



Appeal Decision

Site visit made on 25 May 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2021.

Appeal Ref: APP/B1930/W/20/3265949

The Old Electricity Works, Campfield Road, St Albans, AL1 5HT

- 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 Glen Charles (Campfield Road Property Limited) against the decision of St Albans City & District Council.
- The application Ref 5/19/3164 dated 17 December 2019, was refused by notice dated 14 August 2020.
- The development proposed is retention of the northern elevation to the Old Electricity Works building and adjoining façade of the warehouse building and demolition of all other existing buildings and construction of new buildings between two and six storeys in height to provide 107 flats (64 x 1 bed, 31 x 2 bed, 12 x 3 bed), 499sqm of office floor space and associated parking, landscaping and access works.

Decision

1. The appeal is allowed and planning permission is granted for retention of the northern elevation to the Old Electricity Works building and adjoining façade of the warehouse building and demolition of all other existing buildings and construction of new buildings between two and six storeys in height to provide 107 flats (64 x 1 bed, 31 x 2 bed, 12 x 3 bed), 499sqm of office floor space and associated parking, landscaping and access works at The Old Electricity Works, Campfield Road, St Albans, AL1 5HT in accordance with the terms of the application ref: 5/19/3164, dated 17 December 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. Whilst not specifically a reason for refusal I note the requirement for a Unilateral Undertaking (S106 agreement) in the event the appeal is allowed. The Council confirms the heads of terms to secure provision of affordable housing and contribution to primary education, secondary education, library services, youth services, parks and open spaced, sustainable transport, residential travel plan, travel plan monitoring and support contribution and healthcare. Given that I have before me a completed, executable, S106 agreement dated 17 June 2021 which secures the aforementioned matters, consistent with the Council's report, I find that the social and infrastructure needs of the proposal would be sufficiently mitigated.

Main Issues

3. The main issues are i) the impact of the proposal upon the amenity of future occupiers with regard to daylight, sunlight and outlook and ii) whether the proposal can provide adequate on-site car parking without creation of increased parking demand in the immediate locality.

Reasons

4. The appeal site is a rectangular parcel of land with frontage to Campfield Road. It is currently occupied by a two storey red brick building which is stated to date from 1908 which is known as the Old Electricity Works. The remaining buildings are industrial buildings. The site is located within the Camp Road/Campfield Road Employment Area but is noted that residential development has already occurred within the area in the form of large-scale flatted development. The Council's report confirms that the appeal site benefits from conditional permission (5/2018/0095) and that the principle of the development sought under this appeal has already been established as acceptable.
5. 5/2018/0095 (the existing consent) is, for the avoidance of doubt, for the same volume of flats (107 (64 x 1 bed, 31 x 2 bed and 12 x 3 bed)) as well as 499 sq./m of office floor space. This is noted, by the Council, as an extant consent which could still be implemented though it is noted that the Council contend it should be given reduced weight due to the appellant's claim the existing consent is not viable. It is none the less still live and valid and able to be taken into account at the point of determination.

Amenity of future occupiers

6. Units G1, G2, G3, D1, D2 and D3 would be located close to the Western site boundary and Eastern access. This would result in less than desirable aspects at ground floor, however, the living spaces are dual-aspect and would still retain a good outlook on the Lower Courtyard and the opening would be provided with defensible space to ensure privacy from other users within the development. Comments are noted in relation to units E2, E11, E16, E20, E25, E29, E36, F5, F11, F17 (and their relationship to units as named) but I find that the units would, overall, be provided with a satisfactory standard of accommodation overall in terms of outlook given the general nature of flatted development in an urban location.
7. There are no single aspect units within the scheme which, as a starting point, assists in maximising daylight within habitable rooms across the development. A Daylight and Sunlight Report has been submitted. 96% of the bedrooms and 85% of living/kitchen/dining rooms would satisfy guidance in terms of minimum average daylight factors being provided to habitable rooms. I note that 17 living/kitchen/dining rooms, and 7 bedrooms, would fail but at least one room in every unit surpasses the minimum standards. Only two units out of 107 unit would not have two out of three habitable rooms achieving the relevant standard and guidance. Overall the proposal would provide an acceptable standard of amenity for future occupants with regard to daylight and sunlight. I do not find significant harm as stated by the Council with regard to amenity of future occupants.
8. The submissions confirm that the design of the units in the appeal proposal is identical to that in the existing consent. The changes, within the appeal scheme compared to the existing consent, are limited to affordable housing provision and car parking proposed on site. Whilst the existing consent is noted to have proposed a higher level of affordable housing provision (35% versus 7% in the appeal proposal) I find that the assessment, as to whether the units proposed provide an acceptable level of amenity for future occupiers, to be the same whether or not the units are market units or affordable units.

9. To assess differently suggests that shortfalls in standards are acceptable in exchange for increased affordable units which is evidently not the approach intended. In that regard the Council have already assessed the proposal in terms of standard of amenity and approved it within the existing consent. I do not find that whether there are more or less affordable units should impact upon the basic evidence of whether or not a site can, or cannot, provide an appropriate level of amenity for all future occupants.
10. The proposal would be consistent with City and District of St Albans District Local Plan Review 1994 (LP) saved Policy 70 which requires the design of new housing development to have regard for its setting and character of its surroundings and paragraph 127(f) of the National Planning Policy Framework 2019 (the Framework) which seeks to provide a high standard of amenity for existing and future users.

Car Parking Provision

11. Since the determination of the existing consent there have been key policy changes which are material considerations. The first is the adoption of Hertfordshire County Council's Local Transport Plan 4 (LTP4) and the second is the revision of the National Planning Policy Framework in both 2018 and 2019. S38(5) of the Planning and Compulsory Purchase Act 2004 confirms that policy conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.
12. The Council's parking standards and LP Policies 39 and 40 were published 18 and 26 years ago respectively. LTP4 marked a significant shift towards maximising sustainable travel and accessibility through a user hierarchy. Consideration of the needs of the private motorcar is last within that hierarchy. The Framework placed even greater emphasis on the importance of maximising sustainable travel opportunities at new developments. The Council's statement confirms that they do not suggest the appeal should be refused on the basis of a failure to provide spaces consistent with the adopted standards, but that they consider the shortfall now proposed will be too great and lead to parking pressure which will affect future residents and neighbouring residential properties. It therefore falls to assess actual impact of the reduced spaces.
13. The proposal provides parking for 82 cars; 78 spaces for the residential development within the basement and 4 spaces for the office use on the site frontage. As outlined above there is an existing consent in place for the same level of development but this would provide 122 parking spaces, the difference between the proposals lies in the residential parking provision proposed. The appeal proposal proposes basement parking but it has been reduced in size due to viability reasons. The basement parking, approved in the existing consent, would require extensive excavation and the viability assessment submitted supports that the cost of the basement results in the scheme being unviable. An independent consultant has also assessed the viability appraisal for the appeal scheme and confirmed their agreement that increasing the size of the under-croft parking is likely to further undermine viability at the site. I am satisfied that there is an initial basis, in terms viability, for justifying the reduction in parking as proposed compared to the existing consent.
14. The site is sustainably located with an extensive footway as well as having a number of sustainable transport links within a short distance of the site. There is a genuine range of sustainable transport options which would reduce reliance

on the private car with reduced levels of parking and car-free units as proposed. These are outlined in the Council's committee report. At the time of my site visit I drove around the local area and, whilst it is noted to only be a snapshot in time, the on-street parking did not appear at capacity which is consistent with the survey results from the appellant before me within this appeal. The sustainable travel works, contributions secured within the completed S106 agreement and suggested conditions mean that the Highway Authority were of the view that overspill parking pressure on the wider surrounding network is unlikely to be severe.

15. The 78 spaces provided within the proposal would serve 71 units given that 36 units are proposed as car free units. Parking management measures within the Car Park Management Plan will provide further control and enforcement measures on parking behaviour. This would result in a parking per unit ratio of 1.1 per unit, consistent with the Council's latest submission in the form of five car park surveys which supports a need for 1 space per apartment across the development and the Council's assessment is overspill would thus appear to have been over estimated. The Transport Assessment before me concludes the proposed scheme is not expected to have a detrimental impact on the local road network.
16. Some localised inconvenience and some potential increase parking demand in the immediate locality is noted, as well as comments along these lines within submitted objections, but the test in the Framework (paragraph 109) is whether or not a proposal would result in severe cumulative impact as a result of that increased demand. I have no evidence before me to suggest that this would be the case. The combination of the above factors means that I find the proposal would provide acceptable parking provision and would not lead to increased parking demand in the immediate locality.
17. The proposal would be consistent with LP Policy 39 which states that requirements may be adjusted to reflect circumstances of individual developments and LP Policy 70 which requires the design of new housing development to have regard for its setting and character of its surroundings. The proposal would present limited conflict with LP Policy 40 which sets out parking standards but, as outlined above, due to the age of this policy and inconsistency with the Framework and LTP4 I place limited weight this policy within the determination of this appeal when assessing actual impact of the conflict as a result of not meeting the stated standards.
18. The proposal would be consistent with paragraph 103 of the Framework which seeks to locate development in locations that are sustainable through limiting the need to travel and offering a genuine choice of transport modes and paragraph 109 of the Framework which states that development should only be refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal would be consistent with paragraph 127(f) of the Framework which seeks to provide a high standard of amenity for existing and future users.

Other Matters

19. A number of objections are noted in response to this scheme as both summarised in the Council's committee report as well as within new submissions during the appeal process. The principle of flatted development in

the area (and indeed the general scale, bulk and massing) is established though the existing consent and the Council's committee report outlines services and transport links within the area and the flats meet the Nationally Described Space Standards. I have no evidence before to conclude differently in light of an already acceptable principle. The appellant's final comments demonstrates that the proposal will not dwarf or block out space between it and Albanian Court and the Council do not raise refusal based upon privacy matters. Property prices are not a material planning consideration. A construction management plan can be conditioned to manage construction in terms of impact upon neighbouring amenity. Environmental Compliance confirm no objection to the proposal subject to conditions.

20. I have already dealt with matters relating to parking within this decision letter. The Council do not raise any refusal reason based upon light to other residences and I have no evidence to conclude differently. Comments relating to schools, dentists and doctors surgery noted and as outlined in procedural matters a S106 agreement is in place to secure contributions which include being towards the NHS and education. I note concern regarding the timing of some survey work; however, this is unavoidable given the Covid-19 pandemic and furthermore the original survey work was none the less done prior to the pandemic. There is nothing to suggest the proposal will contribute to anti-social behaviour.
21. LP Policy 7A is noted to state that the Council will seek to negotiate a proportion of affordable housing based on site and marketing conditions and local housing need. I find that this, combined with the wording in the St Alban's Supplementary Planning Guidance on Affordable Housing, does indicate flexibility on the level of affordable provision when supported by appropriate evidence as to site viability. In addition the Framework is clear that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.
22. The existing consent is noted to have secured a policy compliant (LP Policy 7A) affordable housing provision of 35%. The appellant has submitted a viability appraisal which has been assessed by an independent consultant. It evidences that the proposed 6.5% (mathematically correct) affordable provision is what the site can support and thus that any increase in this would render the proposal unviable. This was reiterated by the independent assessment. If a site is unviable, clearly it will not be delivered. For these reasons I find it has been proven that the scheme is not viable if policy compliant with respect to affordable provision.
23. Whilst the proposed rented units may not reflect the housing need of the district I do not find this outweighs the benefit of providing units that would still contribute towards the need for affordable housing. Of course, the delivery of affordable housing is of importance within overall housing supply and I note that the area is stated by the Council to be in an area of "affordable housing stress" albeit this is unevidenced. Despite this, taking an overall view of housing supply in the district the Council are notably below (2.4 years) having

their required five-year housing land supply (5YHLS). The proposal therefore falls to be considered in the context of a planning balance.

Planning Balance

24. Paragraph 11 of the Framework sets out the approach to the presumption in favour of sustainable development. Paragraph 11 d) confirms that, for decision-taking, this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. In the case of the appeal site there are no elements (in relation to paragraph 11 d) i) footnote 6) which provide a clear reason why permission should be refused. Paragraph 11 d) ii) thus applies.
25. The proposal would bring social and economic benefits associated with the construction works and expenditure of future occupants in the local area to which I give substantial weight given the number of units proposed overall. In an authority which is significantly below its 5HLYS I attach significant weight to the supply of 107 units on a site where the principle has already been secured. The appeal proposal ultimately seeks to adjust this proposal to support viability and thus make it deliverable, the latter is key in such an area of undersupply.
26. Notwithstanding the existing consent, when based upon its own merits, I have found the proposal would result in an acceptable level of amenity for future and existing occupiers and that there would be no unacceptable impact upon highway safety, nor a severe residual cumulative impact on the road network. The only matter, for this scheme, is the conflict in terms of a reduced affordable housing which is not directly an adverse impact in the usual sense. Overall, I do not find that the proposal would result in adverse impacts that would significantly and demonstrably outweigh the benefits of providing 107 much needed new residential units and 6.5-7% affordable housing in a highly sustainable urban location.

Conditions

27. The Council have suggested conditions in the event an appeal is allowed. The appellant has had chance to review these suggestions as part of receipt of the Council's statement of case. No further comments were received at final comments stage with regard to conditions. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. Conditions requiring external materials (including external circulation space materials) and window details to be approved are required to ensure a satisfactory finish.
28. A construction traffic management plan, and piling method statement (if considered appropriate), are needed to protect the amenities of residents of neighbouring properties during construction. A condition requiring cycle parking and electric vehicle charging infrastructure is required to meet the needs of future occupiers and encourage sustainable modes of transport. Surface and foul water drainage conditions, as well as compliance with the flood risk assessment and management/maintenance of SuDS, are required to

prevent flood risk and ensure satisfactory disposal and storage of surface water/foul drainage as well as ensure their management and safety. A condition relating to external lighting is required to assess and control the impact upon existing and future occupiers within the site context and avoid light pollution.

29. Conditions relating to noise assessments are required to protect the amenity of adjoining development as well as future occupiers of the scheme. A condition relating to impacts of land and/or groundwater contamination and land reclamation is required to protect human health and groundwater quality. A servicing, car parking, access plan is required to be laid out and provided in accordance with approved plans prior to first occupation to ensure no conflict with surrounding site users, ensure highway safety and ensure permanent availability of such services.
30. A condition requiring screened facilities for storage of refuse associated with the commercial use is required to ensure appropriate refuse and recycling collection whilst ensuring no conflict with surrounding site users. Conditions relating to details of place spaces are required to ensure a satisfactory finish with regard to appearance within the wider community. Landscaping conditions (hard and soft) are required in the interests of visual amenity and satisfactory finish along with a management plan for landscaped areas (apart from privately owned gardens).

Conclusion

31. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR

-Schedule of Conditions-

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0306-GA, 0304-GA, 0305-GA Rev A, 0301-GA, 0300-GA, 0302-GA, 0303-GA, 0100-GA Rev A, 0206-GA Rev A, JDA/xxx Rev 0, 0200-GA Rev A, 0407-GA, 0405-GA, 0406-GA, 0402-GA Rev A, 0400-GA, 0401-GA, 0403-GA, 0404-GA, 0102-GA, 0101-GA Rev A, 0201-GA Rev B, 0202-GA Rev C, 0203-GA Rev B, 0204- GA Rev A and 0205-GA Rev A;
- 3) No above ground 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 approved in writing by the Local Planning Authority. Sample materials should be made available on site when discharging this condition. Development shall be carried out in accordance with the approved details;
- 4) Prior to the commencement of above ground works on the site, details of windows at a scale of 1:20 showing window opening methods, materials, cill, jambs and reveals shall be submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with those details;
- 5) Prior to the commencement of above ground works on the site, details of the flint interpretation brick panels and dark metalwork to the external circulation spaces shall be submitted to and approved in writing by the Local Planning Authority, and the work shall then be carried out in accordance with those details;
- 6) Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the ""atmospheric plant"" that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the ""atmospheric plant"" does not, at any time, increase the ambient equivalent continuous noise level;
- 7) Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic and industrial/commercial activities on the proposed development.

Sound insulation measures shall be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms. The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep;

- 8) The units hereby approved shall not be occupied unless details of the levels of noise and vibration in each of the flats' living rooms and bedrooms and within

the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings;

- 9) If piling is considered the most appropriate method of foundation construction, prior to commencement of development, a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details;
- 10) No development shall take place until a desk-top study has been carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desk-top study shall comply with BS10175: 2011 Investigation of potentially contaminated sites - Code of practice. Copies of the desk-top study shall be submitted to the LPA without delay upon completion;
- 11) No development shall take place until a site investigation has been carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion. The site investigation shall not be commenced until:
 - (i) a desk-top study has been completed satisfying the requirements of (10) above;
 - (ii) The requirements of the LPA for site investigations have been fully established; and
 - (iii) The extent and methodology have been agreed in writing with the LPA. Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.
- 12) The results of the site investigation and the detailed risk assessment referred to in (11), shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person;
- 13) A verification report demonstrating completion of the works set out in the remediation strategy in (12) and the effectiveness of the remediation shall be submitted in writing and approved by the LPA immediately following the completion of the remediation of the site and prior to the commencement of development. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance

and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved;

- 14) Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the LPA. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing. On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans;
- 15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings;
- 16) Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking / servicing / loading, unloading / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use'
- 17) Prior to the first occupation vehicular and pedestrian (and cyclist) access to and egress from the adjoining highway shall be limited to the access(es) shown on the approved in principle plan. Any other access(es) or egresses shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access;
- 18) Construction of the development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority in consultation with the highway authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
 - a. Traffic management requirements;
 - b. Construction and storage compounds (including areas designated for car parking);
 - c. Siting and details of wheel washing facilities;
 - d. Cleaning of site entrances, site tracks and the adjacent public highway;
 - e. Timing of construction activities to avoid school pick up/drop off times;
 - f. Provision of sufficient on-site parking prior to commencement of construction activities;
- 19) No above ground development shall commence until a site wide electric vehicle charging infrastructure strategy and implementation plan has been submitted

to and approved in writing by the local planning authority, having regard to parking associated with various use classes and the provision of electric vehicle cabling infrastructure. The electric vehicle charging points shall be implemented prior to occupation and maintained in accordance with the approved strategy/plan and details;

- 20) No above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include (a) proposed finished levels and contours; (b) means of enclosure; (c) car parking layouts; (d) other vehicles and pedestrian access and circulation areas; (e) hard surfacing materials; (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.); (h) retained historic landscape features and proposals for restoration where relevant; (I) existing trees to be retained; The details provided shall accord with the principles set out within the Illustrative Landscape Masterplan - All Levels - drawing number BD 0190 SD 801 R02 and Illustrative Masterplan - Ground Floor - drawing number BD 0190 SD 801 R02;
- 21) Soft landscape works required to be submitted under Condition 20 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted;
- 22) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority;
- 23) A landscape management plan indicating long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The landscape management plan shall be carried out as approved;
- 24) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and SuDS strategy carried out by XCO2 reference 8.986 dated December 2017 and the following mitigation measures detailed within the FRA:
1. Implementing appropriate drainage strategy based on infiltration.
 2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event;

- 25) No development (excluding demolition and site clearance) shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include;
1. Detailed infiltration tests to be carried out at the specific location of infiltration feature. Infiltration tests should be carried out in accordance with BRE Digest 365.
 2. Implement a minimum of two treatment stages prior to discharge to soakaway for surface water from the access road and parking spaces.
 3. Explore opportunities to utilise permeable paving and infiltration trenches to ensure that surface water run-off can be treated in a sustainable manner and reduce the requirement for maintenance of underground features
 4. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes;
- 26) Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime;
- 27) Details of any external lighting proposed in connection with the development shall be submitted to and approved by the Local Planning Authority prior to the commencement of any above ground works and shall thereafter be carried out in accordance with the approved details. No external lighting shall be provided without written consent. Such details shall include contour plans and luminance levels and should demonstrate that the proposal would not result in light pollution to neighbouring properties;
- 28) No above ground works shall take place unless details of all play spaces are submitted to and approved in writing by the Local Planning Authority. The approved playspace scheme shall be completed prior to first occupation of the site and thereafter the approved details shall be retained. Such scheme shall indicate but not be limited to:
- (a) Details of types of equipment to be installed.
 - (b) Surfaces including details of materials and finishes.
 - (c) The location of any proposed signage linked to the play areas The details submitted pursuant to this condition should reflect the details relating to boundary treatments, contours and levels and planting submitted pursuant to condition 20. Any playspace shall be proposed within the ground floor external areas of the site only;
- 29) No above ground development shall commence until further details of secure cycle parking within the site capable of storing 107 cycles are submitted to the Local Planning Authority for approval. Thereafter, the cycle store shall be provided in accordance with the approved details prior to first occupation of the

approved development and shall be retained in perpetuity for the users of the site;

- 30) No above ground development shall commence until further details of screened facilities for the storage of refuse associated with the commercial use including samples and access arrangements are submitted to and approved in writing by the Local Planning Authority. The refuse area shall remain thereafter and shall not be used for any other purpose.

-END-

Richborough Estates