
7. The site is currently accessed from a roundabout off the A327 to the west and has no direct access to Sandy Lane. However, as part of the proposed redevelopment a new site access would be created onto Sandy Lane. A second access would serve what is described as a 'school parking area', intended to be solely for the use of people picking up or dropping off children attending the nearby Guillemont Junior School. The Council confirmed at the hearing that its objections relate to the impact of these accesses, and the associated introduction of increased traffic onto a busy road at peak times, on highway and pedestrian safety.

Highway and pedestrian safety

8. Policy CP16 of the Rushmoor Core Strategy (2011)(CS) says, amongst other matters, that the Council will work with Hampshire County Council (HCC) and the Highways Agency (HA) to ensure that development proposals are permitted subject to meeting certain criteria - including securing safe access to the highway network and maintaining its safe operation.
9. The Appellant accepts that the criteria in the policy, including that above, are, in general, consistent with the National Planning Policy Framework (NPPF). However, the Appellant maintains that criterion 'h' (*'Mitigating any adverse effects on the transport network arising from the proposed development'*) is at odds with NPPF Paragraph 32 which states that *'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.'* In that particular regard I agree with the Appellant and this inconsistency with the NPPF weighs against the policy.

Design and layout

10. It is agreed in the Statement of Common Ground (SOCG) that the appropriate technical design guidance in respect of Sandy Lane is that contained in Manual for Streets (MfS) and Manual for Streets 2 (MfS2). I see no reason to take a different view. Having regard to the traffic speed surveys and the calculated 85th percentile wet weather speeds the proposed visibility splays for the main

¹ Inquiry Document 4

access would, at 2.4m x 60m, exceed that recommended in the technical guidance. Indeed, albeit involving the loss of more trees, I note that visibility splays of 2.4m x 90m could potentially be created.

11. As far as the school parking area is concerned, the drawing attached to the Appellant's Transport Assessment (TA) suggests that visibility splays of some 2.4m x 50m could be achieved in both directions. Having regard to the design guidance these visibility splays would again be sufficient to support the measured speeds. However, in order to achieve the distances shown the splay to the north has been measured to the centreline of Sandy Lane as opposed to the nearside kerb or an offset to it. MfS2 notes that this is an acceptable approach when circumstances make it unlikely that vehicles approaching from the left will cross the centreline of the main arm.
12. In this case there is no physical barrier that would prevent vehicles crossing the centreline. However, it seems to me that the combination of the bend itself, the road markings (the 'ghost island') and the proximity of the chicane to the north would make it unlikely that cars travelling south would, at this point, be on the wrong side of the road. In these circumstances I consider the proposed splays acceptable in terms of MfS2; the presence of the nearby junction to 'The Potteries' should serve as a further caution to approaching drivers.
13. I am also conscious that no objection to the proposed visibility splays was raised by HCC as the highway authority, nor did either of the Stage One Safety Audits raise any fundamental concerns with the design of the accesses. Indeed, notwithstanding that the Council's concerns are about the effect of these accesses on highway and pedestrian safety, the Council also raises no issues with the technical design of the accesses - considering that the application of MfS standards in respect of sight lines and visibility requirements has been undertaken correctly. In light of these factors I consider the design and layout of the proposed accesses acceptable.
14. With respect to the geometry of Sandy Lane itself, a sharp bend lies to the south of the location for the proposed main access. Whilst there would be no changes to the geometry of Sandy Lane the Council nonetheless raises concerns that formation of the accesses could, during the 'school run', lead to parked vehicles extending further back towards, or even into, the bend. The Council considers that this would compromise safety for cars negotiating the bend and would make visibility difficult for vehicles seeking to emerge from the accesses.
15. Whilst I note the Council's concerns, I saw during my site visit that the run of parked cars can already extend into the bend during the afternoon school run. I nevertheless accept that, despite the proposed additional parking opportunities, some further parking encroachment into the bend is a possibility. However, the Appellant's submissions demonstrate that the bend has an existing Stopping Sight Distance (SSD) of some 46m - equating to an 85th percentile wet weather speed just below that derived from the surveys - when the sight lines are taken to the back of the footway. If taken up to the highway boundary, an SSD of some 62m could be achieved. This would equate to an 85th percentile wet weather speed of around 38.6mph, considerably in excess of that derived from the surveys. Although the area up to the highway boundary currently contains young trees and scrub which restrict the

achievable SSD, the Appellant points out that even though HCC has raised no concerns in this regard it would be able to easily improve the SSD if deemed necessary.

16. Bearing in mind the proposed visibility splays at the junctions, I am content that adequate inter-visibility would be provided between vehicles rounding the bend and those emerging from the accesses. I am also content that there is sufficient forward visibility along Sandy Lane to allow cars to safely exit and enter the accesses. In light of these matters I see no substantive reason to believe that the relationship of the proposed access and the bend to the south would materially compromise the safety of road users. From a technical perspective I therefore consider the proposed design and layout acceptable.

Behaviour and use

17. Even though the design would be technically consistent with MfS and MfS2, the Council and local residents believe that should not be the end of the matter. In particular the Council considers that driver behaviour lies at the heart of the issue and it is the risk created by the additional points of conflict, and drivers' abilities to assimilate and deal with the situation around them, that is likely to give rise to problems. In the Council's view the proximity of the junior school, and in consequence the presence of more vulnerable road users, is likely to exacerbate any impact. On the basis of their day to day experiences, local residents express similar concerns.
18. Despite meeting the relevant design criteria the new accesses would clearly create additional points of potential conflict. However, this would be the norm for any new access. Indeed, the Council accepts that the scheme as proposed ".....would be unlikely to give rise to any road safety concerns so long as every road user behaved in the proper manner anticipated by the assessment." However, the Council believes it is unlikely that this will be the case. My own limited observations during the school run would support this view. The question is therefore whether, in the particular circumstances of this case, risk would be increased to an unacceptable degree.
19. Based on both the submitted evidence, and my observations during the morning and afternoon school runs, I consider that the most critical time for highway safety would be during the afternoon school run. At this time, not only is there a high level of traffic on the road but also a significant amount of parking in the area.
20. The Appellant's parking survey suggests that parking on Sandy Lane can extend in an almost unbroken run from the school up to the sharp bend south of the proposed access. Formation of the proposed accesses would mean that some of the parking on Sandy Lane would be lost and people would have to find alternative parking arrangements. It is suggested that this would lead not only to additional and potentially conflicting manoeuvres but also to parking in inappropriate and hazardous places at the time when the development itself would be generating additional traffic emerging onto Sandy Lane.
21. Turning first to the availability of parking spaces, the Appellant estimates that locating the main access on Sandy Lane would displace around 7 vehicles during the afternoon school run. However, that clearly depends on how close people park to the junction; the Council for its part notes that some 17 vehicles currently park within the area intended to form the visibility splays. Be that as

- it may, the development would provide for an additional 8 spaces on the access road and 12 spaces in the proposed school car park. Consequently, even if no vehicles were to park in the visibility splays, the development would have the theoretical capacity to accommodate all the vehicles displaced from Sandy Lane.
22. There are, nonetheless, concerns that the spaces on the access road may not be available when needed and that people may be discouraged from using the car park by its limited visibility from Sandy Lane. In consequence the Council believes that the car park may be under utilised and fail to accommodate all the displaced vehicles - or alternatively may be over utilised thereby generating additional manoeuvring and congestion as vehicles try, but fail, to find a parking space.
23. I have no doubt that, on occasion, all these difficulties would occur. However, the school run is repetitive and experience would soon be gained about the likely availability of spaces. In any event it seems to me that there are likely to be more of the new spaces available than people wishing to use them - as in reality many people would continue to park on Sandy Lane.
24. Although some of the vehicles staying on Sandy Lane would park within the proposed visibility splays, MfS notes that parking in visibility splays in built up areas is quite common and does not seem to create significant problems in practice – although it also warns that encroachment should only be considered acceptable in some circumstances when speeds are low. In this case the Council suggests that, as the 85th percentile wet weather speed is well above the speed limit, speeds on Sandy Lane should not be considered low. However, I note that the measured speeds are already lower during the school run periods than they are in the rest of the day - and if the development was to proceed the speeds are, in my view, likely to fall even more. Consequently, even though vehicles may have to edge out of the new accesses during the school run period I do not consider this likely to give rise to significant problems. The Appellant's contention that other accesses nearby face similar issues but do not have a recorded history of accidents was not substantively challenged and adds some weight to my finding.
25. As far as additional manoeuvring by vehicles trying to use the car park is concerned I am content that the submitted drawings show that the proposed design would be capable of accommodating reasonable manoeuvres within the car park. In consequence, vehicles would be able to enter and leave the car park in a forward gear and I see it as unlikely that cars would be forced to back up onto Sandy Lane or that those trying to use the car park would create significant congestion.
26. With regard to potential conflicts on Sandy Lane, vehicles already make a varied range of manoeuvres during the school run. Whilst I saw on my visit that some are fairly simple, such as adding to the back of the queue of parked cars and then pulling away in the same direction, others are far more complicated - including trying to squeeze into gaps in the run of parked cars and seeking to make 'U' turns in, or reversing out of, the bell mouth of 'The Potteries'. As I saw, these manoeuvres create multiple points of conflict and can seriously interrupt the flow of traffic on Sandy Lane.
27. The proposed residential development would clearly add to both the existing traffic movements and the number of potential conflicts; according to the rates

agreed between HCC and the Appellant, the development would theoretically generate some 77 trips between 15.00 and 16.00. Using this figure the Council suggests that, together with the movements into and out of the proposed parking spaces and car park there would be a new movement approximately every 20 seconds during the half hour or so of the school run – and, if people struggled to find a parking space, potentially more. The Council considers that this would represent a significant and very noticeable change to the current level of activity at a time when road users were faced with the most challenging conditions.

28. However, I firstly accept the Appellant's point that the theoretical quantum of trips associated with the new development will include a number associated with the school run. Given that both Guillemont Junior and Pinewood Infant schools are close by it is likely that at least some parents on the new development would choose to walk to these schools. Consequently the theoretical number of trips between 15.00 and 16.00 may be higher than the reality. Secondly, using the parking spaces on the development and in the car park would not constitute entirely new manoeuvres - in that they would simply replace some of the existing parking and turning manoeuvres. Thirdly, for the reasons noted above I consider that the Council's views on people struggling to find a parking space are likely to be overly pessimistic - as the behaviour of many people on the school run would not, in fact, change.
29. Having regard to all these factors I consider that the Council's concerns are overstated; nevertheless, I accept that there would be a noticeable increase in traffic movements. Indeed, even if all the factors above were taken into account it does not seem to me unreasonable to assume that during the school run period turning movements would occur at least once every 30 seconds. That would be additional to any movements confined to Sandy Lane itself. However, those movements would be split between vehicles turning onto Sandy Lane and those turning off it. They would also be split between the two accesses. In consequence it is, for example, likely that movements out of the main access onto Sandy Lane would occur, on average, only once every 1-2 minutes. Although the rate at which vehicles exit the car park would be peaky, with most vehicles leaving during a short period of time, even if the car park was to fully empty over a 6 minute period that would still only be around one vehicle movement every 30 seconds.
30. Despite the undoubted increase in turning manoeuvres on and off Sandy Lane, they would not, in my view, be so frequent as to preclude a driver taking reasonable precautions from a proper appreciation and assessment of any hazards - and those manoeuvres are likely to be less random and more structured than is currently the case. Whilst it is clearly a matter of judgement as to whether the proposed arrangements would lead to an unacceptable increase in risk I am conscious that neither of the two safety audits found substantive concerns with the proposals and no concerns have been raised by HCC. Indeed, the statement agreed between the Appellant and HCC (The 'Agreed Statement on Transport Matters') records that the "...local highway authority is satisfied with the Appeal Scheme with regard to all highway and transport matters, including the principle of the design and safety of the accesses.....".
31. Notwithstanding the criticisms levelled at the safety audits, and residents' views that HCC has previously made a number of poor judgements, the fact

that neither has identified any substantive deficiencies in the proposals must weigh heavily in favour of the proposal.

32. I am also conscious that, despite the concerns of local residents in respect of accidents and incidents, the Council accepts that the accident records show that Sandy Lane has a lower than typical accident rate. The highway authority does not consider that the increase in vehicles on Sandy Lane, even during the school peaks, would be unacceptable when compared to the background flows and the accident statistics suggest that there is no intrinsic problem with the layout or operation of Sandy Lane.
33. As far as pedestrian safety is concerned I accept that the behaviours of school children can be unpredictable and can make them particularly vulnerable. If the development was to go ahead then some of those parking on Sandy Lane or on the access road would, together with their children, need to cross over a road, an access, or both - where currently that need does not exist. That must increase overall risk. However, there is nothing particularly unusual about the proposed junction or access when compared to those that may be encountered elsewhere. Consequently, whilst there would be a need for all pedestrians to be more aware of their surroundings I do not consider that any risk arising would be unusual or significant.
34. In light of these matters and the fact that the school runs occur only over a relatively small proportion of the day I consider that even though the proposals are likely to increase risk, the overall risk would not be at an unacceptable level. Clearly, finding any increase in risk puts the development in prima facie conflict with criterion 'h' of CS Policy CP16 which requires *any* adverse effects on the transport network to be mitigated. However, I have already established that this approach is itself in conflict with the NPPF - which only seeks to prevent development where the residual cumulative impacts of development are severe. As I do not believe the impacts on highway safety would be severe, the development would accord with the NPPF. This is a weighty material consideration in favour of the development.

Other matters

35. In addition to the Council's concerns, local residents have raised a range of other matters including the capacity of the highway to absorb the additional traffic and the capacity of local facilities, such as schools and doctor's surgeries, to cater for the additional residents.
36. Turning first to the matter of highway capacity, the TA identifies that the development is likely to result in flows on Sandy Lane increasing by around 6% to the north of the site in both the morning and evening peaks and by between approximately 7-10% to the south of the site. The TA categorises these as minor increases. Although residents point out that there is already queuing in the area, this appears to be largely due to the traffic calming measures and the TA records that this queuing was observed to be relatively short in length and duration - corresponding with my own observations. No objections in this regard have been raised by either the Council or highway authority and in NPPF terms I consider that the impact of the increased flows should not be regarded as severe.
37. An assessment of the nearby junction capacities has revealed no fundamental concerns with the exception of the Sandy Lane/Fernhill Road/Chapel Lane

junction. This is operating just within its theoretical capacity but the addition of the development traffic would, by 2018, have a small impact. This impact is however, intended to be mitigated by contributions secured through the submitted s106 agreement. In these circumstances I see no reason to object to the proposals on capacity grounds.

38. As to the effect on local facilities, the submitted s106 agreement is intended to secure contributions towards local education and sports and leisure facilities as well as providing for an on-site play area scheme. I was given no substantive evidence demonstrating the need for additional health facilities and I therefore consider that, subject to the contributions above being secured through the s106, the development would have no materially harmful impact on local facilities.

Conditions

39. The Council and Appellant have suggested a number of conditions that they consider would be appropriate in the event I was minded to allow the appeal. I have considered those conditions in the light of the NPPF and the planning practice guidance. In doing so, I am conscious that Hart District Council is the Local Planning Authority for part of the site and has recently granted a permission incorporating many similar conditions. Nevertheless, I consider that if the appeal was to be allowed, in order to ensure clarity and precision the wording of some of the suggested conditions would need to be amended - albeit retaining the sense of those conditions.
40. The standard timeliness condition and a condition listing the approved plans would be necessary in the interests of good planning. However, it was agreed at the hearing that the drawings showing both the main and parking area accesses and visibility splays did not form part of the application and in any event indicated an incorrect access width. Consequently they should not be included in any condition listing the approved plans. Instead, a condition requiring full details of the proposed accesses to be submitted and approved prior to any development taking place would be both reasonable and necessary. In the interests of the area's character and appearance, conditions would be required to control the building and surfacing materials to be used, the finished floor and ground levels, the provision of a landscaping and planting scheme, the provision of communal aerial/satellite facilities on the block of flats and the provision of bin storage facilities and boundary treatments.
41. In order to protect the living conditions of neighbouring and future residents, conditions would be needed to control the hours of demolition and construction and to provide a construction method statement dealing with such matters as deliveries, noise and dust suppression and the parking provisions for contractors. A condition would also be required to control the light pollution from any external lighting as would a condition requiring measures to protect future residents against traffic and other external noise.
42. Conditions requiring the provision and retention of both the allocated and unallocated parking spaces on the development would be necessary in the interests of both the character and appearance of the area and the living conditions of residents and neighbours.
43. In terms of sustainability, conditions for the provision of a sustainable urban drainage system and the achievement of Level 4 of the Code for Sustainable

Homes would be both reasonable and necessary. In the interests of ecology, conditions requiring the implementation of the recommendations in the submitted ecological appraisal and requiring measures for the protection of the existing trees, including the submission of an Arboricultural Method Statement, would be required. Given the former uses of both the site and nearby land, conditions would also be needed to investigate and, if necessary remediate, any contamination of the site.

44. In order to ensure safe and convenient access to and from the development, the dwellings within it and the proposed car park, in addition to the access condition identified above a further condition would be required to ensure the provision of appropriate specifications and a construction programme in respect of the proposed roads and footpaths.
45. Following discussion at the hearing it was agreed that there would be no need for a condition to control the formation of additional vehicular and pedestrian accesses as no property would abut the site boundary with Sandy Lane. It was also agreed that, in light of the recommendations in the submitted ecological appraisal, there would be no need for a separate condition to protect nesting birds. I find no other conditions would be necessary.

Planning Obligation

46. The Appellant has submitted a planning obligation pursuant to s106 of the Town and Country Planning Act 1990 (dated 21 November 2014) in the form of an agreement between the owner, developer and mortgagee and Hampshire County Council, Rushmoor Borough Council and Hart District Council. This agreement is intended to secure the provision of 40% of the total number of dwellings as affordable homes together with other matters such as a Travel Plan and financial contributions towards transport, education and leisure. The obligation also makes provision for an on site play area scheme and for contributions intended to mitigate the impact of the development on land designated as a Special Protection Area (SPA).
47. However, because the development would straddle the administrative areas of Rushmoor Borough Council and Hart District Council, certain of the obligations do not relate to Rushmoor Borough Council but instead relate to either Hart District Council or the County Council. Certain other obligations, including that for affordable housing, apply to both Rushmoor Borough Council and Hart District Council with the respective provisions being identified through a specific schedule.
48. Having regard to these various constructions the Council confirmed at the hearing that the contributions and provisions it would receive through the s106 accorded with its policies (including Policies OR4 and OR4.1 of the Rushmoor Local Plan Review (2000)(Public Open Space) and CS Policy CP6 (Affordable Housing)) and its Supplementary Planning Documents (including that relating to Transport Contributions). Consequently the Council raises no objections to the obligation. For its part the Appellant confirmed that it did not dispute the requested contributions.
49. Having regard to the information put before me I consider that the requested contributions would be necessary to make the development acceptable in planning terms, would be directly related to it and would be fairly and reasonably related to it in scale and kind. In consequence I find that the

obligations meet the tests set out in the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010.

Conclusion

50. I have found it likely that the proposed development would result in some harm to both highway and pedestrian safety and as such the development would conflict with CS Policy CP16. It would also add to the existing congestion in the area and I accept that it is these matters which cause local residents most concern. However, for the reasons above I do not consider that the increased risk would be significant nor would the residual cumulative impacts of development be severe. Consequently to refuse the development on transport grounds would be contrary to the NPPF. This is a significant material consideration which in my view is, itself, sufficient to outweigh the development plan conflict. There are, in addition, considerable benefits associated with the development including the provision of much needed housing - particularly within Hart District Council which cannot currently demonstrate a 5 year housing land supply and which has itself just granted permission for the development. These additional considerations further tip the balance in favour of the development.
51. I have had regard to residents' other concerns including those related to environmental and ecological issues, the design and layout of the proposed development and the quantum of affordable housing. However, none of these matters carries sufficient weight to materially affect my overall conclusion and whilst both the Council and local residents have suggested that alternative proposals might be more acceptable, I must consider the proposal put before me.
52. Against this background I conclude that, subject to the conditions laid out in Annex A, the appeal should succeed.

Lloyd Rodgers

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr R Taylor QC	Instructed by Mr Garnett, Savills
Mr J D Williams BA(Hons), MSc, MILT, MCIHT	Associate, i-Transport
Mr S Garnett BSc(Hons), Dip TP, MRTPI	Savills

FOR THE LOCAL PLANNING AUTHORITY:

Ms S Jones MSc, MRTPI	Principal Planning Officer, Rushmoor Borough Council
Mr T Allen TPP, MCIHT, MILT	Partner, Peter Brett Associates LLP
Mr J Pettit BSc, C Eng, MICE	Transportation Strategy Officer, Rushmoor Borough Council

INTERESTED PERSONS:

Cllr J Marsh C Eng MIMechE	Councillor, Fernhill Ward
Mr L Amos	Farnborough Society
Cllr B Hurst	Councillor, St John's Ward

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Notification of the hearing and list of those notified. Submitted by Ms Jones.
- 2 Rebuttal Proof of Evidence of Mr Williams. Submitted by Mr Taylor.
- 3 Signed copy of s106 agreement. Submitted by Mr Taylor.
- 4 Planning Permission granted in respect of 13/02633/MAJOR by Hart District Council. Submitted by Mr Taylor.
- 5 Written statement on behalf of the Farnborough Society. Submitted by Mr Amos.
- 6 Written statement. Submitted by Cllr Marsh.
- 7 Supplementary accident records. Submitted by Mr Taylor.

Annex A

Conditions in respect of APP/P1750/A/14/2219733

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until a schedule and/or samples of all surfacing materials, including those to access driveways/ forecourts, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding any information submitted with the application, no development shall take place until plans showing details of existing and proposed ground levels; finished floor levels; the levels of any paths, drives, garages and parking areas and the height of any retaining walls have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, designs, materials and types of boundary treatment and enclosures to be erected - together with a timetable for their erection. The boundary and enclosure treatments shall thereafter be erected in accordance with the approved details and timetable.
- 6) Prior to occupation of that part of the development to which they relate, the bin storage facilities as shown on the approved plans shall be provided, made available for use and thereafter retained in accordance with the submitted details.
- 7) Demolition or construction works shall not take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays, Bank or Statutory Holidays.
- 8) No development shall take place, including any works of site clearance or demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of:
 - i) the programme of construction work;
 - ii) the provision of long term facilities for contractor parking;
 - iii) the arrangements for deliveries associated with all construction works;
 - iv) the methods and phasing of construction works;
 - v) the access and egress arrangements for plant and deliveries;

- vi) the arrangements for the protection of pedestrian routes during construction;
- vii) the location of temporary site buildings, site compounds, construction materials and plant storage areas;
- viii) measures to control dust, noise and vibration during the construction period;
- ix) the provisions for the storage, collection and disposal of rubbish from the development during the construction period
- x) lorry routeing; and
- xi) provisions for the on-site parking and turning of construction vehicles

Construction, site clearance and demolition shall only take place in accordance with the approved CMS.

- 9) Notwithstanding any details submitted with the application, no development shall take place until a fully detailed landscape and planting scheme (to include, where appropriate, both landscape planting and ecological enhancement) has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping and planting scheme shall be implemented in full prior to the first use of any part of the development to which it relates or in the first available planting season, whichever is the sooner. Any tree or shrub which is removed, dies or becomes seriously diseased within five years of planting shall be replaced by trees/shrubs of a similar size and species to those originally required to be planted.
- 10) No dwelling shall be occupied until its allocated garaging, car port and/or parking spaces, as shown on the approved plans, has been provided. Thereafter, these spaces and areas shall be kept available at all times for the parking of motor vehicles ancillary and incidental to the residential use of the dwelling and for no other purpose. These spaces shall not be used for the storage of caravans, boats or trailers and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 or any revision thereto, shall be carried out on the site in such a manner or in such a position as to preclude the use of or access to these spaces or areas.
- 11) No development shall take place until a phasing plan for the provision of the unallocated parking spaces shown on the approved plans, including those relating to the school car parking area, 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 phasing plan and once provided the spaces shall be kept available solely for the parking of motor vehicles and shall not be used for the storage of caravans, boats or trailers.
- 12) No development shall take place until details of any external lighting, including hours of operation, have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate that the recommendations of the Institution of Lighting Engineers, Guidance Notes for the Reduction of Light Pollution will be met in respect of reducing glare and controlling vertical illuminance. The lighting shall be installed in accordance with the approved details before any of the

development is first occupied, or in accordance with a programme which has first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be operated and maintained in accordance with the approved details.

- 13) The block of flats shall not be occupied until details of communal aerial/satellite facilities have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be installed and made operational before the relevant dwellings are occupied.
- 14) Notwithstanding any details submitted with the application, no development shall take place until details of measures to incorporate Sustainable Drainage Systems (SUDS) into the development have been submitted to and approved in writing by the Local Planning Authority. The approved systems shall be implemented in full prior to the first occupation of that part of the development to which they relate and shall thereafter be retained in perpetuity.
- 15) No development shall take place until details of measures to achieve Level 4 of the Code for Sustainable Homes or equivalent for the dwellings hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and thereafter be retained. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or equivalent has been achieved.
- 16) No development shall take place until a detailed scheme of noise mitigation measures to achieve the internal and external noise levels required to protect the living conditions of future occupiers, as identified in the submitted noise impact assessment by Clarke Saunders Associates (AS7074.131205.NIA – 5 December 2013), has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.
- 17) No development shall take place until:
 - i. a desk top study, carried out by a competent person, documenting all previous and existing uses of the site and adjoining land and the potential for contamination, with information on the environmental setting including known geology and hydrogeology has been submitted to and approved in writing by the Local Planning Authority. This report should contain a conceptual model, identifying potential contaminant pollutant linkages.
 - ii. if identified as necessary under i) above; a site investigation has been carried out and a report documenting the extent, scale and nature of any contamination, the ground conditions of the site and incorporating any chemical and gas analysis identified as appropriate by the desk top study has been submitted to and approved in writing by the Local Planning Authority.
 - iii. if identified as necessary under ii) above; a detailed scheme for remedial works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme should include measures to be undertaken to avoid risk from contaminants/or gas when the site is developed. The scheme should also include proposals for future maintenance and monitoring, along with a verification methodology,

and the nomination of a competent person to oversee and implement the works.

iv. if remedial works are identified as necessary; the site has been remediated in accordance with the approved scheme and a verification report demonstrating the effectiveness of the remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

- 18) In the event that unforeseen ground conditions or materials which suggest potential or actual contamination are revealed at any time during implementation of the approved development it must be reported, in writing, immediately to the Local Planning Authority. A competent person must undertake a risk assessment and assess the level and extent of the problem and, where necessary, prepare a report identifying the required remedial action and a timetable for its implementation. This report shall be submitted to and approved in writing by the Local Planning Authority before the measures are implemented. Following completion of the measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.
- 19) The development shall be carried out in accordance with the recommendations outlined in section 5 of the ecological appraisal prepared by Lindsay Carrington Ecological Services Ltd dated May 2012.
- 20) No development, including demolition works, shall take place until an Arboricultural Method Statement (AMS)/and scheme of arboricultural supervision detailing low impact methods of construction and other tree protection measures within any tree protection area has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
- 21) Notwithstanding any details submitted with the application, no development shall take place until full details of the proposed vehicular accesses to both the main development and the car park, including the visibility splays, have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details and no part of the development shall be occupied and the accesses shall not be used until the visibility splays have been provided. No structure or vegetation exceeding 0.6m in height shall at any time be placed or allowed to grow within the approved visibility splays.
- 22) No development shall take place until a detailed construction plan for the proposed road(s) and footpath(s) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - (i) all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels, details of street lighting and surface water disposal provision;
 - and
 - (ii) a programme and phasing for their construction

No part of the development hereby approved shall be used or occupied until the road(s) and footpath(s) have been completed in accordance with the approved construction plan.

- 23) The development hereby permitted shall be carried out in accordance with the following approved plans: 041205 BEL 01 revision B, 02 revision A, 03, 05, 06, 07, B-E1, B-P1, F-E1, F-P1, H-E1, H-P1, K-E1, K-P1, L-E1, L-P1, P-E1, P-E2, P-E3 revision B, P-E4 revision B, P-P1, C-E1, C-P1, E-E1, E-P1, G-E1, G-P1, H-E2, H-P2, J-E1 revision B, J-P1 revision B, J-E2 revision A, J-P2 revision A, K-E2, K-P2, E-E2, E-P2, G-E2 revision B, G-P2 revision B, H-E3, H-P3, K-E3, K-P3, L-E2, L-P2 revision B, M-E1 revision B, M-P1 revision B, N-E1, N-P1, AA-E1, AA-P1, AB-E1, AB-P1, AC-E1, AC-P1, AE-E1, AE-P1, H-E4, H-P4, K-E4, K-P4, L-E3 revision B, L-P3, AA-E2, AA-P2, AB-E2, AB-P2, AB-E3, AB-P3, AB-E4, AB-P4, AC-E2 revision B, AC-P2, AC-E3, AC-P3, AD-E1, AD-P1, AD-E2 revision B, AD-P2, AE-E2, AE-P2, AF-E1, AF-E2, AF-P1, AF-P2, BK-E1 revision B, BK1-E2, BK1-E3, BK1-E4, BK1-P1 revision B, BK1-P2 revision B, BK1-P3 revision B, BK1-P4 revision B, GAR01, GAR02, GAR03, CP01, CP02, CP03, SH01, 7955/01 rev B 1/2, 7955/01 rev B 2/2 and 05SN001.

Richborough Estates