
Appeal Decisions

Hearing Held on 12 June 2018

Site visit made on 12 June 2018

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 June 2018

Appeal A: APP/Y3615/W/17/3180620

Treetops Boarding Kennels, Treetops, Portsmouth Road, Peasmarsh, Guildford GU3 1LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by CALA Homes South Home Counties Limited against Guildford Borough Council.
 - The application Ref 17/P/00801, is dated 13 April 2017.
 - The development proposed is the development of 39 residential dwellings with associated vehicular access, public open space, ancillary works and associated infrastructure plus demolition of existing buildings.
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Appeal B: APP/Y3615/Y/17/3180621

Treetops Boarding Kennels, Treetops, Portsmouth Road, Peasmarsh, Guildford GU3 1LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by CALA Homes South Home Counties Limited against Guildford Borough Council.
 - The application Ref 17/P/00811 is dated 10 April 2017.
 - The works proposed are demolition of modern outbuilding, internal alterations and the repair and refurbishment of the Listed Building including changes to the windows and doors.
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Decision Appeal A

1. I allow the appeal and grant planning permission for the development of 39 residential dwellings with associated vehicular access, public open space, ancillary works and associated infrastructure plus demolition of existing buildings at Treetops Boarding Kennels, Treetops, Portsmouth Road, Peasmarsh, Guildford GU3 1LN in accordance with the terms of the application, Ref 17/P/00801, dated 13 April 2017, subject to conditions 1) to 24) on the attached schedule.

Decision Appeal B

2. I allow the appeal and grant listed building consent for demolition of modern outbuilding, internal alterations and the repair and refurbishment of the Listed Building including changes to the windows and doors at Treetops Boarding Kennels, Treetops, Portsmouth Road, Peasmarsh, Guildford GU3 1LN in

accordance with the terms of the application Ref 17/P/00811 dated 10 April 2017 and the plans submitted with it, namely 1389-PL1120C, -PL1400, -PL1200, -PL1210D, -PL1300, -PL1310C and -PL1410B, and subject to conditions 1) to 6) on the attached schedule.

Procedural Matters

3. The Council had previously granted listed building consent for identical works to those now proposed (Ref; 16/P/01070, dated 13 December 2016) and this consent is therefore extant. Condition 3) however is considered by the appellant to be unworkable, and it is noted that it does not feature in the conditions in the agreed Statement of Common Ground for the present appeal. Whilst the listed building consent appeal was not contended at the Hearing by the Council, it stands to be determined.
4. The site is within the Green Belt and outside the settlement boundary. The Council's putative reason for refusal in this respect was that the proposal would have a greater impact on the openness of the Green Belt than the existing development on the site and as such would be inappropriate development. The Council further considered the proposal to conflict with one of the purposes of the Green Belt; to assist in safeguarding the countryside from encroachment.
5. The Council's other reason for refusal concerned the then absence of a completed obligation to secure certain provisions. A signed Agreement was presented at the Hearing which had overcome those concerns.
6. The access arrangements had been agreed by the Highway Authority and for that reason did not feature in the putative reasons for refusal. This matter remained a concern to a local resident who attended the Hearing and the site inspection, and the appellant supplied expert advice to assist the discussion.

Main Issues

7. As a result of the forgoing, the main issues are;
 - Whether the proposal is inappropriate development in the Green Belt, with regard to the effect on the openness of the Green Belt and the purposes of including land within it, having regard to the final bullet point of paragraph 89 of the National Planning Policy Framework, and relevant Development Plan policy.
 - The effect of the proposal on designated heritage assets.
 - The effect of the proposal on highway safety.
 - The effect of the proposal on employment and business uses.
 - Subject to the findings in the first main issue; would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

8. The Council refer to saved Policy RE2 of the Local Plan 2003, on development in the Green Belt. The list of exceptions to the general statement that new

building will be deemed inappropriate, does not include all of the exceptions now set out in national policy. It is clear however that the Council gave consideration to the exception claimed by the appellant, the final bullet point to paragraph 89 of the Framework. This states that the construction of new buildings in the Green Belt is inappropriate development unless for the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

9. The appellant argued in the alternative that the proposal is limited infilling, or that it complies with the requirements for partial or complete redevelopment.
10. On infilling, there is sporadic development along Old Portsmouth Road when travelling from the city, with long sections of seemingly undeveloped frontage, and more immediately, a long, low dwelling to the north of the kennels part of the site. To the south of the nursery site there is open land on the far side of a right of way that appears to be associated with a dwelling further south, with the hospice building being behind, and then only further still the commercial units set back behind parking and hardstanding. Whilst neither 'limited' nor 'infilling' is defined with relation to this exception, the conclusion now is that the proposed development and the nature of the site and the surroundings militates against this proposal being considered as limited infilling.
11. With regard to the exception for redevelopment, it is agreed that the proposal involves previously developed land as required by the second limb of the Framework exception and the proposal would redevelop the site. The Council point out that as stated in the Glossary definition to the Framework, it should not be assumed that all of the site should be developed, however the test in paragraph 89 concerns a comparative assessment on openness and the purposes of the Green Belt.
12. The northern part of the site is currently occupied by a series of low kennels buildings, although it was noted at the site inspection that more of the yards were roofed than had been taken into account in the appellant's Appendix 4. Taller structures amounted to a limited number such as parts of building B6 and the shop, with the listed building being the most prominent, but which stays in any event. Large parts of the land were open, to the north-east corner and a substantial depth along the east boundary as far as the nursery, and at the time of the site inspection no items of note were stored there. The alignment of the buildings B7 to B10 and the proximity between buildings B2, B3 and B6 do reduce through views and hence openness, but the general grain of built form is low-set and shallow in depth, with open views over them to trees along the east boundary with the railway line and back to rising ground on the far side of the main road.
13. The nursery site has very limited buildings as such, the items being described in Appendix 4 as 'structures'. The evidence is that poly-tunnels are re-clad when the plastic sheet gets to the end of its life, so that there is a degree of permanence, but the structures are again, low-set and the site is otherwise characterised by open hardstanding for plants with swathes of open grassland to the rear.

14. As a result, the whole site has clusters of structures, mainly low and of limited depth, albeit some considerable length in places, and there are substantial areas of open land.
15. The proposed development would remove buildings that are attached to the listed building, but some at least are unauthorised and should not be included in the analysis. New buildings B2, B3 and B4 would be placed on the currently open lawn area to the north-east corner, whilst there would be a new open vista from the site entrance to the rear boundary. The remaining units would be placed in 4 clusters with access drives of communal land between, and within the clusters the buildings would generally be separated by private open space. The result is that built form would be placed over parts of the previously open land to the rear of both existing uses and there would be buildings in depth that prevent through views in some places.
16. Comparative figures on footprint and floor area have been provided, the latter more accurately taking into account the effect of two-storey construction, but the visual component of openness is of particular concern due to the pitched roofs that would feature for not only the houses but for garages as well. The raised embankment of the railway line provides some containment but it is clear from the visually verified montages in the appellant's Hearing Statement Part 2 that even by year 15 some buildings would project above that line. This comparative exercise shows that there would be a marked reduction in openness across the site through the proposed development.
17. Looking at the purpose of safeguarding the countryside from encroachment, whilst the site is outside the settlement boundary, true countryside is not evident for some distance to the south of the site, due to the significant built form and parking of business units. Open countryside exists to the east of the railway line, although the embankment forms a distinct barrier to the site being included in the same landscape character. Similarly open countryside exists to the west of the main road, but that corridor with its traffic somewhat divorces the site from the more rural areas. The proposed development would not physically encroach into either of the adjoining countryside areas.
18. Visually, and for the same reasons as referred to on the matter of openness, the development of two-storey houses and pitched-roofed garages would signal development to a greater extent than at present with the low-set buildings. Some of the site displays countryside features such as vegetation and open, undeveloped land which would be built on, and the proposed development would consolidate the appearance of the built-up area along the roadside, as well as from the adjoining countryside locations. However, due to the existence of a far greater bulk of development at the hospice and the business units, the overall effect would be only marginally harmful.
19. It is concluded that the proposal would have a greater impact on the openness of the Green Belt than the existing development, although the effect on the purpose of including land within it to safeguard against encroachment would be predominantly similar to the prevailing situation.
20. Hence the proposal is inappropriate development in the Green Belt. Paragraph 87 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is

clearly outweighed by other considerations, as stated in paragraph 88. It is therefore necessary to consider whether there is any other harm, before considering the balance of other considerations, and whether they amount to the very special circumstances required.

Designated Heritage Assets

21. The building, Treetops, is a former farmhouse listed at Grade II and is situated at the north-west corner of the site adjacent to the main road. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
22. The northern part of the site, including the location of the listed building falls within the St Catherines Conservation Area and the nearby canal forms the Wey & Godalming Navigations Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
23. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
24. The listed building is in a poor condition and has apparently become uninhabitable, the one-time occupiers now living in an adjoining building. The building has also been subject to unauthorised additions and the shop operating for the kennels business has a harmful physical connection to the south gable wall. It is clear however that the building is not beyond repair and that the setting is capable of being re-established with the removal of existing damaging buildings. That setting would have been the farm complex and open land, but the view from surrounding places of the chimneys and high roof indicate that once opened-up, the setting could again appear attractive and appropriate to the significance of the building.
25. Looking first at the works proposed in the listed building consent appeal, the view of the Council is concurred with that there is no reason to withhold consent, that the works are necessary to secure the long term beneficial use of the building and its conservation, and that the historic and architectural significance is mainly to the external form and materials, with only limited significance remaining internally. Conditions attached to the 2016 consent are generally acceptable, with the exception of number 3) previously referred to.
26. The parties are clear that there is no element of 'enabling development' as defined by Historic England and the web-based Planning Practice Guidance. But, it is fair to use the term 'facilitating development' to describe the interconnection between the redevelopment of the site for 39 houses and the ability to carry out works for the benefit of the listed building. The Council accept that without an owner willing to carry out the works once having acquired the funding, the alternative would be to serve repair notices and ultimately compulsory purchase.

27. The proposed development of 39 dwellings would improve the setting of the listed building and would facilitate the repair and putting back into use of the building. It is immaterial whether that could be achieved with a lesser number of dwellings subject to the findings as to the acceptability of that number as proposed. The weight to be attached to the repair and renewed use of the building, and a mechanism to ensure that it is carried out will be considered as a benefit in the Green Belt balance, but the conclusion now is that the proposed works to the building are acceptable and pass the test in section 16(2) of the 1990 Act, such that listed building consent should be granted. In addition the proposed development would preserve the setting of the building and bring about enhancements, so that section 66(1) of the Act is also accorded with.
28. Turning to the effect on the conservation areas, the St Catherines area would be enhanced by the works to the listed building and the removal of harmful additions, and its setting would be preserved by the removal of the unattractive accumulation of buildings nearby that form the kennel use.
29. The replacement development of dwellings would cause some 'moderate adverse' visual effect immediately, reducing to 'minor adverse' after 15 years. From observations at the site inspection those adverse effects would be most noticeable from the gate onto the footpath to the south-east corner of the total site, where open land associated with the nursery would be replaced with dwellings, and in views along the main road where the unassuming rear wall of dog-pens would be replaced with dwellings and access routes. These changes would not harm the character and appearance of the St Catherines Conservation Area.
30. The designated extent of the Wey & Godalming Navigations Conservation Area appears to be the canal and towpath in the vicinity of the site, although its setting extends to cover part of the open flood plain from the un-improved river. Alongside the site however the towpath is low down and any view is often shielded by either vegetation or a raised bank to the adjoining agricultural field. The path between the road and the canal to the south of the site appears well-used but a view of both the canal and the site is not readily had, and the intervening raised embankment of the railway line and its fixed infrastructure, signals and cabinets, further block or filter long views. The setting of the canal cannot be said to extend beyond this line and no harm would be caused to the character and appearance of the designated area.
31. There is at present a distant view of Shalford Church framed by trees when seen from the site entrance. Although a minor point of heritage and landscape interest, that view would be maintained under the appeal proposals.
32. In all, no further harm has been identified with respect of designated heritage assets, and the limited visual harm through replacing unattractive, but low buildings and other structures with permanent 2-storey dwellings would reduce significantly over time. As a result when measured against the permanence of Green Belts, only very limited weight attaches to this harm.

Highway Safety

33. Of the present 3 access points onto the main road, 2 serve the kennels business and the southernmost one serves the nursery. The Transport Statement records the movements associated with these access points and concludes that the nett result of development of the proposed 39 dwellings

would be of an additional 14 in the morning peak and no increase in the afternoon peak. The view that this would have no adverse effects on the highway network appears correct. In addition the site is close to bus-stops and it was noted that the nearby Park and Ride provides free parking with payment being made only for the bus ride. As such it would be available to residents arriving on foot.

34. Those 3 access points would be replaced with a single purpose-designed access with improved sightlines to the north past the bend for oncoming traffic. The carriageway would be widened to allow this work to the access and for a right turning lane for northbound traffic to be introduced with a central refuge on the Guildford side of that lane. A 'Pelican' crossing is to be provided near the end of the path to the canal, and the existing 30mph area is to be extended to the south.

Whilst it was claimed at the Hearing that much of this improved provision would only be needed were the site to be developed as proposed, and that it would not be right to attach positive weight as a benefit, the crossing would be of benefit to other users of the path and the improved access sightlines would benefit other road users. Whilst benefit will be considered later, it is concluded on the evidence that no further harm accrues in this issue, and the proposal would not be likely to cause or exacerbate highway safety concerns.

Employment and Business Uses

35. The Council did not refer to this in the reasons for refusal, and ascribe it only very little weight in their Hearing Statement. The fact is that there are two businesses on the combined site and the proposal would require these to find places to relocate. Each has written stating that intention and that the relocation would likely lead to increased employment, and the injection of funds to improve facilities.
36. Whilst it is agreed that there is no certainty in this, and that no mechanism has been put forward to ensure success, the conclusion is that this matter is neutral in the balance, with any limited risk of harm being likely to be offset by benefits, particularly in view of the physical manifestation of the kennels business in particular, which would benefit from a more rural location.

Other Considerations

37. Harm has been found to the landscape character of the area and predominantly in the short term, and the weight afforded that harm is very limited. The agreement between the parties in the Statement of Common Ground that there is no other harm is concurred with. The limited harm identified is in addition to the proposal having been found to be inappropriate development in the Green Belt, and substantial weight should be given to Green Belt harm. In support of the claim that very special circumstances exist, the appellant has put forward a number of matters for consideration;
38. *Restoration of the listed building.* As stated previously, statute and policy require listed buildings to be preserved for posterity, and the courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings. It is difficult to conclude that the building would be restored within a reasonable timescale or without significant action by the Council, which has not yet commenced. Whilst action could be

taken against the unauthorised additions, there does not appear to be any mechanism to effectively improve the wider setting due to the effects of a lawful and established business use. The appeal proposals would, with suitable conditions, secure the repair and conservation of the building, and would improve the setting significantly. Substantial weight is accorded this benefit in the balance.

39. *Housing Supply.* Agreement had been reached in the Statement of Common Ground as to the required 'five-year' housing land supply figure standing at 2.36 years. An update of that figure was given at the hearing following the grant of further permissions, so that the supply is calculated at 2.68 years. It is clear from that advice that the buffer has been set at 20%, indicating a '*persistent under-delivery of housing*' as set out in paragraph 47 of the Framework. The site is identified in the Council's Land Availability Assessment as being a '*realistic candidate for development*' within 5 years to deliver 12 homes at 6 dwellings per hectare. For that reason no additional harm has been scribed to the countryside policy situation. The provision of 39 units in this accessible location should be afforded substantial weight in view of the shortfall.
40. *Affordable Housing.* In addition there is a shortfall in the supply of affordable housing, with only 32 having been provided against an identified need for 517, a situation where the appellant's characterisation of this being an 'acute need' appears justified. The appeal proposals would provide 10 affordable rent units and 4 shared ownership units, secured by the s106 Agreement, and this represents in excess of the 30% sought under Policy H11 and just over the 35% referred to in the putative reason for refusal and the Council's Statement as being the current requirement. This provision is due substantial weight.
41. *Previously developed Land.* It appears that the Local Plan presently being examined envisages the use of greenfield Green Belt land to meet housing need, and so, in addition to the substantial weight attach to the appeal proposal for 39 dwellings, significant weight should be given to the use of previously developed land as opposed to greenfield land in the Green Belt.
42. *Highway and Footpath Benefits.* When examining the claim that there would be highway and road safety harm, the conclusion was that the provisions proposed, including the 'Pelican' crossing would go beyond that required to mitigate the effects of the development and would benefit other pedestrians and road users. As a nett benefit, moderate weight is given to this matter. Public Footpath 273 was walked during the site inspection and found to be in an overgrown condition. The section 106 Agreement provides funding for surfacing from the main road and along the towpath, with a link from the development to this path. The proposed works would provide for all users of the footpath network and is a public benefit of significant weight.

Green Belt Balance

43. There are considerations of substantial weight and importance in furthering the Government's aim of boosting significantly the supply of housing, as stated at paragraph 47 of the Framework. The provision of affordable housing to address an 'acute need' weighs heavily too. These considerations together with the other matters set out in the previous section of this Decision clearly outweigh the harm such that very special circumstances have been shown to exist in order to permit inappropriate development in the Green Belt.

Conditions and Agreement

44. Agreement had been reached on a set of conditions in both appeals and these were set out in Appendix A and B to the signed Statement of Common Ground. The conditions were further tested at the Hearing.
45. The provisions for greater flexibility in planning permissions do not apply to listed building consent and there is no need to list the drawings in a condition. They are however listed in the formal Decision for clarity. Such a condition is required to be attached to the planning permission as this provides certainty.
46. It was noted that Condition 6) to the planning appeal referred to phasing of the development, but the appellant confirmed that this is not proposed. All references to 'occupation' as a trigger for actions are to be referred to as 'first occupation of any dwelling'. The last part of condition 10) no longer needs to refer to the extended 30mph area as that provision is now in the Agreement.
47. In order to be able to attach weight to the benefit of works to the listed building it is essential that these works are carried out. An additional condition was discussed at the Hearing requiring a contract to be let prior to any development taking place, with the works commencing prior to any dwelling being occupied, and to not occupy more than 29 dwellings until the works are complete. Whilst the Council's view that 29 is an arbitrary figure is acknowledged, the likely fact is that commercial interests in offering an attractive development to the market would militate against undue delay in any event. The proposed condition provides the control and certainty required.
48. A completed section 106 Agreement dated 5 June 2018 was presented, making provision for affordable housing; Early Years, Primary and Secondary Education contributions; and highway works including the 'Pelican' crossing and the surfacing of the footpath.
49. It is concluded that the conditions satisfy the tests in paragraph 206 of the Framework and the Agreement those in paragraph 204.

Conclusions

50. The proposal has been found to be inappropriate development in the Green Belt to which substantial weight should be given. However, the only other harm that has been identified is to the landscape character and that would substantially reduce over time. Other considerations have been identified that have been found to amount to the very special circumstances necessary to allow this inappropriate development. For the reasons given above it is concluded that Appeal A should be allowed.
51. Appeal B for listed building consent was not contested by the Council and consent had previously been granted for identical works. Nevertheless, as required by statute, full consideration has been given to the proposal and the conclusion is that Appeal B should be allowed.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

J Busher	Principal Planning Officer Guildford Borough Council
M Beadsworth	Conservation Officer Guildford Borough Council

FOR THE APPELLANT:

G Keen	of Queen's Counsel
J Terry	Vail Williams
S Isherwood	Vail Williams
L Symes	Fabrik
J Kedgley	Heritage Collective
D Wiseman	Stuart Michael Associates
C Richards	Richards Urban Design
C Smith	Cala Homes
D Webber	Cala Homes

INTERESTED PERSONS:

N Fielding	Resident
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DOCUMENTS

Document	1	Folder ' <i>Supplementary Statement of Common Ground</i> ' submitted by appellant
Document	2	' <i>Guildford Borough Council's Responses to the Inspector's Matters and Issues for (Local Plan) Examination</i> ' submitted by Council
Document	3	' <i>Purposed Condition for the Delivery of the Restoration Works to the Listed Building</i> ' submitted by Council

Schedule of Conditions Appeal A, Planning Permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) 1229.01, 02, 03, 03C and 04; 1206.05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23; 1389-PL1120C, -PL1200, -PL1210D, -PL1300, -PL1310C and -PL1410B, and D2458_LAN_102 and 103 received on 13.04.17.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 10 years, have been submitted to and approved in writing by the Local

Planning Authority. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the first occupation of the development hereby approved and retained.

- 5) All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the Local Planning Authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the Local Planning Authority
- 6) No development shall take place until details of all boundary treatments (both within and around the application site) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development. The approved scheme shall be retained in thereafter.
- 7) The development must accord with the Arboricultural Method Statement prepared by ACD Environmental dated 20 March 2017. No development shall start on site until the protective fencing and other protection measures shown on the Tree Protection Plan (drawing CALA20213-03) in the Arboricultural Method Statement have been installed. At all times, until the completion of the development, such fencing and protection measures shall be retained as approved. Within all fenced areas, soil levels shall remain unaltered and the land kept free of vehicles, plant, materials and debris. No development shall commence until a site meeting has taken place with the site manager, the retained consulting arboriculturalist and the Local Planning Authority Tree Officer. This tree condition may only be fully discharged on completion of the development subject to written evidence of monitoring and compliance by the pre-appointed consulting arboriculturalist; this will be agreed at the pre-commencement meeting.
- 8) The development hereby approved shall only be carried out in accordance with the recommendations contained within the Phase 1 Survey and Protected Species Survey (prepared by ethos, dated March 2017 and July 2017 respectively). The recommendations set out within the report shall be implemented before the first dwelling is occupied and unless otherwise stated in the report, shall be retained for the lifetime of the development.
- 9) No development shall take place until a reptile translocation, mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed details.
- 10) The following package of measures shall be implemented at the applicants expense prior to first occupation of the development;
 - a) the northbound bus shelter shall be replaced with a new Littlethorpe shelter and provided with Real Time Passenger Information system, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
 - b) the western footway shall be widened to a 3m shared footway/cycleway from the bus stop to where it changes from on-carriageway cycle lane to a shared footway/cycleway in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

- 11) Prior to first use the access arrangements, including the modified access to Old Portsmouth Road, the provision of a 'Pelican' crossing, pedestrian refuge and right turn lane, shall be constructed in accordance with the approved drawing number 4949.001D
- 12) The development hereby approved shall not be first occupied unless and until existing access points from the site to Old Portsmouth Road have been permanently closed and any kerbs, verges, footways fully reinstated.
- 13) No new development shall be occupied until space has been laid out within the site in accordance with the approved drawing number 132458 LAN_100, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.
- 14) No development shall start until a Construction Transport Management Plan, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors.
 - b) loading and unloading of plant and materials.
 - c) storage of plant and materials.
 - d) provision of boundary hoarding behind any visibility zones.
 - e) measures to prevent the deposit of materials on the highway.
 - f) on-site turning for construction vehicleshave been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.
- 15) The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:
 - a) a maintenance plan showing the maintenance regimes for each SuDS element and who will be responsible for maintaining these.
 - b) an exceedance flow plan that shows where water will drain to during exceedance or system failure.
 - c) a construction phase plan explaining how the drainage system will not be compromised during construction. (to include details of how pollutants and sediments from construction will be managed to prevent being washed into the watercourse).
 - d) a Ground Investigation Assessment including infiltration potential.
- 16) Prior to the first occupation of the development a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the Sustainable Urban Drainage System has been constructed as per the agreed scheme.
- 17) The development shall only be carried out in full accordance with the recommendations and mitigation measures set out in the Environmental Noise Survey and Noise Impact Assessment Report (prepared by Hann Tucker, dated 24 March 2017).

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A, B and E shall be carried out on the dwellinghouse(s) hereby permitted or within their curtilage.
- 19) Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of how energy efficiency is being addressed, including benchmark data and identifying the Target carbon Emissions Rate TER for the site or the development as per Building Regulation requirements (for types of development where there is no TER in Building Regulations, predicted energy usage for that type of development should be used) and how a minimum of 10 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on-site low and zero carbon energy shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
- 20) The development hereby permitted must comply with regulation 36 paragraph 2(b) of the Building Regulations 2010 (as amended) to achieve a water efficiency of 110l/occupant/day (described in part G2 of the Approved Documents 2015). Before first occupation, a copy of the wholesome water consumption calculation notice (described at regulation 37 (1) of the Building Regulations 2010 (as amended)) shall be provided to the Local Planning Authority to demonstrate that this condition has been met.
- 21) No development shall take place until the following information shall have been submitted to and approved in writing by the Local Planning Authority:
 - a) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries and levels across the site at regular intervals;
 - b) full details of the proposed finished floor levels of all buildings.The development shall be carried out in accordance with the approved details.
- 22) No development shall commence until a contract for the repair and restoration of the listed building known as 'Treetops', as specified in the listed building consent Reference 17/P/00811 has been let.
- 23) No dwelling shall be occupied until the works to the listed building known as 'Treetops', pursuant to condition 22) above, have been commenced in accordance with a scheme and timetable to be submitted to and approved in writing by the Local Planning Authority.
- 24) No more than 29 dwellings are to be occupied until the works to the listed building known as 'Treetops' have been completed in accordance with the scheme and timetable approved under condition 23 above.

Schedule of Conditions Appeal B, Listed Building Consent

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) Before the works hereby approved are commenced, a full schedule of repairs and a method statement shall be submitted to and approved in

writing by the Local Planning Authority. This shall include (but not be limited to) details for the removal of the hard surfaced courtyard and its replacement with soft landscaping and the refurbishment of the listed building. The method statement shall include cross sections as may be required, details of materials to be used and also including mortar and render mixes and finishes. The methodology should also include details for the dismantling of the unauthorised buildings, and protection measures to safeguard the main listed building whilst works are in progress. The works shall only be carried out in full accordance with the agreed details.

- 3) No works shall take place until details of materials for all new works, refurbishments, and hard landscaping, has been submitted to and approved in writing by the Local Planning Authority. The works shall only be carried out in accordance with the approved details.
- 4) No works shall take place until a sample panel not less than 1m square to show the new render and brick and mortar re-pointing to be carried out, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved sample panel and the panel shall remain on site until the completion of the relevant works, for comparison.
- 5) No works shall take place until detailed drawings at 1:20 for the new staircase, balusters, skirtings and architraves shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 6) No work shall take place until detailed drawings of all new internal and external windows to include proportions, glazing bar patterns, means of opening, materials and finishes together with elevation drawings and cross sections to show frame, cills and recesses and doors have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be at a scale of not less than 1:20 for elevations, with horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.