



Appeal Decisions

Hearing Held on 25 May 2021

Site visit made on 27 May 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2021.

Appeal A Ref: APP/Z3635/W/20/3252420

Bugle Nurseries, 171 Upper Halliford Road, Shepperton TW17 8SN

- 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 Angle Property (RLP Shepperton) LLP against the decision of Spelthorne Borough Council.
 - The application Ref 19/01022/OUT, dated 23 July 2019, was refused by notice dated 13 November 2019.
 - The development proposed is outline application with all matters reserved other than 'access' for the demolition of existing buildings and structures and the redevelopment of the site for a residential-led development comprising up to 43 residential homes, a 62-bed care home and the provision of open space, plus associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
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Appeal B Ref: APP/Z3635/W/21/3268661

Bugle Nurseries, 171 Upper Halliford Road, Shepperton TW17 8SN

- 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 Angle Property (RLP Shepperton) LLP against the decision of Spelthorne Borough Council.
 - The application Ref 20/00123/OUT, dated 31 January 2020, was refused by notice dated 13 November 2020.
 - The development proposed is outline planning application with all matters reserved other than 'access' for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and outline planning permission is granted for the retention of existing dwelling and demolition of all other existing buildings and structures and the redevelopment of the site for up to 31 dwellings along with the provision of public open space and other associated works for landscaping, parking areas, pedestrian, cycle and vehicular routes, on land at Bugle Nurseries, 171 Upper Halliford Road, Shepperton TW17 8SN, in accordance with planning application Ref 20/00123/OUT dated 31 January 2020, subject to the conditions in the attached schedule.

Preliminary Matters

3. Both appeal applications were submitted in outline with all detailed matters, except for access, reserved for a subsequent approval. Indicative layout plans were submitted to accompany both appeals. I have taken both these plans into account in so far as establishing whether or not it would be possible, in principle, to erect 43 residential homes and a 62-bed care home in relation to Appeal A, and 31 dwellings in relation to Appeal B.
4. The proposals are supported by a planning obligation in the form of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990. I have had regard to it in reaching my decision. As agreed between the parties, a completed version was submitted shortly after the hearing closed.
5. The appeal hearing was conducted as a Virtual Hearing.

Main Issues

6. The main issues in both appeals are:
 - Whether the proposals would be inappropriate development in the Green Belt, having regard to the openness of the Green Belt; and
 - If the developments are inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development

7. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. The National Planning Policy Framework (the Framework) identifies that the construction of new buildings should be regarded as inappropriate development in the Green Belt, other than in respect of a limited range of specified exceptions. Paragraph 145(g) of the Framework identifies one of the exceptions to be limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), where it would not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
9. Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 (SBLP) identifies that development will not be permitted where it would conflict with the purposes of the Green Belt and fail to maintain its openness. The Policy identifies a number of uses that are considered not to be inappropriate in the Green Belt.
10. This Policy however pre-dates both the current Framework and the original 2012 version. Furthermore, whilst it shares some level of consistency with national Green Belt policy, it makes no reference to the balancing exercise

established in the Framework. As a result, due to a general lack of consistency and in line with Paragraph 213 of the Framework, I consider that this policy is out of date. It is my duty to determine the scheme in accordance with the development plan unless material considerations indicate otherwise. However, where there is inconsistency between the SBLP and the exceptions identified in Paragraph 145 of the Framework, the Framework attracts more weight.

11. It was agreed between the parties that in terms of the exception identified in Paragraph 145 (g) both appeals fell to be considered as proposals that would deliver complete redevelopment of the appeal site and against the second test as set out in the Paragraph. I would concur with this view.
12. It was common ground between the parties that both proposals would deliver a policy compliant level of affordable housing. As such, they would contribute to meeting an identified affordable housing need within the area. From my own assessment of both proposals, I have no reason to disagree with this conclusion.
13. With regards to previously developed land, it was common ground between the parties that a substantial proportion of those parts of the site to be redeveloped, would meet the definition as identified in the Glossary to the Framework. There were, however, disagreements over a number of specific elements. This related to the land around the existing bungalow and the land to the south of the existing access.
14. In terms of the appeal proposals, Appeal A would involve new development on all these areas, whereas Appeal B would keep these areas free from development, with the exception of a small strip of land, immediately to the south of the existing access road to be used to provide a widened access into the site. This element would be common to both proposals.
15. It was agreed that the western parcels of the site, with the exception of the former Waste Transfer Station, were not previously developed. I would concur with this position.
16. From my visit, it is clear that the bungalow and its associated outbuildings comprise previously developed land as defined by the Framework. In terms of its surrounding garden area, I note the exceptions within the definition exclude land in built-up areas, such as residential gardens. No definition is provided as to what constitutes a built-up area.
17. In this case, whilst the site is identified as lying outside the settlement boundary, given the nature of surrounding development and activity, I consider that the surrounding area is built-up. As such, I therefore find that the garden area surrounding the existing bungalow does not meet the definition of previously developed land as set out in the Glossary to the Framework.
18. In respect of the land to the south of the access, it is separated from the bungalow and its garden area by the existing access and as such, clearly lies outside its curtilage. Furthermore, it displays a very different character to the majority of the appeal site, with evidence of a former agricultural use, although there are parts where the activity from the main use of the site has spilled out into this area. Notwithstanding this, I do not find that it falls within the curtilage of the main site either. As a result, I therefore conclude that the

southern portion of the site, adjacent to the road, does not constitute previously developed land.

19. To my mind, because of the lack of demarcation or enclosure, this conclusion would also include the area of land, immediately to the south of the access road that would be used, in both appeals, to provide the widened access road.
20. Drawing all this together, I find that neither proposal would be located entirely on previously developed land. Although, in this respect, the amount of development to be provided on non-previously developed land as part of Appeal B, would be limited to the strip of land required to provide a widened access.
21. Paragraph 145(g) requires such a redevelopment not to cause substantial harm to the openness of the Green Belt. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework, but it is commonly taken to mean the absence of built or otherwise urbanising development.
22. At the Hearing, whilst it was agreed between the parties that the first element of Paragraph 145 (g) does not apply to either appeal, it was recognised that in considering the effect upon the openness, this has to include some assessment of the proposals against the existing buildings and structures on site.
23. Within the main body of the site, the existing development comprises a mix of single storey buildings, storage containers and open-sided covered structures. Buildings are of a permanent construction and are predominantly clustered around the main entrance and the southern part of the site. The remainder of the site is laid to hardstanding and, at the time of my site visit, was used predominantly for the parking and storage of vehicles, which included cars, buses, coaches and lorries. Land was also being used for the external storage of materials, mainly associated with the existing businesses on site.
24. To the west, the land is different in character, being mainly laid to grass and subdivided by post and rail fencing, which provides a number of individual paddock areas.
25. Due to the boundary treatment and the low height of the existing development on the site, views of the current activity from surrounding roads and public viewpoints are relatively limited. The exception to this is from the footpath, which runs along the northern boundary of the site, where there are clear views onto the commercial activities, across the open paddock areas. Views are also possible down the main access road into the site. However, due to the open and verdant nature of the site frontage, the appeal site serves as an open gap in development, when travelling along Upper Halliford Road.
26. A substantial element of the site to be redeveloped is currently used by the existing commercial operations, with a significant amount of the land used for vehicle storage. Whilst some of these vehicles are visible from outside the site, they are different in appearance and nature to the existing permanent buildings on site and are very much temporary features. As a result, despite their presence having some influence upon the existing openness of the site, given

their temporary nature, I have given their presence limited weight in my assessment.

27. In both instances, the appeal proposals, through the introduction of new buildings and associated infrastructure, would result in a substantial increase in the amount of built footprint on the site. Furthermore, both proposals would also be of a considerably greater height than the existing development and would extend across the full width of the appeal site.
28. In terms of Appeal A, due to the considerable size and bulk of the proposed buildings, in particular the care home element and the apartment blocks, these would be clearly visible both from the road and the public footpath. Furthermore, despite the potential for new landscaping, the car parking area and proposed play area, along with the substantial buildings, would increase the presence and visibility of residential activity and urban development when viewed from Upper Halliford Road. Given the proximity of the proposed care home to the footpath along the northern edge, the proposed development would also be highly prominent from this location. Despite the potential for additional landscaping along the site frontage, this would not be sufficient to entirely screen the development. As a consequence, the appeal proposal would have an urbanising effect, which would harm the character and appearance of the area.
29. In respect of Appeal B, development would be located away from the eastern boundary of the site, which would maintain the existing gap and sense of openness along Upper Halliford Road. The proposed dwellings would be taller than the existing buildings, structures and activities on the site. However, due to their design, height and their position within the site, along with the provision of new landscaping, the vast majority of the development would not be visible. Furthermore, car parking and the majority of the infrastructure would be contained within the site. Despite this, due to the increased amount of built form, the proposal would still have an urbanising effect and would therefore harm the character and appearance of the area. However, due to the design of the scheme, I consider this harm to be limited.
30. Therefore, in contrast to the current situation, the proposed developments would have a more permanent appearance, with a significant increase in built form, including the provision of residential paraphernalia and associated infrastructure. The effect of this would be considerably greater in Appeal A than Appeal B, principally due to the size and scale of the proposed care home and apartment block, and the development being located closer to the eastern boundary of the site.
31. Both proposals would deliver a reduction in hardstanding across the site and its replacement with green areas in the form of residential gardens and landscaped areas. However, whilst these new green areas would serve to improve the nature and character of the area, considerable parts of these, especially in Appeal B, would be contained within private garden areas which are likely to be fenced off. Therefore, the reduction in hardstanding across the site does not necessarily translate into an increase in openness.
32. Paragraph 134 of the Framework sets out the main purposes for including land within the Green Belt. It was put to me by the Council that the appeal site performs strongly against Purpose a), to check the unrestricted sprawl of large

- built-up areas, and Purpose b), to prevent neighbouring towns merging into one another.
33. In terms of Appeal A, due to the urbanising nature of the development, along with the protrusion of development in an easterly direction, it would conflict with Purposes a) and b) of the Green Belt as set out in Paragraph 134 of the Framework.
34. Whilst Appeal B would extend across the full width of the site, due to the development being set back from the road, and the retention of the existing eastern elements, the overall effect of the proposal upon the identified Purposes of the Green Belt would not be sufficient to have an adverse effect on the Purposes.
35. I note that the western parts of the appeal site would be retained as open space and would therefore not conflict with the identified Purposes.
36. In terms of Appeal A, drawing all of the above together, the proposed development would have a more permanent appearance than the existing development on site and, due to the height and position of the development in relation to the eastern boundary, it would be highly prominent when seen from surrounding viewpoints. As a result, the site would have a more urban, developed feel. In this instance, due to the urbanising effect of the proposal, it would have a significant impact upon the openness of the Green Belt, which would cause substantial harm. Furthermore, the proposal would conflict with the identified purposes of the Green Belt.
37. This would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Consequently, notwithstanding that substantial parts of the site are previously developed land and that the proposal would include the provision of affordable housing to meet local needs, Appeal A would not fall within the scope of development described in Paragraph 145(g) of the Framework. It follows therefore, that Appeal A would constitute inappropriate development within the Green Belt.
38. In terms of Appeal B, as with Appeal A, the proposal would have a more permanent appearance than the existing development and would result in the site having a more urban and developed feel. However, due to its layout and additional landscaping, its visibility from outside of the site would be limited. Furthermore, the existing openness along the eastern boundary of the site would be retained, with the exception of a small area of land to be used for the access, although, given the proposed use, this would still retain a sense of openness. The proposal would also not conflict with the purposes of the Green Belt.
39. Overall, therefore, given its urbanising effect, the proposed development would harm the openness of the Green Belt. However, considering the above, this harm would be limited. As a consequence, given that the majority of the site would comprise previously developed land, and where it does not, the land would remain open, and that the proposal would meet an identified affordable housing need and it would not cause substantial harm to the openness of the Green Belt, I conclude that Appeal B would meet the exceptions in Paragraph 145(g) of the Framework and would therefore not be inappropriate development.

Other considerations

40. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. Other considerations in favour of the development must clearly outweigh the harm in order to amount to the very special circumstances necessary to justify the proposed development. Given my conclusions in relation to whether the proposals represent inappropriate development, it follows that this requirement only applies to Appeal A.
41. It is common ground between the parties that the Council, at this moment in time, are unable to demonstrate a 5-year supply of housing land. Furthermore, it was put to me by the appellant that this needs to be also seen against the background of the Council's Housing Delivery Test which showed the Council to have delivered 50% of the District's minimum housing target over the previous three years, which demonstrates persistent under-delivery of housing in Spelthorne. In the appellant's view this should weigh heavily in favour of the proposal.
42. In response, whilst the Council accepted that they are unable to demonstrate a 5-year supply of deliverable housing land, they highlighted that the current level fell only slightly below the threshold at an agreed level of 4.79 years.
43. Notwithstanding the above, it is clear from the evidence in this case that, the Council is unable to demonstrate a 5-year supply of deliverable land and, whilst it is only marginally below the required level, their HDT demonstrates a persistent level of under delivery over the past three years. Given the national importance placed on the delivery of new homes, it is appropriate to give significant weight to the delivery of new housing.
44. The appellant has cited the current position with regards to the provision of both affordable housing and the level of care home provision within the Borough and that, due to a lack of delivery, there is an acute need for both types of accommodation. From the evidence presented to me, it is clear that there is a very substantial shortfall in the delivery of new types of accommodation across the Borough. In this respect, I am mindful of Paragraph 59 of the Framework and the Government's objective to significantly boost the supply of homes, and that the need to ensure that groups with specific housing requirements are addressed. Furthermore, I note that the proposal would deliver a policy compliant level of affordable housing.
45. Considering the overall level of the shortfall, in combination with the delivery of much needed affordable housing units and care home provision, it would be appropriate to attribute significant weight to both these aspects of Appeal A.
46. It was suggested at the Hearing by the appellant that, due to the related benefits from the delivery of housing, affordable housing and specialist accommodation, these should be combined, and in their view, would therefore attract very significant weight.
47. In this instance however, I can see no reason or justification as to why these or any other benefits for that matter, should be afforded a further, combined weight in the overall planning balance. In my view, each benefit has to be considered, with a level of weight attached to it as a specific benefit, not in

combination with others, regardless of whether they may be linked. In this way, it is quite conceivable that a single benefit could be sufficient to tip the balance in favour of a proposal, rather than the total number of benefits a scheme can deliver.

48. The appeal site lies in a relatively sustainable location, with good access to local services and facilities, along with nearby public transport links that provide access to a wider area. On this basis, I have given this moderate weight.
49. Appeal A would involve the development of previously developed land. I have however taken this into account when considering whether the development would be inappropriate.
50. It was put to me by the appellant that the proposal would remove a 'bad neighbour' use from the site and would deliver remediation and environmental improvements that would only be possible through the site's re-development. From the evidence, both in writing and at the hearing, it is clear that the current use of the site does indeed have an adverse effect upon a number of surrounding residents. Although in this regard I note that the evidence from the Council appeared to indicate that the level of complaints about activities on the site was relatively low in numbers. That said, given the relationship of the site with surrounding residential properties and the types of activities which take place on the site, combined with the fact that these appear to be unconstrained in terms of their hours or level of disturbance, it is appropriate to attach moderate weight to both these elements.
51. The appellant has drawn my attention to the substantial area of public open space that would be delivered to the west of the proposed dwellings. As a consequence, enhanced public access to both the countryside and the wider Green Belt would be provided, along with the remediation of the former waste transfer site. These elements would deliver social benefits. In this case, the proposal would provide over and above the policy requirement, and I consider these to be benefits of the proposal. In response, the Council drew my attention to their Open Space Assessment which showed there to be an overprovision of open space within the area. Be this as it may, I am aware of the guidance in Paragraph 141 of the Framework, which requires local planning authorities to plan positively to enhance the beneficial use of the Green Belt and seek to improve damaged or derelict land. Therefore, given the current state of the land, despite the current over-provision of open space within the area, it is appropriate to give the provision of open space moderate weight.
52. The proposal would also deliver economic benefits during the construction phase of the development and would support existing local services and facilities once the homes are occupied. Further economic benefits would be provided through the employment provision at the care home, although this is slightly off-set by the loss of the existing employment uses from the site. These factors weigh in favour of the proposal. Considering the scale of the development proposed, I attribute moderate weight to these.
53. I note that the Council raise no other issues in relation to transport, design, flooding and impact on neighbouring occupiers, amongst other things. However, as these are requirements of policy and legislation, the absence of harm in respect of these matters are neutral factors that weigh neither for nor against the development.

Green Belt conclusion

54. I have already concluded that Appeal B is not inappropriate development in the Green Belt.
55. Appeal A would constitute inappropriate development in the Green Belt. As such, the Framework requires that the harm by reason of inappropriateness be accorded substantial weight. In addition, harm would result from the reduction in the openness of the Green Belt. These matters attract substantial weight against Appeal A.
56. In the context of the above, very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. Consequently, other considerations weighing in favour of the development must clearly outweigh any harm.
57. I have found that Appeal A would constitute inappropriate development in the Green Belt and would harm its openness. Paragraph 144 of the Framework places substantial weight on any harm to the Green Belt.
58. Additionally, Paragraph 143 of the Framework states that inappropriate development should not be approved except in very special circumstances.
59. The totality of the above harm has to be balanced with the provision of new housing to help meet the Council's acknowledged shortfall, the provision of a policy compliant level of affordable housing, the provision of specialist accommodation in the form of the care home, the benefits of site remediation and the removal of a 'bad' neighbour, along with the delivery of social and economic benefits, including the provision of improved public access to the countryside and associated bio-diversity and green infrastructure gains.
60. Whilst I acknowledge that these are considerations, in this particular case, considering the substantial weight and national importance to protecting the Green Belt, all of the considerations that weigh in favour of the proposal do not clearly outweigh the identified harm to the Green Belt and any other harm, so as to amount to the very special circumstances necessary to justify Appeal A.

Planning Balance

61. In terms of Appeal B, I have found that this would not constitute inappropriate development within the Green Belt. The proposed development would contribute 31 dwellings towards the existing housing stock within the Borough, where there is no 5-year land supply. The proposal would also deliver a policy compliant level of affordable housing provision, along with other benefits in terms of the use of previously developed land and short-term economic benefits from the construction phase and longer-term economic impacts from the reliance of new residents on local facilities.
62. I have concluded that Appeal A would be inappropriate development in the Green Belt and that very special circumstances do not exist to overcome the harm to the Green Belt to justify the development.
63. Paragraph 11 of the Framework states that where relevant policies are out of date, permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 of the Framework

specifies that Green Belt is included within such protected areas. As I have already found that the Framework policy relating to Green Belt in Paragraph 143 indicates that the proposed development is inappropriate, the tilted balance does not apply to Appeal A.

64. Considering the substantial weight and national importance to protecting the Green Belt, all of the considerations that weigh in favour of Appeal A do not clearly outweigh the identified harm to the Green Belt, so as to amount to the very special circumstances necessary to justify the development.

Conditions

65. At the hearing, a number of minor changes to the conditions were suggested, to ensure that the correct plan references were included. As such, I have made the requisite amendments in the interests of clarity and precision.
66. The suggested conditions have been considered in light of the advice contained within the Framework and the National Planning Practice Guidance (NPPG).
67. Standard outline implementation conditions, along with a requirement to implement the scheme in accordance with the approved plans is necessary in the interests of certainty.
68. To ensure that risks from contaminated land to the future users of the site and adjoining land are minimised, it is necessary to require the submission of a desk top study and that a validation report to demonstrate that any risks have been adequately mitigated.
69. To ensure the delivery of sustainable development, it is appropriate to attach a condition requiring the submission of details with regards to the use of renewable energy as part of the scheme. For the same reason, it is appropriate to attach a condition requiring the provision of electric vehicle charging points.
70. In the interests of highway safety, it is necessary to require the provision of adequate visibility splays. For the same reason, it is appropriate to require the access to be constructed from suitable material and to ensure that the car parking is laid out and available prior to the use of the site. For the same reason, it is also necessary to attach a condition requiring the cessation of the use of the existing northern site access and to require the insertion of the pedestrian crossing on Upper Halliford Road.
71. In the interests of local residents and also in the interest of highway safety, it is necessary to attach a condition requiring the submission of a Construction Transport Management Plan.
72. To prevent the risk of flooding, it is necessary to attach a condition requiring the submission of a surface water drainage scheme and to ensure its verification once constructed. To ensure adequate provision of drainage infrastructure, it is necessary to attach a condition to ensure sufficient capacity exists within the network.
73. To deliver bio-diversity enhancements, it is necessary to attach a condition requiring the submission of a biodiversity enhancement scheme. To ensure no harm to protected species, it is appropriate to require the demolition of the existing buildings to be carried out in accordance with the submitted report.

74. The Council suggested conditions in relation to the removal of permitted development rights and limiting the total gross internal floor area of the proposed development. However, having considered these conditions against the guidance contained within the Framework and the NPPG, I consider that, in this instance, such conditions are neither necessary nor appropriate.

Conclusion

75. For the above reasons I conclude that Appeal A should be dismissed.

76. For the above reasons, I conclude that Appeal B should be allowed, subject to the Conditions set out in the attached schedule.

Adrian Hunter

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Guy Williams

Landmark Chambers

Edward Ledwidge

Montagu Evans

Tom Cole

Montagu Evans

James Good

Angle Properties

FOR THE LOCAL PLANNING AUTHORITY

Asitha Ranatunga

Philip Hughes

Schedule of Conditions

1. That in the case of those matters in respect of which details have not been given in the application and which concern the:
 - a) The Appearance, Landscaping, Layout and Scale; hereinafter called "the reserved matters", and which are hereby reserved for subsequent approval by the Local Planning Authority, application for such approval shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Before any work on the development hereby permitted is first commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority to show:
 - Appearance;
 - Landscaping;
 - Layout; and
 - Scale.
3. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings: Proposed Site Access and Pedestrian Crossing Plan; Site Location Plan (F0001-P1); Land Use Parameter Plan D1001 Rev.P1; Height Parameter Plan D1002 Rev.P1; Access/Egress and Circulation Parameter Plan D1003 Rev.P1.
4. No development shall take place until:-
 - c) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.
 - d) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.
 - e) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement.

5. Prior to the first use or occupation of the development, and on completion of the agreed contamination remediation works, a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing by the Local Planning Authority.

6. No development shall commence until a report has been submitted to and agreed in writing by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained.
7. The development hereby approved shall not be commenced unless and until the proposed vehicular access to Upper Halliford Road has been provided with visibility zones in accordance has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter the visibility zones shall be kept permanently clear of any obstruction measured from 0.6m above the road surface.
8. During and after the construction of the development hereby approved, there shall be no means of vehicular access from the site to Upper Halliford Road over the existing access at the northern boundary of the site.
9. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.
10. No development shall commence until a Construction Transport Management Plan, to include details of:
 - a) Parking for vehicles of site personnel, operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials;
 - d) Programme of works (including measures for traffic management;
 - e) Provision of boundary hoarding behind any visibility zone;
 - f) Measures to prevent the deposit of materials on the highway; and
 - g) On-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority.has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
11. The development hereby approved shall not be first occupied unless and until a pedestrian crossing facility to improve the safety of pedestrians crossing Upper Halliford Road has been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
12. The development hereby approved shall not be occupied unless and until at least 25 of the proposed parking spaces have been provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) for the charging

of electric vehicles in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and thereafter retained and maintained.

13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 in the location of proposed soakaways and confirmation of groundwater levels
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development.
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.).
 - d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
14. Prior to the first occupation of the development, a verification report for the SUDS scheme, carried out by a qualified drainage engineer, must be submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
15. The precautionary measures to safeguard bats during demolition shall be carried out strictly in accordance with the recommended safeguarding measures in the Delta Simons Bat Survey Report January 2020.
16. Prior to the construction of the buildings, a biodiversity enhancement scheme to be implemented on the site shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved scheme and thereafter maintained.
17. No properties shall be occupied until confirmation has been provided that either:-

- Drainage infrastructure capacity exists off site to serve the development; or
- A housing and infrastructure phasing plan has been agreed with Thames Water. Where a housing and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan; or
- All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Richborough Estates