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## Appeal Decision

Hearing Held on 9 & 10 August 2017

Site visit made on 8 & 10 August 2017

**by Nick Fagan BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 August 2017**

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**Appeal Ref: APP/Y3615/W/16/3164814**

**Land to the east of South Cottage, White Horse Lane, Ripley, Surrey  
GU23 6BB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Ripley Carriage Ltd against the decision of Guildford Borough Council.
  - The application Ref 16/P/00608, dated 22 March 2016, was refused by notice dated 22 June 2016.
  - The development proposed is described as an outline application for the demolition of existing petrol filling station, car sales buildings and dilapidated workshops and the construction of up to 26 residential units to the rear and 2 retail/commercial units on the High Street frontage (flexible A1, A2, A3 or A4 use) and associated car parking and landscaping all matters reserved except access.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing petrol filling station, car sales building and dilapidated workshops and the construction of up to 26 residential units to the rear and 2 retail/commercial units on the High Street frontage (flexible A1, A2, A3 or A4 use) and associated car parking and landscaping (all matters reserved except access) at land to the east of South Cottage, White Horse Lane, Ripley, Surrey GU23 6BB in accordance with the terms of the application, Ref 16/P/00608, dated 22 March 2016, subject to the conditions in the Schedule below.

### Main Issues

2. The main issues are:
  - (a) The effect of the proposed development on the significance of heritage assets; and
  - (b) Whether the loss of employment land has been justified in regard to Policy E3 of the Guildford Borough Local Plan 2003 (LP) including in terms of the weight to be afforded to the Policy; and
  - (c) Whether very special circumstances exist sufficient to overcome inappropriate development in the Green Belt (GB), loss of openness and any other harm.

## **Procedural Matter**

3. A signed S106 agreement (the S106) dated 3 July 2017 between the Council, the appellant and other owners of the appeal site has been submitted. I address this in more detail below.

## **Reasons**

### *Effect on Heritage Assets*

4. The Council agrees that the designated heritage assets affected by the proposed development are the Grade II\* listed Talbot Inn, the attached Grade II listed Talbot Barn and the Ripley Conservation Area (CA) within which the site and surroundings sit. It argues that the settings of the listed buildings (LBs) and thus their overall significance would be eroded and harmed.
5. It also considers that the barn/building mainly occupied by Elmwood Coachworks, one of the car repairers/servicers on the site, is an undesignated heritage asset and should not be demolished. Rather it should be retained because it makes an aesthetic and historical contribution to the character and appearance of the CA as well as defining the means of enclosure to the listed Inn thus contributing to its setting.
6. The Talbot's significance lies in it being a good example of one of the earliest coaching inns in Ripley, dating from the sixteenth century around the time when Henry VIII established Portsmouth as an important naval base and thereby increased the traffic through the village to and from London. Evidentially and historically the Talbot is therefore important and also aesthetically as a result of its timber framed construction and external appearance, especially its refronted Georgian façade onto the High Street. These factors explain its Grade II\* listing. Its attached Grade II eastern barn, which now appears to be used for guest accommodation, dates from the seventeenth century, and its significance too lies in its historic function and aesthetic and evidential value.
7. The paddock to the rear of the Talbot<sup>1</sup> to the east of the historic brick wall running north to south through the site would most likely originally have been used for the grazing of horses associated with the coaching Inn. But it is now in separate ownership, is unused and comprises an area of rough scrubland with a number of scrub covered earth mounds surrounded to the east and south by mature trees and shrubs. It is largely shielded from the LBs themselves and the courtyard garden of the Inn by the large two-storey barn-like modern accommodation block of the Inn located adjacent to its northern boundary. But there would be views of the development from the Inn's car park next to the accommodation block, as well as views from this block itself.
8. I accept that the Elmwood Coachworks building is a non-designated heritage asset because, although it has been substantially altered both internally and externally, it retains its original footprint and form and as such is a reasonably good example of the sort of vernacular Victorian buildings built behind the main High Street frontages. Hence it makes a contribution to the character and appearance of the CA.

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<sup>1</sup> Defined as Plot 3 in paragraph 2.2 of the Statement of Common Ground and other documentation

9. This L-shaped building undoubtedly encloses the end of the Talbot's long courtyard garden and contributes to the LB's setting. During the accompanied site visit I had a good look at the walls of this building facing the Inn's courtyard garden. The eastern wall, although rebuilt some time ago and added to in height when the coachworks building was erected sometime between 1870 and 1895, was originally freestanding and part of the north-south wall separating the paddock from the land described as Plot 2<sup>2</sup>. This wall is an important curtilage feature of the LB but it would be retained, albeit it may need repairing if the building was to be demolished. The fabric of the northern wall is not original, although its line is.
10. The retained boundary wall would continue to sufficiently enclose the Inn's courtyard to prevent the setting of the LBs being eroded, albeit that there may well be views of at least some of the new dwellings over this retained wall. Whilst the roof of the building also has an enclosing effect it pitches away from the boundary and the principal sense of enclosure comes from its walls.
11. There are glimpsed views of the appeal site from the Inn's car park over the Laurel hedge on the boundary but views of the proposed dwellings from here would not adversely affect the setting of the LBs themselves because the site boundary is far enough away from them and such views are framed by the modern accommodation block.
12. In terms of the development's wider effect on the CA I note that the appeal site is not specifically mentioned in the Council's very recently adopted *Ripley Conservation Area Appraisal*, although the Talbot and its barn are specifically referred to as historic timber framed LBs of note. It is the street scene along the High Street that is highlighted as being important to the CA's character. The deciduous woodland at this eastern end of the CA is also referred to as being an important feature. But the proposal would retain the good quality trees and shrubs around the eastern and southern end of the appeal site and it is intended to strengthen these areas with additional planting, including outside the proposed private garden areas of the dwellings to the southern part of the site.
13. These tree belts largely screen the site from surrounding land to the south and east. There would be views of the new development from the new housing estate to the west and from White Horse Lane. But they would be seen in the context of existing two storey residential development and there is no suggestion that the new dwellings would be higher than two storeys themselves. Plots 1 and 2 are used for commercial purposes and therefore comprise previously developed land. Plot 3 is an isolated piece of backland screened to the south and east by existing planting, which would be reinforced. There are no longer views of the appeal site.
14. In summary, I conclude that the proposal would introduce built development into the setting of the LBs because it would be seen from the Inn's new accommodation block and rear car park and there would be a limited impact on the sense of enclosure of the courtyard garden arising from the demolition of the roof of the Coachworks building on the appeal site. But such a change would not adversely affect the LBs' settings and so it would comply with LP Policy HE4, which requires the same. Hence it would not affect their significance as LBs.

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<sup>2</sup> Ibid

15. I disagree with the Council that the openness of the paddock is important to the CA's character or appearance for the above reasons. But the proposed development would lead to the loss of the Coachworks building, a vernacular Victorian building typical of the historic development in the CA, and as such would give rise to limited harm, albeit the building has been extensively altered internally and externally and its external walls facing the Talbot would be retained. Its loss would not preserve the character and appearance of the CA and as such fails to comply with LP Policy HE7, particularly subsection 1, and Policy HE9, which together require the retention of buildings in CAs where they contribute to character and appearance.
16. As such the proposal would result in less than substantial harm to this designated heritage asset as defined in paragraph 134 of the National Planning Policy Framework (NPPF). I consider this to be a limited level of harm for the above reasons. Policies HE7 and HE9, due to their age of adoption, do not reflect the balance in paragraph 134, which states that such harm should be weighed against the public benefits of the proposal, and so I give them less than full weight.
17. The chief public benefit of the proposal would undoubtedly be the social and economic benefits of providing 26 additional dwellings in a district which, at best, can only currently demonstrate a 2.36 year housing land supply (HLS). This benefit is enhanced because the scheme would provide half of these as affordable dwellings, above the required policy compliant level, in an area in priority need of such housing, not least due to a backlog arising from a failure to provide for such need over a number of years. The Council acknowledges that there would be environmental benefits to the High Street frontage of the site (part of Plot 1) by the removal of the car forecourt and the former petrol filling station canopy and I agree. Given the limited harm and important benefits that would arise I conclude that the latter outweighs the former.

#### *Loss of Employment Land*

18. The site is occupied by four separate businesses, two preparing cars for sale and selling them (Units 1 and 3) and two repair garages (Units 2 and 4)<sup>3</sup>. The latter two are Class B2 uses and LP Policy E3, which only covers Class B uses, therefore applies to them. Policy E3 states that the loss of Class B uses will not be permitted unless the retention of the land or premises has been explored without success or they are unsuitably located (essentially due to their environmental impact) and there is existing suitably located land or premises on the market or with outstanding permission for any displaced firms.
19. However, the appellant argues and the Council agrees that full weight should not be attached to Policy E3 because it is overly restrictive and is contrary to NPPF paragraph 51, which states that applications for change to residential use from commercial buildings currently in the B use classes should normally be approved where there is an identified need for additional housing in the area, provided that there are not strong economic reasons why such development would be inappropriate. I agree that Policy E3 is out-of-date and does not carry full weight for these reasons.
20. Nonetheless that does not mean it should carry no weight. The buildings on the site are occupied including by B2 uses and there is no reason why they

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<sup>3</sup> As indicated in paragraph 2.12 of the Statement of Common Ground

should not continue to trade, at least in the short to medium term. It would appear, merely from walking round the site, that more people are currently employed in these businesses than probably would be in the two proposed Class A units on the site frontage. These uses subsist next to residential property, including the three brand new houses on White Horse Lane and there is no evidence that they are unsuitably located. The proposal therefore fails to comply with Policy E3.

21. But it is the last qualification in Policy E3 that I consider is the most relevant – that there is suitably located land or premises on the market or with permission for the displaced firms – because this is also a qualification of NPPF paragraph 51: that there are not strong economic reasons why change of use to residential would be inappropriate.
22. The Class B employment floor space on site comprises a tiny proportion of the 182ha of employment land in the Borough and the additional 33,600m<sup>2</sup> of consented employment floor space<sup>4</sup>. More significantly it is also a very small proportion of the currently available 56,253m<sup>2</sup> of Class B employment floor space within a 10 mile radius of the site<sup>5</sup>. Some of the available sites may be large in comparison with the units on the site but many are not. The Council suggested at the Hearing that it is difficult to provide employment sites in villages. Whilst this may be so there are clearly a large range of available sites suitably located nearby and there is no reason why the current businesses on site must remain in Ripley – they could easily relocate, for instance, to Guildford, Woking or Byfleet where there are a range of available premises available. For these reasons I conclude that there are no strong economic reasons why change of use to residential would be inappropriate on the site.
23. The Council has allocated the majority of the site (0.72 ha of the 0.95 ha total appeal site area) in its emerging Local Plan (ELP) as a site for residential development<sup>6</sup>. Little weight can be attached to such an allocation because the ELP has not been submitted for Examination and is unlikely to be so until December this year at the earliest<sup>7</sup>. However, the ELP has been through two full public consultations and the Council is still currently resolved to carry forward this residential allocation despite its continued objection to the loss of the employment uses on the site. This can only mean it accepts in principle that these uses will have to relocate to other premises in the next few years.
24. In summary, the proposal conflicts with LP Policy E3 but full weight should not be attached to this Policy because it does not accord with paragraph 51 of the NPPF and is out-of-date. There are no strong economic reasons why change of use to residential would be inappropriate on the site, which is the relevant test in both the Policy and NPPF paragraph 51. The majority of the site has been allocated for residential use in the ELP, which means that the Council accepts the employment uses will need to relocate in the next few years. For these reasons I conclude that the loss of employment land has been justified.

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<sup>4</sup> Figures from page ii of Executive Summary to Guildford Borough Employment Land Needs Assessment Final Report, March 2017 – Appendix 6 to LPA appeal statement

<sup>5</sup> Latest List Availability Report prepared by Perry Hill Surveyors for appellant dated 28 July 2017

<sup>6</sup> Policy A45, page 227 of Guildford Borough Proposed Submission Local Plan: Strategy and Sites, June 2017

<sup>7</sup> Oral submissions at the Hearing of Laura Howard, GBC Planning Policy Officer

### *Green Belt Issues*

25. The appellant accepts that the proposed development would be inappropriate development in the Metropolitan GB because Plot 3 (the paddock) is currently open land and the construction of new buildings on such greenfield land outside the current settlement boundary does not fall within one of the exceptions set out in NPPF paragraph 89.
26. NPPF paragraph 87 states that inappropriate development is, by definition, harmful to the GB and should not be approved except in 'very special circumstances' (VSC). Paragraph 88 states that substantial weight should be given to any harm to the GB and VSCs will not exist unless the potential harm to the GB by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Case law has held that 'any other harm' is not confined to specific harm to the GB but can include, for instance harm to character and appearance and, as it does here, limited harm to heritage assets.
27. NPPF paragraph 79 states that the fundamental aim of GB policy is to prevent urban sprawl by keeping land permanently open. I have indicated above that little weight can be attached to the proposed allocation of most of the site for residential development in ELP Policy A45 and at present it remains within the GB. As a matter of fact the proposal would result in the permanent development of built form on the paddock, which is currently devoid of any built form, as well as on Plot 2, which is only used for the parking of cars. It would therefore result in the spread of urban development onto open land and a consequent loss of openness.
28. In making this assessment of the proposed development on openness I have had regard to the appellant's submissions on the visual impact of the current car storage on Plot 2. I agree with the appellant that such car storage, which is an undisputed established/lawful use and is unattractive, has an adverse visual impact because this part of the site can be clearly seen from neighbouring residential and other development and cannot be compared to the undeveloped paddock land in Plot 3 next to it.
29. The proposal includes permanent residential buildings on Plot 2 and this would affect openness because these buildings would most likely be two storeys, which is very different from the storage of cars, which do not generally exceed 2m in height. The illustrative layout shows two sets of residential buildings in this area with their associated gardens and additional landscaping on the southern boundary. Notwithstanding the proposal's effect on openness I consider that such a layout would be a visual improvement to the character and appearance of this part of the CA, as well as the amenity of adjoining residents to the west because of such gardens/landscaped areas.
30. This is one of the 'other considerations' raised by the appellant, which it considers amount to VSC that justify the approval of the proposal. I address the rest of them below.
31. I have already indicated, in terms of balancing the harm to heritage assets against public benefits, that the provision of 26 new residential units half of which would be affordable to be a significant benefit in a district that can only demonstrate at best a 2.36 year HLS and has a dire need for affordable housing. There is no reason why such a benefit should not be regarded as being an important 'other consideration'. I have also indicated that although

there is some limited overall harm to heritage assets there is also some benefit to the CA in the removal of the car display and canopy from the High Street frontage.

32. The last such 'other consideration' raised by the appellant is the proposed allocation of the majority of the site for residential development in ELP Policy A45 as justified through the objective methodology of the Council's *Green Belt and Countryside Study* (GBCS). Although the Council point out that the GBCS is an evidence document for the ELP it has clearly been used to justify the allocation of most of the site in Policy A45. As I set out above, whilst little weight can be given to this draft Policy the Council is currently intending to take it forward in the submission version of the ELP.
33. That is not particularly surprising given that most of the Borough is currently 'washed over' by the GB, there is a consequent pressing need for new housing allocations in order to establish a 5YHLS and I note that the 18 units proposed in the allocation are intended to be delivered within the first five years of the ELP. The site is well contained from the wider GB and would not conflict with any of the GB purposes including safeguarding the countryside from encroachment, as acknowledged by the Council<sup>8</sup>. It is spatially and physically part of the village despite currently lying outside the settlement boundary as indicated above. I can see no significant difference between providing 18 dwellings on a slightly smaller site and 26 dwellings on the appeal site; the difference in density would not harm the character or appearance of the area.
34. I acknowledge that Planning Practice Guidance states that unmet housing need is unlikely to outweigh the harm to the GB and other harm to constitute the VSC justifying inappropriate development on a site within the GB<sup>9</sup>. But in *Doncaster MBC v SSCLG* [2016] EWHC 2876 (Admin) it was held that whilst policy stated that it was unlikely that unmet need and personal circumstances would overcome harm to the green belt, that did not mean that they could not do so. The appellant argues that the dearth of land for housing in the area means that it could constitute VSC whilst the Council considers that the lack of a 5YHL, taken on its own or together with the other considerations relied on by the appellant, does not.
35. The Council relies on a recent dismissed appeal in a nearby village within the Borough to back up its argument in this respect: the Thatcher's Hotel site decision<sup>10</sup>. The Inspector in that decision quoted the above section of the PPG in dismissing the appeal but also pointed out that the appellant in that case had not advanced any VSCs<sup>11</sup>.
36. But I must assess this proposal on its own specific merits taking into account all the other considerations mentioned above. The Council stated at the Hearing that the Thatcher's Hotel site on the edge of East Horsley is directly comparable with the appeal site, which was, at the time of that appeal, also an allocated site in the ELP. Be that as it may I have concluded that, despite the proposal's effect on openness, it would not harm the wider GB and is effectively part of the village.

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<sup>8</sup> Council's appeal statement, paragraphs 2.1.24 and 2.1.26

<sup>9</sup> PPG Reference ID: 3-034-20141006

<sup>10</sup> APP/Y3615/W/16/3158653

<sup>11</sup> Ibid paragraphs 47 and 48

37. This, taken together with the substantial benefits of delivering housing including affordable housing in excess of policy, only limited harm to heritage assets and an improvement to the High Street frontage of the site within the CA, and the Council's intention to take forward this site as a residential allocation in the ELP are together sufficient to constitute the VSC necessary to allow the proposed development in the GB. I give substantial weight to the harm to the GB by reason of inappropriateness, loss of openness and limited impact on heritage assets. However, the other considerations outlined above clearly outweigh the totality of this harm.

### **Other Matters**

38. The S106 requires the appellant to: provide a financial contribution towards a Suitable Accessible Natural Green Space (SANGS) either to create a new parking area for the existing Effingham SANGS or to help in the creation of a new SANGS at Long Reach, West Horsley, both of which are nearby, and to pay the Access Management and Monitoring Contribution, both prior to commencement of development and to a formula contained in the S106 derived from the *Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document*. The provision of the SANGS is to be secured by a Grampian condition (see below).

39. It also requires the provision of 50% of the proposed dwellings to be constructed and available to people in housing need prior to the occupation of no more than 75% of the market dwellings; a financial contribution towards Early Years education in the Ripley area, modifications to increase the capacity of Ripley Church of England Primary School and towards the creation of a new music room at St Peter's Roman Catholic Secondary School all as set out in the Surrey County Council standard funding formula appended to the S106; and a sum of £20,000 to be applied by the County Council for the provision of a real time passenger information display at two local bus stops on Ripley High Street.

40. All these obligations meet the tests of necessity, direct relationship to the development, and fairness and proportionality required by Regulation 122 of the *Community Infrastructure Regulations 2010*.

### **Planning Balance**

41. I have indicated above that the proposed development would comply with LP Policy HE4, but not with Policies HE7, HE9 and E3, albeit I have explained in the relevant sections of my decision above that these Policies do not carry full weight as they are out-of-date because they do not accord with the NPPF.

42. Equally Policy RE2 is out-of-date because it restricts the delivery of housing in an area without a 5YHLS and does not reflect the GB section of the NPPF as indicated in the Thatcher's Hotel appeal decision (paragraph 48), and because of recent case law<sup>12</sup> which states that the weight to be afforded to policies that influence the supply of housing essentially depends on whether there is a 5YHLS. Nonetheless the proposal would be inappropriate development within the GB.

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<sup>12</sup> Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership Ltd and SSCLG v Cheshire East Borough Council [2017] UKSC 37



43. However, I have concluded that other considerations as indicated above amount to the VSC necessary to justify the proposed development in the GB. The adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, and so it would be sustainable development.

### **Conditions and Conclusion**

44. The Council has suggested 22 conditions all of which I consider to be necessary although I have slightly altered some of their wording to comply with the PPG and in the interests of brevity. Conditions 1-3 in the Schedule below are the standard outline conditions required by statute. Condition 4 specifying the approved plans is required in the interests of precision. Condition 5 preventing development until a nearby SANGS is established is necessary to ensure that the development does not adversely affect the Thames Basin Heaths Special Protection Area. A surface water drainage scheme is necessary in Condition 6 to protect the site and adjacent land from flooding and Condition 7 is necessary to ensure the discharge to the surface water sewer has been suitably agreed.
45. Condition 8 requires a Construction Transport Management Plan in order to prevent the construction process prejudicing highway safety or inconveniencing other road users. An arboricultural method statement is required under Condition 9 to protect the trees to be retained on the site. Conditions 10 and 11 require an investigation to ascertain whether any of the site is contaminated and if so the carrying out of necessary remediation prior to development commencing. Conditions 12 and 13 are required in order not to prejudice highway safety and inconvenience other road users.
46. Condition 14 is required to enhance biodiversity on the site in accordance with the NPPF. An energy statement is required by Condition 15 to optimise renewable energy and its conservation in accordance with the Council's SPG on Sustainable Construction and Design. Although the water efficiency measures in Condition 16 are set out in Building Regulations the actual measure must be set out in the condition because these are only optional requirements in the Building Regs and are required by the Council's SPG. Condition 17 requires a verification report to ensure the Sustainable Urban Drainage Scheme (SuDS) set out in Conditions 6 and 7 has been constructed as agreed.
47. Condition 18 is to ensure that the mitigation measures set out in the Phase 1 Habitat and Protected Species Survey are actually carried out to mitigate the loss of existing habitats. Condition 19 requires the implementation of archaeological work in accordance with an approved scheme since the site lies within an area where buried archaeology is likely or possible. And finally, Conditions 20, 21 and 22 require details of work to the curtilage wall, a photographic record of the Coachworks Barn/building and a method statement for the dismantling of this building to ensure the preservation of the listed wall respectively, in the interests of the preservation or recording of these heritage assets.
48. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions below.

*Nick Fagan*

INSPECTOR

## **Schedule of Conditions**

### **Implementation & drawing numbers**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Details of the appearance, landscaping, layout and scale of the development, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: A15517.01.01 A and Mayer Brown Figure 3.1 (access details) dated February 2016.

### **Pre-commencement**

5. No development shall take place until written confirmation has been obtained from the local planning authority that a Suitable Alternative Natural Green Space (SANGS) has been secured 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 SANGS standard have been completed.
6. 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.  
Those details shall include:
  - a) A design that satisfies the Sustainable Urban Drainage Scheme (SuDS) Hierarchy.
  - b) A design that is compliant with the national Non-Statutory Technical Standards for SuDS, National Planning Policy Framework and Ministerial Statement on SuDS
  - c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change) storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided.
  - d) Detailed drawings for construction, including a drainage layout detailing the location of SuDS elements, pipe diameters and their respective levels, long and cross sections of all SuDS elements a topographical survey of the site and an impermeable area plan.
  - e) Details of how the system will cater for system failure or an exceedance event
  - f) Construction phase details
  - g) Details of who will own and maintain the SuDS system and the required maintenance regimes of each SuDS element.
7. Before the detailed design of the SuDS assets is approved by the local planning authority the applicant needs to supply evidence to the Local Planning Authority and have it agreed in writing that the design is permitted to connect into the

surface water sewer and agreement of the discharge rate into the surface water system.

8. 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) measures to prevent the deposit of materials on the highway
- (e) on-site turning for construction vehicles

has 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.

9. No development shall take place until an Arboricultural Method Statement (detailing all aspects of construction and staging of works) and a Tree Protection Plan in accordance with British Standard 5837:2012 (or any later revised standard) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed method statement and no equipment, machinery or materials shall be brought onto the site for the purposes of the development until fencing has been erected in accordance with the Tree Protection Plan. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of above or below ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the local planning authority. The fencing shall be maintained in accordance with the approved details, until all equipment, machinery and surplus materials have been moved from the site.

10. A further investigation of the site is necessary to assess whether there is any land contamination. A detailed site investigation must be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology prior to the commencement of any development at the site, including demolition works other than that required to be carried out as part of an approved scheme of remediation. The investigation shall include relevant sub-surface, soil gas and groundwater sampling together with the results of analysis and a risk assessment of the impact to receptors. Any remediation required shall be fully detailed to restore the site to a standard suitable for use, including works to address any unsuspected contamination. The site investigation report shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing.

11. Any remediation scheme submitted in accordance with Condition 10 (above) shall be carried out as detailed in the applicant's submission. Documentary proof, together with a quality assurance certificate to show that the works have been carried out in full accordance with the approved remediation strategy, shall be provided to and agreed in writing by the Local Planning Authority prior to the commencement of any other work, including demolition. Details of any post remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report, to be submitted to and agreed in writing by the Local Planning Authority, together with the necessary documentation detailing what waste material has been removed from the site before the development hereby permitted is occupied by any person not directly involved in constructing the development.

### **Prior to occupation/use**

12. The development hereby approved shall not be first occupied unless and until space has been laid out within the site 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 purposes.

13. The development hereby approved shall not be first occupied unless and until details for the secure parking of bicycles within the development site shall have been submitted to and agreed in writing by the local planning authority, and thereafter the said approved facilities shall be retained for the lifetime of the development.

14. Prior to the first occupation of the development hereby approved a scheme to enhance the nature conservation interest of the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

15. An energy statement shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. This shall include details of how energy efficiency for the dwellings hereby approved is being addressed, including benchmark data and identifying the Target Carbon Emissions Rate TER for the site / development and show the on-site measure(s) to be taken and feasible renewable energy equipment to produce a minimum of 10% of the total energy requirements of the new development by means of renewable energy sources above and beyond the current Building Regulations. The approved details shall be implemented prior to the first occupation of the development and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

16. 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.

17. Prior to first occupation of the development hereby approved, 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 (SuDS) has been constructed as per the agreed scheme.

### **Other**

18. The development hereby approved shall be carried out in accordance with the mitigation measures detailed in Section 8.0 of the ERAs Consultancy Phase 1 Habitat & Protected Species Survey dated June 2015.

### **Heritage related conditions**

19. No development 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.

20. No development shall take place until a full repair schedule and method statement for the alteration, repair and reinstatement of the curtilage listed wall including drawings as may be required for new openings (piers, gates etc.) 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.

21. 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.

22. 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.

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*End of Conditions*

## **APPEARANCES**

### FOR THE APPELLANT:

Robert Walton, Counsel, *instructed by Shrimplin Brown*

James Brown Shrimplin Brown Planning & Development

Jason Clemons WYG

William Burr (For) appellant

Louise Burr (For) appellant

### FOR THE COUNCIL:

Tara O'Leary, Counsel, *instructed by the Borough Solicitor*

Michael Parker Planning Case Officer, GBC

Mariana Beadsworth Conservation Officer, GBC

Laura Howard Planning Policy Officer, GBC

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*End of Appearances*

## **DOCUMENTS SUBMITTED AT THE HEARING**

1. Extract of application report re. 12/P/00359 – White Hart Meadows adjacent residential estate provided by appellant
2. Additional extract including Map of Ripley from Green Belt and Countryside Study provided by Council
3. Full updated List Availability Report of other currently available employment sites prepared by Perry Hill Surveyors dated 28 July 2017 provided by the Council at my request

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*End of Documents List*