



Appeal Decision

Hearing held on 18 October 2022

Site visit made on 18 October 2022

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/V1505/W/22/3302878

Land adjacent to Summerhill Garden Centre, Pipp's Hill Road North, Billericay, Essex, CM11 2UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Eastern County Care against the decision of Basildon Borough Council.
 - The application Ref 21/00485/OUT, dated 19 March 2021, was refused by notice dated 25 March 2022.
 - The development proposed is construction of a two storey specialist dementia and nursing care home with associated resident living and dining areas, landscaping, office space and staff accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a two storey specialist dementia and nursing care home with associated resident living and dining areas, landscaping, office space and staff accommodation at Land at Pipp's Hill Road North, Billericay, CM11 2UJ in accordance with the terms of the application, Ref 21/00485/OUT, dated 19 March 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application form gives the address as Basildon, but the parties agreed at the hearing that the site is within Billericay and therefore I have used this address in the banner heading.
3. The appellant has submitted a duly executed legal agreement which I have taken into account. It provides for an Employment & Skills Contribution, NHS Healthcare Contribution and for a contribution towards ecological mitigation to Basildon Borough Council. It also provides for the production of a Travel Plan and associated monitoring fee to Essex County Council. I have contemplated this further later in my decision.
4. The original application was made in outline with all matters reserved except for access and I have had regard to drawing no 7864-PL-001 Rev C. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only. This approach has been agreed with the parties.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt; including its effect on openness having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- whether or not the site represents an appropriate location having regard to access to services and facilities;
- the effect of the proposal on the character and appearance of the area; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

6. Policy BAS GB1 of the Basildon District Local Plan Saved Policies 2007 (LP) defines the extent of the Green Belt. The other policies within the LP relating to development in the Green Belt are not relevant to the appeal scheme.
7. Paragraph 149(g) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development. Both parties accept that a small part of the site, approximately 16 percent, comprises previously developed land.
8. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
9. It is agreed that, having regard to the lack of built development on the site and the overall size and scale of the development proposed, the appeal scheme would have a greater impact on the openness of the Green Belt than the existing development. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt. Therefore, it would result in significant harm to the openness of the Green Belt. It would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
10. I have had regard to the five purposes of the Green Belt, set out under paragraph 138 of the Framework. Paragraph 149 (g) does allow for the redevelopment of previously developed land subject to some qualification and therefore some form of development at the appeal site may not conflict with the purposes of paragraph 138 (e) However, in this instance there would be an erosion of openness and therefore the proposal would amount to sprawl and encroachment. In addition, whilst the development would meet the purposes of

recycling derelict land as set out within paragraph 138(e) it would do so in a way that would erode openness.

11. Therefore, I give these factors limited weight bearing in mind that it is a fundamental aim of the Framework that Green Belts are protected and that any redevelopment such as that proposed should not have a greater impact on the openness of the Green Belt.

Access to services and facilities

12. The site is located in the Countryside, outside of any defined settlement boundary. It is sited centrally between the main urban areas of Billericay, Basildon and Wickford. The A127 provides a physical barrier to pedestrian connectivity to the services and facilities within Basildon despite their proximity from the appeal site.
13. The residents of the proposed care home are likely to require a degree of care which would mean it is unlikely that they would be able to walk unaided or without supervision beyond the appeal site and as such proximity to services and facilities is not determinative. It is likely that day to day care needs would be met within the care home with specialist services visiting the site to provide for example hairdressing, podiatry and wellbeing activities.
14. It is apparent from the evidence before me that staff and visitors, including those required to provide any specialist services, would have limited opportunities to travel by public transport and would be reliant on the private car to access the site. Although a bus stop has been proposed to serve a residential development currently under construction in Pipp's Hill Road North, the Council acknowledged that there is uncertainty that this will be delivered. There are no bus services which pass the appeal site and the nearest routes travel along Crays Hill, approximately 1 km from the site.
15. The site is located adjacent to a large garden centre, which sells a wide range of goods and has a café. It has been put to me that this would provide opportunities for visitors and staff to access some services. Whilst some linked trips may arise, I am not persuaded that this would be such to overcome the harm arising from the reliance on the private car.
16. The appellants have indicated that they are willing to provide a workplace travel plan. However, no detail has been provided as to how this will limit reliance on the private car and whilst it provides a benefit it would not be sufficient to overcome the concerns outlined about accessibility to the site.
17. Therefore, I consider that the site has limited access to services, facilities and amenities and having regard to the lack of evidence to demonstrate that a regular bus service could serve the development in the future, staff and visitors are likely to be reliant on a private car, contrary to Policy BAS BE21 of the LP. The policy sets out that planning permission for residential care accommodation will be granted in appropriate locations. The supporting text to the policy indicates that locations should be easily accessible to the communities they serve.
18. Therefore, there would be negative environmental and social effects arising from the location in terms of the use of natural resources and the accessibility of local services. This is an adverse matter to which I afford moderate weight.

Character and appearance

19. The site is located off Pipp's Hill Road North, which leads from the A127 arterial road. The development of the area has arisen through plotlands, small pieces of land laid out in regular plots on which a number of self built settlements were historically established in the southeast of England.
20. The wider plotlands area of Crays Hill is characterised by relatively modern bungalows or bungalow chalets, with a number of commercial activities also established along Pipp's Hill Road. Whilst it is acknowledged by the Council that these commercial sites are detractors within the locality, the area retains a rural character with open fields and dense vegetation including trees and hedgerows interspersed among the development.
21. Pipp's Hill Road North is interspersed with development, with dwellings set back from the road and set behind gates and walls, with some areas of landscaping to the frontages. The rural character is predominately experienced through the hedgerows and landscaping which exist between the houses and commercial development.
22. The appeal site is located adjacent to Summer Hill Garden Centre, which comprises both a large central building and a collection of smaller buildings which extend along the boundaries of the site. The garden centre is also served by an extensive car park. The garden centre is located at the entrance to Pipp's Hill Road North and is highly visible and a dominant feature within the locality.
23. Opposite the garden centre is a commercial site which is predominately screened by large entrance gates. The road then continues towards Crays Hill with extensive hedgerows and sporadic residential development evident, including two storey dwellings.
24. The Council consider that the site forms a buffer between the expanse of the garden centre and the A127, both of which contribute to intense activity from vehicle movements. It is considered by the Council to provide a strategic gap, however the Council confirmed that the site has no formal designation as such within the LP. The appellant accepts that a wider parcel of land which extends beyond the appeal site does serve a function in preventing the merging of the settlements of Crays Hill and Basildon, but that in isolation the appeal site does not perform this function.
25. I am satisfied that the appeal site which is bound on two sides by a road and to the rear by development associated with the garden centre does not form part of a strategic gap and the development of the site would not lead to a coalescence of the two settlements. The site is a distinct and separate parcel of land which is screened by extensive landscaping along its frontage, and it is this landscaped boundary which contributes to the rural character of Pipp's Hill Road North.
26. The proposal before me is in outline, and therefore the layout, floor plans and elevations submitted are indicative. However, the description of development provides for a two storey development, and the appellant acknowledged that the level of parking provided would be similar to that shown on the indicative plans in order to achieve a scheme that would facilitate the number of beds proposed and not compromise relevant parking standards.

27. The presence of the garden centre and the commercial development provide for a built up setting at the entrance to Pipp's Hill Road North and the sites undeveloped state does not contribute visually to the rural character of the area nor does it soften this built up setting, as it is screened by the boundary hedging.
28. The proposed development would follow the pattern of ribbon development which is evident along Pipp's Hill Road North and having regard to the other substantial buildings in the locality, a two storey development would not have a significant impact on the rural character of this part of Pipp's Hill Road North.
29. The indicative layout shows that the main building could be set back from the frontage of the site, enabling the frontage of the site to be landscaped and that the proposal would be served by a single access enabling retention or replacement of the existing frontage hedgerow. The indicative elevations also demonstrate how the building could be designed to include elements of set back and bay windows to break up the expanse of the frontage of the building.
30. These indicative drawings demonstrate that it would be possible to design a building which would minimise the impact of the development on the street scene and the introduction of further landscaping, which would preserve and enhance the character of the area, would be possible.
31. As the layout shown is indicative, I have not explored with the parties whether the proposed location of the office building, which appears isolated from the main part of the development, extends development across the width of the site and includes the provision of a mini roundabout, is appropriate. These would be matters for the Council to consider further as part of any future application for reserved matters.
32. In conclusion, the proposed development would introduce a built form to the locality that would not be harmful to the character and appearance of the surrounding area, in accordance with policy BAS BE12 of the LP which requires development to not result in harm to the character of the surrounding area, including the street scene.

Other Considerations

33. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm are clearly outweighed by other considerations.
34. In addition to the harm to the Green Belt, by reason of inappropriateness and loss of openness, the development would be located in an area where staff and visitors would not have a genuine choice of sustainable modes of transport, contrary to the development plan and Framework.
35. There are a number of other considerations that have the potential to weigh for or against the appeal scheme and these are assessed under the following subheadings.

Need and Delivery

36. The parties agree that there is currently a substantial unmet demand for care beds. The Council confirmed that over 60% of the Borough is located within the Green Belt and that there is currently no strategy to deliver sites for care homes outside of the Green Belt. The new Local Plan is anticipated to be adopted in 2027 and the Council is currently unaware of any suitable sites within the Borough that could come forward to meet the demand.
37. The identified on-going unmet need, the absence of an adopted strategy to meet that need and uncertainty over when such a strategy will be in place to deliver much needed accommodation, and the absence of any identified sites that might contribute to meet that need other than the appeal site, each weigh in favour of the development. Therefore, this is a benefit of the scheme to which I attach considerable weight.

Housing Supply

38. On the 14th January 2022, the Government published the 2021 Housing Delivery Test (HDT) results. The HDT results show that Basildon Borough Council has delivered 41% of its housing requirement over the latest 3-year period. It is common ground between the main parties that the Council is currently unable to demonstrate a five year housing land supply, with the evidence available putting the supply at between 1.76 and 2.3 years.
39. The proposed care home would equate to the delivery of 44 homes and given the extent of the deficit this would make a meaningful contribution to supply. This is a factor which attracts significant weight.

Economic

40. The proposed development is likely to generate 40-45 jobs, directly employed at the site with further indirect employment arising from services accessing the site to provide support and wellbeing to residents. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services, albeit from a remote base.
41. The development would also make an Employment and Skills contribution through the legal agreement. This would be used to provide an employment and skills plan co-ordinator for the development and to ensure job opportunities are provided within the locality.
42. Therefore, I have given these economic benefits moderate weight.

Social

43. It has been put to me that there would be social benefits arising from the site's location adjacent to the garden centre. A letter of support has also been provided from the operations manager who sets out that the garden centre is an existing social hub for the local community and that they would welcome the extension of this to include the proposed care home and that a horticultural club with the residents of the care home could be formed.
44. A pedestrian access is also indicated between the two sites. However, as the layout is indicative, and the sites would be in separate ownership and the parties have not put forward any mechanism to give certainty that this would be secured in perpetuity.

45. Therefore, whilst I can see that the proximity to the facilities within the garden centre may be attractive for visitors and staff, I can not be certain that this will be more than an incidental outcome rather than a tangible benefit of the proposal. As such I have given the sites proximity to the garden centre limited weight.

Green Belt Balance

46. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in significant harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
47. In addition, I afford some moderate weight to the harm that would be caused from the limited accessibility of services and facilities. The harm is therefore collectively of a high order.
48. On the other hand, I have afforded the need for the scheme considerable weight, the contribution to housing supply significant weight, the economic benefits moderate weight and the social benefits limited weight. As a result, the other considerations are collectively of a very high order.
49. Accordingly, in this instance the extent of harm I have identified would be clearly outweighed by other considerations. Therefore, the very special circumstances necessary to justify the development exist. As a result, there would be no conflict with Policy BAS BE1 of the LP.

Other Matters

50. I have also taken into account the matters raised in the representations received including issues such as highway safety, and light pollution. Concern has also been raised relating to noise during construction and the impact on residential amenity. However, there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council or statutory consultees in regard to these matters.
51. In respect of the concerns regarding noise and disturbance, the development would not cause a material increase in noise and disturbance in comparison to neighbouring development. Furthermore, a condition requiring the submission of a construction management plan can ensure appropriate mitigation in terms of construction hours are agreed prior to work commencing on site.
52. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Planning obligations

53. The appellants have provided a legal agreement under section 106 of the Town and Country Planning Act 1990, which includes a number of obligations which would come into effect if planning permission were to be granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 and as set out in paragraph 57 of the Framework. These state that a planning obligation must be necessary to make the development acceptable in planning terms, directly

related to the development, and fairly and reasonably related in scale and kind to the development.

54. Healthcare Contribution: The obligation makes provision for a contribution to secure the provision of additional primary healthcare services and improve capacity at Noak Bridge Medical Centre, Matching Green Surgery and Aegis Medical Centre to mitigate the impacts of the development. The financial contribution has been calculated by the Mid and South Essex Health and Care Partnership using their accepted methodology based on additional population growth arising from the development and the additional floorspace required to meet the growth, to arrive at a capital cost to create the additional floorspace.
55. I am satisfied that this planning obligation meets all three planning obligation tests and so is necessary.
56. Travel Plan and Monitoring: The Workplace Travel Plan, and associated monitoring fees are required to encourage staff of the development to travel by sustainable means rather than by the private car, in line with both national and local policies.
57. The Travel Plans would be site specific and bespoke for the proposed development. I am satisfied that this planning obligation meets all three planning obligation tests and so is necessary.
58. Employment and Skills Contribution: The proposed development by reason of its size and nature will require a number of staff (approximately 45 employees). This is recognised as an economic benefit of this proposal. As such, in order to secure this benefit, the submission of a financial contribution is considered to be necessary.
59. The financial contribution is to be used to pay for the Employment and Skills Plan Co-ordinator for the construction phase to support the developer to deliver the commitments set out in their Employment and Skills Plan and towards any ongoing operational needs of the Advice Store (or such future entity) and its delivery.
60. The financial contribution of £17,638.20 (based on 45 employees) has been calculated based on the expected costs of engagement of Advisors and evidence has been provided which sets out that this has been used across other schemes within the Borough. The obligations are fairly and reasonably related in scale and kind and have been agreed by the Appellant.
61. On this basis, I consider the agreement accords with the criteria of Regulation 122 of the CIL and with paragraph 57 of the Framework. I can therefore reasonably take it into account.

Blackwater Estuary Special Protection Area (SPA) and Ramsar site

62. The appeal scheme proposes a residential accommodation on a site that lies within the Zone of Influence of the Blackwater Estuary SPA and Ramsar site. This is a typical, undeveloped, coastal plain estuarine system with associated open coast mudflats and sandbanks and comprises the major estuaries of the Colne, Blackwater, Crouch and Roach rivers.
63. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant

adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.

64. Since the development is for a nursing home, the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, May 2020 (RAMS) sets out that when considering the planning use classes covered by the RAMS that C2 residential institutions, specifically care homes will be considered on a case-by-case basis according to the type of residential care envisaged.
65. The proposed development is for a specialist dementia and nursing home and is for the elderly and providing end of life care. Therefore, the proposed development will not result in additional recreational visitors to the SPA sites and as a result would have no likely significant effect in terms of recreational disturbance. This view has been endorsed by Natural England.
66. Therefore, a contribution, as set out in the submitted legal agreement is not necessary.

Conditions

67. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
68. To ensure that any unexpected contaminants are correctly identified and remediated to ensure that the future users of the site are protected from risks associated with contaminants it is necessary to require an assessment of the risks posed and details of remediation.
69. In order to ensure that the roads and junctions are designed and constructed to an appropriate specification I have imposed a condition which require the works to be completed prior to the occupation of the development. In order to ensure an appropriate level of on-site parking provision for vehicles and bicycles, I have imposed a condition requiring space to be provided prior to occupation and retained for the life of the development.
70. The submission and implementation of a construction management plan is necessary to minimise detrimental effects to the living conditions of neighbouring residents and ensure highway safety during the construction phase.
71. To manage the surface water environment of the scheme a condition is necessary that secures a detailed surface water drainage scheme to be submitted to and agreed by the Council and details of foul drainage works to be agreed.
72. To protect and enhance biodiversity I have found it necessary to impose a condition requiring the details of a biodiversity enhancement strategy to be submitted and agreed as part of the reserved matters relating to landscaping and for details of a reptile mitigation strategy and external lighting to be submitted and agreed.

73. In the interests of the character and appearance of the area conditions in respect of existing site levels and proposed floor levels and details of the refuse and recycling strategy are necessary.
74. In the interests of protecting the residential amenity of future occupiers I have found it necessary to impose conditions requiring details of a ventilation and filtration system and the submission of a noise impact assessment to ensure that any need for acoustic mitigation is designed as part of the reserved matters of layout and appearance.
75. Finally in order to ensure that any trees within the site are protected during construction I have imposed a condition to ensure that details are submitted with the submission of reserved matters.
76. I have not found it necessary to impose a condition requiring details of a reptile licence to be submitted as this is adequately covered by other legislation. Nor is it reasonable to request further ecological surveys after a certain time period.
77. I have not required the submission of an energy and sustainability strategy, as there is no policy requirement or definition of this document that I have been provided with. I am also satisfied that this and whether the development would meet the requirements of secured by design can be adequately considered at reserved matters stage with details of the appearance and layout of the building.
78. I have also not found it necessary to impose a condition requiring the development to provide superfast broadband as I am satisfied that the development would in any event be required to provide sufficient broadband speeds in order for it to operate as a business.

Conclusion

79. I have concluded above that, for this appeal, very special circumstances exist to justify inappropriate development in the Green Belt. My findings on other matters do not lead me to reach a different conclusion. Consequently, I conclude overall that the proposal would comply with the relevant provisions of the Framework and the development plan when considered as a whole.
80. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr David Duckworth - Scurr Architects
Mr Mark Sleigh - Sphere 25
Mr Peter Jeffery – Sphere 25

FOR THE LOCAL PLANNING AUTHORITY:

Ms Lisa Richardson
Mrs Louise Cook BA (Hons) MRTPI
Mr Thomas Benson BSc

DOCUMENTS

- Policy BAS BE21 Basildon District Local Plan
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy, May 2020
- HRA Stage 1: Screening Assessment for Recreation Disturbance
- Development Control Committee Report and Minutes 12/00475/OUT (The Belverdere)
- Officer Report 15/01581/REM (The Belverdere)
- Planning Committee Report and Minutes 17/00227/FULL (The Belverdere)
- Community Infrastructure Levy Compliance Statement
- The Essex County Council Developers' Guide to Infrastructure Contributions
- Essex County Council Development Management Policies Feb 2011

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the appearance, landscaping (including a Biodiversity Enhancement Strategy), layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans (in so far as it relates to means of access only): 7867-PL-001 Rev C
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - construction traffic management
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works (no burning to take place on site);
 - delivery, demolition and construction working hours;
 - details of a nominated developer/resident liaison representative or evidence that the site has been registered with the Considerate Constructors Scheme.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development shall commence until a Final Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles found on site has been submitted to and approved in writing by the Local Planning Authority.

The Final Reptile Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location/area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance of the Receptor area(s);
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The Final Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 8) The details submitted in accordance with the reserved matters for landscaping shall include:
- a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
 - a schedule in relation to every tree identified listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
 - any proposed pruning, felling or other work;
 - in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and,
 - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
 - areas of existing landscaping to be protected from construction operations and the method of protection.
- 9) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, currently with submission of the reserved matters of layout. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - include a timetable for its implementation; and,
 - provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- 10) No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
- a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 11) The development hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 12) Prior to occupation of the development, details of a ventilation and filtration system for the removal and treatment of cooking odours which include measures to mitigate system noise shall be submitted to and approved by the Local Planning Authority.

The approved details shall be fully implemented prior to the commencement of the use hereby approved and shall be maintained at all times thereafter. The external ducting shall be removed when no longer required.

- 13) Prior to occupation of the development, the new access point at Pipp's Hill Road North shall be provided as shown in principle on Markides Associates Dwg 20124-MA-XX-XX-DR-C-00 or subsequent revisions submitted to and approved by the Local Planning Authority. The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway with an appropriate kerb with clear to ground visibility splay. Such vehicular visibility splays shall be 2.4m x 120m in both directions, and shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times thereafter.
- 14) The development shall not be occupied until space has been laid out in accordance with details to be submitted to and agreed by the Local Planning Authority, within the site for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 15) The development shall not be occupied until space has been laid out within the site for bicycles to be parked in a secure and covered area and that space shall thereafter be kept available for the parking of bicycles.
- 16) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before any of the buildings are first occupied. Development shall be carried out in accordance with the approved details.

- 17) Prior to occupation of the development, a refuse and recycling strategy including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority.

The approved refuse and recycling stores shall be provided before the occupation of the development and thereafter permanently retained.

- 18) Concurrently with the submission of reserved matters, for layout, appearance and design, a noise risk assessment following the methodology set out in BS:8232, conducted by a competent noise practitioner, setting out the likely risk of adverse effect from noise, including the existing background noise level, and any necessary mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

-END-