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## Appeal Decision

Inquiry held on 25 and 26 March 2025

Site visit made on 27 March 2025

by J Woolcock BNatRes (Hons) MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24<sup>th</sup> April 2025

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Appeal Ref: APP/K3605/W/24/3352866

Former Weylands Treatment Works, Lyon Road, Walton-on-Thames,  
Surrey KT12 3PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) against a refusal to grant outline and full planning permissions.
- The appeal is made by Weylands Investments Limited against the decision of Elmbridge Borough Council (EBC).
- The Application Number is 2022/3427.
- The development proposed is:

"Hybrid application for a phased Masterplan for a mixed-use redevelopment comprising commercial (Class E/Class B2/Class B8 and sui generis waste and electrical and electronic equipment (WEEE) recycling) and affordable housing uses with associated new internal roads, access, parking, cycling infrastructure, landscaping, restoration area and other associated infrastructure.

Detailed application comprises a Phase 1 erection of commercial buildings for Class E/Class B8 development (5,040sq.m Gross External Area / 4,580sq.m Gross Internal Area) with associated internal access road, new vehicular access, new cycle / pedestrian access, landscaping and creation of restoration area plus other associated infrastructure.

The outline application area, for which all matters are reserved for future determination, comprises commercial development of Class E / Class B8 / Class B2 and Sui Generis Waste and Electrical and Electronic Equipment (WEEE) recycling and up to 40 affordable homes, with associated infrastructure."

[The wording for the description of the outline application was clarified at the Inquiry. Further details are set out in paragraph 3 of this decision]

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### Decision

1. The appeal is allowed and full planning permission granted for the Phase 1 erection of commercial buildings for Class E/Class B8 development (5,040sq.m Gross External Area/4,580sq.m Gross Internal Area) with associated internal access road, new vehicular access, new cycle/pedestrian access, landscaping and creation of restoration area plus other associated infrastructure for the area hatched in red on Drawing No.PL-03-1-00-1 PL03, and outline planning permission is granted for commercial development of Class E/Class B8/Class B2 and Waste Electrical & Electronic Equipment (WEEE) recycling (sui generis) and up to 40 affordable homes with associated infrastructure for the area hatched in blue on Drawing No.PL-03-1-00-1 PL03, at the Former Weylands Treatment Works, Walton-on-Thames KT12 3PB, in accordance with the terms of the Application No.2022/3427, and the plans submitted with it, as

amended, subject to the conditions set out in the attached Schedule of Conditions.

### Preliminary matters

2. An Environmental Statement (ES) was submitted with the application.<sup>1</sup> EBC considered an amended scheme with a minor alteration to the red line boundary of the appeal site reducing the site area from 11.22 ha to 11.17 ha.<sup>2</sup> A revised Application Form was submitted when the site boundary was amended. Both the 2022 and 2024 Application Forms describe the proposed development for the detailed application as "Class E/Class B8". The ES describes the detailed planning application as comprising a Phase 1 erection of commercial buildings for Class E/Class B8 development.<sup>3</sup> Other documents state that the detailed application is for "Classes E/B8/B2".<sup>4</sup> However, Part E of the Appeal Form states that the description of the development has not changed from that stated on the Application Form.<sup>5</sup> Furthermore, anyone at the consultation stage relying on the Application Form and ES paragraphs 3.4 and 3.7 would have been aware that the detailed application did not provide for Class B2 development adjacent to the northern, and part of the western, boundary of the proposed residential area, as shown on the illustrative drawings. Others may have wished to submit representations if the Application Form and ES paragraphs 3.4 and 3.7 provided for Classes E/B8/B2 development in the detailed scheme. If so, they would be prejudiced if the proposal was considered on that basis. Notwithstanding the reference to Classes E/B8/B2 for the detailed scheme in some documents, and subject to the following clarification about sui generis waste, the appeal should proceed based on the description of the proposed development as set out in the Application Forms and ES paragraphs 3.4 and 3.7.
3. The description of the proposed development on the Application Forms states that the proposal includes "commercial (Class E/Class B2/Class B8 and sui generis waste and electrical and electronic equipment (WEEE) recycling)". The ES refers to Use Classes E/B2/B8 and to WEEE recycling, not to sui generis waste.<sup>6</sup> Furthermore, Parameter Plan Drawing No.PL-0-00-3 PL03 defines a "Commercial development area, incorporating Class E, B8, B2 and sui generis WEEE waste use". Consultation about the proposed development has been on the basis that it would include 'waste electrical and electronic equipment (WEEE) recycling' not 'sui generis waste'. To avoid any misinterpretation, it was clarified at the Inquiry that the 'and' between 'waste' and 'electrical' should be deleted from the description. The following updated description was suggested to the Inquiry.

"hybrid application for a phased masterplan for a mixed-use redevelopment comprising commercial (Class E/Class B2/Class B8) and Waste Electrical & Electronic Equipment (WEEE) recycling (Sui Generis), and affordable housing uses with associated new internal

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<sup>1</sup> Pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) CD1.51-CD1.53 with updates at CD2.29-CD2.31.

<sup>2</sup> CD1.1 and CD2.1.

<sup>3</sup> CD1.51/CD2.29 paragraphs 3.4 and 3.7.

<sup>4</sup> These include the ES Non-Technical Statement (CD1.53/CD2.31 page 11), the Planning Statement (CD1.2 paragraph 4.1), EBC's Committee Report and Decision Notice (CD3.1 and CD3.2) and SoCGs submitted to the Inquiry.

<sup>5</sup> CD16.7.

<sup>6</sup> CD1.51 paragraphs 3.29 and 3.31.

roads, access, parking, cycling infrastructure, landscaping, restoration area and other associated infrastructure".<sup>7</sup>

A 'hybrid' application is not defined in planning law, but is a term used for a scheme that seeks outline planning permission for part, and full planning permission for another part, of the same site. If the appeal succeeded, full planning permission would be granted for part of the appeal site and outline planning permission granted for the remainder. I have dealt with the appeal on the basis of the suggested revisions to the description of the proposed development and amended the wording for the outline application area accordingly.

4. The appeal application for the area hatched in blue on Drawing No. PL-03-1-00-1 PL03 is in outline with all matters reserved for later consideration. I have had regard to the drawings for this part of the appeal site as illustrative material not forming part of the application. This part of the proposed development is referred to in this decision as the 'outline scheme'. The area hatched in red on this drawing, which concerns the application for full planning permission, is referred to in this decision as the 'detailed scheme'. The part of the detailed scheme that comprises an open and landscaped area within the eastern section of the appeal site is referred to as the 'Eastern Restoration Area' in Drawing No. PL-03-1-00-4 PL02, and as the 'Nature Conservation Area' in the Landscape Strategy. The landscaped pedestrian and cycle link between Molesey Road and the Bridleway along the northern boundary of the appeal site is referred to in the detailed scheme as the 'Quietway'.<sup>8</sup>
5. I am satisfied that the ES reasonably complies with Schedule 4 of the EIA Regulations. In considering the appeal, I have had regard to the Environmental Information, which includes the ES, along with all the representations made about the environmental effects of the development.
6. The development plan for the locality comprises the Elmbridge Core Strategy 2011 (ECS), the Elmbridge Development Management Plan 2015 (EDMP) and the Surrey Waste Local Plan 2019-2033 (SWLP). Most of the appeal site lies within the Metropolitan Green Belt as defined in the development plan. EDMP Policy DM17 provides that in order to uphold the fundamental aims of the Green Belt to prevent urban sprawl and to keep land within its designation permanently open, inappropriate development will not be approved unless the applicant can demonstrate very special circumstances that will clearly outweigh the harm. SWLP Policy 9 states that planning permission will not be granted for inappropriate waste management development in the Green Belt unless it is shown that very special circumstances exist.
7. The emerging Elmbridge Local Plan was withdrawn on 5 February 2025 and should not be afforded any weight in determining this appeal.<sup>9</sup> However, studies undertaken in preparing the plan remain of relevance. A new Local Development Scheme predicts that a new Plan would be adopted in December 2028.<sup>10</sup>

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<sup>7</sup> ID6.

<sup>8</sup> Transport Improvements Drawing SK1004 rev F.

<sup>9</sup> CD6.15.

<sup>10</sup> CD6.16.

8. The application was refused against officer recommendation for approval subject to a section 106 agreement and referral to the Secretary of State.<sup>11</sup> The reasons for refusal cited Green Belt grounds and conflict with EDMP Policy DM17, along with the failure of the proposal to provide a legal agreement to secure affordable housing (Reason 2) and to mitigate the impact on the highway network (Reason 3).
9. Following revisions to the National Planning Policy Framework (NPPF), EBC resolved on 11 February 2025 not to offer any evidence for the first reason for refusal concerning the Green Belt.<sup>12</sup> EBC's Closing Submissions to the Inquiry record that the appeal scheme is in accordance with the development plan, is supported by national policy, and that the overall decision in respect of section 38(6) of the Planning and Compulsory Purchase Act 2004 is that permission should be granted now for this proposal.<sup>13</sup>
10. A Statement of Common Ground (SoCG) was submitted in September 2024.<sup>14</sup> Following the revisions to the NPPF a Revised SoCG was subsequently submitted.<sup>15</sup> SoCGs were also submitted about Housing Land Supply, Affordable Housing, Waste and Transport.<sup>16</sup>
11. Suggested planning conditions were discussed at the Inquiry. EBC and the appellant subsequently agreed a final version of planning conditions if planning permission was granted (Conditions 1-53).<sup>17</sup> The relevance of suggested planning conditions to the matters raised by third parties is considered in the Reasons section of this decision.
12. A legal agreement pursuant to section 106 of the 1990 Act signed by the land owner, EBC and Surrey County Council (SCC) is dated 7 April 2025.<sup>18</sup> This includes provisions for a minimum of 30 affordable dwellings, along with requirements for open space management, a car club, travel plan, a financial contribution to Public Rights of Way (PRoW), a pedestrian and cycle link, and a financial contribution to facilities at Hersham Railway Station. EBC is satisfied that the obligations comply with the Community Infrastructure Levy Regulations (CIL).<sup>19</sup>
13. A Case Management Conference held on 16 December 2024 considered administrative and procedural aspects of the Inquiry.<sup>20</sup> Following EBC's resolution not to contest Green Belt matters, a Pre-Inquiry Note was issued on 12 March 2025 setting out likely topics for discussion at the event. Third party written representations objecting to the appeal scheme were submitted at both application and appeal stages. However, no objectors appeared at the Inquiry. The Inquiry proceeded by way of Round Table Discussions dealing with the following topics: Green Belt, Traffic Generation and Highway Safety, Waste Management, Housing, Employment/Economic Benefits, Planning Balance and Planning Policy, Conditions and Obligations.

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<sup>11</sup> CD3.1 and CD3.2.

<sup>12</sup> CD3.3.

<sup>13</sup> ID9.

<sup>14</sup> CD16.1.

<sup>15</sup> CD16.2 and Addendum email dated 5 March 2025 concerning revisions to the PPG.

<sup>16</sup> CD16.3, CD16.4, CD16.5 and CD16.6.

<sup>17</sup> ID11.

<sup>18</sup> ID12.

<sup>19</sup> ID3.

<sup>20</sup> CD16.11.

14. In determining the appeal, I have taken into account the NPPF, the National Planning Practice Guidance (PPG) and National Planning Policy for Waste (NPPW).

#### Main issues

15. The appellant and EBC consider the main issues to be planning conditions and obligations necessary to address reasons for refusal 2 and 3.<sup>21</sup> Third party written representations concerned Green Belt policy and other considerations, which were discussed at the Inquiry.

#### Reasons

##### *The appeal site and its surroundings*

16. The appeal site is currently used for a variety of waste and other commercial uses. These include construction and demolition waste recycling, skip hire, metal recycling, scaffolding yards, shipping containers and open storage. Many of these uses evolved over time without the benefit of planning permission after closure of the sewage treatment works in 1982.<sup>22</sup> Access tracks within the appeal site are unsealed and it was apparent at my site visit that vehicles and activities at times generate dust and noise. The eastern part of the site is more open and largely unmanaged except for some soil stockpiles.
17. The site is about 2 km south-east of Walton-on-Thames town centre. Hersham Industrial Estate occupies the area between the appeal site and Molesey Road. The River Mole lies to the east of the site. The site is bounded to the north by open fields located beyond Bridleway Route 10, which traverses the appeal site. This PRow extends between Molesey Road and footpaths along, and across, the River Mole. The southern boundary of the site adjoins a railway embankment. Hersham railway station abuts the south-western corner of the appeal site. There is an existing access to the appeal site directly from Molesey Road adjacent to Hersham Station, but this is not currently used. Access to the site is via a link from Lyon Road, which continues via a part of Hersham Industrial Estate to join Molesey Road.

##### *Green Belt*

18. The appeal site is adjacent to a large built-up area, but it is not free of development as part of the site is previously developed land. Furthermore, the rail embankment to the south of the site and the River Mole to its east are physical features that effectively restrict development. The Bridleway along the northern boundary of the appeal site is also a feature that gives the site a strong sense of containment. If developed the site would be a logical extension of the built area that would not result in an incongruous pattern of development. Taking all these considerations into account, I consider that the appeal site does not contribute strongly to Green Belt purpose a), which is to check the unrestricted sprawl of large built-up areas.
19. Green Belt purpose b) is to prevent neighbouring towns merging into one another. The appeal site forms part of a gap between Hersham and Esher.

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<sup>21</sup> CD16.2 paragraph 5.22.

<sup>22</sup> A Lawful Development Certificate was granted by SCC in 1996 for limited parts of the site to permit the collection, storage, breaking, separation and sorting of wastes for reuse and recycling, along with a haulage and demolition contractor's business [1996/0896].



However, land to the north (open fields), east (River Mole and environs) and south (railway embankment) of the appeal site make more significant contributions to this gap. The appeal site is not free of development. It could be redeveloped without the loss of visual separation between towns because of the intervening River Mole and the wooded island that separates the appeal site from the industrial estate in Esher. I concur with EBC that the appeal site performs moderately in terms of Green Belt purpose b).<sup>23</sup>

20. I have no reason to disagree with EBC that purpose d), concerning the preservation of the setting and special character of historic towns, is not relevant in the circumstances that apply in this case.<sup>24</sup> The appeal site does not strongly contribute to any of Green Belt purposes a), b) or d), and none of the policies relating to the areas or assets in NPPF footnote 7 provide a strong reason for refusing or restricting development. I find that the appeal site is grey belt land for the purposes of applying NPPF paragraph 155.
21. The Green Belt comprises approximately 57% of Elmbridge Borough Council. The development of the part of the Green Belt land that comprises the appeal site would not affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. I concur with EBC that the proposed development would have a moderate impact on Green Belt purpose c) regarding assisting in safeguarding the countryside from encroachment, and that no harm would arise to purpose e) regarding regeneration. I find that the proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
22. EBC has a deliverable five-year housing land supply of 0.91 years.<sup>25</sup> There is also an acute need for affordable housing.<sup>26</sup> Part of the appeal site is identified in the SWLP as a strategic waste allocation. The proposed development would assist in meeting an unmet need for waste management and for employment land.<sup>27</sup> There is a demonstrable unmet need for the type of development proposed.
23. The appeal site is adjacent to Hersham Station and cycle routes. Local bus services along Molesey Road are limited, but there are local services and facilities within walking distance of the appeal site. I am satisfied that safe and suitable access could be secured by the imposition of appropriate planning conditions. I consider that the proposed development would be in a sustainable location having regard to paragraphs 110 and 115 of the NPPF.
24. I turn next to the requirements of the Golden Rules as set out in NPPF paragraphs 156 and 157. The affordable housing requirement in this case would be 50%, whereas the section 106 obligation would secure 100% of the dwellings as affordable housing. The appeal scheme provides for necessary improvements to local infrastructure. It would improve green spaces and contribute positively to the landscape setting of the development. It would also support nature recovery and Urban Greening. Suggested Condition 53 would ensure the provision of new publicly accessible green spaces at the reserved matters stage.

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<sup>23</sup> CD3.3 paragraph 3.18.

<sup>24</sup> CD3.3 paragraph 3.19.

<sup>25</sup> CD16.3.

<sup>26</sup> CD16.4.

<sup>27</sup> CD3.3 paragraph 3.26.

25. I concur with the appellant and EBC that the appeal site is grey belt land and that the appeal scheme complies with the Golden Rules. The proposal is not, therefore, inappropriate development in the Green Belt. The appeal scheme would result in no harm to the Green Belt.<sup>28</sup> There is no conflict with EDMP Policy DM17 and SWLP Policy 9 because these policies specifically refer to inappropriate development in the Green Belt.

*Traffic generation/highway safety and access*

26. Many of the third party written representations raise concerns about the traffic surveys undertaken by the appellant, and express reservations about the likely traffic impact and adverse effects of the proposed off-site mitigation measures. I understand these concerns but believe that the appellant's transport addendum adequately addresses the matters cited by local objectors to the appeal scheme.<sup>29</sup>
27. The existing vehicular site access is circuitous and far from ideal for the skip lorries and HGVs associated with the existing uses. The detailed scheme would provide a more direct route onto Lyon Road. It would also secure the closure of the site access adjacent to Hersham Station. If used, this access would result in congestion close to traffic passing beneath the railway bridge over Molesey Road, where two-way shuttle working is signal controlled. Proposed off-site highway improvements include provision of a Toucan crossing for Molesey Road adjacent to the entrance to the Station.
28. The appellant's traffic assessment predicts that the proposed development would result in a reduction of 23 HGV trips per day.<sup>30</sup> However, the appeal scheme would increase combined Light Goods Vehicles (LGVs) and cars from 458 to 1,726 per day.<sup>31</sup> The predicted increase of 1,268 LGVs/cars from the appeal scheme would have an adverse effect on vehicles queuing to pass under the railway bridge. The combined effect of the new pedestrian crossing and a net increase in traffic would result in reduced capacity and increased queues during the AM and PM peak periods. The average delay northbound during the AM peak period is predicted to increase from 43.3 seconds to 172.1 seconds, and the mean maximum queue to increase from 22.3 to 52.9 vehicles.<sup>32</sup>
29. The appellant's transport strategy is designed to influence how people travel rather than providing facilities based on current travel habits. Improvements to walking, cycling and public transport infrastructure are intended to promote sustainable travel choices in accordance with NPPF paragraphs 115 and 117.
30. The proposed Quietway would provide more direct and more attractive access for pedestrians and cyclists travelling between Hersham Station and the Bridleway. Suggested Condition 34 concerns improvements to existing northbound and southbound bus stops on Molesey Road. Alterations to the junction of Molesey Road and Lyon Road to provide a right turn lane and restrict on street parking would be required by Condition 35. Condition 36 would improve the Rydens Road/Molesey Road junction and introduce

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<sup>28</sup> Lee Valley Regional Park Authority at CD15.5.

<sup>29</sup> CD17.1.

<sup>30</sup> ID8 – daily HGV trips reducing from 576 to 553.

<sup>31</sup> ID8 – the traffic survey for the baseline recorded combined LGV/cars and so comparison is made with predictions for the total of 384 LGVs and 1,342 cars.

<sup>32</sup> ID7.

amended speed restrictions. Improvements to Hersham Station concourse and provision of a Toucan crossing at the railway bridge would be secured by Condition 37. Other improvements to Rydens Road and a 20-mph speed restriction would be required by Condition 38. However, I concur with EBC that the additional traffic generated by the appeal scheme on Rydens Road would increase traffic noise along this route. Condition 33 would require prior approval for the details of these off-site highway improvements, some of which would require Traffic Regulation Orders. EBC and the appellant agree that the suggested conditions should refer to the need for section 278 agreements under the Highways Act.<sup>33</sup>

31. The section 106 obligations for a car club, travel plan, financial contributions towards the bridleway/footpath and facilities at Hersham Station, along with provisions for improved pedestrian and cycle links, would also be helpful in promoting sustainable travel.<sup>34</sup>
32. These improvements would be beneficial, but it is uncertain whether they would result in changes to travel habits that would reduce trips sufficiently to compensate for the increased traffic generation likely to be attributable to the appeal scheme. Nevertheless, I consider that the proposed off-site highway improvements would be necessary because of the likely increase in cars on the local road network from the appeal scheme.
33. Transport management plans would be necessary for demolition and construction vehicles (Condition 8) as would surveys for highway conditions (Conditions 16,32) in the interests of highway safety. Parking and turning areas, along with provision for cycle parking and cyclists, would be needed in the interests of highway safety and sustainable transport considerations (Conditions 24,25,31,39). A Travel Plan would need to be approved for similar reasons (Condition 40). Details would need to be approved for the proposed Quietway (Condition 41). Access is a reserved matter for the outline scheme, but a condition would be necessary to specify that the sole motor vehicle access to the residential development should be via the access road proposed in the detailed scheme (Condition 45).
34. Notwithstanding the benefits of reduced HGV trips, I find that the proposal would, by reason of increased car traffic on Molesey Road and resultant delays at the railway bridge, have a harmful residual traffic impact of slight significance. However, this level of harm would fall far short of that required to justify preventing the proposed development in accordance with NPPF paragraph 116. Furthermore, it would not be sufficient to bring the proposal into conflict with ECS Policy CS25 concerning sustainable transport, especially having regard to the mitigation of the detrimental environmental effects of HGVs. Access and parking provision would accord with EDMP Policy DM7 and the scheme would reasonably comply with SWLP Policy 15 concerning transport and connectivity. Nevertheless, the limited harm I have identified weighs against the proposal to some extent.

### *Waste management*

35. Part of the application site (some 5.6 ha of the total application area) is allocated by SWLP Policy 11a for a range of medium to large scale waste

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<sup>33</sup> ID4

<sup>34</sup> ID12 Schedule 6.



management development (including small scale thermal treatment). This waste allocation has also been reflected in the adopted Elmbridge Local Plan. The allocated site is safeguarded in accordance with SWLP Policy 7. Part A of this policy states that the Waste Planning Authority must be consulted on proposals for non-waste development on safeguarded waste sites.

36. The appeal scheme would secure provision for a WEEE recycling facility (Condition 50) and the Mineral and Waste Planning Authority raises no objection to the proposed development from a safeguarding perspective. This was confirmed by the officers from SCC who attended the Inquiry. On this basis, I find no conflict with SWLP Policy 7. Furthermore, the proposal gains support from SWLP Policy 1 regarding the development of new waste facilities that would contribute to achieving targets for recycling in accordance with the waste hierarchy, and with SWLP Policy 2 concerning recycling. The proposal would comply with SWLP Policy 9 about the Green Belt and so would not conflict with SWLP Policy 10 concerning areas suitable for development of waste management. The proposal would accord with the NPPW concerning the waste hierarchy.
37. The proposed redevelopment would displace some existing useful recycling enterprises that currently operate from the appeal site. However, I am satisfied that the benefits of securing specific provision for a WEEE recycling facility in this location would outweigh any harm to waste management operations arising from the redevelopment of the site. The net benefits of the appeal scheme for waste management weigh in favour of the proposal.

#### *Housing*

38. The appeal scheme would provide between 30 and 40 affordable homes.<sup>35</sup> The siting of the housing land within the outline scheme would be fixed by Condition 6 and the Housing Land Plan attached to the section 106 agreement. There is some local concern about the siting of the proposed housing between the railway line and commercial buildings. I accept that this siting results from a balancing exercise between achieving the shortest walking/cycling distance to Hersham Station and achieving appropriate residential amenity standards. The proposed site for the affordable homes would not be an unacceptable location for residential development.
39. Living standards would primarily be a consideration for determination at reserved matters stage. But the imposition of planning conditions would provide necessary safeguards (Conditions 27,46,47,49) and so the proposal would comply with EDMP Policy DM10.
40. Specific housing delivery numbers set out in ECS Policy CS2 are out of date, but the appeal scheme would be consistent with policy provisions concerning the effective use of land.<sup>36</sup> The affordable housing provision would exceed the requirement of ECS Policy CS21 and accords with EBC's Development Contributions SPD 2021. The provision of affordable housing weighs heavily in favour of the proposal.

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<sup>35</sup> 100% of the dwellings would be affordable homes. The description of development for the outline scheme would provide for up to 40 affordable homes and the section 106 agreement provides for a minimum of 30 affordable homes.

<sup>36</sup> CD3.2 footnote 3.

### *Employment and the economy*

41. There is evidence that the Borough has lost strategic and general employment sites over recent years and that intensification on other sites has not provided adequate compensation. The detailed scheme for Phase 1 would provide commercial buildings for Class E/Class B8 development (5,040 m<sup>2</sup> gross external area/4,580 m<sup>2</sup> gross internal area). The outline scheme would provide up to 37,977 m<sup>2</sup> (gross external area) of commercial development for Classes E/B8/B2 and a minimum of 10% of the permitted maximum of 37,977 m<sup>2</sup> for WEEE recycling (Conditions 6,50). This scale of commercial development would make a significant contribution to redressing recent losses in employment floorspace.
42. The appellant estimates that construction would result in some 412 jobs per year and that the operation when complete would support around 543 to 1,002 full-time equivalent jobs. The existing uses on the site are estimated to support on average 85 employees. The proposed development would make a significant contribution to the local economy. EBC would also benefit from additional business rates.
43. I concur with the appellant and EBC that there would be significant economic benefits of the appeal scheme.<sup>37</sup> The proposal would encourage employment development in accordance with EDMP Policy DM11.

### *Character and appearance*

44. In terms of landscape character, the built area of the appeal scheme would be consistent with the commercial character of the land to the west of the site and with residential development in the locality. In the detailed scheme the proposed Nature Conservation Area would reflect the character of the open fields to the north of the appeal site and would accord with ECS Policy CS14 with respect to green infrastructure. The proposed landscaping for the detailed scheme would be appropriate for the environs of the River Mole and would comply with ECS Policy CS12 concerning landscaping for the River Thames Corridor and its tributaries. Landscaping for the outline scheme is a reserved matter, but Condition 6 would require the details to be submitted to generally accord with the submitted landscape strategy. The appeal scheme would have a beneficial landscape impact. I disagree with EBC's assessment that the proposal would have a harmful landscape effect of moderate significance.<sup>38</sup>
45. With the exception of views from passing trains on the adjoining railway embankment, which is raised some 4 metres above the level of the appeal site, there are currently limited views from public vantage points into the site. However, some of the larger stockpiles are visible above a bund in views from the Bridleway. The proposed development includes some large buildings, up to 16.4 metres in height.<sup>39</sup> These would be highly visible structures from the local PRoW network but would be seen in the wider context of the Nature Conservation Area and with intervening landscaping that would soften their visual impact.

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<sup>37</sup> CD16.1 SoCG paragraph 7.1.3.

<sup>38</sup> CD3.3 Table at paragraph 3.54.

<sup>39</sup> Parameter Plan at CD2.19.

46. Trees on the appeal site could be safeguarded by the imposition of suggested Conditions 9,18,43,44 and provision made for new tree planting (Condition 20). Subject to the submission and approval of a Landscape and Ecological Management Plan (LEMP) the proposed development would comply with EDMP Policy DM6 (Condition 17). For the detailed scheme the materials would need to be consistent with the information submitted with the application (Condition 26).
47. Taking all these considerations into account I consider that the proposal would have a beneficial effect on the character and appearance of the area of moderate significance. This is a consideration that weighs in favour of the proposed development.

#### *Land contamination and drainage*

48. The appeal site comprises significant areas of made ground and lies adjacent to an historic landfill site. Past and existing uses have the potential to result in land contamination. Investigations undertaken indicate elevated concentrations within the site of various contaminants in soils and groundwater. However, the Environment Agency (EA) advises that no significant risks of the proposal to controlled waters were identified.<sup>40</sup>
49. The appellant's assessment was based on commercial redevelopment of the site. Further investigations would be necessary to determine appropriate remediation for the intended use of the appeal site, but I am satisfied that there is sufficient evidence about the site conditions to deal with this by planning conditions. Subject to suggested Condition 12, the proposal would comply with EDMP Policy DM5 concerning land contamination.
50. The EA requires that there should be no discharge into made ground or land impacted by contamination. Ground water on the site is shallow in places and the EA advises that any attenuation ponds/basins must not be allowed to discharge directly to groundwater.<sup>41</sup> The imposition of drainage conditions could ensure compliance with the Water Framework Directive and the water quality provisions of EDMP Policy DM5 (Conditions 14,22,28).
51. I am satisfied that land contamination and drainage are matters that could be addressed by the imposition of appropriate planning conditions.

#### *Biodiversity*

52. An updated assessment for bats indicates that appropriate measures could be secured to safeguard protected species.<sup>42</sup> EBC's Committee Report refers to four designated European sites; Southwest London Waterbodies Special Protection Area (SPA), Richmond Park Special Area of Conservation (SAC), Thames Basin Heaths SPA and Wimbledon SAC, within 10 km of the appeal site. Natural England (NE) advises that the proposed development would not have significant adverse impacts on designated sites.<sup>43</sup> I find that there are no likely significant effects on these sites from the proposed development, either alone or in combination with other plans and projects, and therefore no further assessment is necessary to comply with the Habitats Regulations.

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<sup>40</sup> EA consultation response dated 25 May 2023.

<sup>41</sup> Requirements by the EA were included as Informative 9 in ID11, but it was agreed at the Inquiry that these would need to be included in a Condition.

<sup>42</sup> CD17.2.

<sup>43</sup> NE consultation response dated 6 January 2023.

53. The evidence submitted indicates that the proposal would contribute to a net gain in biodiversity. Subject to appropriate planning conditions the proposed development would accord with ECS Policy CS15 and EDMP Policy DM21 (Conditions 15,17,19).

*Other matters where planning conditions would be necessary*

54. Local concerns about pollution could be addressed by planning conditions in order to comply with EDMP Policy 5 and SWLP Policy 14 concerning public amenity and safety (Conditions 15,49). The EA advised that the proposed WEEE recycling facility would require an environmental permit or exemption under the Environmental Permitting (England and Wales) Regulations 2016. NPPF paragraph 201 provides that planning decisions should assume that the permitting regime will operate effectively. Confirmation about the provision of foul drainage would be required (Condition 42). A piling method statement would be necessary to safeguard sewerage infrastructure (Condition 13).
55. Notwithstanding the extent of made ground on the appeal site, an archaeology condition would be necessary to comply with EDMP Policy DM12 concerning heritage (Condition 10). A Demolition Environmental Management Plan (DEMP) and a Construction Environmental Management Plan (CEMP) (Condition 11) would be necessary in the interest of the local amenity of the area and to comply with SWLP Policy 4.
56. Details about servicing (Condition 29) and bin storage (Condition 23) would be necessary to secure compliance with EDMP Policy DM8. To accord with national objectives for climate change and pollution control, electric vehicle charging points should be provided for employment development and dwellings (Conditions 30,48).
57. Permitted development rights would need to be restricted to safeguard employment provision (Condition 51) and to safeguard residential amenity along local roads (Condition 52). The standard commencement and outline conditions would apply (Conditions 1,2,3,4). It would be necessary to define the permission and ensure that the phased development was carried out in accordance with the approved plans (Conditions 5,6,7). Condition 21 would be necessary to secure appropriate design in accordance with ECS Policy CS17, EDMP Policy DM2 and SWLP Policy 13.

*Planning balance and planning policy*

58. The appeal scheme would accord with the Spatial Strategy set out in ECS Policy CS1 concerning sustainable growth supported by high quality infrastructure. I find that the proposal would accord with the development plan taken as a whole.
59. Paragraph 11(d)ii. of the NPPF is engaged by virtue of footnote 8 and EBC being unable to demonstrate a five-year supply of deliverable housing sites. The planning balance in this appeal is whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

60. In this balancing exercise I have, in accordance with NPPF paragraph 158, given significant weight in favour of granting planning permission because the proposed development complies with the Golden Rules.<sup>44</sup> The provision of affordable housing in the circumstances that apply here attracts substantial weight. Other benefits of the appeal scheme include a significant contribution to employment provision and the local economy, an overall benefit for waste management, along with biodiversity, landscape and visual amenity enhancements. Against these benefits must be weighed the limited harm I have identified from increased local traffic congestion. I consider that the adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in the NPPF taken as a whole. The planning balance falls in favour of allowing the appeal.

#### Conditions and obligations

61. The suggested Conditions cited in the Reasons section of this decision are necessary, relevant to planning and to the proposed development, enforceable, precise and reasonable in all other respects. There is clear justification for the imposition of the conditions that are required to be discharged before commencement of development. The appellant has agreed to these in the suggested conditions submitted to the Inquiry. The wording of some of the suggested conditions would need to be amended for reasons of enforceability and precision.
62. For the reasons set out in EBC's CIL Compliance Statement at ID3, I am satisfied that the obligations in the section 106 agreement are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.

#### Conclusion

63. Subject to the imposition of appropriate planning conditions and necessary obligations, the planning balance here falls in favour of the proposal. The appeal scheme accords with the development plan taken as a whole. For the reasons given above the appeal should be allowed.

*J Woolcock*

INSPECTOR

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<sup>44</sup> ID5.



## APPEARANCES

### FOR ELMBRIDGE BOROUGH COUNCIL (EBC):

James Corbet Burcher  
Counsel

Instructed by Georgina Healy  
Senior Solicitor Legal Services EBC

He called

Clare Adamson BA (Hons) MA  
LRTPI

Senior Planning Officer EBC

### FOR THE APPELLANT:

Zack Simons KC  
and  
Isabella Buono Counsel

Instructed by James Waterhouse of Iceni  
Projects

They called

Matthew Kinghan BSc (Hons) MSc  
Assoc MRTPI MIED

Director at Iceni Projects

Nick Ireland BA (Hons) MTPI  
MRTPI

Director at Iceni Projects

Mike Sylvester BSc (Hons) MSc  
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Richard Fitter IEng FCILT FICE  
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Director at Entrans

Silke Gruner BHons CMLI

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Carolyn Akerman

Managing Associate at Ward Hadaway

James Waterhouse BA (Hons)  
MRTPI

Director at Iceni Projects

### FOR SURREY COUNTY COUNCIL:

Francis Ford  
Dustin Lees

Planning Officer Surrey County Council  
Minerals and Waste Policy Leader Surrey  
County Council

## DOCUMENTS SUBMITTED DURING THE INQUIRY (ID)

|    |   |                                                                                                                   |
|----|---|-------------------------------------------------------------------------------------------------------------------|
| ID | 1 | Appellant's Opening Submissions                                                                                   |
| ID | 2 | Opening Submissions of the Council                                                                                |
| ID | 3 | CIL Compliance Statement dated March 2025                                                                         |
| ID | 4 | Extract from Development Management Procedure Order re<br>Deemed discharge: exemptions for section 278 agreements |

|    |    |                                                                               |
|----|----|-------------------------------------------------------------------------------|
| ID | 5  | Agreed note on paragraph 158 of the NPPF                                      |
| ID | 6  | Description of proposed development - as amended by email dated 28 March 2025 |
| ID | 7  | Briefing Note 1 Signal junction output results                                |
| ID | 8  | Briefing Note 2 Traffic Survey Methodology                                    |
| ID | 9  | Closing Submissions by the Council                                            |
| ID | 10 | Closing by appellant                                                          |
| ID | 11 | Suggested planning conditions - as amended by email dated 15 April 2025       |
| ID | 12 | Planning Agreement pursuant to section 106 dated 7 April 2025                 |

## CORE DOCUMENTS (CD)

|         |                                                                         |
|---------|-------------------------------------------------------------------------|
| CD 1.1  | Application Form November 2022                                          |
| CD 1.2  | Planning Statement October 2022                                         |
| CD 1.3  | Planning Statement A1 Surrey Waste Plan Part 2 Site Allocation          |
| CD 1.4  | Planning Statement A2 Green Belt Impact Assessment                      |
| CD 1.5  | Planning Statement A3 Employment Needs and Economic Benefits Assessment |
| CD 1.6  | Planning Statement A4 Specialist WEEE Waste Technical Note              |
| CD 1.7  | Transport Assessment October 2022                                       |
| CD 1.8  | Breeam Pre-Assessment October 2022                                      |
| CD 1.9  | Biodiversity Metric V3.1 November 2022                                  |
| CD 1.10 | Preliminary Ecological Appraisal October 2022                           |
| CD 1.11 | Preliminary Roost Assessment (Bats) October 2022                        |
| CD 1.12 | Energy Statement October 2022                                           |
| CD 1.13 | Utilities Load Calculations and MEPF Calculation October 2022           |
| CD 1.14 | Archaeological Desk-Based Assessment October 2022                       |
| CD 1.15 | Employment needs and Economic Benefits Assessment October 2022          |
| CD 1.16 | Statement Of Community Involvement November 2022                        |
| CD 1.17 | Flood Risk Assessment October 2022                                      |
| CD 1.18 | Drainage Strategy and Water Monitoring Report October 2022              |
| CD 1.19 | Design and Access Statement November 2022                               |

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|---------|-----------------------------------------------------------------------------------------------------------------|
| CD 1.20 | Proposed Indicative Site Plan Drawing No. 21008 01-0-00-1 PL01                                                  |
| CD 1.21 | Proposed Indicative Site Plan - Outline and Detailed Application Boundaries Drawing No. 21008 PL-03-1-00-1 PL02 |
| CD 1.22 | Parameter Plan - Maximum Building Heights Drawing No. 21008 PL-0-00-2 -PL03                                     |
| CD 1.23 | Parameter Plan - Land Use Drawing No. 21008 PL-0-00-1 PL02                                                      |
| CD 1.24 | Parameter Plan - WEEE Waste and B2 Exclusion Zone Drawing No. 21008 PL-0-00-3 – PL02                            |
| CD 1.25 | Existing Site Section AA Drawing No. 21008-01-3-01 PL02                                                         |
| CD 1.26 | Existing Site Section BB Drawing No. 21008-01-3-02 PL02                                                         |
| CD 1.27 | Proposed Site Section AA Drawing No. 21008 PL-03-3-01 PL05                                                      |
| CD 1.28 | Proposed Site Section BB Drawing No. 21008 PL-03-3-02 PL05                                                      |
| CD 1.29 | Proposed Site Plan - Blocks F G And H Drawing No. PL-03-1-00-3 PL01                                             |
| CD 1.30 | Block H - Proposed Elevations Drawing No. 21008 PL-H-03-2-01 -PL02                                              |
| CD 1.31 | Block G - Proposed Elevations Drawing No. 21008 PL-G-03-2-01 PL01                                               |
| CD 1.32 | Block F - Proposed Elevations Drawing No. 21008 PL-F-03-2-01 PL01                                               |
| CD 1.33 | Block F - Proposed First Floor Plan Drawing No. 21008 PL-F-03-1-01                                              |
| CD 1.34 | Block F - Proposed Ground Floor Plan Drawing No. 21008 PL-F-03-1-00                                             |
| CD 1.35 | Block F - Proposed Rear Elevation & Section Drawing No. 21008 PL-F-03-2-02                                      |
| CD 1.36 | Block F - Proposed Roof Plan Drawing No. 21008 PL-F-03-1-02                                                     |
| CD 1.37 | Block G - Proposed Ground and First Floor Plans Drawing No. 21008 PL-G-03-1-00                                  |
| CD 1.38 | Block G – Proposed Roof Plans and Sections Drawing No. 21008 PL-G-03-1-02-PL01                                  |
| CD 1.39 | The Managers Cottage - Existing Plans and Elevations Drawing No. 21008 01-1-05-PL02                             |

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| CD 1.40 | Block H - Proposed Ground and First Floor Plan Drawing No. 21008 PL-H-03-1-00                |
| CD 1.41 | Block H - Proposed Roof Plan & Section Drawing No. PL-H-03-1-02 Rev PL02                     |
| CD 1.42 | The Pump House - Existing Plans and Elevations Drawing No. 01-1-04 Rev PL03                  |
| CD 1.43 | Yard No. 30 Industrial Building - Existing Plans and Elevations Drawing No. 01-1-03 Rev PL03 |
| CD 1.44 | No. 15 Lyon Road - Existing Plans and Elevations Drawing No. 01-1-01 Rev PL03                |
| CD 1.45 | No. 16 Lyon Road - Existing Plans and Elevations Drawing No. 01-1-02 Rev PL03                |
| CD 1.46 | CVUJ1017-002 Topographical Survey with Utility Mapping                                       |
| CD 1.47 | Site Location Plan Drawing No. 21008 01-0-00-PL03<br>November 2022                           |
| CD 1.48 | Landscape Strategy Plan Sheets 1-8 Drawing No. L10 Rev C                                     |
| CD 1.49 | Arboricultural Impact Assessment and Method Statement<br>October 2022                        |
| CD 1.50 | Lighting Design Report October 2022                                                          |
| CD 1.51 | ES Volume I – Main Text                                                                      |
| CD 1.52 | ES Volume II – Technical Appendices                                                          |
| CD 1.53 | ES Volume III – Non-Technical Summary                                                        |
| CD 2.1  | Application Form February 2024                                                               |
| CD 2.2  | Planning Statement with Appendices January 2024                                              |
| CD 2.3  | Planning Statement A1 Surrey Waste Plan Part 2 Site Allocation                               |
| CD 2.4  | Planning Statement A2 Green Belt Impact Assessment                                           |
| CD 2.5  | Planning Statement A3 Employment Needs and Economic Benefits Assessment                      |
| CD 2.6  | Planning Statement A4 Specialist WEEE Waste Technical Note                                   |
| CD 2.7  | Preliminary Ecological Appraisal May 2024                                                    |

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| CD 2.8  | Preliminary Roost Assessment May 2024                                                                         |
| CD 2.9  | Arboricultural Impact Assessment and Method Statement January 2024                                            |
| CD 2.10 | Lighting Design Report January 2024                                                                           |
| CD 2.11 | Archaeological Desk-Based Assessment January 2024                                                             |
| CD2.12  | Employment needs and Economic Benefits Assessment January 2024                                                |
| CD 2.13 | Green Belt Policy Assessment January 2024                                                                     |
| CD 2.14 | Reptile Survey Report January 2024                                                                            |
| CD 2.15 | Design and Access Statement January 2024                                                                      |
| CD 2.16 | Site Location Plan Drawing No. 21008 01-0-00-PL04 January 2024                                                |
| CD 2.17 | Proposed Indicative Site Plan Drawing No. 21008 01-0-00-1 PL02                                                |
| CD 2.18 | Proposed Indicative Site Plan - Outline and Detailed Application Boundaries Drawing No. PL-03-1-00-1 Rev PL03 |
| CD 2.19 | Parameter Plan - Maximum Building Heights Drawing No. PL-0-00-2 Rev PL05 January 2024                         |
| CD 2.20 | Parameter Plan - Land Use Drawing No. PL-0-00-1 Rev PL03                                                      |
| CD 2.21 | Parameter Plan - WEEE Waste and B2 Exclusion Zone Drawing No. PL-0-00-3 Rev PL03 January 2024                 |
| CD 2.22 | Proposed Site Section AA Drawing No. PL-03-3-01 Rev PL06                                                      |
| CD 2.23 | Proposed Site Section BB Drawing No. PL-03-3-02 Rev PL06                                                      |
| CD 2.24 | Proposed Site Plan - Blocks F G And H Drawing No. PL-03-1-00-3 Rev PL02                                       |
| CD 2.25 | Block H - Proposed Elevations Drawing No. PL-H-03-2-01 Rev PL03                                               |
| CD 2.26 | Proposed Site Plan Northern bund and Eastern Restoration Area Drawing No. PL-03-1-00-4 Rev PL02               |
| CD 2.27 | Block G - Proposed Elevations Drawing No. PL-G-03-2-01 Rev PL02                                               |
| CD 2.28 | Landscape Strategy Plan Sheets 1-8 Drawing No. L101 Rev D                                                     |



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| CD 2.29     | ES Volume I – Main Text updates to Chapters 1, 2, 3, 5 and 8 January 2024                                                                                |
| CD 2.30     | ES Volume II – Technical Appendices updates to Appendix 3.1 3.2, 4.2, 5.1, 5.2, 5.3, 9.1, 9.2 and 12.1 January 2024                                      |
| CD 2.31     | ES Volume III – Non-Technical Summary January 2024                                                                                                       |
| CD 3.1      | 2022/3427: Decision Notice 13 June 2024                                                                                                                  |
| CD 3.2      | 2022/3427: Committee Report 7 June 2024                                                                                                                  |
| CD 3.3      | Planning Appeal Position Update 2022/3427 – Former Weylands Treatment Works, Lyon Road, Walton on Thames Taken to Planning Committee on 11 February 2025 |
| CD 4.1      | Thames Water                                                                                                                                             |
| CD 4.2-4.17 | Interested Persons                                                                                                                                       |
| CD 5.1      | Elmbridge Core Strategy 2011                                                                                                                             |
| CD 5.2      | Elmbridge Development Management Plan 2015                                                                                                               |
| CD 5.3      | Core Strategy – Inspectors Report June 2011                                                                                                              |
| CD 5.4      | Development Management Plan – Inspectors Report February 2015                                                                                            |
| CD 5.5      | Surrey Waste Local Plan 2019                                                                                                                             |
| CD 5.6      | Design and Character Supplementary Planning Document 2012                                                                                                |
| CD 5.7      | Companion Guide: The character of Elmbridge - an overview                                                                                                |
| CD 5.8      | Companion Guide: Walton-on-Thames                                                                                                                        |
| CD 5.9      | Development Contributions Supplementary Planning Document 2021                                                                                           |
| CD 5.10     | Flood Risk Supplementary Planning Document 2016                                                                                                          |
| CD 5.11     | Parking Supplementary Planning Document 2020                                                                                                             |
| CD 5.12     | Local Transport Plan 4 2022 LTP4 SCC                                                                                                                     |
| CD 5.13     | Vehicular and Cycle Parking Guidance 2023 SCC                                                                                                            |
| CD 5.14     | Travel Plan Planning Good Practice Guide SCC                                                                                                             |
| CD 6.1      | Draft Elmbridge Local Plan 2037 June 2022                                                                                                                |
| CD 6.2      | Sustainability Appraisal June 2022                                                                                                                       |

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| CD 6.3  | Regulation 22 Consultation Statement August 2023                                        |
| CD 6.4  | Schedule of Proposed Main Modifications June 2023                                       |
| CD 6.5  | Inspector's Initial Letter September 2023                                               |
| CD 6.6  | EBC response to Inspector's Initial Letter November 2023                                |
| CD 6.7  | Schedule of Matters, Issue and Questions for Stage 1 of the Examination December 2023   |
| CD 6.8  | Schedule of Matters, Issue and Questions for Stage 2 of the Examination February 2024   |
| CD 6.9  | Inspector's Interim Findings Letter 11 September 2024                                   |
| CD 6.10 | EBC Response to Inspector's Interim Findings 1 October 2024                             |
| CD 6.11 | Inspector's Final Response Letter 18 October 2024                                       |
| CD 6.12 | EBC Letter to Minister for Housing 23 October 2024                                      |
| CD 6.13 | Letter from Matthew Pennycook 25 November 2024                                          |
| CD 6.14 | EBC Final Response to Inspectors Interim Findings 27 November 2024                      |
| CD 6.15 | Elmbridge Local Plan Examination in Public – Report taken to Cabinet on 5 February 2025 |
| CD 6.16 | Draft Local Development Scheme LDS Report taken to Cabinet on 5 February 2025           |
| CD 6.17 | Draft Local Development Scheme                                                          |
| CD 7.1  | National Planning Policy Framework December 2024                                        |
| CD 7.2  | Draft National Planning Policy Framework for Consultation July 2024                     |
| CD 7.3  | National Planning Policy Framework 2023                                                 |
| CD 7.4  | Letter from Housing Minister to Stakeholders – Building the Homes We Need 30 July 2024  |
| CD 7.5  | National Design Guide 2021                                                              |
| CD 7.6  | National Planning Policy for Waste 2014                                                 |
| CD 7.7  | Invest 2035: the UK's Modern Industrial Strategy October 2024                           |
| CD 7.8  | Natural England Urban Greening Factor Guidance January 2023                             |

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| CD 7.9  | Natural England - Green Infrastructure Standards for England January 2023 Appendix 2 Accessible Green Space Standards                      |
| CD 8.1  | EBC Green Belt Exceptional Circumstances Paper January 2022                                                                                |
| CD 8.2  | Invitation for proposals issued by Jim McMahon OBE MP the Minister of State for Local Government and English Devolution on 6 February 2025 |
| CD 8.3  | Surrey Waste Plan Supporting Text to Policy 7 Safeguarding                                                                                 |
| CD 8.4  | Active Travel England Consultee Response                                                                                                   |
| CD 8.5  | Draft Published Meeting Minutes from special Planning Committee held on 11 February 2025                                                   |
| CD 9.1  | EBC Housing Trajectory and 5YHLS June 2024                                                                                                 |
| CD 9.2  | EBC Housing Trajectory and 5YHLS 1 April 2024 – Update at end of Stage 2 EIP Hearing on 28 June 2024                                       |
| CD 9.3  | EBC Housing Trajectory spreadsheet (aligned to above)                                                                                      |
| CD 9.4  | Chapter 9: Site Allocations Updated at the end of Stage 2 hearings on 28 June 2024                                                         |
| CD 9.5  | EBC Housing Delivery Action Plan 2024 June 2024                                                                                            |
| CD 9.6  | Land Availability Assessment 2021 31 March 2021                                                                                            |
| CD 9.7  | Land Availability Assessment 2022 31 March 2022                                                                                            |
| CD 9.8  | Land Availability Assessment 2023 31 March 2023                                                                                            |
| CD 9.9  | Authority Monitoring Report 2023 – 2024 December 2024                                                                                      |
| CD 9.10 | South East Plan (also known as the Regional Spatial Strategy for the South East) 6 May 2009                                                |
| CD 9.11 | Panel Report on the South East Plan August 2007                                                                                            |
| CD 10.1 | Kingston and North Surrey SHMA June 2016                                                                                                   |
| CD 10.2 | Kingston and North Surrey SHMA: Annex 4 Local Authority Area Profiles June 2016                                                            |
| CD 10.3 | Elmbridge Local Plan Topic Paper 2: Affordable Housing November 2023                                                                       |
| CD 10.4 | Elmbridge Assessment of Local Housing Needs March 2020                                                                                     |

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| CD 10.5  | Documents for 28th Nov 2024 Overview and Scrutiny Committee – Affordable and Social Housing Provision Cover Report and Appendices               |
| CD 10.6  | LHMA Addendum 2021 November 2021                                                                                                                |
| CD 10.7  | EBC Housing, Homelessness and Rough Sleeping Strategy 2020-2024 December 2019                                                                   |
| CD 10.8  | JGC Supplementary Housing Affordability Report March 2024                                                                                       |
| CD 11.1  | Appendix 1 Waste and Minerals Consultee Response January 2023                                                                                   |
| CD 11.2  | Towards the Circular Economy Vol. 1 2013                                                                                                        |
| CD 11.3  | Global Critical Minerals Outlook 2024                                                                                                           |
| CD 11.4  | Electronic waste and the Circular Economy                                                                                                       |
| CD 11.5  | Resources and Waste Strategy Evaluation Plan August 2020                                                                                        |
| CD 11.6  | The link between e-Waste and GDP March 2017                                                                                                     |
| CD 11.7  | Employment and the circular economy 2015                                                                                                        |
| CD 11.8  | UN environment chief warns of 'tsunami' of e-waste at conference on chemical treaties May 2015                                                  |
| CD 11.9  | Electrical and Electronic Equipment January 2020                                                                                                |
| CD 11.10 | Urban Mining of E-Waste is Becoming More Cost-Effective than virgin mining April 2018                                                           |
| CD 11.11 | Written Evidence to the EAC EWa0018                                                                                                             |
| CD 11.12 | Extended Producer Responsibility (EPR) and the impact of online sales 2019                                                                      |
| CD 11.13 | Estimated population of the United Kingdom from 1871 to 2023                                                                                    |
| CD 11.14 | Surrey Waste Capacity Needs Assessment 2022 v1 November 2023                                                                                    |
| CD 11.15 | Surrey Waste Capacity Needs Assessment 2023 v2 November 2023                                                                                    |
| CD 11.16 | Defra Waste Data Interrogator 2021 dataset                                                                                                      |
| CD 11.17 | Statement of Common Ground on strategic waste matters between the City of London Corporation and relevant waste planning authorities March 2024 |

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| CD 11.18 | Waste electrical and electronic equipment (WEEE) Guidance                                                 |
| CD 11.19 | AATF public register                                                                                      |
| CD 12.1  | Elmbridge Borough Council Green Belt Boundary Review March 2016                                           |
| CD 12.2  | Elmbridge Borough Council Green Belt Boundary Review - Supplementary Work December 2018                   |
| CD 12.3  | Green Belt Boundary Review - Overview Paper June 2019                                                     |
| CD 12.4  | Green Belt Boundary Review – Minor Boundary Amendments June 2019                                          |
| CD 12.5  | Green Belt Boundary Review – Assessment of Previously Developed Land June 2019                            |
| CD 12.6  | Green Belt Site Assessment – Explanatory Notes 2021                                                       |
| CD 12.7  | Green Belt Site Assessment Proformas - Sites considered for release under spatial strategy option 5a 2021 |
| CD 12.8  | Green Belt Site Assessment Proformas - Sites no longer considered suitable for release 2022 Updated 2023  |
| CD 12.9  | Planning Advisory Service ('PAS'), Planning on the Doorstep: the Big Issues – Green Belt February 2015    |
| CD 13.1  | Elmbridge Commercial Property Market Study Update July 2017                                               |
| CD 13.2  | Elmbridge Local Market Appraisal October 2020                                                             |
| CD 13.3  | Elmbridge Strategic Employment Land Review July 2019                                                      |
| CD 13.4  | Elmbridge Strategic Employment Land Review Addendum November 2021                                         |
| CD 13.5  | Elmbridge Strategic Employment Land Review Addendum - Appendix 6 Draft SEL Proformas November 2021        |
| CD 13.6  | Elmbridge Economic Strategy 2019-2023                                                                     |
| CD 13.7  | Warehousing and Logistics in the South East Midlands 2022 Icen Projects                                   |
| CD 13.8  | Big Shed Prospects: Key Takeaways & Conclusions Savills December 2024                                     |
| CD 13.9  | Surrey industrial property: Build it or invest in it, and they will come, Vail Williams October 2024      |

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| CD 13.10 | VW Insider report reveals confidence returning to the Thames Valley Oxford and Surrey markets Vail Williams October 2024            |
| CD 13.11 | Matter 8: Meeting Employment Needs Pre-Hearing Statement Examination of the Elmbridge Local Plan March 2024                         |
| CD 14.1  | Land north of Raleigh Drive, Claygate Appeal Decision 24 May 2024 APP/K3605/W/23/3334391                                            |
| CD 14.2  | Land South of Leighton Road, Stanbridge Appeal Decision 24 December 2024 APP/P0240/W/24/3347529                                     |
| CD 15.1  | NH Hallam Land Management v SSCLG and Eastleigh Borough Council [2018] EWCA Civ 1808                                                |
| CD 15.2  | R (Hampshire County Council) v Secretary of State for Environment, Food and Rural Affairs                                           |
| CD 15.3  | Wildie, R (on the application of Wildie) v Wakefield MDC [2013] EWHC 2769 (Admin)                                                   |
| CD 15.4  | R. v. Rochdale Metropolitan Borough Council ex p. Milne 31 July 2000                                                                |
| CD 15.5  | R (Lee Valley Regional Park Authority) v Epping Forest District Council [2016]                                                      |
| CD 15.6  | Vistry Homes Ltd v Secretary of State for Levelling Up, Housing And Communities & Ors (Rev1) [2024] EWHC 2088 (Admin) 7 August 2024 |
| CD 16.1  | Planning Statement of Common Ground                                                                                                 |
| CD 16.2  | Revised Planning Statement of Common Ground                                                                                         |
| CD 16.3  | Housing Land Supply Statement of Common Ground                                                                                      |
| CD 16.4  | Affordable Housing Statement of Common Ground                                                                                       |
| CD 16.5  | Waste Statement of Common Ground                                                                                                    |
| CD 16.6  | Highways Statement of Common Ground                                                                                                 |
| CD 16.7  | Appeal Form                                                                                                                         |
| CD 16.8  | Appellant Statement of Case                                                                                                         |
| CD 16.9  | Council's Statement of Case                                                                                                         |
| CD 16.10 | Notification of Intent to Submit Appeal                                                                                             |
| CD 16.11 | Inspector's CMC Agenda and Summary Note                                                                                             |



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| CD 16.12 | Draft S106 Obligation                                                       |
| CD 17.1  | Transport Addendum – response to third party comments                       |
| CD 17.2  | Updated Bat Report 22 November 2024                                         |
| CD 18.1  | Clare Adamson– Proof of Evidence Planning                                   |
| CD 19.1  | Employment Needs and Economic Benefits Proof of Evidence of Matthew Kinghan |
| CD 19.2  | Planning Proof of Evidence of James Waterhouse                              |
| CD 19.3  | Housing Proof of Evidence of Nick Ireland                                   |
| CD 19.4  | Waste Proof of Evidence of Steve Butler                                     |

### SCHEDULE OF PLANNING CONDITIONS (1-53)

In the following Conditions the Site is the area outlined in red on Drawing No.01-0-00 PL04 entitled Site Location Plan dated 22 December 2023.

#### Condition 1

The development hereby permitted by the full planning permission and shown on the plans listed in Condition 5 shall begin before the expiration of three years from the date of this permission.

#### Condition 2

In the outline planning permission plans and particulars of the (i) layout, (ii) scale, (iii) external appearance of the buildings, (iv) the landscaping of the site and (v) access (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any work on the part of the Site hatched in blue on Drawing No.PL-03-1-00-1 PL03 is commenced, and shall thereafter be carried out as approved.

#### Condition 3

Application for the approval of all reserved matters referred to in Condition 2 above shall be made to the local planning authority before the expiration of three years from the date of this permission.

#### Condition 4

The development hereby permitted by the outline planning permission shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

#### Condition 5

The development hereby permitted by the full planning permission shall be carried out in strict accordance with the following list of approved plans:

- PL-F-03-1-00 Rev PL02 (Block F - Proposed Ground Floor Plan)
- PL-F-03-1-01 Rev PL02 (Block F - Proposed First Floor Plan)
- PL-F-03-1-02 Rev PL02 (Block F - Proposed Roof Plan)
- PL-F-03-2-01 Rev PL02 (Block F - Proposed Elevations)

- PL-F-03-2-02 Rev PL02 (Block F - Proposed Rear Elevation & Section)
- PL-G-03-1-00 Rev PL02 (Block G - Proposed Ground and First Floor Plans)
- PL-G-03-1-02 Rev PL02 (Block G - Proposed Roof Plan & Section)
- PL-H-03-1-00 Rev PL02 (Block H - Proposed Ground and First Floor Plans)
- PL-H-03-1-02 Rev PL02 (Block H - Proposed Roof Plan & Section)

All received on 18 November 2022

- PL-03-1-00-4 Rev PL02 (Proposed Site Plan, Northern bund and Eastern Restoration Area) received on 25 January 2024
- Rev PL04 (Site Location Plan)
- Rev PL02 (Site Plan)
- PL-0-00-1 Rev PL03 (Parameter Plan - Land Use)
- PL-03-1-00-3 Rev PL02 (Proposed Site Plan - Blocks F, G and H)
- PL-G-03-2-01 Rev PL02 (Block G - Proposed Elevations)

All received on 10 January 2024

- PL-H-03-2-01 Rev PL03 (Block H - Proposed Elevations) received on 25 January 2024.

And in broad accordance with the following landscape strategy plans:

- L100 Rev D (Figure 8.6.1) excluding the section that forms part of the outline permission
- L101 Rev D (Landscape Strategy Plan Sheet 2 of 8, Figure 8.6.2)
- L102 Rev D (Landscape Strategy Plan Sheet 3 of 8, Figure 8.6.3)
- L104 Rev D (Landscape Strategy Plan Sheet 5 of 8, Figure 8.6.5)
- L105 Rev D (Landscape Strategy Plan Sheet 6 of 8, Figure 8.6.6)
- L106 Rev D (Landscape Strategy Plan Sheet 7 of 8, Figure 8.6.7)

All received on 19 January 2024.

#### Condition 6

The development hereby permitted by the outline planning permission shall be carried out generally in accordance with the following illustrative layout plans subject to any detailed consideration of siting, heights and massing that is required to achieve a satisfactory design and relationship with adjoining development:

- PL-03-1-00-1 Rev PL03 (proposed indicative site plan - outline and detailed application boundaries)
- PL-03-1-00 Rev PL03 (proposed indicative site plan)
- L103 Rev D (Landscape Strategy Plan Sheet 4 of 8, Figure 8.6.4).

And in strict accordance with the following plans:

- PL-0-00-3 Rev PL03 (Parameter Plan land use)
- PL-0-00-2 Rev PL05 (Parameter Plan – Maximum Building Heights)

And shall result in a total of no more than 37,977sq.m (gross external area) of commercial floor area within the part of the Site hatched in blue on Drawing No.PL-03-1-00-1 PL03.

#### Condition 7

The development hereby permitted by the full planning permission and outline planning permission shall proceed in accordance with a Phasing Plan (Phase 1 in accordance with the terms of the description for the full permission) to be submitted to and approved in writing by the local planning authority prior to determination of any first reserved matters application. The Phasing Plan shall include details of the development to be implemented within each phase. The Phasing Plan shall not be amended without the prior written approval of the local planning authority.

#### Condition 8

No demolition associated with the development hereby permitted by the full planning permission and outline planning permission shall commence until a Demolition Transport Management Plan (DTMP) is submitted to and approved by the local planning authority in writing. Only the approved details shall be implemented during the demolition.

No construction including foundations of the development hereby permitted by the full planning permission and outline planning permission shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved by the local planning authority in writing. Only the approved details shall be implemented during the construction of the development.

Both the DTMP and CTMP shall 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.
- e) Provision of boundary hoarding behind any visibility zones.
- f) HGV deliveries and hours of operation.
- g) Vehicle routing.
- h) Measures to prevent the deposit of materials on the highway.
- i) No HGV movements to and from the Site shall take place between the hours of 8.00 and 9.00 am and 4.00 and 5.00 pm nor shall the contractor permit any HGVs associated with the development at the Site to be laid up, waiting, in Lyon Road or Molesey Road during these times.
- j) On-site turning for vehicles.

#### Condition 9

No development including groundworks and demolition shall take place and no equipment, machinery or materials shall be brought onto the Site for the purposes of the development hereby permitted by the full planning permission and outline planning permission until a pre-commencement meeting has been held on the Site, attended by a suitably qualified arboriculturist, a representative from the local planning authority and the site manager/foreman, and a written approval has been issued by the local planning authority to ensure that operatives are aware of the approved working procedures and the precise position of the approved tree protection measures or/and that all tree protection measures have been installed in accordance with the approved tree protection plan(s) Landmark Trees Weylands Tree Protection Plan October 2022.

#### Condition 10

Prior to the commencement of any development hereby permitted by the full planning permission and outline planning permission, including demolition below ground level, a written scheme of investigation that includes a programme of archaeological work for the Site shall be submitted to and approved in writing by the local planning authority. The archaeological work shall be then implemented fully in accordance with the approved details.

#### Condition 11

Prior to the commencement of any demolition on the Site a Demolition Environmental Management Plan (DEMP) shall be submitted to and approved by the local planning authority in writing.

No construction including foundations of the development hereby permitted by the full planning permission and outline planning permission shall commence until a

Construction Environmental Management Plan (CEMP) has been submitted to and approved by the local planning authority in writing.

Both the DEMP and CEMP shall include:

- a) Great crested newt non-licensed method statement that outlines the methodology for works in suitable terrestrial great crested newt habitat, and the action that shall occur if a great crested newt is found.
- b) Map showing the location of all ecological features.
- c) Risk assessment of any potentially damaging construction activities.
- d) Use of fences, exclusion barriers and warning signs.
- e) Procedures for maintaining good public relations including complaint management, public consultation and liaison.
- f) Arrangements for liaison with Elmbridge Borough Council's Environmental Health Pollution Team.
- g) All works and ancillary operations that are audible at the Site boundary, or at such other place as may be approved in writing by the local planning authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays; 08 00 and 13 00 Hours on Saturdays; and at no time on Sundays and Bank Holidays.
- h) Deliveries to and removal of plant, equipment, machinery and waste from the Site must only take place within the permitted hours detailed in g) above.
- i) Mitigation measures as defined in BS 5228: Parts 1 and 2 (Code of Practice for Noise and Vibration Control Construction on Construction and Open Sites) shall be used to minimise noise disturbance from construction works (including piling and excavation).
- j) Procedures for any emergency deviation from the approved working hours.
- k) Control measures for dust and other air-borne pollutants.
- l) Measures for controlling the use of lighting on the Site, whether required for safe working or for security purposes.
- m) Community liaison arrangements.
- n) Control of emissions and noise from vehicular movements associated with activities at the Site.
- o) Measures to ensure that any waste generated by construction, demolition and excavation activities is limited to the minimum quantity necessary.
- p) Identification of opportunities to maximise the re-use and recycling of construction, demolition and excavation waste on the Site.

Demolition and construction shall comply with the requirements of the approved DEMP and CEMP.

#### Condition 12

- a) No development hereby permitted by the full planning permission and outline planning permission shall commence until an assessment of the risks posed by any contamination (including soil, gases and water quality) has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a Competent Person, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) or equivalent British Standard and Model Procedures if replaced, and shall assess any contamination on the Site, whether or not it originates on the Site. The assessment shall include: a survey of the extent, scale and nature of contamination; the potential risks to receptors including human health; built environment; adjoining land; controlled ground waters and surface waters; and environmental and ecological receptors. The findings of the assessment shall inform the design of SUDS (to be approved under Condition 14) to ensure that

there is no impact to controlled waters (surface and groundwater systems). The assessment must be undertaken in accordance with Drawing PL-0-00-3 Rev PL03 (Parameter Plan Land Use), defining the commercial and residential areas of the scheme.

- b) No development hereby permitted by the full planning permission and outline planning permission shall take place where (following the risk assessment) land affected by contamination is found that poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including a verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the Site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report prepared by a Competent Person shall be submitted to and approved in writing by the local planning authority before either the development hereby permitted by the full planning permission or the outline planning permission is occupied.
- c) A Discovery Strategy shall be prepared and submitted to and approved in writing by the local planning authority as part of the remediation scheme. Any contamination that is found during the course of implementation of the development hereby permitted by either the full planning permission or outline planning permission that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the Site affected shall be suspended until a risk assessment has been carried out, submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- d) If long term monitoring and maintenance is required under the approved contamination risk assessment and remediation and verification plan, a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation together with a schedule for monitoring and maintenance shall be submitted to and approved in writing by the local planning authority as part of the final verification and closure report. The approved scheme shall be implemented, and the reports produced as a result, shall be submitted to the local planning authority within 20 working days of the report being completed for approval in writing. If any of these reports identifies any discrepancy with the verification report then a protocol, including a timescale, for the necessary remediation shall be submitted to the local planning authority within a further 20 working days for approval in writing. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol within the timescales approved by the local planning authority.
- e) The development hereby permitted by the full planning permission and outline planning permission shall not be begun until a plan to verify the suitability of any subsoil and/or topsoil material to be imported onto the Site has been submitted to and approved in writing by the local planning authority. The plan shall set out details of the sampling regime and analysis carried out to ensure that the proposed material shall not pose a risk to human health, as defined under Part IIA of the Environmental Protection Act 1990 for the proposed end



uses, or controlled waters. No subsoil and/or topsoil material shall be imported unless it has been so approved by the local planning authority. The developer shall subsequently test samples of any imported subsoil and/or topsoil material on the Site and submit results to the local planning authority to verify that the imported soil is free from contamination in accordance with the approved plan. Written confirmation of the suitability of all imported materials shall be provided to the local planning authority as part of the final verification and closure report and shall include both the results of the sampling programme and details of the origin, transport, final deposition and any temporary stockpiling of the imported materials.

- f) If piling is proposed a Piling Risk Assessment written in accordance with Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention National Groundwater & Contaminated Land Centre report NC/99/73", shall be submitted to and approved in writing by the local planning authority prior to any piling being carried out. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways and so the Piling Risk Assessment shall demonstrate that any proposed piling will not result in contamination of groundwater.

#### Condition 13

No piling shall take place until a Piling Method Statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the local planning authority (in consultation with the Statutory Water Authority consultee for development management consultation). The Piling Method Statement shall be informed by the Piling Risk Assessment approved under Condition 12 f). Any piling must be undertaken in strict accordance with the terms of the approved Piling Method Statement.

#### Condition 14

The development hereby permitted by the full planning permission and outline planning permission 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 should be prepared in conformity with the remediation strategy to be approved under Condition 12 and must satisfy the Sustainable Drainage System (SuDS) Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS. The design shall ensure that there shall be no discharge into groundwater, made ground, land previously identified as being contaminated or land impacted by contamination. The required drainage details shall include:

- a) Evidence that the proposed solution will effectively manage the 1 in 30 (+35% allowance for climate change) and 1 in 100 (+40% allowance for climate change) storm events, during all stages of the development. Associated discharge rates and storage volumes shall be provided using a maximum discharge rate of 18.9 litres/second.
- b) 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.). Including details of the proposed swales, permeable paving and pond.

- c) A plan showing exceedance flows (i.e., during rainfall greater than design events or during blockage) and how property on and off the Site shall be protected from increased flood risk.
- d) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- e) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the Site will be managed before the drainage system is operational.

Development shall be carried out in accordance with the approved details and shall thereafter be permanently retained as such.

#### Condition 15

Prior to the commencement of Phase 1 of the development hereby permitted by the full planning permission, and prior to commencement of each subsequent phase of the development as approved in accordance with Condition 7 (Phasing), an External Lighting Scheme for that part of the Site shall be submitted to and approved in writing by the local planning authority. The Lighting Scheme shall identify how existing lighting and installation of any additional artificial lighting is to be orientated and shielded or otherwise designed and positioned, such that the light emitted from them does not cause light nuisance to habitable rooms or to light-sensitive protected species. The Lighting Scheme shall refer to national guidance and identify the type of lighting to be installed, height of any columns, any shielding and lux mapping showing light spillage levels received at ground level around the development. The Lighting Scheme shall comply with the recommendations of the Bat Conservation Trust's document 'Bats and Lighting in the UK - Bats and The Built Environment Series'. The scheme approved prior to each phase of the development shall be implemented at the associated part of the Site and thereafter retained and maintained in accordance with the approved details.

#### Condition 16

Prior to the commencement of Phase 1 of the development hereby permitted by the full planning permission, and prior to the commencement of each subsequent Phase in accordance with Condition 7 (Phasing) a Highway Condition Survey of Lyon Road and Molesey Road (between Walton Park and Maitland Close) shall be submitted to and approved in writing by the local planning authority detailing the highway condition before construction commences.

#### Condition 17

Prior to commencement of any development hereby permitted by the full planning permission and outline planning permission, excluding demolition, a detailed Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include:

- a) Description and evaluation of features to be managed and created including measures to compensate for proposed loss of habitat, and detailed design for sand martin mitigation and a compensation strategy.
- b) Quantified information relating to impact avoidance, mitigation, compensation and enhancement measures for protected species, including provision integral to the design of the new development.
- c) Aims and objectives of management.

- d) Appropriate management options to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule for securing biodiversity enhancements.
- g) Details of the body or organisation responsible for implementation of the LEMP.
- h) Ongoing monitoring and remedial measures.
- i) Details of legal/funding mechanisms by which the long-term implementation of the plan will be secured with the management body(ies) responsible for its delivery.
- j) Monitoring strategy, including details of how contingencies and/or remedial action will be identified, approved and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Development shall be carried out in accordance with the approved LEMP and shall thereafter be retained as such.

#### Condition 18

Prior to the commencement of any development hereby permitted by the full planning permission and outline planning permission and after the approved tree protection measures have been installed in accordance with the approved plans, all tree protection measures shall be maintained for the course of the development works. The development thereafter shall be implemented in strict accordance with the approved details and method statements contained in Landmark Trees Arboricultural Method Statement Former Weylands Treatment Works Ref: FHR/WTW/AIA/02 dated 14 October 2022 and Landmark Trees Arboricultural Method Statement Former Weylands Treatment Works Ref: FHR/WTW/AMS/01 dated 17 October 2022, both received on 25 January 2024.

#### Condition 19

No development hereby permitted by the full planning permission and outline planning permission above the slab level shall take place until a scheme for biodiversity mitigation and enhancement in accordance with the recommended mitigation and enhancement measures as set out in chapter 4 of the Bat Report by The Ecology Practice ref. 22004-BR\_A dated 20 June 2023, chapter 5 of the Preliminary Ecological Appraisal by The Ecology Practice ref. 22004-PEA\_J dated 28 May 2024, chapter 5 of the Preliminary Roost Assessment (Bats) by The Ecology Practice ref. 22004-PRA\_D dated 24 May 2024, and chapter 4 of the Reptile Report by The Ecology Practice ref. 220-04-PR\_A dated 20 June 2023, has been submitted to and approved in writing by the local planning authority. The scheme shall be then implemented in full and maintained as approved.

#### Condition 20

No development hereby permitted by the full planning permission and outline planning permission above the slab level shall take place until full details of all proposed tree planting have been submitted to and approved in writing by the local planning authority. Details shall include:

- a) Names and species of the trees to be planted.
- b) Nursery sizes of the trees to be planted and whether they will be containerised or bare root.
- c) Locations of the trees on a scaled plan.
- d) Planting pit design including tree supports, tree guards and any other protective measures to be used.
- e) Details shall also include what time of the year the trees shall be planted.

- f) Details on the provision of suitable soil volumes to ensure newly planted trees can be sustained to maturity. Special consideration shall be given for trees being planted in hard surfaced areas.
- g) Tree maintenance schedules for aftercare to ensure good establishment. The details shall provide for 30 of those trees proposed for planting to be a minimum of 25cm+ girth Semi Mature size. All tree planting shall be carried out in accordance with BS 8545:2014. If within a period of 5 years from the date of the planting of any tree, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, in the next available planting season or sooner. The development shall be completed in accordance with the approved details.

#### Condition 21

No development hereby permitted by the full planning permission and outline planning permission above the slab level shall take place until details of how the development is to meet the requirements of 'Secured by Design' have been submitted to and approved in writing by the local planning authority. Thereafter development shall be undertaken in accordance with the approved details and maintained thereafter.

#### Condition 22

No development hereby permitted by the full planning permission above the slab level shall take place until full details of materials to be used for surfacing of hardstanding for parking purposes for Units F, G and H have been submitted to and approved in writing by the local planning authority. Only the approved materials shall be used for the implementation of all parking areas.

#### Condition 23

No development hereby permitted by the full planning permission above the slab level shall take place until detailed plans of the bin storage for Units F, G and H and details of the external materials to be used in their construction have been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented and shall thereafter be maintained.

#### Condition 24

No development hereby permitted by the full planning permission above the slab level shall take place until full details of the cycle parking provision (including design and capacity) for Unit H, as well as the capacity and design of the cycle parking associated with Units F and G, have been submitted to and approved in writing by the local planning authority. Only the approved details shall be implemented and maintained for the duration of the development.

#### Condition 25

No development hereby permitted by the full planning permission above the slab level shall take place until details of the trip-end facilities to support cycling trips to and from the workplace (such as showers, lockers and changing/drying areas) in Units F, G and H have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented and thereafter maintained.

#### Condition 26

Units F, G and H hereby permitted by the full planning permission shall not be erected other than in the materials stated on the approved plans:

- PL-F-03-2-01 Rev PL02 (Block F)
- PL-G-03-2-01 Rev PL02 (Block G)
- PL-H-03-2-01 Rev PL03 (Block H).

#### Condition 27

Prior to each Phase of development in accordance with Condition 7, a detailed Noise Impact Assessment in general accordance with the submitted report 'Former Weylands Treatment Works Environmental Statement Chapter 6: Noise and Vibration' by Entran Ltd on behalf of Northumberland Estates dated October 2022 Icen Projects Ltd, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full, including all mitigation measures identified to control the impact of noise. Prior to the first occupation of each Phase of the development, a verification report carried out by a suitably qualified noise engineer, shall be submitted to and approved in writing by the local planning authority. This shall demonstrate that the development has been constructed as set out within the approved report and confirm any defects that have been rectified.

#### Condition 28

Prior to the first occupation of the development hereby permitted by the full planning permission and outline planning permission, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the local planning authority. This shall demonstrate that the surface water drainage system and pollution control measures have been constructed as per the approved scheme under Condition 14 (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (such as surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects that have been rectified.

#### Condition 29

Prior to the first occupation of the development hereby permitted by the full planning permission and outline planning permission a Delivery and Service Plan shall be submitted to and approved in writing by the local planning authority. This shall include the following:

- a) The location of loading and unloading.
- b) The hours of loading and unloading.
- c) The frequency and size of vehicles.
- d) Routing including swept paths where relevant.
- e) Consolidation of deliveries.
- f) Control measures e.g. low/zero emission vehicles, direct vision vehicles and Fleet Operator Recognition System FORS accreditation.
- g) Waste management and segregated wastes, temporary storage, transfer and servicing arrangements.

The Delivery and Service Plan shall minimise the impact on both the highway and local residents by delivery and service vehicles and increase efficiencies to reduce environmental impact. The approved details shall be implemented and thereafter maintained.

**Condition 30**

No part of the employment element of the development hereby permitted by the full planning permission and outline planning permission shall be occupied until fast EV charging facilities to the most up-to-date standard (currently 7kw, Mode 3 with type 2 connector) for a minimum of 20% of proposed spaces plus power supply (feeder pillar) for a further 20% of spaces have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority. Thereafter the EV charging facilities shall be retained and maintained.

**Condition 31**

No Phase of the development shall be first occupied unless and until space has been laid out within the Site in accordance with plans to be submitted to and approved in writing by the local planning authority for vehicles to be parked and to be able to turn around within the Site. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes. All car parking proposals shall conform to Surrey County Council's current guidelines.

**Condition 32**

Prior to the first occupation of each Phase of the development, a Post Construction Highway Condition Survey shall be carried out, submitted to and approved in writing by the local planning authority. The survey shall identify any damages to the highway associated with the construction of the development and how the repair works would be carried out. Any necessary repair works shall be implemented in accordance with the approved details prior to the first occupation of the relevant Phase of the development.

**Condition 33**

Prior to the implementation of the works specified in Conditions 34,35,36,37 and 38, each complete scheme shall be submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented in full prior to the first occupation of the development hereby permitted by the full planning permission.

**Condition 34**

Prior to the first occupation of the development hereby permitted by the full planning permission, a scheme to improve the existing northbound and southbound bus stops on Molesey Road adjacent to Esher Rugby Club (as identified in the masterplan ref. SK1004 Rev F) shall be implemented by the developer via a Section 278 Agreement with the County Highway Authority (CHA) under The Highways Act 1980. The proposed improvement will be subject to relevant design and safety checking by the CHA and should include the following: Bus shelters with seating (with armrests), power, lighting and Real Time Passenger Information, 140 mm height kerbing for a minimum of 9 metres length at the bus stop for ease of boarding/alighting and Bus Stop Clearway markings.

**Condition 35**

The development hereby permitted by the full planning permission shall not be first occupied unless and until the vehicular access at Lyon Road/Molesey Road has been improved under provision of a Section 278 Agreement with the County Highway Authority under The Highways Act 1980. The layout shall be in general accordance with submitted plan SK1019 and shall include a "Ghost Island" right turning lane on Molesey Road and associated "uncontrolled" pedestrian crossing refuge. All motorised vehicular access to the Site shall be via this access. The



proposed access arrangements shall include the provision of extended waiting restrictions on Molesey Road.

**Condition 36**

The development hereby permitted by the full planning permission shall not be first occupied unless and until the improvements to the Rydens Road/Molesey Road junction are implemented under provision of a Section 278 Agreement with the County Highway Authority under The Highways Act 1980. The layout shall be in general accordance with submitted plan SK1005 Rev D and shall include "gateway" speed reduction proposals and a new "uncontrolled" pedestrian crossing facility on Molesey Road. The proposals shall provide an extended 30-mph speed limit on Molesey Road and a new 20-mph Speed Limit on Rydens Road.

**Condition 37**

The development hereby permitted by the full planning permission shall not be first occupied unless and until the improvements to the Hersham Station Concourse and associated crossing facilities on Molesey Road are implemented under provision of a Section 278 Agreement with the County Highway Authority under The Highways Act 1980. The layout shall be in general accordance with submitted plan SK1020 and shall include a Toucan crossing facility and closure of the historic Weylands vehicular access point on Molesey Road, improvements to the public realm adjacent to the Station to include a new pedestrian concourse, increased cycle parking and cycle hire facility.

**Condition 38**

Prior to the first occupation of the development hereby permitted by the full planning permission, a scheme to provide a package of traffic management/calming measures on Rydens Road shall be implemented under provision of a Section 278 Agreement with the County Highway Authority under The Highways Act 1980. The proposals shall be in general accordance with submitted plans SK05, SK1022 Rev A, SK1013, SK1006 Rev A, SK 1023 Rev A and SK1007. The proposals will include a new 20-mph Speed Limit on Rydens Road with associated signage and supporting measures. The final form and location of traffic management/calming measures shall be subject to a detailed design and stakeholder engagement exercise (including local residents and business, bus operators and emergency services) in conjunction with the proposed promotion of a 20-mph traffic regulation order.

**Condition 39**

No part of the development hereby permitted by the full planning permission shall be first occupied unless and until space has been laid out within the Site in general accordance with plans SK 2000, SK2001, SK2002 for provision of both the HGV turning area and footways connecting between units F, G and H and Lyon Road. Thereafter the footways and turning areas shall be retained and maintained.

**Condition 40**

Prior to the first occupation of the development hereby permitted by the full planning permission and the outline planning permission a Travel Plan Framework shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and operated in accordance with the approved Travel Plan.



**Condition 41**

Prior to first occupation of the development hereby permitted by the full planning permission, surfacing, lighting and signage details of the route shown on the plans as the Quietway L101 Rev D, L102 Rev D and L104 Rev D, along with a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and maintained.

**Condition 42**

No development hereby permitted by the full planning permission and the outline planning permission shall be occupied until confirmation has been provided in writing to the local planning authority that either:

- a) Foul water capacity exists off the Site to serve the development, or
- b) A development and infrastructure phasing plan has been approved in writing by the local planning authority (in consultation with the Statutory Water Authority consultee for development management consultation). Where a development and infrastructure phasing plan is approved, no occupation shall take place other than in accordance with the approved development and infrastructure phasing plan, or
- c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

**Condition 43**

The completion schedule/report of all the approved arboricultural site supervision and monitoring as approved in the arboricultural information Landmark Trees Arboricultural Method Statement Former Weylands Treatment Works Ref: FHR/WTW/AMS/01 dated 17 October 2022 and received on 25 January 2024, shall be submitted to and approved in writing by the local planning authority within 20 working days of the substantial completion of the development hereby permitted by the full planning permission and the outline planning permission. This shall include evidence of compliance through supervision and monitoring of the approved activities by a suitably qualified arboriculturist.

**Condition 44**

All existing trees, hedges or hedgerows inside the Site boundary shall be retained, unless shown on the approved drawings as being removed and the following shall have effect until the expiration of 5 years from the first occupation of the development hereby permitted by the full planning permission and the outline planning permission. No retained tree, hedge or hedgerow shall be cut down, uprooted or destroyed, other than in accordance with the Landmark Trees Weylands Tree Protection Plan October 2022. If any retained tree, hedge or hedgerow is removed, uprooted or destroyed or dies, another tree, hedge or hedgerow of similar size and species shall be planted at the same place, in the next available planting season or sooner.

**Condition 45**

The sole motor vehicle access to the proposed residential units in the outline planning permission shall be from the eastern part of the Site, connecting to the proposed new industrial estate access road in general accordance with the Proposed Indicative Site Plan PL-03-1-00 Rev PL03.

**Condition 46**

A scheme shall be submitted as part of the reserved matters application to demonstrate that the external noise levels within the curtilage and internally of the proposed residential units shall conform to the "design criteria for external noise" guideline value of:

Outdoor Amenity Space: 50 dB  $L_{Aeq,16hr}$  (0700 - 2300)

Bedrooms:

30 dB  $L_{Aeq,8hr}$  (2300 - 0700)

35 dB  $L_{Aeq,16hr}$  (0700 - 2300)

>15 events of  $\geq 45$  dB  $L_{Amax,1hr (fast)}$  (2300 - 0700)

Living Rooms: 35 dB  $L_{Aeq,16hr}$  (0700 - 2300)

as specified in BS 8233:2014, Guidance on Sound Insulation and Noise Reduction for Buildings.

**Condition 47**

A detailed scheme setting out how the construction of the separating walls, floors, ceiling between the residential dwellings exceeds an airborne sound insulation value of 53 dB  $DnT,w+Ctr$  (i.e. 10 dB above the standard required by the Building Regulations Doc E) shall be submitted as part of the reserved matters application.

**Condition 48**

As part of any reserved matters application, details of provision of a fast-charge Electric Vehicle charging point to the most up to date standard (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) for each dwelling within the residential development shall be submitted.

**Condition 49**

An Odour Management Plan (OMP) shall be submitted to and approved in writing by the local planning authority at the reserved matters stage. The OMP must be site specific dependant on the proposed types of waste to be handled and should set out the details of, and the odour management strategy for any proposed waste facility on the Site.

**Condition 50**

A minimum of 10% of the outline planning permission commercial floorspace (within building/s), i.e., a minimum of 10% of the permitted maximum of 37,977sq.m of commercial development hereby permitted shall at all times be used for Waste Electrical and Electronic Equipment (WEEE) recycling (sui generis). The WEEE waste shall include the following WEEE waste streams; IT and telecommunications equipment (personal computers, copying equipment, telephones); consumer equipment (radios, televisions, hi-fi equipment, camcorders, musical instruments); lighting equipment (straight and compact fluorescent tubes, high intensity discharge lamps); electrical and electronic tools (drills, saws, sewing machines, electric lawnmowers); and toys, leisure, and sports equipment (games consoles, gym equipment).

**Condition 51**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting that order) development falling within Part A Class E of Schedule 2 to the said order shall be retained only within Class E(g), unless planning permission is first granted by the local planning authority.

Condition 52

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or reenacting that order) development falling within Part B Class B8 of Schedule 1 to the said order shall not be used for parcel distribution, unless planning permission is first granted by the local planning authority.

Condition 53

As part of any reserved matters application, details of either a Doorstep or Local Accessible Greenspace shall be submitted to and approved in writing by the local planning authority. The minimum requirement shall be either:

- A doorstep greenspace of at least 0.5 ha within 200 metres, or
- A local natural greenspace of at least 2 ha within a 300 metres walk from home.

End of Conditions

Richborough