



Appeal Decisions

Site visit made on 28 January 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th March 2025

Appeal A Ref: APP/P1940/W/24/3346997

Land at rear of 47 Church Lane, Sarratt, Hertfordshire WD3 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jon and Chris Adams against the decision of Three Rivers District Council.
 - The application Ref is 23/1794/FUL.
 - The development proposed is the demolition of existing structures with Commercial Wholesaler Use. Construction of five detached, single storey four bedroom houses, with associated parking, bin and cycle storage, landscaping and access improvements.
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Appeal B Ref: APP/P1940/W/24/3349084

Land at rear of 47 Church Lane, Sarratt, Hertfordshire WD3 6HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Jon and Chris Adams against the decision of Three Rivers District Council.
 - The application Ref is 24/0464/FUL.
 - The development proposed is the demolition of existing structures with Commercial Wholesaler Use. Construction of four detached, single storey four bedroom houses, with associated parking, bin and cycle storage, landscaping and access improvements.
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Decision

1. **Appeal A** is allowed and planning permission is granted for the demolition of existing structures with Commercial Wholesaler Use. Construction of five detached, single storey four bedroom houses, with associated parking, bin and cycle storage, landscaping and access improvements at land at the rear of 47 Church Lane, Sarratt, Hertfordshire WD3 6HN in accordance with the terms of the application, Ref 23/1794/FUL, subject to the conditions in the attached schedule.
2. **Appeal B** is allowed and planning permission is granted for the demolition of existing structures with Commercial Wholesaler Use. Construction of four detached, single storey four bedroom houses, with associated parking, bin and cycle storage, landscaping and access improvements at land at the rear of 47 Church Lane, Sarratt, Hertfordshire WD3 6HN in accordance with the terms of the application, Ref 24/0464/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

3. As set out above, there are two appeals on the same site, which differ in respect of the number of dwellings that are proposed. I have considered each proposal on its

individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. I have taken the descriptions of development as set out above from the respective planning application forms but have, in both cases, omitted 'Planning Reference 23/0105/RSP Retrospective' as it is not a description of development.
5. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The main parties have been given the opportunity to comment on the revised Framework and in reaching my decision I have taken account of the responses received. For the avoidance of doubt, where reference is made to the Framework, the paragraph numbers quoted are those that appear in the latest version.
6. An Appeal Statement on Highways and Transport Matters has been provided on behalf of the appellant, which sets out additional information in response to the second reason for refusal for each appeal proposal. In addition, a Viability Assessment has been provided by the appellant in response to the third reason for refusal of the Appeal A proposal.
7. The Highway Authority has commented on the highways information, indicating that it now considers that the proposals are a betterment of the existing situation on site, through the reduction of commercial vehicle movement and the scale of development. This has led to the Council confirming that it is now satisfied that, subject to the imposition of conditions, a safe access would be provided for the proposed dwellings. Based on the evidence before me, I find that the proposed highway works, in addition to the removal of the commercial traffic associated with the existing use of the site, would improve the safety of pedestrians using the site access to get to the countryside beyond. As such, I agree with the Council in this regard.
8. An independent review of the viability information provided has been sought and obtained by the Council, which concludes that neither scheme is able to support an affordable housing payment. The Council accepts the findings of the review and there is no compelling evidence in front of me that would lead me to a different conclusion.
9. Accordingly, the Council has chosen not to defend the second reason for refusal in respect of Appeals A and B, or to defend the third reason for refusal in respect of Appeal A, as it considers that the concerns expressed in those reasons have been addressed to its satisfaction. For the reasons given above, I have no cause to disagree with the Council's conclusions on these matters. I therefore do not address highway safety or affordable housing matters as main issues.

Main Issue

10. The main issue in both Appeal A and B is whether the proposals would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.

Reasons

11. The Framework states, at paragraph 153, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CP11 of the Core Strategy (adopted 17 October

2011) (CS) and Policy DM2 of the Development Management Policies Local Development Document (adopted July 2013) (LDD) are consistent with the Framework as they include a presumption against inappropriate development.

12. Paragraph 154 of the Framework explains that development in the Green Belt is inappropriate unless one of the listed exceptions apply. Relevant to this appeal is exception 154(g), which allows for the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
13. There is some dispute between the parties as to whether the appeal site meets the definition of previously developed land (PDL) as set out in Annex 2 of the Framework. The Council suggest that there is some doubt as to whether part of the site, which lies outside of land which has planning permission for use as a commercial wholesaler, is PDL. However, I observed at my visit that all of the site is within the same enclosed area and is occupied by several permanent structures that are spread across it. No part of the site appears to be used as gardens to any of the properties on Church Lane that back onto it or is otherwise segregated or distinguishable from the remainder. The entire site appears to be utilised in connection with the commercial wholesaler use.
14. In the context of the evidence before me, I find that all of the site accords with the definition of PDL. As such, it is the effect of the proposed developments on the openness of the Green Belt that will determine whether they are inappropriate development.
15. The site adjoins open land and is located directly to the rear of a line of dwellings that front onto Church Lane. It currently contains a large glasshouse, several smaller buildings and a polytunnel. These buildings and structures are sited close together and, with the hard surfaced areas, cover a large proportion of the site resulting in it appearing densely developed. In view of this, and in the wider context as described, the contribution of the appeal site to the openness of the Green Belt is limited.
16. The buildings proposed in both appeals would replace all existing site buildings and structures. It is clear from the appellants measurements, which have not been disputed by the Council, that the buildings proposed in Appeal A would represent a 43.5% reduction in footprint and 34.3% reduction in volume when compared with the existing development, excluding the existing polytunnel. As fewer dwellings are proposed in Appeal B, that development would represent an even greater reduction in footprint and volume.
17. In respect of Appeal A, the proposed single storey dwellings would span the width of the site and much of the frontage of the dwellings would be hard surfaced to form the shared access, driveways and parking spaces. Nonetheless, each property would have frontage landscaping, of varying extent, and each would have a reasonably sized rear garden. Accordingly, even when taking into consideration that the overall height of the dwellings would be greater than any existing buildings, the Appeal A proposal would result in a less densely developed, open and spacious site. The site would appear even more open and less densely

developed as a result of the Appeal B proposal, given that fewer dwellings of a similar footprint to those in Appeal A are proposed.

18. Both proposals would lead to the introduction of domestic paraphernalia onto the site. However, as this would be seen in the context of the rear gardens of existing residential properties, its impact on the openness of the Green Belt would be limited.
19. Overall, I find that both proposals, when compared to the existing situation, would not increase the impact and, therefore, would not cause substantial harm to its openness. As such they fall within exception 154(g) of the revised Framework and are, therefore, not inappropriate development.
20. As the proposals in both cases fall within the 154(g) exception, it is not necessary for consideration to be given to the other circumstances where the development of homes in the Green Belt should also not be regarded as inappropriate, set out at paragraph 155 of the Framework.
21. Accordingly, the Appeal A and Appeal B proposals would not be inappropriate development in the Green Belt and would, therefore, accord with CS Policy CP11 and LDD Policy DM2.

Other Matters

22. Annex 2 of the Framework defines major housing development as development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. Notwithstanding the different definition of major development in the DMPO¹, the proposals in both cases are major housing development for the purposes of the Framework due to the site area. Therefore, the 'Golden Rules' set out at paragraph 156 of the Framework are a consideration. These require that contributions should be made to affordable housing, improvements to local or national infrastructure, and the provision of new, or improvements to, existing green spaces that are accessible to the public.
23. It has been demonstrated that neither proposal is able to support an affordable housing payment. Nonetheless, the Planning Practice Guidance (PPG) indicates that where development takes place on land situated in the Green Belt and is subject to the 'Golden Rules', such a site-specific viability assessment should not be taken into account for the purpose of reducing development contributions, including affordable housing². Accordingly, the first 'Golden Rule' would not be met as no affordable housing contribution would be made in either case. In addition, the third 'Golden Rule' would not be met as new, or improvements to existing, green spaces would not be provided in either case.
24. In both appeals, improvements are proposed, on and off-site, to public footpaths and a public right of way. Such works could reasonably be regarded as necessary improvements to local infrastructure, thereby meeting the second 'Golden Rule'. Nonetheless, two of the three 'Golden Rules' would not be met which weighs against the proposals.
25. The appellants state that the Annual Monitoring Report (AMR), published in December 2023, indicated that the Council only have a 1.9-year housing land

¹ Town and Country Planning (Development Management Procedure) (England) Order 2015

² Paragraph: 029 Reference ID: 10-029-20241212

supply. This figure has not been disputed by the Council. Furthermore, on 12 December 2024, the Government published the 2023 Housing Delivery Test (HDT) results which show that the Council has delivered 30% of its housing requirement over the latest 3-year period. This is a considerably worse position than the undisputed 46% delivery referred to by the appellants. Therefore, given the HDT result and that the Council cannot demonstrate a five year supply of deliverable housing sites, paragraph 11d) of the Framework applies. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and provided affordable homes, individually or in combination.

26. In reaching my decision I have had regard to the representation from an interested party referring to a planning permission, granted on appeal, for residential development on land to the rear of 17-49 Church Lane (the Burlington Permission). It is suggested that the Highway Authority has acted unreasonably by withdrawing its objections to the access arrangements proposed, which are said to be incompatible with those approved in the Burlington Permission. However, my consideration is of the planning merits of the appeal proposals that are before me, which, for the reasons given above, I have found to be acceptable. The conduct of the Highway Authority is a matter that falls outside of the remit of this decision.

Planning balance

27. The proposed developments would provide either five (Appeal A) or four (Appeal B) new dwellings, thereby making a modest contribution towards the Framework's aim to boost the supply of housing. Having considered the serious shortfall in housing land supply and delivery detailed above, I afford such a benefit significant weight.
28. Modest benefits to the local economy would also arise from both proposals due to the construction and occupation of the dwellings. In both cases, the developments would make effective use of PDL on the edge of a village with some, albeit limited services and facilities and would meet one of the three 'Golden Rules' set out in paragraph 156 of the Framework. I attribute moderate weight to each of these benefits
29. Weighed against these benefits is the fact that the proposals would not meet all three 'Golden Rules'. I attach moderate weight to this 'harm'. Nonetheless, overall, there are no adverse impacts that would significantly and demonstrably outweigh the benefits set out above, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies. As a result, the presumption in favour of sustainable development should be applied.

Conditions

30. The Council have suggested conditions in the event that I was minded to allow the appeals, which I have reviewed and amended in line with guidance and best practice, and to ensure clarity and consistency. Except where otherwise indicated, the conditions referred to relate to both schemes.

31. I have, in the interests of certainty, a condition that specifies that the developments are carried out in accordance with the approved plans.
32. To minimise risks to the occupants of the site, neighbouring occupiers and the environment, conditions are required to ensure that contamination, including that which is unexpected, is appropriately addressed, and that verification is provided. To ensure that appropriate investigation is carried out at a very early stage of the development, the required scheme to deal with risks of contamination is set out in a pre-commencement condition.
33. I have imposed a condition requiring a Construction Method Statement so that the construction process is suitably controlled in the interests of highway safety and to protect the living conditions of nearby residents. This is a pre-commencement condition to ensure that appropriate controls are in place before development commences.
34. In the interests of the character and appearance of the area, I have imposed a condition requiring the implementation of tree protection measures which is a pre-commencement condition to ensure that trees are protected over the full course of construction works. Also, in the interests of the character and appearance of the area, conditions requiring agreement to the external construction materials, a scheme for the storage and collection of waste, and landscaping, are appropriate and necessary. To protect the living conditions of the occupants of the development and neighbouring occupiers, a condition controlling the position of certain rooflights is required to reduce overlooking. Approval of the details of waste storage and collection is also required for that reason.
35. For the avoidance of doubt and to safeguard the openness of the Green Belt, I have imposed a condition requiring the demolition of the existing structures on the site.
36. Conditions relating to off-site highway works, improvements to rights of way, improvements to the existing vehicular access, the prevention of surface water being discharged onto the highway, and lighting of the access are necessary and appropriate to ensure that the respective development does not adversely impact on highway safety. It is also appropriate and necessary to impose conditions that require the completion of road safety audits of the site access and off-site works proposed in Appeal A, and for the detailed design of such works to be informed by the outcome of such audits. These need to be pre-commencement conditions to ensure that highway safety matters are properly and reasonably addressed before development begins. As it has been confirmed by the Council that such works proposed in Appeal B have already been subject to the required audits, there is no need to include such conditions in that decision.
37. A condition requiring the implementation of the submitted Biodiversity Net Gain Assessment is necessary to satisfy policy requirements. I have, however, amended the wording to ensure that it includes the required implementation and maintenance clauses.
38. In the interests of sustainable development, I have imposed a condition which requires the implementation of energy saving and renewable energy measures. For the same reason, and notwithstanding that the Council only suggested it in respect of Appeal A, I have imposed a condition requiring the provision of electric vehicle charging points in both appeals.

39. The Council has also suggested a condition that removes certain permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Paragraph 54 of the Framework indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG also states that conditions restricting the future use of permitted development rights may not pass the test of reasonableness.
40. In this case, the retention of permitted development rights at the site could give rise to further built form within the Green Belt. Nevertheless, the extent of such development would be limited by the criteria set out in the GPDO and would be constrained by, and limited to, the appeal site. Furthermore, there is no compelling evidence that suggests that exercising permitted development rights would have an unacceptable effect on the openness of the Green Belt or its purposes. Overall, there is no clear justification for the removal of permitted development rights and, accordingly, I have not imposed the suggested condition.

Conclusion

41. For the reasons given above, having regard to the development plan as a whole and all relevant material considerations, I conclude that Appeal A and Appeal B should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

Appeal A

- 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 plans: CL/23/LP01A; CL/23/L01A; CL/23/L02B; CL/23/L03A; CL/23/L04A; CL/23/05A; CL/23/06A; CL/23/L10; CL/23/L11; CL/23/L12; CL/23/L13; CL/23/L14; CL/23/L15; CL/23/L16; CL/23/L17; CL/23/L18; CL/23/L19; CL/23/L20; CL/23/L21; CL/23/L22; CL/23/L23; CL/23/L24; and CL/23/L30.
- 3) Prior to the commencement of development approved by this planning permission (or such other date or development stage as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority.
 - (i) A site investigation, based on the Phase 1 Geo-environmental Report prepared by JNP Group (Report ref. M44342-JNP-XX-XX-RP-G-1000 P01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (ii) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- 4) Following the completion of measures identified in the approved remediation measures pursuant to condition 3, and prior to first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme, and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the local planning authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 5) In the event that contamination, not previously identified, is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the local planning authority.
- 6) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the

approved Method Statement. The Construction Method Statement shall include details of:

- a) Construction vehicle numbers, type, routeing.
 - b) Access arrangements to the site.
 - c) Traffic management requirements.
 - d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
 - e) Siting and details of wheel wash facilities.
 - f) Cleaning of site entrances, site tracks and the adjacent public highway.
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
 - h) Provision of sufficient on-site parking prior to commencement of construction activities.
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
 - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
 - k) Phasing plan.
- 7) No development shall commence until a Stage 1 and Stage 2 Road Safety Audit for the improvements works from Church Lane to the site access identified in drawing 23071/001/Rev A have been submitted to and approved in writing by the local planning authority. The detailed design of the scheme shall be informed by the Stage 1 and Stage 2 Road Safety Audit. The design shall specifically address any conflicts between vehicles, pedestrians and cyclists.

Within 6 months of the completion of the development a Stage 3 Road Safety Audit shall be submitted to the local planning authority for written approval.

- 8) No development shall commence until a Stage 1 and Stage 2 Road Safety Audit for off-site improvements as identified in drawing 23071/003 have been submitted to and approved in writing by the local planning authority. The detailed design of the scheme shall be informed by the Stage 1 and Stage 2 Road Safety Audit. The design shall specifically address any conflicts between vehicles, pedestrians and cyclists.

Within 6 months of the completion of the development a Stage 3 Road Safety Audit shall be submitted to the local planning authority for written approval.

- 9) No operations whatsoever (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained, and all other trees not indicated as to be removed and their root systems, have been protected from any damage during site works in accordance with the details shown within the submitted Arboricultural Report prepared by David Clarke and the Tree Protection Plan (LP/ANCLSH/010 A).

The protective measures, including fencing, shall be installed in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in

accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit, or liquids disposed of, within 10 metres of an area designated as being fenced off or otherwise protected in the approved scheme.

The development approved shall thereafter be implemented only in accordance with the details as set out in the submitted Arboricultural Report prepared by David Clarke.

- 10) No on-site works above slab levels shall commence until samples and details of the proposed external materials have been submitted to and approved in writing by the local planning authority, and no external materials shall be used in the construction of the development other than those approved.
- 11) No on-site works above slab levels shall commence until the existing structures within the site, as shown to be removed on the approved plans, have been demolished.
- 12) No on-site works above slab levels shall commence until a Lighting Scheme for the proposed access from Church Lane has been submitted to and approved in writing by the local planning authority. The lighting scheme should detail how pedestrians, cyclists and other wheeled vehicle users can safely utilise the access and shall include the location and full specifications of all lamps, light levels/spill, lamps and support structures. The lighting shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and retained permanently thereafter.
- 13) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab levels shall commence until a detailed scheme for the off-site highway improvements indicated on drawing number 23071/003 have been submitted to and approved in writing by the local planning authority. Such improvement works shall be completed in accordance with the approved details prior to the first use of the development hereby permitted.
- 14) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab levels shall commence, unless otherwise agreed, until a Rights of Way improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the local planning authority. Such off-site and on-site Rights of Way improvements shall be completed in accordance with the approved details prior to the first use of the development hereby permitted.
- 15) The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been implemented in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Details shall include siting, size, and appearance of refuse and recycling facilities on the premises. The approved scheme shall be retained permanently thereafter.
- 16) The proposed hard and soft landscaping shall be carried out in accordance with the details as more particularly set out on drawing number LP/ANCLSH/020 A. All hard landscaping shall be carried out and completed prior to the first occupation of the new dwellings hereby permitted. All soft landscaping shall be carried out before the end of the first planting and seeding season following first occupation of any of the dwellings or completion of the development, whichever is sooner.

If any tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of the development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

- 17) The flank rooflights hereby permitted shall be position at a minimum cill height of 1.7 metres above the internal floor level.
- 18) The development shall not be occupied until the vehicular access improvements, as indicated on drawing number 23071/001/Rev A, have been completed and thereafter the access shall be maintained in accordance with the approved details.
- 19) The development shall not be occupied until arrangements have been made for surface water from the proposed development to be intercepted and disposed of separately so that it is not discharged onto the highway carriageway.
- 20) The development shall not be occupied until Biodiversity Gain is carried out in accordance with the submitted Biodiversity Net Gain Assessment dated 18 October 2023 by LUS Ecology. Thereafter the biodiversity gain measures shall be maintained.
- 21) The development shall not be occupied until the energy saving and renewable energy measures detailed within the submitted Energy Statement have been implemented.
- 22) No dwelling shall be occupied until it has been provided with an active (ready to use) electric vehicle charging point which shall be retained permanently thereafter.

Appeal B

- 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 plans: CL/23/LP01; CL2/24/L01; CL2/24/L02; CL2/24/L03; CL2/24/L04; CL2/234/L05; CL2/24/L06; CL2/24/L10; CL2/24/L11; CL2/24/L12; CL2/24/L13; CL2/14/L14; CL2/24/15; CL2/24/L16; CL2/24/L17; CL2/24/L18; CL2/24/L19; CL2/24/L20; and CL2/23/L21
- 3) Prior to the commencement of development approved by this planning permission (or such other date or development stage as may be agreed in writing with the local planning authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority.
 - (iv) A site investigation, based on the Phase 1 Geo-environmental Report prepared by JNP Group (Report ref. M44342-JNP-XX-XX-RP-G-1000 P01), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (v) The site investigation results and the detailed risk assessment (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (vi) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying any

requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 4) Following the completion of measures identified in the approved remediation measures pursuant to condition 3, and prior to first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme, and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the local planning authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 5) In the event that contamination, not previously identified, is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the local planning authority.
- 6) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Method Statement. The Construction Method Statement shall include details of:
 - a) Construction vehicle numbers, type, routeing.
 - b) Access arrangements to the site.
 - c) Traffic management requirements.
 - d) Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas).
 - e) Siting and details of wheel wash facilities.
 - f) Cleaning of site entrances, site tracks and the adjacent public highway.
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
 - h) Provision of sufficient on-site parking prior to commencement of construction activities.
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
 - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
 - k) Phasing plan.
- 7) No operations whatsoever (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained, and all other trees not indicated as to be removed and their root systems, have been protected from any damage during site

works in accordance with the details shown within the submitted Arboricultural Report prepared by David Clarke and the Tree Protection Plan (LP/ANCLSH/010 C).

The protective measures, including fencing, shall be installed in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit, or liquids disposed of, within 10 metres of an area designated as being fenced off or otherwise protected in the approved scheme.

The development approved shall thereafter be implemented only in accordance with the details as set out in the submitted Arboricultural Report prepared by David Clarke.

- 8) No on-site works above slab levels shall commence until samples and details of the proposed external materials have been submitted to and approved in writing by the local planning authority, and no external materials shall be used in the construction of the development other than those approved.
- 9) No on-site works above slab levels shall commence until the existing structures within the site, as shown to be removed on the approved plans, have been demolished.
- 10) No on-site works above slab levels shall commence until a Lighting Scheme for the proposed access from Church Lane has been submitted to and approved in writing by the local planning authority. The lighting scheme should detail how pedestrians, cyclists and other wheeled vehicle users can safely utilise the access and shall include the location and full specifications of all lamps, light levels/spill, lamps and support structures. The lighting shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted and retained permanently thereafter.
- 11) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab levels shall commence until a detailed scheme for the off-site highway improvements indicated on drawing number 23071/003 have been submitted to and approved in writing by the local planning authority. Such improvement works shall be completed in accordance with the approved details prior to the first use of the development hereby permitted.
- 12) Notwithstanding the details indicated on the submitted drawings, no on-site works above slab levels shall commence, unless otherwise agreed, until a Rights of Way improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the local planning authority. Such off-site and on-site Rights of Way improvements shall be completed in accordance with the approved details prior to the first use of the development hereby permitted.
- 13) The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been implemented in accordance with details that shall have been submitted to and approved in writing by the local planning

authority. Details shall include siting, size, and appearance of refuse and recycling facilities on the premises. The approved scheme shall be retained permanently thereafter.

- 14) The proposed hard and soft landscaping shall be carried out in accordance with the details as more particularly set out on drawing number LP/ANCLSH/020 C. All hard landscaping shall be carried out and completed prior to the first occupation of the new dwellings hereby permitted. All soft landscaping shall be carried out before the end of the first planting and seeding season following first occupation of any of the dwellings or completion of the development, whichever is sooner.

If any tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of the development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

- 15) The flank rooflights hereby permitted shall be position at a minimum cill height of 1.7 metres above the internal floor level.
- 16) The development shall not be occupied until the vehicular access improvements, as indicated on drawing number 23071/001/Rev A, have been completed and thereafter the access shall be maintained in accordance with the approved details.
- 17) The development shall not be occupied until arrangements have been made for surface water from the proposed development to be intercepted and disposed of separately so that it is not discharged onto the highway carriageway.
- 18) The development shall not be occupied until Biodiversity Gain is carried out in accordance with the submitted Biodiversity Net Gain Assessment dated 13 March 2024 by LUS Ecology. Thereafter the biodiversity gain measures shall be maintained.
- 19) The development shall not be occupied until the energy saving and renewable energy measures detailed within the submitted Energy Statement have been implemented.
- 20) No dwelling shall be occupied until it has been provided with an active (ready to use) electric vehicle charging point which shall be retained permanently thereafter.