



Appeal Decision

Hearing held on 7 February 2023

Site visit made on 8 February 2023

by Gareth W Thomas BSc(Hons) MSc(Dist) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/Y3615/W/22/3306706

White Horse Yard, High Street, Ripley GU23 6BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Shanly Homes Ltd against the decision of Guildford Borough Council.
 - The application Ref 20/P/01057, dated 26 June 2020, was refused by notice dated 31 March 2022.
 - The development proposed is for the demolition of buildings including partial demolition of curtilage listed wall and redevelopment to provide 26 houses and flats, associated landscaping, open space, access, and parking.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 21 February 2023.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of buildings including partial demolition of curtilage listed wall and redevelopment to provide 26 houses and flats, associated landscaping, open space, access, and parking at White Horse Yard, High Street, Ripley GU23 6BB in accordance with the terms of the application, Ref 20/P/01057, dated 26 June 2020, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. A draft section 106 Obligation accompanied the appeal submission. A final version signed by relevant parties was submitted shortly following the close of the hearing. There were no changes made between the draft and final versions and thus discussions held at the hearing are considered sufficient for my consideration and no party has been prejudiced by the slightly late submission.
3. The Council produced its statement of case late. The appellant submitted Rebuttal Statements asking that these be considered given this. I agreed that they be considered.

Main Issues

4. The main issues in this appeal are:

- Whether the lack of a retail element in the appeal scheme would have a significantly deleterious effect on the vitality of the District Centre of Ripley
- Whether sufficient off-street parking would be provided
- Whether the planning obligation would provide adequate mitigation to offset identified impacts to infrastructure provision and
- The effects on the Thames Basin Heaths Special Protection Area.

Reasons

Retailing

5. The Council's opposition relates in part to the omission of 90sqm of retail floorspace, which formed part of the site allocation in Policy A44 of the Guildford Local Plan Strategy and Sites (LPSS) alongside 26 homes. It appears to me that the allocation followed the pattern of development presented at and allowed on appeal¹ in August 2017 rather than it being reflective of any strategic purpose or identified need. The Council does not oppose the loss of employment.
6. Policy A44 of the LPSS includes a requirement that the retail or service units should front the High Street and provide a shop frontage in order to add to the liveliness of the centre. The Council argued at the hearing that its ability to demonstrate a 5-year housing supply (5YHLS) did not render the development plan policies relevant to the appeal as out-of-date. Although the appellant questioned the 5YHLS position, it did not provide any counter evidence of its own but relied upon an Inspector's findings with regard to two appeals² for 110 dwellings at Effington.
7. I am not fully conversant with the respective cases presented at the appeal inquiry but it does appear to me that the Inspector in stating that he need not reach firm conclusions as to the 5YHLS position, commented that there had been slippage in housing delivery and that the backlog would be unlikely to be addressed for some years. He went on to suggest that irrespective of the 5YHLS position, the contribution that a development comprising 110 homes, including affordable housing, would make to the delivery of housing would be significant. Upon being further questioned at the current appeal hearing, the appellant confirmed that it would not seek to test the 5YHLS position but that the scheme would provide a significant contribution to meeting the needs of the Borough.
8. The Council also cited Policy E8 of the Guildford LPSS in so far as it identifies Ripley as one of three District Centres sitting below Guildford Town Centre in terms of retail hierarchy. However, whilst the Council's consultant suggested that Criteria 6 of Policy E8 of the Guildford LPSS encourages an active frontage within the District Centre, this policy relates to those proposals coming forward to change the use of existing A1 uses (now superseded by Class E in the amended Use Classes Order to include a wider range of commercial, retail and leisure uses commonly found in existing centres by today). In any interpretation, this policy relates to the loss of 'retail' and other Class A uses

¹ APP/Y3615/W/16/3164814 dated 23 August 2017

² APP/Y3615/W/W/22/3298341 & APP/Y3615/W/W/22/3298390

(now Class E) through change of use resulting in the loss of existing premises and does not have implications for proposals coming forward for new developments. I do not consider that Policy E8 is relevant to this appeal.

9. The appellant opined that the appeal road frontage is within a 'tertiary' location within this District Centre and during my site visit, I was able to observe the number of vacant retail units and the character of this part of Ripley. I noted that a built out mixed use scheme closer to the centre remained vacant. It was clear to me that the location of the appeal site is very much a peripheral location for retailing and although containing a few shops, these were sporadic and interspersed with primarily residential uses. Moreover, the retailing that does exist are generally specialist/niche retailers and other commercial uses.
10. I was able to walk the High Street and observe pedestrian footfall and gain a better understanding of how Ripley District Centre functions. There are a number of independent retailers in Ripley but these are focussed closer to the heart of the District Centre. Although it takes just minutes to walk the entire Centre, notwithstanding the location of two hostelrys at the eastern end, I did not find that there are sufficient numbers of other retailers at this location that would encourage linked shopping trips. At the time of my visit, which lasted 50-60 minutes, I observed only a small handful of people walking the area and those that did appear not to be shoppers. This was a mere snapshot but the overriding sense was that the location of the appeal site is at the peripheral margins of the District Centre.
11. That said, the Council's data suggesting that the trading performance of the Ripley District Centre remains relatively strong as the latest AMR³ reveals. The two recently built units whilst still vacant, are being marketed at reasonable unit values and would suggest that premises located 70m further out would command rental values in excess of the appellant's somewhat pessimistic forecast.
12. In conclusion, the primacy of the development plan must prevail unless material considerations indicate otherwise. The appeal proposal would be contrary to Policy A44 of the Guildford LPSS, which allocates the appeal site for mixed residential and retail development in order in part to protect the vitality and viability of Ripley District Centre.

Whether sufficient off-street parking would be provided

13. The made Lovelace Neighbourhood Plan (LNP) covering the settlements of Ripley, Wisley and Ockham sets out parking standards that conflict with the later Surrey County Council guidelines and in turn those of Guildford Borough Council. If the Neighbourhood Standards were employed, the requirement would be for 63 spaces plus visitor spaces. This is far removed from what is proposed in the appeal scheme, which would be 41 off-street spaces within the residential curtilages of each plot plus one visitor parking space. The appellant argues that the blanket coverage of other settlements in the LNP is not reflective of what would be necessary in Ripley.
14. Although I did not visit either of the two other settlements covered by the LNP, in the context of Ripley, the settlement has a wide range of services that are readily accessible to local people. It has cycle lanes and a bus service to other

³ Annual Monitoring Report Guildford Borough Council 1 April 2018 - 31 March 2019

towns and main line railway station. The Parish Council pointed out at the hearing that the parking spaces were controlled (restricted) and limited in number resulting in overspill parking taking place at the Village Green. It was argued that the LNP was a well-thought through policy document that reflected the views and needs of the community and had been the subject of extensive public consultation.

15. The officer report to the Council's Planning Committee acknowledged that the appeal site is sustainably located within 200m of bus stops on the High Street and that the proposed development would have a net benefit on the local highway network by comparison with the existing uses on the site. The Surrey County Council guidance expresses the need for a flexible approach to identifying appropriate levels of car parking depending on the location of development sites. It recognises that deficiencies in off street parking provision are often a concern of communities but support for these concerns would normally only arise within areas that are already suffering from congestion.
16. The Council is concerned that the shortfall would result in illegal or inconsiderate parking on the highway which would be detrimental to highway safety, hinder access for emergency vehicles and negatively impact on the character and appearance of the area. I do not agree. I am satisfied that SCC's parking guidelines are intended to provide an indication of what the Council considers to be the optimum levels of parking generally. They make clear that provision above or below those levels can be justified by specific local circumstances. This accords with the guidance set out in the National Planning Policy Framework (2019) ("the Framework") which advises that when setting local parking standards for residential development a number of matters should be taken into account. These include the accessibility of the development, the availability of and opportunities for public transport as well as local car ownership levels.
17. Whilst the LNP explains that local car ownership levels are quite high it is also clear that the proposed development would be located within easy walking distance of local facilities. Moreover, I note the Highway Authority has acknowledged that the appellant's Transport Statement demonstrates that there would be no severe impact on the highway network, and it has not raised any issues in relation to highway safety. In addition, there is no evidence that the shortfall in parking provision identified would result in high levels of illegal or inconsiderate parking either within the development site itself or the surrounding road network. I have no reason to conclude otherwise.
18. Accordingly, I am satisfied that the parking provision proposed would not compromise highway safety or have a detrimental impact on the character or amenity of the area. As such, whilst there is some conflict with Policy LNP14 of the LNP, I find no conflict with Policy ID3 of the Guildford LPSS, which would oppose those developments that would result in a level of parking on the public highway that adversely impacts on road safety or the movement of other road users. The later SCC Guidelines should prevail as it is more reflective of Government policy guidelines and in particular paragraph 111 of the Framework, which states that development should only be refused on transport grounds where the residual cumulative impact of the development can be considered 'severe', and that there should be a focus on sustainable modes of travel as opposed to reliance on the private car.

Late Review mechanism

19. Reason for Refusal No.3 related to the failure of the appellant to provide a Section 106 Agreement (S106). This has been resolved and is discussed later in the decision. The remaining area of disagreement in terms of the planning obligation related to the inclusion within the agreement of a late review mechanism concerning affordable housing.
20. It appears that the parties negotiated the level and type of affordable housing to be provided over a lengthy timeframe with the Council initially accepting an off-site financial contribution. This was subsequently changed to the provision of 7 shared ownership affordable housing units at the site (plots 1, 16-21 inclusive), which would be in line with Policy H2 of the Guildford LPSS and the agreed viability position. An exchange of e-mails between the parties suggested that a late-review mechanism would not be necessary, and the appellant proceeded on that basis.
21. The appellant argues that the requirement for the inclusion of an overage clause should arise where an off-site contribution is agreed rather than situations where policy-compliant on-site affordable housing is to be provided. It is unclear why the Council has introduced a late-stage review mechanism and there is no mention of such a requirement in Policy H2. My attention has been drawn to the Council's Planning Contributions Supplementary Planning Document (SPD) where overage clauses may be included; however, this is under the section "Financial Contributions in Lieu of On Site Provision".
22. There is clear Government support for the use of review mechanisms as explained in the National Planning Practice Guidance (NPPG). However, the NPPG requires this to be set within plans. Neither the Guildford LPSS nor the SPD refers to a requirement for late-stage review mechanisms other than in cases where off-site provision has been established having regard to up-to-date viability assessment.
23. Accordingly, I do not consider that a late-stage review mechanism is necessary and in terms of affordable housing provision, the proposed development complies with the requirements of Policy H2 Guildford LPSS.

Thames Basin Heaths Special Protection Area (TBHSPA)

24. The appeal site is located within the 400m to 5km buffer zone of the TBHSPA which, as a scheme for residential development, has the potential to significantly adversely impact on the integrity of the SPA through increased dog walking and an increase in recreational use. At the time of the application, officers had concluded that the matter could be addressed through mitigation in line with the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (TBHSPAASSPD), which provides a framework by which applicants can provide or contribute to the delivery of, maintenance and management of Suitable Alternative Natural Green Space (SANGS) within the area and to Strategic Access Management and Monitoring (SAMM). The Council was satisfied that the matter could be dealt with by way of a Grampian condition relating to provision at the privately managed Longreach SANG. This approach was supported by Natural England.
25. Under regulation 63 of the Conservation of Habitats and Species Regulations (as amended) as competent authority, I am required to undertake an

Appropriate Assessment on the basis of its Likely Significant Effects on the TBHSPA as a European Site. The mitigation proposed to address these effects are the contribution towards the provision of the SANG and SAMM as considered by the Council and Natural England.

26. Having regard to the submissions of Natural England and relevant planning policy, including the Council's TBHSPAASSPD, I consider that the proposed measures would adequately mitigate the effects of the appeal scheme, either alone or in combination with other plans and projects, so that there would be no adverse effect upon the integrity of the TBHSPA. Moreover, the mitigation would be secured and managed via the S106 Agreement. Accordingly, the proposed development would meet the objectives of the TBHSPAASSPD, Policy P5 of the Guildford LPSS and Policy NRM6 of the South East Plan 2009. These policies and strategy seek to ensure the integrity of the SPA.

Other Matters

S106 Agreement

27. The signed and completed S106 Agreement dated 7 February 2023 requires the appellant to: provide 7 shared ownership affordable housing units on site; provide a financial contribution towards privately secured SANGS, and to pay the SAMM contribution; provide a financial contribution towards Early Years education in the Ripley Area, Primary School Education Contribution and Secondary School Education Contribution; provide a financial contribution towards amenity/open space; provide a financial contribution towards playspace provision; provide a financial contribution towards playing fields/youth; provide a financial contribution towards the improvement of Newark Lane and Ripley Lane; and, provide a financial contribution towards the High Street speed management plan.
28. Having regard to the evidence before me including the need for those covenants described in paragraph 27, it has been demonstrated that the obligations are necessary in order to make the development acceptable in planning terms, directly related to the development and reasonable in scale and kind. They accord with the tests that are set out in the Framework and regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).
29. For the reasons given above, I do not find that the requirement to introduce a late-stage review mechanism for affordable housing provision and this so called 'blue-pencil' clause is stripped from the S106 and shall not be applied.

Heritage

30. The appeal site lies adjacent to the Talbot Hotel, a Grade II* listed building and the Barn, a Grade II listed building. The Talbot Hotel, formerly a coaching inn dating from the 16th century and located on the historic route from London to Portsmouth commands an important positioning fronting High Street. Its significance lies in historical association with the original Portsmouth naval base and is aesthetically pleasing as a prominent Georgian building. The Barn, located to the rear of the Talbot Hotel is separately listed to the host building and its significance lies in its historic function and aesthetic value. I would agree with the Council's assessment that given the location of the proposed development which will be closer to the newer accommodation block, there

would be no harm caused to the setting and thereby significance of either listed building.

31. Turning to the loss of the non-designated heritage asset comprising the 'L'-shaped barn, although much altered, it still retains the footprint of a Victorian building set behind High Street, which when viewed from the Ripley Conservation Area makes a positive contribution. Its loss would cause some harm to the character of the CA.
32. Listed Building Consent (LBC) has been granted by the Council for the demolition of small sections of the curtilage wall to facilitate the development. It will be necessary to utilising reclaimed material and make good. I need not comment further given the LBC.
33. I would also agree with the Council's assessment in relation to the effects of the development upon the settings of White Horse Cottage, Barn Cottage and The Pharmacy, all Grade II Listed Buildings. The settings will be considerably enhanced through the demolition of the petrol filling station and canopy. This is also true to the effects of the development generally on the Ripley Conservation Area, which will be considerably enhanced through removal of unsightly buildings and structures and their replacement with well-design buildings that front the High Street.
34. I am aware of the findings of the Inspector at the previous appeal in respect of heritage and I do not have any grounds to take an opposing view. The loss of the Coachworks was carefully assessed by the Inspector and the less than substantial harm to the Conservation Area was tempered by the public benefits that he identified. I share his opinion that the social and economic benefits of new housing including much needed social housing would outweigh the limited harm. Similarly, the overall effects on the Conservation Area are by and large very positive and the harms to it caused by removal of part of a listed curtilage wall and demolition of buildings that make a positive contribution to the character and appearance of the Conservation Area would be negative. Any harms are though less than substantial and on the lower end of magnitude. Moreover, they are outweighed by the public benefits identified above.
35. I am satisfied that these matters previously aired by an Inspector at appeal and thoroughly assessed by the Council mean that the proposal accords with Policy D3 of the Guildford LPSS that seeks to protect and conserve heritage assets.

Conditions

36. In addition to the standard time limit condition, a condition is included that restricts the development to approved drawings in the interests of providing certainty. Condition 3 specifying approval of external materials is required to protect the visual amenity of the area.
37. Condition 5 requiring a programme of archaeological works to be sanctioned is required to properly record the archaeological interest of the site. As a non-designated heritage asset, a photographic record is necessary for the Coachworks Barn (Condition 5) and a method statement for the dismantling of the building is required to protect the adjacent listed building (Condition 6).
38. Conditions 7, 9 and 11 are necessary to protect any bat roost/habitat. Condition 8 requiring development to be carried out in accordance with a

method statement is necessary to mitigate against the loss of existing biodiversity. Condition 10 is necessary to ensure that the SANG is delivered to protect the TBHSPA.

39. Conditions 12 and 13 are necessary to ensure the proper drainage of the site. Conditions 14, 15 and 16 are necessary to prevent/deal with land contamination in the interests of public health. Condition 17 requiring an energy statement to be submitted and approved is necessary to meet energy reduction targets.
40. Condition 18 requiring details of treatment of site/demolition waste is necessary to protect living conditions. Condition 19 requiring the submission of method statement to reduce water consumption is necessary to meet Climate Change objectives of the Council.
41. Conditions 20, 21, 22 and 25 are necessary to meet local highway objectives in the interests of road safety. Conditions 23 and 24 requiring the provision of charging points are necessary to encourage the use of electric cars to help reduce carbon emissions.
42. Condition 25 requiring a CMT is necessary to prevent inconvenience to highway users. Condition 26 requiring submission and approval of a CEMP is necessary to protect living conditions. Condition 27 requiring an arboricultural method statement to be approved is necessary to protect trees. Conditions 28 and 29 requiring landscaping to be carried out and maintained thereafter are necessary to enhance landscape and townscape character.
43. Condition 30 is necessary to ensure that adequate adaptable dwellings are provided on site. Condition 31 requiring some specified windows to be obscurely glazed to protect living conditions. Condition 32 requiring the development to adopt Secure by Design principles is necessary to create a safe environment.

Planning Balance and Conclusion

44. I have concluded that the proposed development would be in conflict with Policy A44 of the Guildford LPSS as it fails to provide retail development in accordance with the site allocation. But it also meets several other development plan policies. I am satisfied that the failure to provide a modest retail development opportunity at the peripheral margins of the District Centre would have no appreciable impact on the vitality and character of Ripley Centre.
45. The site allocation is heavily housing led and it is the provision of housing and its contribution towards fulfilling Government's ambitions, including both market and social housing that weighs heavily in favour of the proposed development. The appeal scheme would also provide economic benefits including short-term benefits for the construction industry during construction phases and support local services and facilities once built. I afford these benefits significant weight.
46. The proposal would have less than substantial harm to some heritage assets but these harms would be less than substantial and on the lowest scale of such harms. These would be balanced by the significant benefits arising from the removal of inappropriately designed buildings. The character and appearance of the Ripley Conservation Area would be significantly enhanced and the

development of a neglected brownfield land further contributing to the enhancement of the Area. These benefits weigh significantly in the planning balance. Nevertheless, these harms however limited is a matter of very great weight and importance and must add to the negativity found in relation to the failure to meet the site allocation.

47. I am also satisfied that mitigation can be appropriately secured sufficient to prevent harmful effects on the interest features of the TBHSPA although the absence of harm is a neutral factor in the assessment of the proposal in this regard.
48. However, in my judgment, the identified adverse impacts would not significantly and demonstrably outweigh the very substantial benefits, when assessed against the policies of the Framework and development plan policies taken as a whole. In carefully taking account of all representations made at the hearing, I consider that the development would be acceptable and that the appeal should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1366/PLN/200; 1366/PLN/201 Rev A; 1366/PLN/202 Rev A; 1366/PLN/203; 1366/PLN/204; 1366/PLN/205 Rev A; 1366/PLN/206; 1366/PLN/207 Rev A; 1366/PLN/208 Rev A; 1366/PLN/209; 1366/PLN/210; 1366/PLN/211; 1366/PLN/212 Rev A; 1366/PLN/213 Rev A; 1366/PLN/214 Rev A; 1366/PLN/215 Rev A; 1366/PLN/216 Rev A; 1366/PLN/217 Rev A; 1366/PLN/218 Rev A; 1366/PLN/219; 1366/PLN/220 Rev A; 1366/PLN/221; and 1366/PLN/222 Rev A.
3. No development above slab level shall take place until details and samples of the proposed external facing and roofing materials including colour and finish have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.
4. No development including demolition shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Local Planning Authority.
5. A photographic record of the internal and external features of the Coachworks Barn shall be submitted to and approved in writing by the Local Planning Authority prior to its demolition.
6. No works or demolition shall take place on the Coachworks Barn until a method statement for the dismantling of the building so that the works do not damage/harm the adjacent curtilage listed wall has been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details.
7. Prior to commencement of development the applicant must undertake an updated preliminary ground level roost assessment of all trees which are impacted by the proposals, including all trees to be felled or at risk of damage through construction activity. These details and any required mitigation measures shall be submitted to and approved by the local planning authority.
8. The development hereby approved shall be carried out in strict accordance with the precautionary method of working, all actions detailed in the recommendations section and enhancement measures outlined in page 2 of the ERAs Consultancy November 2020 report, the ERAs Consultancy 'Ecological Assessment Phase 1 Habitat & Protected Species Survey' August 2021 and the Thompson Environmental Ecological Enhancement Plan November 2021.
9. Prior to the commencement of any work including demolition on the site, the Applicant must carry out a bat presence/likely absence survey,

between mid-May and July, in line with the good practice guidelines, to identify whether a maternity roost is present or likely absent and use this information to refine the bat mitigation strategy submitted. Upon the completion of the bat survey, the results should be provided to the Local Planning Authority, along with the final bat mitigation strategy. In the event that a bat roost (s) is recorded then no work will be able to start on the building until a European Protected Species Mitigation Licence has been granted by Natural England. Works shall only commence once the LPA has approved in writing the bat survey and final mitigation strategy, or, Natural England have granted a European Protected Species Mitigation Licence.

10. No residential development, excluding demolition, shall take place until written confirmation has been obtained from the Local Planning Authority that the Council has secured Suitable Alternative Natural Green Space (SANG) and no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the works required to bring the land up to acceptable SANG standard have been completed.
11. Prior to occupation of development a Sensitive lighting Management Plan shall be submitted to and approved in writing by the lpa. The external lighting scheme, should be informed by the Bat Conservation Trusts' document entitled "Bats and artificial lighting in the UK – Bats and The Built Environment Series" Guidance Note 08/18.
The development shall strictly accord with the approved details.
12. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
13. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:
 - a) Evidence that the proposed final solution will effectively manage the 1 in 30 & 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy.
 - 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.).

- c) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected.
 - 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 development site will be managed before the drainage system is operational.
14. No development, other than that required to be carried out as part of an approved scheme of remediation, shall take place until an investigation and risk assessment in addition to any assessment provided with the application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing and until the appropriate remediation has been undertaken.
15. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures; ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (or any Act revoking or re-enacting or amending that Act with or without modification) in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification

report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing of the local planning authority.

16. Prior to the commencement of development, excluding demolition, 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 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
17. Prior to the commencement of development, excluding demolition, 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 20 per cent reduction in carbon emissions against the TER or predicted energy usage through the use of on site low and zero carbon technology shall be achieved. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter.
18. No development shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority that demonstrates how waste generated from demolition, construction and excavation activities would be dealt with in accordance with the waste hierarchy. The Site Waste Management Plan will subsequently be kept up-to-date throughout the development process in accordance with the established methodology.
19. 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 110 litres per occupant per day (described in part G2 of the Approved Documents 2015). Before 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 planning department to demonstrate that this condition has been met.
20. The development hereby approved shall not be first occupied unless and until the proposed vehicular access to White Horse Lane has been constructed and provided with visibility zones, in accordance with the approved plans, reference to Transport Statement, Drawing No. Figure 3.1 and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1.0 m high.

21. The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans, Drawing No. 1366_Pln_201 rev A, for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purpose.
22. The development hereby approved shall not be first occupied unless and until space has been laid out within the site for covered bicycles to be parked in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority. Thereafter the parking areas for bicycles shall be retained and maintained for their designated purposes.
23. The development hereby approved shall not be occupied unless and until each of the proposed dwellings (houses) are provided with a fast charge socket (current minimum requirements - 7 kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply) in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
24. The development hereby approved shall not be occupied unless and until at least _20%_ of the available parking spaces for flats/apartments are provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply) in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
25. No development shall commence until a Construction Transport Management Plan, to include details of:
 - (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) HGV deliveries and hours of operation
 - (f) vehicle routing
 - (g) measures to prevent the deposit of materials on the highway
 - (h) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
 - (i) on-site turning for construction vehicleshas been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.
26. No development shall commence until a Construction Environmental Management Plan has been submitted and approved by the local planning authority.
27. The development must accord with the Arboricultural Method Statement and Tree Protection Plan prepared by Keen Consultants dated June 2020. No development shall start on site until the protective fencing and any

other protection measures shown on the Tree Protection Plan in the Arboricultural Report 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.

28. Prior to occupation 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 occupation of the development hereby approved and retained.
29. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Planning Authority. The content of the LEMP should include the following:
 - a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP should also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

30. Prior to occupation details of the housing mix shall be submitted to the lpa for approval in writing. To demonstrate that: 10% of the homes shall meet Building Regs M4(2) 'accessible and adaptable dwellings' and 5% of the dwellings shall meet Building Regs M4(3) 'wheelchair user dwellings'.
31. The windows in the side elevations of plots 7, 24 and 26, and the rear elevation of plot 4 of the development hereby approved shall be glazed with obscure glass and permanently fixed shut, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall thereafter be permanently retained as such.

32. Prior to occupation of the last dwelling confirmation that the scheme has achieved a Secure by Design accreditation shall be submitted to the local planning authority.

APPEARANCES

FOR THE APPELLANTS:

David Butcher	Tetra Tech Planning
Peter Richards	Hurst Warne
Mike England	ICENI Projects
Chris Evans	Shanly Homes
Aiden Robson	Shanly Homes
Ian Rennie	Shanly Homes
Robin Dorran	Shanly Homes
Tristan Snell	Shanly Homes

FOR THE COUNCIL:

Colin McKee	CMK Planning
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