



Appeal Decision

Hearing (virtual) held on 18 May 2021

Site visit made on 19 May 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2021

Appeal Ref: APP/R3650/W/20/3261553

The Woolmead, East Street, Farnham GU9 7TS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Berkeley Homes (Southern) Limited against the decision of Waverley Borough Council.
- The application WA/2020/0105, dated 17 January 2020, was refused by notice dated 1 July 2020.
- The application sought alterations to basement layout without complying with condition 1 attached to planning permission WA/2018/0458, dated 31 October 2018.
- The condition in dispute is No 1 which states that: The plan numbers to which this permission relates are FNM_EXT_000, FNM_EXT_100, FNM_EXT_200, FNM_EXT_300, FNM_EXT_400, 2750, RSK-C-ALL-04-02-01 P01, RSK-CALL-04-02-02 P01, SK-E-001, SK-E-002, SK-E-003, 17386-BT1, S101A, C101, C102A, P101, P118, P119R, P120N, P121N, P122K, P123C, P125C, P133, P134, P135, P136F, P137E, P138E, P139F, P140E, P141E, P142E, P143E, P144E, P145C, P146C, P147C, P148C, P149C, P150C, P151C, P152D, P153C, P154 1 of 3, P154 2 of 3, P156 3 of 3, P157, P160A, D2548-FAB-XX-XX-DR-L-0400, SK72, SK73, SK74, SK75, SK76, SK77, SK78 and SK79. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.
- The reason given for the condition is: In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plans and to accord with Policy TD1 of the Local Plan 2018 (Part 1) and retained Policies D1 and D4 of the Local Plan 2002.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a building to provide 138 dwellings, approximately 4097m² of mixed use commercial floor space with associated access, parking and landscaping at The Woolmead, East Street, Farnham GU9 7TS in accordance with the application WA/2020/0105, dated 17 January 2020, without compliance with condition 1 previously imposed on planning permission WA/2018/0458, dated 31 October 2018 and subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Berkeley Homes (Southern) Limited against Waverley Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Planning permission was granted on 31 October 2018 under WA/2018/0458 for: *the erection of a building to provide 138 dwellings, approximately 4097m² of mixed use commercial floor space with associated access, parking and landscaping.*
4. Non-material amendments have subsequently been approved to this planning permission to allow the installation of solar panels¹ and the amendment of external elevations and internal arrangements². A revised basement plan 19088-P118A formed part of this latter approval but did not change the car parking provision.
5. The application subject of the appeal seeks to amend condition 1 of WA/2018/0458 by substituting proposed basement plan S896 – SK103 P1 for the approved basement plan 19088-P118A. The amendment would have the effect of reducing the amount of basement parking from 141 to 80 spaces.
6. Work has commenced with the demolition of the previous buildings on the site. Some of the conditions have been discharged³.
7. The application is accompanied by a unilateral undertaking under section 106 of the Town and Country Planning Act 1990. I address the undertaking in my reasoning below.

Main Issue

8. The main issue is the effect of the revised level of parking on the living conditions of local residents and the character and appearance of the area.

Reasons

9. Policy D4 of the Waverley Borough Council Local Plan 2002 requires, amongst other criteria, that development should provide safe access for pedestrians and road users and, where appropriate, servicing facilities and parking for motor vehicles and bicycles. Policy ST1 of the Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites 2018 includes at criterion 9 a similar requirement that development schemes should make appropriate provision for car parking, having regard to the type of development and its location, in accordance with local standards. While not referenced in the reason for refusal, I consider Policy ST1 to be relevant to the issue in this appeal.
10. Supplementary planning guidance on parking standards is set out in two documents: Waverley Borough Council Parking Guidelines, 2013 and Surrey County Council Vehicular and Cycle Parking Guidance, 2018. While these differ in some respects both set minimum parking standards which require 138 (Highway Authority) or 141 (Council) parking spaces for the proposed residential units, and varying amounts of parking spaces for the commercial floorspace depending on the use. The proposed parking provision of 80 spaces falls well below the parking standards when assessed against either parking guidance document.

¹ NMA/2019/0105

² NMA/2019/0114

³ Conditions 2, 4, 5, 12, 16, 19, 30, 35 and 37.

11. Set against the shortfall in parking provision, the site is situated in a highly accessible location. It lies within Farnham town centre with convenient access to shops, other facilities and services. There is a bus stop adjacent to the site and it is within easy walking distance to the train station with frequent services to Woking, Guildford and London. In addition to the highly accessible location, an enhanced package of measures is proposed to support non-car owners with an electric car club vehicle on site for the use of future residents, support for a car club in Farnham available to both future residents and the general public, cycle parking and measures to encourage cycle use. Servicing for the commercial units would be provided through loading/delivery bays adjacent to the site. A Transport Plan is also a conditional requirement.
12. The Highway Authority is satisfied that the proposed development would not have an unacceptable impact on highway safety and raises no objection to the revised parking provision. I accept that there would be no harm to highway safety and also that, given the highly accessible location and package of transport measures, future occupants of the scheme would have a genuine choice of public transport options and would be able to live in the development without necessarily owning a private motor vehicle. For those occasions where a car was necessary or more convenient, there would be access to one through the car club. I note that, notwithstanding the generally high rate of car ownership in Waverley when compared to the County or national averages, the car ownership rate for flats in Farnham town centre is considerably less, indicating that town centre living without a car is possible.
13. The Council is concerned that, notwithstanding the accessible location, future occupants would still want to own a private car, and that a lack of parking provision on the site would lead to displaced parking taking place on neighbouring roads with consequent inconvenience to existing residents and a reduction in the overall character and appearance of Farnham.
14. However, on-street parking in the vicinity of the site is already restricted by a controlled parking zone, which restricts long stay casual parking and provides for residents' parking permits. Competition for long stay parking spaces would be avoided by an agreement that future occupants of the development would not be eligible to apply for residents' parking permits. This could be secured by condition. Prospective occupiers of flats within the scheme would be made aware of this restriction and would therefore be making a decision to occupy a flat in the knowledge that there was no parking provision available either on or off-site.
15. I acknowledge that outside the controlled parking zone, on-street parking could take place. There was anecdotal evidence given at the hearing that some employees in the town choose to do so rather than pay for parking in the public car parks. However, that practice is likely to be less attractive for permanent residents of the scheme because of the security risk to cars left overnight on streets some distance away. It is also the case that if on-street parking beyond the controlled parking zone were to become a hazard to highway safety or severely inconvenience residents of those roads, the Highway Authority has powers to control that parking. I consider it unlikely that the development would give rise to significant on-street parking outside the controlled parking zone.

16. I also acknowledge that having some of the proposed flats without parking would result in a modest increase in demand for bus and rail transport compared to the permitted scheme. I was presented with no evidence that there is a capacity issue on either form of transport network, and given the scale of the development I do not consider that it would lead to an unacceptable strain on such transport provision.
17. My attention has been drawn to other schemes where parking was an issue⁴. I have reviewed these examples but give them little weight because they relate to different circumstances and, in one case, a different authority area.
18. Although the revised parking provision would not accord with the parking standards as set out in supplementary planning guidance, I conclude that given the highly accessible location of the site, the package of measures to support non-car ownership, and the ineligibility of future occupants from applying for residents' parking permits, the development would not result in unacceptable pressure for on-street parking in the vicinity of the site. Consequently, it would not cause inconvenience to the living conditions of existing residents or harm the character and appearance of the area.
19. Because the parking provision would be appropriate in the circumstances of this case, the revised development would accord with the requirements of Policy ST1 of the Waverley Borough Council Local Plan Part 1: Strategic Policies and Sites 2018, Policies D1 and D4 of the Waverley Borough Council Local Plan 2002 and Policies FNP1, FNP22 and FNP30 of the Farnham Neighbourhood Plan 2020, all of which seek to ensure high quality design, including parking and servicing. For the same reasons I consider that the development would also meet the guidance set out in the Farnham Design Statement.

Other Matters

Appropriate assessment

20. The site lies within 5km of the Thames Basin Heaths Special Protection Area. As such, there is the potential for it to have an effect on the Special Protection Area. In such circumstances, the Conservation of Habitats and Special Regulations 2010 requires me to carry out an appropriate assessment to determine whether that effect would be adverse and if so whether it could be adequately mitigated.
21. Taking a precautionary approach, I consider that the development could, when taken in combination with other residential development, have a significant adverse effect on the integrity of the Special Protection Area through additional recreational pressure causing disturbance to rare bird species.
22. Waverley Borough Council, in partnership with other bodies, has adopted an avoidance strategy⁵ aimed at mitigating the potential harm to the Special Protection Area. This includes a strategic access, management and monitoring programme and the provision of suitable alternative natural greenspace to divert and manage recreational pressure on the Special Protection Area. The appellant has agreed to make financial contributions towards both these mitigation measures, secured through the unilateral undertaking. Subject to

⁴ Appeal decisions on Bri Enda, 54 Summer Road, Farncombe and report on Former Liquid and Envy, Station Road, Redhill

⁵ Thames Basin Heaths Special Protection Area Avoidance Strategy, updated April 2021

these contributions Natural England raised no objection to the original application under WA/2018/0458 and has made no additional comment on the current proposal to amend the basement plan.

23. At the hearing, criticism was raised of the avoidance strategy and its effectiveness in achieving the objective of managing recreational pressure on the Special Protection Area. While I note that criticism, it is apparent that the Council and Natural England consider the strategy to be robust, continue to support its implementation and have agreed an update as recently as April 2021. As the national body tasked with providing advice on ecological matters, I have placed greater weight on the views of Natural England in support of the mitigation strategy rather than those views which criticise it.
24. On that basis, and subject to the contributions towards the mitigation measures contained in the unilateral undertaking, I am satisfied that the avoidance strategy would mitigate the potential harm to rare bird populations such that it would not have an adverse effect on the integrity of the Thames Basin Heaths Special Protection Area.
25. Reference has also been made to the Wealden Heaths Phase 1 Special Protection Area. As the site lies outside the zone of influence of this area, I do not consider that there is likely to be a significant effect on its integrity.

Housing land supply

26. The Council has conceded in a committee report on an unrelated application⁶ that it is currently only able to demonstrate a housing land supply of 4.99 years. As this is below the 5 year supply of deliverable housing sites expected by national policy, paragraph 11 (d) of the National Planning Policy Framework advises that planning permission should be granted unless policies in the Framework provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However, in situations where this presumption applies, paragraph 14 of the Framework advises that the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided certain criteria are met. The Farnham Neighbourhood Plan meets those criteria.
27. Since I have found that the development accords with the policies in the development plan, the relevant part of paragraph 11 of the Framework is sub paragraph (c) which advises that the proposal should be approved without further delay. There is therefore no need to consider whether the presumption triggered by paragraph 11 (d) applies.
28. Irrespective of the provisions of paragraph 11 of the Framework, I recognise that the provision of 183 residential units is of benefit in helping to meet housing need in the Borough.

Unilateral undertaking

29. In addition to the Special Protection Area mitigation measures mentioned above, the submitted unilateral undertaking would secure financial contributions towards highway and transport improvements including a

⁶ WA/2019/0770 – land north of Coxbridge Farm, West Street, Farnham

residential travel plan, travel vouchers, town centre accessibility improvements, a car club scheme and electric car club scheme; education provision; improvement of leisure facilities; green spaces and playing pitch improvements; and waste and recycling facilities. These obligations mirror those agreed in relation to planning permission WA/2018/0458 with additional obligations relating to the electric car club scheme, additional cycle stands on East Street, and financial contributions to support a cycle user group and cycle training.

30. I have considered the compliance statements provided by the Council and Highway Authority and am satisfied that these contributions meet the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 in addressing the additional demands placed on infrastructure and public facilities arising from the development. In so far as they achieve that aim, I consider them to be necessary, directly related to the development and fairly and reasonably related in scale and kind. The additional obligations are necessary to respond to the lower level of parking provision that would occur on site when compared to the permission granted under WA/2018/0458 and the greater needs arising from occupants who would not have access to private motor vehicles.

Viability

31. The appellant has proposed a reduction in the size of the basement to reduce construction costs and improve the viability of the scheme. The Council has argued that viability does not justify allowing a development that is unacceptable on planning grounds. I accept the Council's argument in principle but as I have found the revised scheme to be acceptable on planning grounds the issue of viability is not one I have accorded weight.
32. The development does not include any affordable housing. In the previous permission on the site the Council was satisfied that such provision was not viable and continues to hold that view with the current scheme. I have no reason to reach a different view.

Conditions

33. Section 73(2)(a) allows the grant of planning permission subject to conditions differing from those to which the previous planning permission was granted. Planning practice guidance states that in granting permission under Section 73, new conditions may be imposed provided that they do not materially alter the development subject of the original permission and are conditions which could have been imposed on the earlier permission.
34. I have considered the conditions suggested by the Council and appellant in the light of that guidance and the guidance in paragraph 55 of the Framework. I have included all those suggested, subject to minor rewording where necessary in the interests of accuracy and consistency.
35. The suggested conditions repeat those imposed on planning permission WA/2018/0458 suitably modified to take account of conditional requirements which have already been discharged. They have been imposed for the same reasons as imposed on the earlier permission. There is no need for a time limit condition in this case as development has commenced. The condition listing the

approved plans has been modified to substitute the reduced basement plan S896-SK103 P1 for the earlier approved basement plan.

36. Conditions making reference to use classes have been retained in their original form. Although a number of the use classes have now been modified by changes to the Use Classes Order⁷, transitional arrangements provide that for applications submitted before 1 September 2020, the application must be determined by reference to the earlier uses or use classes.
37. A condition has been added to prevent occupation of any residential dwelling until the Farnham town centre controlled parking zone traffic regulation order has been updated to restrict any resident of the development from obtaining a parking permit. This condition is necessary to prevent undue competition for on-street parking spaces from the development.
38. The condition requiring submission and approval of a travel plan has been modified to include requirements for additional public cycle stands, an electric car club for residents of the development, a cycle user group and cycle training. These additional requirements are necessary to respond to the needs of future residents without access to private motor vehicles.

Conclusion

39. Although modification of the basement would mean that the provision of parking spaces on the site would fall below the standards set out in supplementary planning guidance, I consider that change would not result in any significant additional parking taking place in the surrounding roads. I reach that conclusion because of the highly accessible location of the site in relation to facilities, services and public transport, the package of measures secured through the unilateral undertaking and in conditions to support future occupants without access to private motor cars, and ineligibility of future occupants of the development from obtaining residents' parking permits.
40. As a consequence, the revised proposal would accord with the policies of the development plan when taken as a whole, including those relating to parking provision and design.
41. I therefore conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

⁷ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

APPEARANCES

FOR THE APPELLANT:

Zack Simons	Counsel
David Gilchrist	Director, Berkeley Homes (Southern) Limited
Phil Brady	Director, Stantec
Gemma Care	Senior Associate, Stantec

FOR THE LOCAL PLANNING AUTHORITY:

Brian Woods	Managing Director, WSPA
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INTERESTED PARTIES:

Jerry Hyman	Councillor, Waverley Borough Council
Peter Clark	Councillor, Waverley Borough Council
John Neale	Councillor, Farnham Town Council and Waverley BC
David Howell	Farnham Society
Kenneth Kent	Resident

DOCUMENTS RECEIVED DURING AND AFTER THE HEARING

1. Councillor Jerry Hyman – written statement.
2. Appeal decision APP/V2255/W/19/3233606 – Land at south-west Sittingbourne/Wises Lane, Sittingbourne.
3. Waverley Borough Council – CIL compliance statement.
4. Committee report for WA/2019/0770 – Land north of Coxbridge Farm, West Street, Farnham.
5. Waverley Borough Council appropriate assessment.
6. Natural England consultation response.
7. Thames Basin Heaths Special Protection Area Avoidance Strategy.
8. Comments on 5 year housing land supply from Waverley Borough Council.
9. Comments on 5 year housing land supply from the appellant.

Schedule of Conditions

- 1) The plan numbers to which this permission relates are FNM_EXT_000, FNM_EXT_100, FNM_EXT_200, FNM_EXT_300, FNM_EXT_400, 2750, RSK-C-ALL-04-02-01 P01, RSK-CALL-04-02-02 P01, SK-E-001, SK-E-002, SK-E-003, 17386-BT1, S101A, C101, C102A, P101, S896-SK103 P1, P119R, P120N, P121N, P122K, P123C, P125C, P133, P134, P135, P136F, P137E, P138E, P139F, P140E, P141E, P142E, P143E, P144E, P145C, P146C, P147C, P148C, P149C, P150C, P151C, P152D, P153C, P154 1 of 3, P154 2 of 3, P156 3 of 3, P157, P160A, D2548-FAB-XX-XX-DR-L-0400, SK72, SK73, SK74, SK75, SK76, SK77, SK78 and SK79. The development shall be carried out in accordance with the approved plans.
- 2) Development shall be undertaken in accordance with the details relating to surface water drainage system as approved in writing on 6 November 2018 pursuant to condition 2 of planning permission WA/2018/0458.
- 3) Prior to occupation of any part of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority to demonstrate that the surface water drainage system approved pursuant to condition 2 of planning permission WA/2018/0458 has been constructed in accordance with the agreed scheme.
- 4) Development shall be undertaken in accordance with the details relating to the Noise Report and Mitigation Measures as approved in writing on 16 April 2019 pursuant to condition 4 of planning permission WA/2018/0458.
- 5) Development shall be undertaken in accordance with the details relating to Construction Environmental and Transport Management Plan as approved in writing on 6 November 2018 pursuant to condition 5 of planning permission WA/2018/0458.
- 6) All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so that the rating level of noise emitted does not exceed the background sound level, when measured according to British Standard BS4142: 2014 at any adjoining or nearby noise sensitive premises.
- 7) Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises. The installation of such equipment shall only be carried out in accordance with the approved details.
- 8) No residential dwelling forming part of the development hereby permitted shall be occupied until the Traffic Regulation Order (TRO) has been updated

to restrict any resident of the new development from obtaining a parking permit within Farnham town centre Controlled Parking Zone.

- 9) All vehicles, plant and machinery used on site and those under the applicant's control moving to and from the site that are required to emit reversing warning noise, shall use white noise alarm as opposed to single tone "bleeping" alarms throughout the operation of the development hereby permitted.
- 10) No sound reproduction or amplification equipment (including public address systems, tannoys, loudspeakers, etc) which is audible outside the site boundary shall be installed or operated on the site.
- 11) No floodlights or other forms of external lighting shall be installed at the premises without the prior permission in writing of the Local Planning Authority.
- 12) Development shall be undertaken in accordance with the details relating to archaeological work in accordance with the Written Scheme of Investigation as approved in writing on 28 January 2019 pursuant to condition 11 of planning permission WA/2018/0458.
- 13) Prior to occupation of any of the residential units, details of the following electric vehicle (EV) charging provision for the residential units shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) 57 parking spaces to be provided with 7kw Type 2 EV charging points
 - (b) 23 parking spaces to be provided with a power supply to allow the installation of 7kw Type 2 EV charging points at a later date.

The approved details shall be implemented prior to first occupation of any of the residential units and thereafter shall be permanently maintained for their designated purpose.

- 14) No burning of any materials shall take place on the site.
- 15) Prior to occupation of any part of the development hereby permitted, details of the proposed bin stores and the proposed management of the proposed bin stores shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to occupation of any of the dwellings, and thereafter retained.
- 16) Prior to the occupation of any part of the development hereby permitted, details of the parking of bicycles on East Street available for public use and the management of these shall be submitted to and approved in writing by the Local Planning Authority. The agreed details together with the bicycle storage for residential and commercial units, as approved in writing on 29 July 2019 pursuant to condition 15 of planning permission WA/2018/0458, shall be completed prior to the occupation of any part of the development, and thereafter retained.

- 17) Prior to the occupation of any unit whose use would fall within Class A3 of the Town and Country Planning (Use Classes) Order 2015 (or any order revoking and re-enacting that Order with or without modification), full details of any extract ducting for that unit shall be submitted and approved to the Local Planning Authority. The extract ducting shall be installed in accordance with the approved details prior to the occupation of the unit. The extract ducting shall thereafter be maintained in accordance with the approved details.
- 18) Construction works pursuant to this permission shall not take place other than between the hours of 0800 and 1800 Mondays to Fridays and between the hours of 0800 and 1300 on Saturdays. No works shall take place on Sundays or Bank Holidays.
- 19) Development shall be undertaken in accordance with the details relating to cross sections/details indicating the proposed finished floor levels of the proposed buildings and finished ground levels surrounding the buildings as approved in writing on 27 November 2018 pursuant to condition 18 of planning permission WA/2018/0458.
- 20) The commercial units hereby approved shall not be open for business outside the hours of 0700 and 2330.
- 21) Prior to the first occupation of any of the units, a detailed soft landscaping scheme shall be submitted to, and approved in writing by the Local Planning Authority. The landscaping scheme shall be carried out in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become seriously damaged or defective. Such replacements to be of same species and size as those originally planted.
- 22) The external materials to be used in the construction of the development shall comprise the following:

Michelmersh Freshfield Lane Stock Facing Brick
Wienerberger Olde Cranleigh Multi Brick
Wienerberger Orange Multi Gilt Stock Facing Brick
Wienerberger Hurstwood Multi Stock Facing Brick
Marley Eternit Red Sandfaced Clay Plain Tile
Terreal Rully Dark Slate Tile
Weber PRAL M 276 Stone Grey Render
Weber PRAL M 2500 Chalk Render
- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls, or other means of enclosure shall be erected on the site without the permission in writing of the Local Planning Authority.

- 24) Prior to the first occupation of the development, details of the hard surfacing to be used within the site, and public realm improvements, shall be submitted to and approved in writing by the Local Planning Authority. All hard surfacing and public realm improvements shall be carried out in accordance with the approved details, completed prior to the occupation of any part of the development and thereafter, permanently retained as such.
- 25) All installed gas fired boilers shall meet a minimum standard of less than 40mgNO_x/kWh.
- 26) Notwithstanding details already submitted with the application, prior to the first occupation of the development a detailed specification for the construction of tree planting pits within hard surface areas shall be submitted to and approved in writing by the Local Planning Authority. The specification to include the provision of a minimum of 10 cubic metres of rooting substrate per tree and means of ensuring appropriate load bearing capacity and porosity of hard surfacing above the construction. The development shall be carried out in accordance with the approved details.
- 27) The residential units shall not be first occupied unless and until the proposed vehicular access to Woolmead Road has been constructed and provided with 2.4m x 4.3m visibility splays in accordance with the approved plans and thereafter the visibility splays shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.
- 28) Prior to occupation of any of the residential dwellings, details of the proposed barrier/gate to be installed on the ramp leading to the basement car park shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be installed prior to occupation of any of the residential dwellings.
- 29) Prior to occupation of any part of the development the existing accesses from the site to Woolmead Road, made redundant as a result of the development, shall be permanently closed and any kerbs, verge, footway, fully reinstated.
- 30) Prior to occupation of any part of the development, works shall be undertaken to improve pedestrian crossing provision at the Bear Lane junction with Woolmead Road as approved in writing on 07 August 2019 pursuant to condition 29 of planning permission WA/2018/0458.
- 31) Prior to first occupation of any part of the development, details of a scheme to permanently close-up the subway on Woolmead Road, shall be submitted to and approved in writing by the Local Planning Authority. The works to close the subway shall then be completed in accordance with the approved details, prior to the first occupation of any part of the development.
- 32) The residential dwellings shall not be occupied unless and until space has been laid out within the site in accordance with the approved plans 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.

- 33) Prior to occupation of any part of the development the loading bays adjacent to the Woolmead Road site frontage shall be constructed in accordance with the approved plans and thereafter retained and maintained for their designated purpose.
- 34) Prior to first occupation of any part of the development a Travel Plan for both the residential and commercial uses shall be submitted to and approved in writing by the Local Planning Authority, in general accordance with the Framework Travel Plan dated May 2018 approved pursuant to planning permission WA/2018/0458 and shall also include the following additional measures:
- (a) An additional 10 cycle stands for use by residents, visitors and the general public located within the public highway on East Street or other agreed town centre location.
 - (b) Provision of an electric car club car for use by residents within the basement carpark for a minimum of 2 years.
 - (c) Facilitate and support a site-wide Bicycle User Group (BUG). Membership of the BUG would be open to any occupier, employee or resident on the site. The BUG would provide a forum for those who regularly commute to work by cycle and / or use their cycle during working hours. It is anticipated that the BUG would provide advice on tax incentives to cycling employees; cycling routes; discounts available within local cycle shops; safety and maintenance.
 - (d) Organise cycle training for any occupier, employee or resident.

The approved Travel Plan shall then be implemented on occupation of any part of the development.

- 35) Development shall be undertaken in accordance with the details approved in writing on 7 August 2019 to ensure the dwellings are completed to meet the objective of a maximum of 110 litres of water per person per day, as approved pursuant to condition 34 of planning permission WA/2018/0458.
- 36) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting of that Order with or without modification), the commercial units shall only be used for uses falling within Use Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) and B1 (business) or a combination of any of those uses.
- 37) The public art formerly displayed on the site shall be relocated in accordance with the details approved in writing on 6 November 2018 pursuant to condition 36 of planning permission WA/2018/0458.

***** End of Conditions *****