



Appeal Decisions

Inquiry held 20th to 30th July 2010

Site visits made on 25th, 29th July 2010

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Decision date:
24 August 2010

Appeal 1

Ref: APP/C3620/A/09/2112341

53-57 The Street, Ashted KT21 1AA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Ltd against the decision of Mole Valley District Council.
- The application Ref MO/2008/1127/PLAMAJ, dated 31 July 2007, was refused by notice dated 9 March 2009.
- The development proposed is redevelopment of a former petrol filling station to provide a retail food store of 2,177 square metres gross external floor area over ground, first and second floors [net sales area 1,115 square metres at ground level] nine 2-bedroom flats on the first and second floors (with nine dedicated car parking spaces) realigned and enlarged car park to serve Ashted village comprising 212 spaces [including twelve disabled spaces and four parent/toddler spaces] including the demolition of Hobson's Choice; cycle and motorcycle parking; repositioned recycling centre; highway improvements to the junction of Woodfield Lane and the Street; and new and improved boundary treatment in the car park with retaining walls and fencing.

Appeal 2

Ref: APP/C3620/A/10/2122996

53-57 The Street, Ashted KT21 1AA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Tesco Stores Ltd against the decision of Mole Valley District Council.
- The application Ref MO/2009/1322/PLAMAJ, dated 9 November 2009, was refused by notice dated 5 February 2010.
- The development proposed is redevelopment of former petrol filling station to provide a retail food store of 1,499 square metres gross external floor area over ground, first and second floors [planning net sales area 750 square metres] realigned and enlarged car park to serve Ashted village comprising a total 172 spaces [including a total of nine disabled spaces and four parent/toddler spaces], plus nine additional residential spaces; demolition of Hobson's Choice; 12 cycle and 4 motorcycle parking spaces; repositioned recycling centre; highway improvements to the junction of Woodfield Lane and the Street; and new boundary treatment in the car park with retaining walls and fencing and new pedestrian link between car park and The Street.

Decisions

Appeal 1

I dismiss this appeal.

Appeal 2

I allow the appeal, and grant planning permission for a supermarket on ground floor and 2 one-bedroom, 4 two-bedroom and 3 three-bedroom flats on first and second floors. Realigned and enlarged car park with repositioned recycling centre. Highway improvements to junction of Woodfield Lane and The Street. Demolition of Hobsons Choice, The Marld; at 53-57 The Street, Ashtead in accordance with the terms of the application, Ref MO/2009/1322/ PLAMAJ, dated 9 November 2009, and the plans submitted with it, subject to conditions set out in the schedule attached to this decision.

Procedural Matters

1. Appeal 1 was submitted on 8 September 2009 and held in abeyance at the request of both parties, pending the Council's decision on the subsequent application. Appeal 2 was submitted on 17 February 2010 following their decision to refuse planning permission for this subsequent application.
2. The description of the proposed development is amended in a statement of common ground dated 20 July 2010. A complete list and agreed sequence of all relevant submitted plans were deposited at the Inquiry. Application 1 was refused in 2009 on grounds of retail vitality and viability by reference to Planning Policy Statement 6 [PPS6]; but Application 2 was refused on grounds of retail vitality and viability by reference to Planning Policy Statement 4 [PPS4]. The Council does not now defend the reason for refusal on Appeal 2 on grounds of retail impact. A late rebuttal proof of evidence concerning noise was submitted by the appellants and copied to the Council and Rule 6 parties.

3. Appeal 1 relates to:

Redevelopment of site to provide a supermarket on ground floor and 9 No two-bedroom flats on first and second floors. Realigned and enlarged car park with repositioned recycling centre. Highway improvements to junction of Woodfield Lane and The Street. Demolition of Hobsons Choice, The Marld.

Appeal 2 relates to:

Redevelopment of site to provide a supermarket on ground floor and 2 No one-bedroom, 4 No two-bedroom and 3 No three bedroom flats on first and second floors. Realigned and enlarged car park with repositioned recycling centre. Highway improvements to junction of Woodfield Lane and The Street. Demolition of Hobsons Choice, The Marld.

4. The Inquiry was advertised in the Surrey Advertiser. The Council notified 1,600 people interested in the appeal by letter. By agreement with the Inspectorate they were not all re-notified when the date, time and venue were arranged afterwards. Deadlines for written representations expired on 9 April 2010. Before the Inquiry opened 1,231 objections were received by the Council, 6,396 signatures on petitions, and 39 letters of support. These written representations relate to either or both of the applications and have all been taken into account. Written representations from Chris Grayling MP object to both schemes, because of the lack of parking spaces, access which ought to be from The Street rather than the car park; and impact of the car park on

residential amenity. I am satisfied that proper publicity was afforded to both appeals and that no-one has been disadvantaged.

5. Before the Inquiry opened the Inspectorate drew attention to announcements by the Secretary of State about the revision of Planning Policy Statement 3 [PPS3] and the publication of Planning Policy Statement 5 [PPS5] in 2010. The Government's Noise Policy Statement for England was published on 15 March 2010. Everyone was aware of the Secretary of State's revocation of Regional Spatial Strategies. I have taken account of all these changes in National Policy and I have determined these appeals in the light of current Government Policy.
6. Surrey Structure Plan has been superseded. Mole Valley Core Strategy had been published for the purposes of Application 1, and adopted for the purposes of Application 2. A Character Appraisal for Ashted has recently been adopted as a Supplementary Planning Document. It conforms with Policy CS14 of the Core Strategy. Several policies in the adopted Mole Valley Local Plan, 2000, have been saved for the purposes of the Planning and Compulsory Purchase Act 2004. It is still a material consideration, but all parties recognise that the weight of the Local Plan is affected by the adoption of the Local Development Framework Core Strategy. These changes affect the current Policy background, which is common ground.
7. Notwithstanding advice in Circular 5/2005 that Obligations should not be left to the later stages of an appeal, the appellants found it expedient to submit Unilateral Obligations in draft as late as 12 July 2010. These were not completed and submitted until 29 July, just before the close of the Inquiry. I have considered these in the light of the Circular, Community Infrastructure Levy Regulations 2010 and evidence available at the Inquiry; I refer to them in my conclusions.

Main issues, in either appeal.

8. Whether either of the alternative supermarkets would be too large in the context of Ashted village centre or likely to harm the choice, vitality and viability of local shopping.

Whether the design, scale or bulk of either building would be out of scale with the character of the village centre.

Whether the additional use of Ashted Peace Memorial Hall car park as parking space for the supermarket would be inconvenient, leaving inadequate space for long-term or short-term parking.

Whether the development would generate a significant increase in traffic at the junction of Woodfield Lane and The Street A24, and what effect it would have on the free flow and safety of traffic.

Whether the increase in traffic on Woodfield Lane north of the appeal site would harm the local infrastructure and environment.

Whether additional activity in the realigned and extended car park, and deliveries to the supermarket, would cause unacceptable harm to the residential amenity of the neighbourhood.

Whether either scheme would lead to unacceptable loss of trees of public amenity value.

Background

9. These two appeals relate to alternative proposals for the same site. Application 2 was amended after negotiations between Tesco and the Council, intended to meet the reasons for refusing Application 1. The Council's officers recommended conditional planning permission for Application 2; nevertheless it was refused by elected members. This has become extremely controversial.
10. I am impressed by the volume of objections submitted by local people as individuals, and the weight and quality of evidence prepared by campaigners anxious, for various reasons, to reduce the scale of the supermarket. The Council's reasons for refusal are differently worded in each decision, but they arise from similar concerns; and a host of objectors oppose the development for their own reasons. I have considered every relevant issue afresh, in the light of evidence available at the Inquiry, to arrive at balanced decisions on each appeal. It is convenient to examine the alternative schemes separately, beginning with Application 2.

Appeal 2

Size of the supermarket

11. The appeal site is the cleared, vacant site of a former petrol filling station in the main shopping centre of Ashted Village. It has frontage on The Street, with shops and business premises on either side. To my mind, it occupies part of the prime frontage. I recognise and endorse a widespread consensus of opinion that this vacant site is ripe for redevelopment and could beneficially be occupied by a supermarket.
12. In the interests of sustainable economic growth, up-to-date Government Policy PPS4 seeks to direct new shopping facilities to existing centres. It defines the characteristics of typical District Centres. The Council's vision for Ashted Village is set out in the recently adopted Core Strategy for Mole Valley, October 2009. In terms of retail hierarchy, this is a District Centre catering for day to day needs of the local community. The strategy for delivering this vision includes maintaining vitality and viability, safeguarding the existing provision of shopping floorspace and providing for an increase in convenience shopping floorspace that is appropriate to the scale, nature and function of Ashted and complements its existing provision. This strategy is in step with the sequential approach to current Government policy. Accordingly this is the right place for a supermarket, of the right size.
13. I saw for myself that the character of shopping at The Street is unusual; there are several small businesses such as butchers, fishmongers, delicatessen and service shops, café, newsagent, banks and post office all within quick and easy walking distance of one another, together with pubs and a very small supermarket with a limited range of convenience goods. This cluster of local businesses, within a short compass, shares ample parking space with a remarkably popular community centre - Ashted Peace Memorial Hall. Although Ashted is not far from the conurbations of London, I recognise those

- characteristics which encourage people to perceive it as a village, and which motivate people to save it from harmful change.
14. The Street is not the only centre at Ashtead: a short walk to the north, via Woodfield Lane, there is another group of shops and businesses known as Craddocks Parade. According to all the evidence, this centre is thriving. It includes a small Tesco Express convenience store. Many people think, and say, that a similar small Tesco supermarket could revitalise The Street and make it even more popular and attractive than it is now. But this is not an application for a supermarket as small as that. I have to consider this application on its merits, knowing that there is no objection to a supermarket in principle.
 15. The salient policy in the Core Strategy, CS8, actually encourages measures to safeguard and consolidate the rôle and function of the retail centre. But proposals which would harm it, detract from its vitality and viability or create an imbalance in the hierarchy will not be permitted.
 16. The proposed supermarket would be a retail food store of 1,499 square metres gross external floor area with a net sales area of 750 square metres (excluding circulation space behind the check-outs). This would not be a large supermarket; certainly not a superstore in terms of PPS4. Far from it. Superstores are normally defined as stores with more than 2,500 square metres trading floorspace. Ashtead has a higher population than Leatherhead. It does not lack access to superstores: the Core Strategy explains that people who need to shop in larger stores can visit outlets in Dorking, Leatherhead, Epsom or wherever else they prefer. So clearly there must be a considerable leakage of trade from Ashtead Village.
 17. A supermarket of the size proposed would consolidate the rôle and function of the District Centre. Tesco do not have to prove there is an actual need for it. As to the question of harm to the District Centre as a whole, Tesco have carried out an impact study. It does not produce any clear evidence that their supermarket is likely to lead to significant adverse impacts in terms of PPS4, Policy EC14. This application was not refused for reasons of retail impact. The Council produces no evidence of adverse impact. And neither does Ashtead Residents' Association S.A.V.E. The proposed supermarket would not conflict with PPS4, Policy EC4, EC10 or the objectives of EC16 or EC17. Ashtead is already a District Centre, so consolidation would not create an imbalance in the retail hierarchy. So it would comply with Core Strategy Policy CS8 and it is in accordance with the Development Plan.
 18. The Council's first reason for refusing this application was based on the premise that the supermarket would be too large, in retail terms, and would detrimentally affect choice, vitality and viability of the shopping centre. At the Inquiry, both principal parties agreed to a condition which would limit the gross floor area and net sales area of the supermarket. But many local people and groups say they do not want a supermarket of this size. Traders say Ashtead is really a village, not a town, but is a viable trading community: the community now faces a choice - either flourishing local businesses, or else a supermarket.
 19. Retailing is a dynamic industry. The appellants pursue an historic trend towards the growth of multiple retailers as opposed to independent traders. It is not the function of the planning system to protect existing businesses from

- competition. The most direct impact would very probably fall upon existing small supermarkets in Ashtead (including Tesco Express at Craddocks Parade). That is only to be expected. I think the most serious objections focus on the risk of harm to smaller shops and services.
20. Opinions differ widely over the impact of this supermarket. Its additional turnover would undeniably add to and complement the vitality and viability of Ashtead District Centre if it is considered as a whole. The appellants point out that this would widen choice for customers, and claw back some of the trade which is leaking out to other centres. That is obviously true.
 21. The extent of Tesco's indicative retail catchment is open to debate. It is based on a limited household survey and it includes populations which would clearly find access to Epsom easier than Ashtead, so rough assumptions have been made to adjust the estimates. Public transport is not very frequent or convenient. I find the appellants' mileage exercise is of little assistance. But even setting these assumptions aside, it is clearly apparent that a large majority of people around Ashtead go by car to out-of-centre stores or town centres at Leatherhead or Epsom; and this presumption is backed up by the conclusions of the Local Development Framework. This pattern of retailing is unsustainable.
 22. A retail study for the Council indicates that additional supermarket floorspace should be directed to Ashtead, or Dorking, but leaves open to question how much of the floorspace should be directed to Ashtead. Application 2 relates to a supermarket reduced in size in response to the decision on Application 1. Its function as an 'anchor' store at Ashtead would still be subservient to super-stores within driving distance, but would certainly be convenient for top-up. Another small Tesco Express here at the Street would do little to address the outflow of trade from Ashtead.
 23. There is nothing in the Core Strategy to say how big any new supermarket ought to be. However local residents, elected members and several local traders, remain seriously concerned about harm to other aspects of the retail function of their village centre. In the light of Policy CS8, this is a legitimate concern.
 24. Tesco think extra footfall would provide significant spin-off for other businesses in the village: that linked trips would actually create a positive impact. Experience at Craddocks Parade bears this out. Objectors argue that the spin-off for convenience shops nearby might be greater if the proposed supermarket were to have frontage only onto The Street; not to the car park at the rear. That is probably true as well. Even those local traders who support the Tesco development do so because they believe that if it had its only entrance on The Street, it would create more footfall to the benefit of their businesses. But it would be less convenient for supermarket shoppers. And in any case, Application 2 would provide for direct and convenient pedestrian links to The Street in two places, with routes for people with disabilities, and a system to stop shoppers wheeling trolleys out onto The Street.
 25. Recently published Supplementary Planning Document 'Character Appraisal-Ashtead' focuses attention on its good range of independent shops and local services, creating a vibrant centre and strong community focus. And a host of

objectors lay passionate emphasis on the cherished character of specialist convenience shopping and services in The Street. This perception is borne out by surveys. The appellants recognise it too. This District Centre is small in scale, but I saw for myself that it is unusual in the present evolutionary process of retailing; and this is clearly important to the village atmosphere and local sense of place.

26. It is an acknowledged fact that some of the specialist convenience stores and local businesses might find difficulty, or even close down if Tesco's new supermarket is too big. In the current economic climate, the risk cannot be quantified, but it is a risk nonetheless. The Residents' Association does not elaborate the argument, though it clearly influenced elected members. But on balance, I consider the detriment to local food and convenience shops would be outweighed by the positive contribution which a supermarket of the size proposed in Application 2 can make to the vitality and viability of Ashted District Centre as a whole.
27. According to Tesco, this supermarket is not intended to offer fresh fish, meat, bakery or delicatessen. They would offer only packaged goods. In the light of PPS4 and Circular 11/95 I do not consider it would be necessary, or reasonable, to impose a condition seeking further to restrict the goods or services available at the counter.
28. Any impact on local specialist services and comparison shops is likely to be beneficial, because a condition is imposed to restrict the proportion of floor area selling comparison goods to 10%; so customers who want such goods would probably spin-off to other shops in The Village.

Design, scale and bulk

29. The architecture and appearance of the proposed building is not at issue. I am impressed by the way the façade on The Street would be integrated with its context. It would respect the setting of the village centre in terms of Local Plan Policy ENV22. Details, such as materials and joinery, ought to be submitted to the Council before work begins. Objections focus on the scale and bulk of the building; its massing, where it extends at the rear.
30. A smaller, less intrusive scheme was exhibited to the public in 2006. It generated a positive response. However, later evolution in design and scale resulted first in Application 1 and subsequently in the smaller Application 2, both of which proved controversial and neither of which proved acceptable to the District Council.
31. In order to accommodate the proposed floorspace at ground floor level, the building would have to extend well behind the street frontage. It is not unreasonable, or inherently objectionable, for buildings to extend behind the frontage. Planning permission has already been granted at The Curry House for buildings to extend at the rear. The proposed building would be within the site of the former petrol filling station. There is no apparent rear building line, and the urban grain would not be offended.
32. The length of its flank wall would be strikingly apparent when seen from Ashted Peace Memorial Hall car park, but would present an attractive elevation, with bays and gables around the back entrance, and artwork along

the pedestrian passageway towards The Street. I do not agree that this would look like a "Big Box".

33. This would be one of the biggest buildings in Ashted Village. Comparisons with the scale other local buildings do not lead to any useful conclusions. But the flank elevation would not be as intrusive as the corresponding elevation in Application 1: it is foreshortened, partly in order to conserve a group of trees of architectural significance. So it would meet the requirements of Core Strategy Policy CS14.

Sustainability

34. The sustainability of the design is not at issue between the Planning Authority and the developers in this case. When built, the structure would comply with Building Regulations. But serious concerns are expressed by the Residents' Association and Transition Ashted movement, warmly supported by those in the local community who are informed and interested in environmental matters; and these concerns have been addressed by the developers.
35. The most relevant policy in the Development Plan is CS19, which requires sustainable construction, renewable energy and energy conservation. This is in step with Government strategy, PPS1 and PPS22. It seeks to maximise on-site recycling and re-use of materials used in construction. In response, a Method of Construction Statement is to be required by condition.
36. Policy CS19.1c. also requires new dwellings to meet at least level 3 of the Code for Sustainable Homes; and BREEAM 'Very good' standards for the supermarket. This must include 10% reduction in total carbon emissions, using on-site renewable low-carbon energy sources. As the Regional Spatial Strategy was revoked before the Inquiry opened, Policy NRM11 is not at issue; but Policy CS19 still applies.
37. This development would achieve 16% reduction in carbon emissions. It is common ground that this store would rate 'Good' in terms of BREEAM. The dwellings would rate Level 1. This falls short of the standard requirements of CS19.1c. But Policy CS19.2 allows applicants to demonstrate that compliance would not be technically or financially achievable, having regard to the type of development involved, or its design. The appellants assert compliance with Policy CS19.2 and the Local Planning Authority does not contest it.
38. The proposed dwellings would have solar hot water systems. This would not leave much room on the roof for photovoltaic panels. The shape of the site leaves little scope for change towards southerly orientation. The only other on-site low-carbon energy source proposed is an air source heat pump. Ashted Residents' Association emphasise the advantages which might be gained from a ground source heat pump instead, with pipe-work under the car-park. But that would not be on-site. From the available evidence I have no reason to doubt that recent advances in air source heat pump technology would deliver equivalent energy savings.
39. The gist of the objectors' case is that the sustainability of this development could have been improved. The management of Tesco normally aim to cut carbon emissions in their stores and other buildings. But in this case they submit a compromise solution in terms of CS19.2. To ensure compliance with

Policy CS19, I have imposed conditions which require the building to be constructed fully in accordance with the submitted BREEAM pre-assessment, and dwellings to be built in accordance with the submitted Sustainable Homes report. Development must not begin until an Energy Statement has been submitted which demonstrates that this will achieve at least 10% energy savings.

40. Nine residential apartments, at first and second floor level at the front of the building, would be affected by traffic noise from A24. In terms of Planning Policy Guidance Note 24, this would amount to Noise Exposure Category 'C' [NEC.C] in the daytime and NEC.B at night. Planning permission is not normally granted where exposure is 'NEC.C'; and all necessary protection should be applied to NEC.B. So in compliance with PPG24, the dwellings should be constructed and insulated to conserve energy and achieve internal noise levels of the order suggested in BS8233:1999.
41. Under the heading of 'sustainability', the Residents' Association also takes issue with the appellant's community consultation. Tesco's Statement of Community Involvement concedes that there was limited time to consult on Application 2. Consultation mainly depended on a leaflet. This generated a tremendous reaction. People felt they were not being listened to. The Inquiry took care of that. Lack of consultation is not, in itself, a reason for refusal.

Parking

42. Either of the alternative schemes would depend upon the use of the existing Ashted Peace Memorial Hall car park by supermarket customers. This is often a busy car park: owned by the Council, used by shoppers and visitors to the Hall, as well as by residents, employees and parents dropping off at a nursery. Permitted development at The Curry House and Hascombe House will soon add to the number. Ashted Hospital has an arrangement with the Council to use 45 parking spaces and provide a shuttle bus. The Chairman of the Trustees of the Peace Memorial Hall presents a detailed and wholly convincing record of current occupancy.
43. According to the statement of common ground, 157 parking spaces are now open to the public for long-stay or short-stay. It is not always full; demand is said to vary around 28 spaces, more or less. But more than a thousand events a year take place in the Hall, with major events from time to time. Only one other off-street car park is available: much smaller, at Grove Road. It is axiomatic that a new supermarket, with nine dwellings, would generate extra demand behind the Peace Memorial Hall. This gives rise to serious concern.
44. Either scheme involves realigning the existing parking area, together with an extension of the car park onto the garden of Hobsons Choice: an adjacent house to be demolished.
45. Having refused Application 1 the Council granted a separate stand-alone planning permission MO/2009/1474CU linked with Application 2, to extend the car park further and incorporate garden land at the rear of 18 Woodfield Lane. The appellants confirm that with this additional capacity of 13 car parking spaces and 5 motorcycle spaces, 181 parking spaces would be open to the public, with 9 for residents.

46. Planning Policy Guidance Note 13 makes it perfectly clear that lack of parking space is seldom a good reason to refuse permission for new development. PPS4 confirms that maximum standards apply to retail development. There are no minimum parking standards for a supermarket, other than for disabled people. The objective is to promote sustainable travel choices. In this connection, I have taken account of a Travel Plan to reduce car usage as a mode of travel to and from the supermarket. This is part and parcel of the Unilateral Obligation offered by Tesco under section 106 of the Act.
47. On that basis, the proposed supermarket should provide a maximum of 102 parking spaces (including employees' spaces, and those reserved by condition for disabled). But of course Ashtead Peace Memorial Hall car park is already shared by others, many of whom have prior claims upon it.
48. People doubt whether there would be enough room for long-term parking if available space is shared with the supermarket. I appreciate the anxiety of those who would be displaced; but in principle I do not think long-term parking really deserves top priority in the main District Centre car park. Reason for refusal 3 declares it has not been demonstrated that alternative off-street parking can be provided for staff and the existing users of long-term parking spaces. The likely harm is said to be cars parking on surrounding roads. The Council owns and controls this car park, so the management régime at Ashtead Peace Memorial Hall car park remains a matter for the Council's discretion.
49. In this context a great deal of sterile debate took place, seeking to cast doubt on trip generation data normally applied by Surrey County Council as Highway Authority: "SSC2". Little account has been taken of pass-by and shared trips to the store in this appeal; trips have been treated as if they are all new, destined for the supermarket. These figures are said to be "very robust", implying that they tend to exaggerate the number of trips. Be that as it may, a very high proportion of customers would come by car and SSC2 is the basis on which both principal parties addressed traffic issues when submitting both applications, assessing and determining them. As a consequence the Highway Authority does not contest Appeal 2. SSC2 data underlies the statement of common ground. I see no overriding reason to set aside estimates which are submitted on such authority.
50. If existing long-term parking is removed, it is evident that the car park could provide enough short-term spaces day to day, even during medium to large events at the Memorial Hall. The total, agreed for the purposes of the final scheme, would be 181 car parking spaces. This capacity would rarely be stretched. Bearing all the evidence in mind, I think that overspill from short-term visitors would be a rare occurrence, and limited parking is not necessarily harmful in the light of PPG13.
51. The appellants think a maximum four-hour stay would improve the availability of spaces. The Council agree. So do I. That would be a matter for day-to-day management and enforcement. The Council would operate pay-and-display, as they do now. Common sense suggests that management priorities would vary from time to time, so I do not intend to impose a formal condition about parking duration.

52. That still leaves the crucial question of what to do about displaced long-term parking spaces. Elected members and local residents are extremely perturbed about it. There is no immediate answer. I saw for myself that there is limited space at Grove Road car park, and that kerb-side parking already contributes to congestion in and around The Village. The Character Appraisal confirms it. Any heavy and additional burden of kerbside parking would be unacceptable. Consequently the appellants concede that they would not proceed with the scheme, or lease the Council's car park, until such time as hospital parking at least has been relocated.
53. On the basis of available evidence, the shortfall would amount to 74 parking spaces. I conclude that permission should be granted only on condition that development is not commenced until proper provision has been made for the relocation of 74 long-stay parking spaces to mitigate the problems of further on-street parking, and to ensure adequate short-stay parking for the supermarket, those attending Peace Memorial Hall and for other users of Ashted centre, in accordance with Mole Valley Local Plan Policy MOV4. Thus the proposed development would comply with PPS4 Policy EC18. As the Council manages the car park, it is for the Council to find the necessary provision. The terms for such a "Grampian" condition were discussed during the Inquiry and agreed to be justified and valid.

Traffic at the A24 junction.

54. The main access and only egress from the car park is via Woodfield Lane. Servicing is possible via The Street and an alley passing between the appeal site and the Curry House. There is also an existing circuitous access passing between 73-83 The Street and along the rear of residential properties in Pound Court. The proposed realignment within the car park would guide all drivers to the exit onto Woodfield Lane.
55. Many drivers would then turn left out of the car park and travel a few metres to join The Street A24 at an existing junction where visibility is restricted. There is no proposal to install traffic lights here. This is the basis for the fifth reason for refusal. I think the problem is significant, but the County Council as Highway Authority does not seek to justify this as a reason for refusal in the case of Appeal 2. I return to this issue in the case of Appeal 1, the bigger scheme, where the County Council does substantiate serious objections.
56. The hazard is the same in both cases. And the proposed mitigation is the same. The essential difference is the volume of traffic. Again, if I apply data based on SCC2, the difference is significant. This suggests that the proposed supermarket would generate an additional 673 vehicles leaving the car park to enter The Street junction from Woodfield Lane in a normal week-day. By the same token, the supermarket subject to Appeal 1 would generate an equivalent increase of 1074 vehicles. Comparable estimates of percentage increase have been agreed for any normal weekday (24 hrs): 32% versus 51%.
57. Admittedly, these are estimates; and they are robust. To my mind, that means they err on the side of caution. In this context I think it reasonable that they should. The Residents' Association emphasises the margins of error. But whatever the exact volume of traffic may be, and however much it may vary from time to time, it is an acknowledged fact that the bigger Tesco

supermarket would generate a lot more trips than the smaller scheme which is the subject of this Appeal 2.

58. This hazard affects the A24 Primary Traffic Network where it passes through Ashted District Centre and its shopping frontage, en-route between Dorking and Epsom. Here, on the corner beside The Brewery Inn, there is a five-ways junction of The Street, Woodfield Lane, Rectory Lane and Grove Road. Traffic joining A24, coming from Woodfield Lane and Ashted Peace Memorial Hall car park, has clear visibility of 90 metres to the left. Visibility in the leading traffic direction to the right is restricted by the Inn to just 24 metres at 2.4 metres from the edge of carriageway. However, the A24 curves away so that it is possible to see part of the carriageway farther off, beyond the Inn. A driver waiting at the junction can see oncoming traffic at a distance. There is a blind spot in between. Oncoming vehicles are out of view between 80 metres and 24 metres.
59. Cautious drivers, waiting at the give-way line, can see vehicles approaching at a distance, then edge forward carefully until they reappear and go by, before attempting the junction. This must necessarily hamper the through-put of traffic. It must lead to frustration. It also challenges the reliability of any estimate of capacity; just as PICADY is of little assistance at the five-ways junction.
60. It is generally asserted that drivers are very cautious as they come out of this junction onto the A24. I am sure this must be so, especially if they are familiar with the route. Very few accidents have been reported, and even these few are not attributed to the blind spot. This hazard is apparent, everybody can see it is serious, and nobody denies it.
61. The A24, as it passes between the shopping frontages of Ashted Village, is subject to speed restrictions and, in any event, it cannot be made totally safe. I share the Highway Authority's view that the current proposal is, on balance, acceptable in terms of safety at the junction. The junction is not prohibitively dangerous. And before extra traffic is introduced, it would be possible to make it somewhat safer.
62. As part of the development proposed, the appellants would carry out, or pay for, a modest improvement. The kerb and give-way line would be moved forward to improve visibility to the right by about 3 metres. Anti-skid surfacing would be applied. Details have been subjected to a safety audit. Additional improvements would be made to a pedestrian crossing point, with raised table across Woodfield Lane. There would still be a blind spot, but it would be reduced to a length of 39 metres. The Design Manual for Roads and Bridges sets standards, whereby 90 metres visibility would be appropriate in a 30 mph speed limit. The proposed improvement would fall very far short of this standard. But the hazard would be mitigated.
63. A planning condition is imposed to ensure the supermarket is not opened to trade and the flats are not occupied until this road improvement has been completed. The scheme also features in an Obligation offered by the appellants. A Traffic Order would be required under Section 278 of the Highways Act 1980.

64. The proposed service and delivery route would exit direct onto The Street via the site of the former petrol station. There is no objection to that. About six Tesco deliveries may be expected every day. But the swept path of a long delivery vehicle would encroach on the footway and across the carriageway of The Street. A condition is imposed to ensure this exit is modified, to ensure adequate manoeuvring space and room for buses. The redundant filling station access would be taken up and reinstated as footway. All this would be associated with footway and townscape improvements on The Street, illustrated in the appellants' plans, with contributions from their Obligation.

Traffic on Woodfield Lane

65. Whereas many drivers leaving Ashtead Peace Memorial Hall car park would turn left towards the junction on the A24, the remainder would turn right along Woodfield Lane towards Craddocks Parade. The effect on infrastructure and the local environment is not given as a reason for refusing Application 2 (as it is for Application 1.)

66. This lane has a rural feel, with a narrow footway on one side; an avenue of trees and a raised footpath on the other. The Highway Authority confirms that it is lightly trafficked. Residents are concerned about the intrusion of more traffic if a supermarket is built. However, even the most robust estimates do not show that traffic generated by a supermarket of the size specified in Application 2 would exceed the capacity of Woodford Lane leading towards Craddocks Parade. It would not conflict with Local Plan Policy MOV2. I return to this issue under Appeal 1.

Residential amenity

67. The Council's reason for refusal merely says the hours of opening of the food store and hours of delivery are excessive and would result in the loss of residential amenity. Only the larger scheme is said to be "unneighbourly". The Council does not level the same allegation at Application 2. However the reaction of the public, many hundreds of objectors, and the substantive case presented by Ashtead Residents' Association and Save Ashtead's Village Environment (SAVE) shows that the issues are much wider than that. I have examined them.

68. Notably, either of the alternative schemes would generate much greater activity in Ashtead Peace Memorial Hall car park, which adjoins homes and gardens. The car park is fairly quiet, less than half full most of the time, with occasional busy periods when major events take place in the Hall. People are used to this low level of activity, but it cannot be taken for granted: Ashtead Peace Memorial Hall car park is a public car park after all. The problem is a matter of degree, not of principle.

69. The recently adopted Character Appraisal describes the wide variety of community activities and the large public car park, serving visitors to nearby shops and businesses in The Village area. One would expect it to be amply used.

70. The adjoining neighbourhood, Oakfield Road to The Marld, is a distinct Character Area. It is not a Conservation Area, but it includes some fine, low density residential development with detached houses, large gardens and a

quiet sylvan ambience. The proposed development would extend into this neighbourhood, by incorporating the site of Hobsons Choice as a car-park extension, together with part of the garden behind 18 Woodfield Lane. Demolition and clearance of Hobsons Choice would prompt a condition to protect wildlife and bats, in compliance with Policy CS15.

71. In view of recent amendments to PPS3, garden land is not necessarily regarded as 'brownfield' for the purposes of housing development. However, that makes no difference to the current application for a supermarket. Conditional permission has already been granted for the car park extension behind No.18, which sets an obvious precedent.
72. I visited this quiet residential area, and was invited into people's homes. Many of them enjoy an attractive outlook, which includes neighbouring gardens. Their outlook and seclusion would be altered by the change of use to car parking. This would have an obvious effect on residential amenity. It is important to keep this impact within acceptable bounds and to protect residents' privacy, security and noise environment; though it would be unreasonable to prevent any changes in the view.
73. The major issue for surrounding residents is said to be intermittent peak noises from doors slamming, reversing alarms, revving and trolley movements. These can be disturbing, particularly in the late evening, overnight and early morning when people are in their bedrooms. Tesco recognise the importance of this issue and have assessed the parking area as a new source of noise in a noise-sensitive area.
74. Noise sensitive receptors have been installed on the perimeter of the car park. Noise from retail car parks commonly ranges from $L_{Aeq,1hr}$ 43dB to 48dB; when car doors are slammed the noise peaks at L_{Amax} 66dB. New boundary fences would screen out noise in adjacent gardens to about $45dB_{Aeq,1hr}$, which is within World Health Organisation guideline values for daytime noise and may well be lower than the noise levels some of the neighbours experience already.
75. But noise in first-floor bedrooms would not be screened out by boundary fences. The sound of slamming doors would be above guideline values for noise at night. The appellants reasonably suggest that human nature would lead customers to park well away from any houses at night, so as to be near to the supermarket. Maybe so. My attention has been drawn to an appeal decision elsewhere, which addressed the issue of disturbance [Ref: APP/Q4245/A/01/1056327]. Circumstances there were different. But slamming doors and late-night customers can be very intrusive, especially in a quiet neighbourhood.
76. Of course Ashted Peace Memorial Hall car park is always open to the public, 24/7; but the intensity of use would increase primarily from the supermarket scheme. And the car park extensions are to be regarded as extra sources of sound. Sound becomes noise when it occurs in the wrong place at the wrong time: particularly when it causes sleep disturbance. This leads me to examine the hours of opening of the supermarket.
77. Guidelines suggest that 'night-time', in weekdays, means the hours between 23.00 and 07.00. Those would normally be closing times for a supermarket. But I think in the circumstances at Ashted an earlier closing time is justified, in the interests of residential amenity. Even people who are in favour of the

Tesco development think it should close earlier. I realise late-night opening can be socially inclusive, but I hear of no imperative need for the supermarket to stay open until 23.00. Closure at 21.00 hrs would still be viable. On Sundays and Holidays it should be open only from 10.00 to 16.00. That would preserve residential amenity in terms of Local Plan Policy ENV22 and Policy CS14. I impose a planning condition accordingly.

78. The proposed service yard and delivery bay would be tucked in around the back of the supermarket. HGVs would drive in at the back and out at the front. They would have to reverse, one at a time, into a loading dock. Beeping is really intrusive. Tesco drivers do not use reversing alarms in noise sensitive areas; but other companies may deliver. This could affect people in flats above the supermarket, or in adjacent buildings such as Hascombe House and the Curry House. I consider their environment should be protected by acoustic treatment and solid walls.
79. Although the estimated peak noise of manoeuvring lorries, $L^{MAX}73dB$, would comply with daytime guideline levels, it would exceed night-time guidance. Lorries might wait around, making a noise, waiting for the delivery bay to be available. So I think it reasonable to restrict hours of delivery to between 07.00-21.00 weekdays and 10.00-16.00 hrs Sundays and Holidays, to prevent deliveries in the late evening and avoid any breach of WHO guidelines or Development Plan policy.
80. Background noise transmission from machinery, refrigeration and ventilation should be controlled by insulation, for the sake of existing residents as well as the occupiers of dwellings above the supermarket and nearby. This again would be a matter for conditions. Evidence given on behalf of Tesco, by their noise consultant, confirms that the exact nature and location of the plant is yet to be determined. Background noise level, daytime is 47dB and night-time 42dB. I agree that a condition limiting noise to existing levels would be achievable. I consider all the foregoing precautions would prevent noise from having a significant effect on the quality of life of nearby residents in terms of Planning Policy Guidance Note 24 and the Government's Noise Policy Statement for England.
81. Residents at 16 Woodfield Lane are particularly incensed by the omission of a landscape buffer in the car park, backing onto their garden. However, a landscape buffer equivalent to the generous depth shown in Application 1 would reduce the capacity of the car park. On balance, I do not think there is sufficient justification for a site-specific condition to require it. An arboricultural method statement requires the developers to go to great lengths to conserve existing trees along residential plot boundaries (including those behind the plot boundary of No16), to plant extra trees where appropriate and to create occasional landscape buffers. That is a matter to be submitted to and approved in detail by the Council.
82. Properties in Pound Court have a flank boundary adjoining land which would be incorporated in the car park. The existing car park is enclosed from the neighbourhood by fencing, which is neither substantial nor acoustic. The proposed car park realignment includes resurfacing in this area. A condition requires the developers to replace the boundaries of residential properties with extensive acoustic enclosures. This will further mitigate the impact.

83. Better enclosures would protect privacy and improve security. CCTV would help to reduce crime, keep the car park and adjacent properties secure; and it would be directed so that it cannot invade neighbours' privacy. External lighting would be designed to minimise light spillage and sky glow.
84. People are concerned about the risk of flooding on the car park and its margins. To overcome this problem, planning conditions require the proposed resurfacing to be porous, laid to levels with a system of sustainable urban drainage and flood prevention in accordance with Planning Policy Statement 25 and Core Strategy Policy CS20.
85. I have explored surrounding streets to see if there is a risk of drivers creating a rat-run through the neighbourhood. Such is the pattern of development in the area that I do not think there are any back-street routes likely to attract harmful intrusion by traffic. The only existing vehicular access into Hobsons Choice from The Marld would be permanently closed by planning condition, before the land is used as a car park.

Trees

86. The distinctive character of Ashtead depends largely on its sylvan appearance. The surroundings are well wooded and the neighbourhood includes many specimen trees. Trees in The Village contribute to the amenity of the built environment, where the adopted Character Appraisal refers to occasional pockets of mature trees adding relief to an otherwise tight-knit building-dominated environment. Key characteristics of the adjacent residential Character Area include its generous tree cover, many mature trees and well landscaped gardens.
87. There are not many trees in Ashtead Peace Memorial Hall car park, though several conspicuous specimens stand on or near the plot boundaries with residential properties. There are no relevant Tree Preservation Orders. The land is not in a Conservation Area. The Local Planning Authority did not give any arboricultural reason to refuse Application 2 (it did so on Application 1). The most relevant Development Plan policies are CS13, whereby all new development must respect and, where appropriate, enhance the character and distinctiveness of the area; and CS14 which has a similar objective, whilst making the best use of available land, incorporating landscape with particular attention to the use of trees.
88. The existing car park is tidy and presentable, but by no means attractive in its current state. It is not very visible from surrounding streets. But by reason of its civic function, it attracts a large number of visitors; and the supermarket would attract many more, so it would be appropriate to enhance this area. The scheme includes modest proposals for on-site planting.
89. In particular, the proposed scheme has been revised to conserve a conspicuous group of large trees, a plane tree and pines, within a few metres of the supermarket building. This group is of public amenity value. Its retention is desirable. Preservation would do much to soften the outline of this large building and alleviate its intrusiveness. This obviates one of the reasons for refusing Application 1, formerly based on Local Plan Policy ENV25. Other trees would necessarily be felled as part of the scheme. I have considered the overall impact on the character of the neighbourhood.

90. Where permission has been granted to extend the car park behind 18 Woodfield Lane, trees would be felled on the plot boundary. These include an ash and sycamore. The Council raised no objection on arboricultural grounds. An additional landscape assessment was submitted with the permitted scheme, including a landscape strip on the plot boundary. Planning conditions were imposed to ensure the provision and maintenance of trees.
91. The garden of Hobsons Choice includes a mature horse chestnut. Despite some old scars, from which it appears to be recovering, and some temporary distress, I consider this tree would have had a life expectancy of more than 20 years. But it is included in the parking area. It would be felled. Elsewhere, along car park boundaries, landscape buffers would be provided. Substantial tree screening and environmental barriers, an existing laurel and enhanced heavy standard planting would still provide an effective screen on the plot boundary with 'Appletrees' adjacent and the flank boundary of properties in Pound Court.
92. Other trees, largely on the boundary of the parking area, have all been surveyed. An arboricultural method statement for their protection was submitted before the close of the Inquiry. I inspected these trees and I am satisfied that these arboricultural methods would conserve them as far as is reasonably practicable. Some felling, as proposed, is necessary to the completion of the development. Any pruning or remedial works should be carried out in accordance with BS5837:2005.
93. On balance I consider the felling and arboricultural work is acceptable, subject to planning conditions to prevent earth-moving (unless in accordance with the arboricultural method); to ensure no-dig methods, landscaping to be planted and maintained in accordance with Policy CS13 and CS14. A Protected Species wildlife assessment must be carried out and implemented.
94. So bearing all the foregoing issues in mind, I find that the balance falls in favour of the grant of conditional planning permission in the case of Appeal 2.

Appeal 1

95. This alternative scheme relates to a supermarket of 2,177 square metres gross floorspace, 1,115 square metres net sales area. It would be significantly bigger than the store which I allow in Appeal 2. The same issues arise. At the time of the Inquiry the policy background was the same. But I have considered this application on its own merits, on the clear understanding that a case is made by which permission could have been granted for both alternatives.
96. Most of these issues are matters of balance or degree. Both applications are strenuously resisted by local organisations, objectors and residents. But the consensus of opinion remains: that the vacant petrol filling station site is ripe for redevelopment and would be a suitable location for a supermarket. Application 2 was submitted after negotiations between the developers and the Local Planning Authority, in response to reasons for refusing application 1.

Size of the supermarket

97. Application 1 was refused because of the size of the supermarket. Reason 1 asserts that this food store is too large, would dominate local food shopping and would be likely to result in the closure of a number of food shops, detrimentally affect choice and the character of the shopping centre. This argument is substantiated by cogent evidence from the Residents' Association. And many others, who cherish the survival of small local businesses. Tesco take a more dispassionate view, contemplating an historic trend towards the growth of multiple retailers, as opposed to independent traders, with a steady gaze.
98. When this application was refused, the first reason referred to Policy CS8 of the yet-to-be-adopted Core Strategy, and also to Policy S5 of the adopted Mole Valley Local Plan 2000. Policy S5 has been saved for the purposes of the Planning and Compulsory Purchase Act 2004 and has been taken into account in both appeal decisions. It defines The Village as one of two local shopping centres in Ashted, where minor increases in shopping floorspace, in relation to the centre as a whole, will be permitted (subject to other considerations, not at issue in this case). S5 is a positive policy, but its justification specifically relates to small scale retail development for topping-up purchases. In my opinion, it does not offer much support for Application 1, which is of somewhat larger scale.
99. The new Core Strategy, adopted in October 2009, defines Ashted Village as a District Centre in terms of PPS6 – Planning for Town Centres, catering for the day to day needs of the local community. This does not imply any alteration to the retail hierarchy, wherein Leatherhead and Dorking are defined as Town Centres. But it represents a step-change in local retail policy. It is more recent than Policy S5, which consequently carries less weight. This new strategy encourages an increase in convenience shopping floorspace. It encourages consolidation. This could be satisfied by either of the submitted Tesco schemes. In terms of PPS4 this is the right place for a supermarket; where it would not breach Policy 16.1(e).
100. Now Policy CS8 safeguards the rôle and function of the District Centre. Proposals which would harm its retail function, or detract from its vitality and viability are not to be permitted. Turnover in a new supermarket would become part of the turnover of the Centre as a whole, implying a big positive impact in terms of retail policy. Overall, the scale is acceptable in terms of estimated retail impact. Overall, the proposed extra floorspace would strengthen the attraction of the centre, claw back trade and custom which is leaking to other centres. This benefit is obvious and the Development Plan encourages it.
101. Evidence underlying the Core Strategy suggests planning for, say, 2,800 square metres extra convenience floorspace in Dorking and Ashted. The suggested period is by 2017. This evidence does not indicate the required size of a supermarket at Ashted. Comparisons have been drawn with a store at Pulborough, where Tesco argued that floorspace of 1,100 square metres was insufficient for a full offer of bulk food shopping. Objectors challenge the relevant assumptions, and the data on which they are based; but that is not the point. The salient fact is that too much trade is leaking from Ashted.

102. This supermarket would claw back less trade than a really big one; but would still suffice to meet any current policy requirement and would still provide retail benefit. The question remains whether the submitted scheme could do any other, more serious, harm to the retail function of the centre.
103. I can conclude that the proposed supermarket would have no harmful impact on existing non-food comparison shopping in the Centre as a whole. However, assumptions about retail impact on convenience and food shopping are exhaustively contested between the principal parties, and further challenged on behalf of third parties.
104. It is true that the available estimates give scant attention to pass-by trips. It is true that a modicum of spin-off to local shops would help to redress the impact of a big Tesco store in their midst. The proposed store would have an entrance on The Street. There is an obvious prospect of linked shopping. But the rear access is direct from Ashted Peace Memorial Hall car park. And Application 1 does not include an attractive pedestrian walkway from the car park to The Street; whereas the alternative scheme makes suitable provision.
105. Evidence of adverse impact is not clear-cut, in terms of PPS4 Policy EC17.1b. Relevant impact considerations, as listed in Policy EC10.2, relate specifically to climate change, accessibility, design, economic and physical regeneration and employment. These would not justify refusal in this case. Policy EC17.2.a relates to other material considerations. Among these, the goal of the Development Plan is to ensure local district and village centres are successful and viable places for people to live, shop and spend their leisure time. The up-to-date objective is to safeguard as far as possible against the loss of village shops and local facilities.
106. The retail reason for refusal does not directly address those clear-cut issues which come under sharp focus in PPS4. It is one of those matters of balance and degree. I have explained in the context of Appeal 2 why I consider the existing character of shopping in Ashted Village Centre is unusual and how it contributes to the cherished sense of place in the village. Surveys show that the public appreciate these qualities, widely regarded as an exceptional asset. The latest Supplementary Planning Document, Character Appraisal endorses it. And an overwhelming number of local people strain every effort to defend it. This cluster of small local convenience stores offers particular choices. It need not be defended from competition; but the risks of closures are acknowledged and palpable, though unquantified.
107. I consider the unusual character of Ashted village shopping centre is vulnerable to change: change which would be harmful. That is why a surviving street of small scale convenience shops and specialist services here has to be safeguarded, in accordance with Policy CS8. In my decision on Appeal 2, I allow for some detriment to small scale convenience shopping, but conclude on balance that the likely detriment is outweighed by the contribution a suitable supermarket can make to the vitality and viability of the District Centre as a whole. In the case of this appeal, the store would be bigger, its offer and turnover greater, so the impact would be larger, the risk to local small convenience stores more severe, and the harm less acceptable. These, and other considerations, are to be weighed together in the balance.

Design, scale and bulk

108. The architecture and appearance of the supermarket is not at issue. Elevations facing The Street would be higher than the buildings on either side, but they show considerable respect for context; and the inclusion of pitched roofs and gables, at various levels, would give the impression of a group of smaller premises conformable with the street scene. The rear elevation, facing the car park, would display two attractive shop fronts. It would comply with Local Plan Policy ENV22.
109. Its long flank elevation would extend much further back than the adjacent buildings. Although this gives rise to objections, there is nothing wrong with that in principle. It does not offend the urban grain. Other buildings extend, or have been given planning permission to extend, at the rear.
110. Nevertheless, it would be highly intrusive in the built environment near or within Ashted Peace Memorial Hall car park. It would dominate the Hall, a big building formally recognised as an important community focus. I agree with the Residents' Association that this area is of civic importance. But such is the quality of the architecture that I do not consider this to be a reason for refusal.
111. However, the scheme fails to observe an important townscape and urban design objective set out in Policy CS14. It does not pay sufficient attention to the incorporation of trees in the landscape, or to the sylvan surroundings. A key characteristic of The Village is occasional pockets of mature trees, which add relief to an otherwise tight-knit building-dominated environment.
112. The proposed building would be very bulky. This would leave very little room for landscaping. In this setting, trees would be necessary to soften its outline and reduce its visual impact. But the proposed development would necessarily require felling a particularly prominent group of mature trees, including a specimen plane and pines. There is no scope for a planning condition to ensure their preservation. It is common ground that their condition is such as to make a significant contribution to the environment. Visually, this group is of public amenity value. It is seen from viewpoints all around the neighbourhood. It relieves the stark expanse of the car park.
113. Felling this prominent group would be unacceptably harmful, contrary to Local Plan Policy ENV25 and contrary to the objectives of Policy CS14 and CS16. It is not subject to a Tree Preservation Order; but retention is desirable, and felling is avoidable in the alternative light of Application 2. Felling is a consequence of the scale and bulk of the building. I return to the issue of trees and landscape in the context of residential amenity. This aspect of harm is a matter of balance; inclining firmly towards the refusal of planning permission.

Sustainability

114. In terms of sustainability I find there is not much to choose between the two alternative proposals, though it is agreed that the smaller scheme would be more efficient. Aspects of sustainability raised in the Council's reasons for refusal relate to the level of activity and respect for its setting. In so far as data used for trip generation and mileage is open to question in both appeals, it carries limited weight, and makes little difference to my decision on Appeal 1.

115. Although objectors say the building and construction would not meet the sustainable standards of Policy CS19.1c, the Council does not maintain a view that the proposal as a whole fails to comply with Policy CS19. Had I decided to grant permission and allow Appeal 1, conditions could have been imposed to ensure completion in accordance with submitted pre-assessment and energy statements; so this issue does not sway the balance.

Parking

116. A statement of common ground, submitted during the Inquiry, confirms that 157 parking spaces are available to the public at present. To serve a super-market of the proposed size, this scheme includes realignment with 212 spaces. The Peace Memorial Hall car park would necessarily be extended onto land at Hobsons Choice, and also into the back gardens of 18/20 Woodfield Lane. The Council granted a separate permission MO/2009/1474CU (linked with Application 2) to extend onto the garden of 18 Woodfield Lane.

117. Bearing in mind that customers would share the existing public car park, I realise that there would occasionally be a shortage of parking spaces if peak demand by shoppers coincides with a major event in the Peace Memorial Hall. But there is no minimum parking standard. Maximum standards prevail. PPG13 explains how lack of parking leads to more sustainable travel choices. So this is not a reason for refusal.

118. The problem of relocating 74 existing long-term parking spaces remains unresolved. It raises serious objections. Management of the car park rests with the Council, so if planning permission had been granted the matter might have been covered by a planning condition to forestall development until necessary arrangements were made.

Traffic at the A24 junction

119. Surrey County Council as Highway Authority recommended refusal for this proposed development. The County presented the case for refusal at the Inquiry. It did not do so in the case of Appeal 2.

120. I have already described the hazard, and the proposed improvements to mitigate this hazard, common to both appeals. Notwithstanding arguments at the Inquiry about the reliability of trip-generation data, I find no sufficient reason to set aside the agreed statement of common ground (which is based on SCC2, the Highway Authority's usual basis), for the sake of different estimates which the appellants prefer on grounds that they are not so robust. Traffic assignments are open to question. Nobody claimed that traffic forecasting is an exact science. Ashtead Residents' Association offer their own data. It is robustly based on local knowledge and freighted with anxiety that a junction on the National Primary Route A24, in their shopping centre, one which is known to be substandard, cannot properly be distinguished from one that is dangerous; even if nobody recently has been hurt.

121. The proposed improvement is of very modest extent and very limited effect. A safety audit shows that it would not reasonably be possible to do anything better. Drivers are so cautious that they can cope with an actual blind spot, where they briefly lose sight of oncoming vehicles. They wait. But I have

already concluded, in the context of Appeal 2, that this junction is not so prohibitively dangerous that a smaller supermarket would be unacceptable.

122. Whatever the traffic generation may be, the evidence unarguably shows that more traffic would go through this hazardous junction if the supermarket is of the size proposed in Application 1. Overall it would represent a significant increase in traffic throughout the day. In these circumstances the proposed mitigation is inadequate.
123. PPG13 emphasises that safety considerations are paramount and good visibility of particular importance: not just on trunk roads but on local roads. Structure Plan policies cited by the Highway Authority in their 4th reason for refusal have been superseded. Nevertheless, Local Plan Policy MOV2, which has been saved, seeks to ensure new development integrates with the transport network. The proposed development would compromise the objectives of national and local policies to an unacceptable degree. That is a weighty matter for the balance.

Traffic on Woodfield Lane

124. The Highway Authority's main objection to the impact of traffic on Woodfield Lane, where it turns north at the car park entrance and away from A24, is derived from estimates based on SCC2 that the average increase is likely to be 49% on a weekday. The County thinks the increase could be as much as 88% at certain times.
125. I think these robust percentages reflect the fact that the Lane is normally quiet and lightly trafficked. They do not necessarily mean there is a problem of capacity. This would not be beyond the capacity of the Lane. Nevertheless, the Highway Authority and local residents are properly concerned about the impact on the environment.
126. Having walked along the lane, I consider its environment deserves respect. It passes through a residential area. Houses on both sides are set well back behind pleasant gardens with roadside hedgerows. One side of the lane is in a Conservation Area, with a raised footway and lots of trees. The footway on the other side is only about a metre wide in places. Passing traffic comes close to pedestrians. This section looks rather like a country lane. I realise this contributes to a perception of Ashted as a village. The lane continues on past a cricket ground to Craddocks Parade.
127. In my subjective opinion, a large increase in traffic would be environmentally detrimental to Woodfield Lane and its surroundings. The appellants suggest that some of the financial contributions secured in their Unilateral Obligation might be spent on ameliorative measures. No particular measures are suggested. This issue would not in itself justify a refusal of planning permission for either proposal. It is a matter of degree. The more the traffic, the greater the environmental impact. Thus it influences the balance.

Residential amenity

128. Whereas the Council is concerned specifically with supermarket hours of opening in the alternative Application 2, they refused Application 1 on wider grounds that activity in the car park and deliveries would be unneighbourly.

This assertion is disputed by the appellants, but vociferously amplified by Ashtead Residents' Association, local organisations and many neighbours.

129. Ashtead Peace Memorial Hall car park is managed by the Council as a fee-paying public car park. It is normally less than half-full; quiet except when major events take place in the Hall. Neighbours are accustomed to it. Customers and staff of either of the proposed supermarket schemes would share this existing car park, leading to significant intensification in use. I have explained that this is only to be expected. Extra activity would affect the amenity of adjacent dwellings. Any resultant harm is a matter of degree.
130. In order to achieve the 212 car parking spaces applied for, the car park would have to be extended into the adjacent residential area of Oakfield Road to The Marld. This is a distinct neighbourhood. An up to date Supplementary Planning Document says development proposals here should include a strong landscaping strategy, to maintain sylvan setting and a sense of space around buildings. This is in step with Local Plan Policy ENV23 and ENV24 and the objectives of Core Strategy CS14.
131. Any expansion of car parking onto gardens in Woodfield Lane and Hobsons Choice represents a significant alteration to the Character Area of The Marld, where key characteristics include well landscaped gardens, generous tree cover and buildings subservient to their garden setting. And a new source of noise, car-park activity, would thereby be brought closer to dwellings which are normally undisturbed. Noise characteristics, slamming doors, trolleys &c, would be much like any other supermarket car park; but the extent and current intensity at Ashtead would be aggravated. Residents' outlook would be changed and their setting diminished. These alterations would be harmful to the residential amenity of the area: acceptable on balance in the case of Appeal 2 but marginally worse in this appeal.
132. Harm to residential amenity would be mitigated to some extent by some of the details of layout. A landscaping buffer in the car park near the plot boundary of 16 Woodfield Lane would eliminate six car parking spaces, more or less, but would facilitate the retention of existing trees and help to screen the house and garden. This detail is omitted from Application 2, although trees on the plot boundary are to be protected by arboricultural methods. Other trees and houses in the neighbourhood would be partially screened with a two metre fence and protected as far as practicable. But the disturbing increase of activity, with the intrusion of car park extensions, would adversely affect residential amenity in the neighbourhood to significant degree. That is a matter to be weighed in the balance. So is disturbance from deliveries: much the same in both cases, but more frequent in Appeal 1.

Trees

133. Trees contribute to the attractive neighbourhood, recognised and valued by all the principal parties. This application involves widespread clearance of trees from within the existing car park area and on its boundaries. Plainly, the loss of trees is harmful. Notwithstanding the fact that there is no Tree Preservation Order and the land is not a Conservation Area, this fundamental presumption underpins the Act of 1990.

134. In accordance with BS5837:2005, an arboricultural method statement shows what could have been done to conserve existing trees if planning permission had been granted. In my opinion this would still amount to a grievous loss. In particular, a conspicuous group of trees, with a specimen plane and three pines, would be lost in the footprint of the supermarket. This group is widely visible. It graces The Village. As it makes such a significant contribution, it should be retained. The loss would be unacceptable.
135. Many more losses would occur among trees along the western boundary of the car park, several more along the boundary with Appletrees, The Marld, conifers and a horse chestnut on the boundary of Hobsons Choice. So much felling would conflict with Local Plan Policy ENV25 and the objectives of Core Strategy Policy CS14 and CS13. Cumulative harm weighs heavily in the balance.

Unilateral Obligation

136. The appellants have submitted Unilateral Obligations pursuant to section 106 of the Town and Country Planning Act 1990 in respect of both applications. Intensive and protracted negotiations with the Local Planning Authority closed only with the end of the Inquiry. Obligation 2 concerning Appeal 2 is dated 29 July. It comes into effect with the grant of planning permission.
137. The Council's *Planning Obligations and Infrastructure Provision - Code of Practice* is available to prospective developers. A Supplementary Planning Document on affordable housing is also published, in accordance with PPS3. And I have received core documents, including those dealing with the Council's standard charge formulæ, tariff justification, or education, libraries and infrastructure; all submitted to show which contributions are necessary to make the development acceptable.
138. This Obligation 2 offers a series of cash payments by Tesco Stores Limited to Mole Valley District Council. These were negotiated after the Executive of the Council adopted a tariff system on 8 June 2010; drawn up in the light of Community Infrastructure Levy Regulations which came into force on 6 April. Any subsequent levy or tax, which might duplicate the Obligation would have to be answered in terms which make the deal no better or worse. Contributions have to be spent for the purpose to which they were made. They must be paid at specified stages: either before development commences, or before the building is occupied. Money unspent, after five years, must be given back to Tesco's with interest.
139. Either proposed supermarket scheme would inevitably impose burdens on local infrastructure. Obligation 2 includes the following: a contribution to the provision of affordable housing; specified contributions for equipped play-spaces; highway works off-site at the junction of Woodfield Lane and The Street; footway and townscape improvements along the north side of The Street and a further contribution towards footway and townscape improvements; a transport contribution towards highway works in the vicinity; a Travel Plan and contribution towards the cost of monitoring it; recycling contribution, and a contribution toward the cost of monitoring the equipped play-space, recycling and transport contributions. The precise sums of money were argued out until the parties came to agreement. Each contribution meets a specific

need arising as a result of the development. The Council might have hoped for more, as they told me at the opening of the Inquiry. But that does not challenge the propriety of the final offer in principle.

140. Five relevant and well-known tests of the propriety of any Obligation are set out in Circular 05/2005. For the reasons set out above, I conclude that this Obligation is relevant to planning, necessary to make the development acceptable in planning terms, directly related to the proposed development, properly related in scale and kind to the proposed development and reasonable in all other respects. The Obligation meets the requirements of 05/2005. So it also meets the three equivalent tests in the Levy Regulations. I conclude that it meets all relevant tests of propriety and is lawful. It carries appropriate weight in my decision and comes into effect, with this planning permission.

Summary and conclusions

141. I have considered each of these alternative applications separately, having regard to the Development Plan and Government Policy so far as material to each application, knowing that planning permission might have been given for both. I have taken account of the saved policies of the Mole Valley Local Plan in conjunction with the more recently adopted Local Development Framework Core Strategy. For the reasons given above I conclude that Appeal 2 should be allowed subject to planning conditions; and Appeal 1 should be dismissed.
142. PPS1 declares that significant adverse environmental impacts should be avoided and alternative options which might reduce those impacts pursued. Options are indeed open in these two applications, but the main issues are common to both. Many objections are levelled at both. By the same token both might have been refused. For the foregoing reasons I find on balance that one scheme is acceptable and the other is not.
143. The development proposed in Application 1 would have several significant adverse environmental impacts. These have been balanced with the obvious and demonstrable benefits, including customer choice, convenient shopping, sustainable travel and the powerful positive retail diversion which a big Tesco supermarket would bring to Ashtead District Centre as a whole. There is also some potential to minimise carbon dioxide emissions. Such benefits are established in evidence at the Inquiry; but I find they are outweighed by the evident detriment and cumulative risk of harm arising from the scheme as a whole, associated with a supermarket of that size. I would have refused planning permission for this development even had there been no alternative application.
144. In the case of Appeal 2 the supermarket would be smaller and the positive impact on the District Centre more restrained; but still comparable, and still ample to meet the objectives of Development Plan and Government Policy. I agree that this store could provide a main food shopping destination for Ashtead residents. The appellants provide illustrations of public realm improvements which could be achieved in Ashtead if the development takes place. A contribution towards such improvements is explicit in the appellants' Obligation 2. In this case I find the benefits outweigh all aspects of harm, most of which would be mitigated: as shown in approved plans; and in

accordance with planning conditions; and to the extent itemised in a transparent and lawful Obligation.

145. Planning conditions, set out in the following schedule, ensure development is carried out in accordance with approved plans. Further to conditions which I explained earlier, the following schedule provides for an archaeological survey to comply with PPS5, and measures to prevent contamination arising from work at the former petrol station site. A Method of Construction Statement is needed, with wheel-washing to keep the locality safe and clean. Facilities for recycling have to be provided, with a dropped kerb to make access easier.
146. I am aware of deep divisions between elected members of the District Council, but that makes no difference whatever to the planning issues from which I draw my conclusions. I have taken account of housing need in the District, the availability of affordable housing, and the likelihood of new jobs at the supermarket. I have also taken account of all other matters raised in evidence and in the very numerous written representations from third parties. For the reasons given above I conclude that Appeal 2 should be allowed and planning permission granted subject to 43 conditions set out in the Schedule: and Appeal 1 should be dismissed.

Nicholas Hammans

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Thomas Cosgrave	Of Counsel, instructed by the Development Control Manager, Mole Valley District Council
He called:	
Mr N Matcham, BSc(Hons)	Surrey County Council
Mr N Stilwell BSc CEng MICE FIHE FAIRSO	The Stilwell Partnership
Mr A Arrick BA DipTP MRTPI MRICS	Roger Tym & Ptnrs
Mr A Grant DipTP MRTPI	Vail Williams
Mr C Smith BA(T&CP) MRTPI DMS	Mole Valley District Council [Round table only]
Mr G Rhodes-Brown BA TP MRTPI	Mole Valley District Council [Round table only]

FOR THE APPELLANT:

Mr Christopher Katkowski QC	Of Counsel, instructed by GL Hearn.
He called:	
Mr A Croudy BA(Hons) MRTPI	G L Hearn
Mr M Bedwell CEng FIHT MICE	Waterman Boreham Ltd.
Mr K C Brown MRTPI BSc(Hons) MA	Townscape Solutions
Mr K Gayler BSc(Hons) AIEMA MIEnvSc MIOA	Sharps Redmore Ptnrs
Ms G Smith BSc(Hons)	Scott Wilson Ltd
Mr C A Minty BSc(Hons) DipArch ARB RIBA	Accord architecture [Round table only]
Mr B Wright BA(Hons) DipLA CMLI	Aspect Landscape Planning
Mr P Manning BA(Hons) DipTP MRTPI	G L Hearn [Round Table only]

FOR ASHTEAD RESIDENTS' ASSOCIATION AND S.A.V.E.:

Miss Clare Parry	Of Counsel instructed by Pelham Planning Associates
She Called:	
Mr B Mould MA(Oxon) MIEMA	Local Resident – lecturer in sustainable development
CEng	A P Arboriculture
Mr A Pinchin BSc(Hons) DipArb	
FArborA MICFor	
Mr S L Parsons HNC MCIHT	Motion Transport Planning
Mr G Douglass DipTP MRTPI	Pelham Planning Associates
FRGS	

INTERESTED PERSONS OPPOSED TO DEVELOPMENT:

Mrs M Hollamby FNAEA[Retd]	Local resident
Cllr C Hunt BSc(EstMan) MRICS	Resident and District Councillor
Cllr Townsend	Resident, District and County Councillor
Cllr J Northcott	Resident and District Councillor
Mr B Davis PhD MBA	Local Resident
Mrs M Butler	Local Resident for Pound Court Residents Group.
Mrs J Smale BSc MBA	Local Resident for Transition Ashtead
Dr A Martin PhD	Local Resident
Mrs G Russell BA MPhil	Local Resident [for herself and her father]
MSc(Oxon) CQSW	
Mrs F Simpson	Local Resident [for herself and her husband]
Mrs S Williams	Local Resident
Mr R Sedgewick	For Dorking SOS
Mr R Guy	Chairman of the Trustees, Ashtead Peace Memorial Hall
Mr R Palmer	For Ashtead Traders Alliance
Miss D J Evans	Local shopper
Mr P Le Versha	Local Resident for Ashtead Residents Association.

INTERESTED PERSONS IN FAVOUR OF DEVELOPMENT:

Ms B Kay	Local trader [for herself, Ms J Wemms, T Haynes, S Jennings and Ms L V Daines].
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DOCUMENTS

Submitted on behalf of Mole Valley District Council

1. Opening Statement by Thomas Cosgrove
2. Section 106 Justification Documents
3. Supplementary Photographs by Alastair Grant
4. Proof of Evidence of Alastair Grant

5. Minutes of the MVDC Executive on 23rd June 2009 and 8th June 2010
6. Notes on Long-stay Car Parking by Gray and Stilwell
7. Arboricultural Memorandum
8. Closing Submissions by Thomas Cosgrove

Submitted on behalf of the Appellant

1. Opening Statement by Christopher Katkowski QC
2. Statement of Common Ground (Planning) by GL Hearn
3. Statement of Common Ground (Transport) by GL Hearn
4. Accident Plan dated March 2010 by Waterman Boreham
5. Parking Usage plans for The Street, Ashted 9 July 2010
6. Evidence in Chief Note by Kenny Brown
7. Landscape and Visual Evidence in Chief Summary by Ben Wright.
8. Retail Planning Evidence in Chief Notes and revised table by Alastair Croudy
9. Statement of Common Ground (Retail) by GL Hearn
10. Agreed Planning Conditions by GL Hearn
11. Final Signed Section 106 Agreements 1, 2.
12. Arboricultural method statement
13. Closing Submissions by Christopher Katkowski QC

Submitted on behalf of third party (Ashted Residents Association & S.A.V.E.)

1. Opening Statement by Clare Parry
2. Summary Proof of Evidence by Geoff Douglass
3. Closing Submissions by Clare Parry
4. Bundle of documents submitted by individuals and organisations opposed to the development.

SCHEDULE OF CONDITIONS.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted documents and drawing numbers PL101, PL110A, PL111, PL200, PL201, PL202, PL203, PL204, PL300, PL301A, PL302, PL303, PL410B, PL411B and PL412A contained within the application.
- 3) The net retail floor area of the supermarket hereby permitted shall not exceed 750 square metres and the gross floor area shall not exceed 1,499 square metres. For the avoidance of doubt the net retail floor area is that part of the store used for the display and sale of goods, including checkouts but excluding circulation space behind the checkouts, entrance lobby and other non-selling / display space.
- 4) The proportion of net retail floor area to be used for the sale of comparison goods at the store shall not exceed 10% of the total net retail floor area.

- 5) No development shall take place until details of the area to be hard surfaced within the site have been submitted to and approved in writing by the Local Planning Authority. All hard surfacing, which shall be of a porous nature, shall be carried out in accordance with the approved details, completed prior to the occupation of the development hereby permitted and thereafter permanently retained as such.
- 6) No development shall take place until details and samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of the existing ground levels of the site, the proposed finished levels of the ground, the ground floor slab level of the building, and finished levels of any access road and driveway showing their relationship with the existing levels of immediately adjoining land and buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 8) No development shall take place until details of all external joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include materials, method of opening and large scale drawings showing sections through mullions, transoms, reveals and glazing bars. Development shall thereafter be implemented in accordance with the approved details.
- 9) The building shall be provided with access and means of escape for people with disabilities. All entrance doorways for disabled people shall be provided with pedestrian access from the public highway and public car park. At least one entrance doorway to the development hereby permitted shall have a minimum width of 900mm (1800mm for a double door). The threshold of the door serving the development shall have a flush surface and shall be unimpeded by steps. No ramp should have a gradient in excess of 5%.
- 10) The supermarket shall not be opened to customers before the car park has been re-aligned in accordance with the approved drawings. Additionally, Not less than seven of the parking spaces in the public car park shown on drawing PL110A shall be marked out and reserved for use by disabled people and each such space shall have a minimum overall width of 3600mm. These spaces shall be retained thereafter unless agreed in writing by the Local Planning Authority.

Details of how the residential car parking spaces for the 9 flats will be reserved for residential parking and not general use parking shall be submitted to and approved in writing by the Local Planning Authority and such measures as may be approved shall be implemented before the residential units are first occupied and retained thereafter.
- 11) Hard surfaces within the minimum recommended distances for protective fencing from trees given in Section 5 of BS5837:2005 shall be constructed using a no-dig method in accordance with the principles in AAIS Arboriculture Practice Note 12.2007.

- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees on the land, and details of any to be retained, together with measures for their protection in the course of development and subsequent maintenance.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
- 14) No earth moving, foundation works or resurfacing shall take place, nor shall any tree be felled on site before a tree survey and Arboricultural Method Statement has been submitted to and approved by the Local Planning Authority. The development shall then be carried out in accordance with the approved Method Statement, unless otherwise agreed in writing by the Local Planning Authority.
- 15) No development shall take place until the applicant, agents or successors in title, 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 in writing by the Local Planning Authority.
- 16) Trolley loops shall be installed into the building hereby permitted and the realigned car park to prevent supermarket trolleys from being taken out of the front of the building onto The Street or out of the car park, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full before the retail store commences trading and shall be retained thereafter.
- 17) The retail use hereby permitted shall not be open to customers outside the hours of 07.00 to 21.00 Mondays to Saturdays and 10.00 to 16.00 on Sundays and Bank or Public Holidays.
- 18) No deliveries shall be taken at or despatched from the service yard outside the hours of 07.00 to 21.00 Mondays to Saturdays nor outside the hours of 10.00 to 16.00 on Sundays, Bank or Public Holidays.
- 19) The nine dwellings shall not be occupied until a dropped kerb has been provided to serve the resident's bin store; and it shall be subsequently retained thereafter.
- 20) No development shall take place until details of the installation; maintenance and management of the sustainable drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - A timetable for its implementation, and
 - A management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public body or statutory undertaker, or any other arrangements to

secure the operation of the sustainable drainage scheme throughout its lifetime.

- 21) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The above scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public and environment when the site is developed.

Development shall not begin until the measures approved in the scheme have been implemented.

Before the development hereby permitted begins, a soil survey of the site shall be undertaken and the results submitted in writing to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved in writing by the Local Planning Authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.

- 22) Before any development hereby permitted commences on site a detailed scheme of assessment consisting of site reconnaissance, conceptual model, risk assessment and schedule of investigation relating to the former petrol filling station must be submitted to and approved by the Local Planning Authority. The scheme of assessment must be sufficient to assess the scale and nature of potential contamination risks on the site and shall include details of the number of sample points, the sampling methodology and the type and quantity of analyses proposed. The documentation submitted must comply with the Environment Agency's Model Procedures for the Management of Contamination (CLR11).

- 23) Before any development hereby permitted commences the developer shall submit for the written approval of the Local Planning Authority and carry out as required the following:

Phase I (Desktop Study) Report documenting the history of this site, its surrounding area and the likelihood of contaminants.

Phase II (Site Investigation) Report if the Phase I Report confirms the possibility of a significant risk to any sensitive receptors. This is an intrusive site investigation.

Phase III (Risk Management Strategy) Report if the Phase II Report confirms the presence of significant pollutant linkage requiring remediation. The report will comprise: Part A – Remediation Statement; Part B – 'Validation Report' demonstrating the works have been carried out satisfactorily and remediation targets achieved.

- 24) The retail store building shall be constructed fully in accordance with the BREEAM pre-assessment that accompanied the planning application. A BREEAM report demonstrating the building is constructed in accordance with the BREEAM pre-assessment shall be submitted to and approved by the Local Planning Authority prior to occupation of the building.

- 25) The residential units shall be insulated from the adverse impact of traffic noise and shall be constructed fully in accordance with the Codes for

Sustainable Homes pre-assessment report that accompanied the planning application. No dwelling shall be occupied before a report demonstrating the residential units are constructed in accordance with the Codes for Sustainable Homes pre-assessment has been submitted to and approved by the Local Planning Authority.

- 26) No development shall take place before an Energy Statement has been submitted to and approved by the Local Planning Authority. The Energy Statement will demonstrate the development will achieve at least 10% energy savings. The development hereby permitted shall then be constructed fully in accordance with the approved Energy Statement and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.
- 27) All mechanical plant and equipment shall be enclosed in sound insulating material, mounted and located to minimise transmission of structure borne sound, in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the development comes into first occupation; and it is thereafter to be maintained.
- 28) The retail food store shall not open to customers before an acoustic fence is erected adjacent to the boundaries of the site with adjacent residential properties, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in full before the retail store commences trading and shall be retained thereafter.
- 29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) details of any external CCTV to be erected at the site shall be submitted to and approved in writing by the Local Planning Authority and such details as may be approved shall be implemented as part of the development. All external CCTV shall be so directed as not to affect the privacy of neighbouring residential properties.
- 30) The retail store hereby approved shall not open to customers before details of all external lighting proposed at the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include measures to minimise sky glow and light spillage to neighbouring residential properties. The details shall be implemented as part of the development and thereafter retained.
- 31) Recycling facilities at the site shall be relocated to the position shown on the approved drawing PL110A before the retail store first commences trading and retained thereafter.
- 32) Before the retail store is first brought into use trolley bays shall be provided as detailed on the submitted plans and retained thereafter.
- 33) The retail store hereby permitted shall not be open to customers and the residential units shall not be occupied before improvements to the junction of Woodfield Lane and The Street have been constructed, pursuant to Section 278 of the Highways Act 1980, and in accordance with plans to be submitted to and approved and a specification to be agreed in writing with the Local Planning Authority.

- 34) The retail store hereby permitted shall not be open to customers and the residential units shall not be occupied before the proposed modified service egress to The Street has been constructed and provided with visibility zones in accordance with the approved plans and shall be permanently maintained to a specification to be agreed in writing by the Local Planning Authority.
- 35) The existing access to the site of the former petrol filling station from The Street shall be permanently closed and any kerbs, verge, footways fully reinstated in a manner agreed in writing by the Local Planning Authority.
- 36) The retail store hereby permitted shall not commence trading and the residential flats shall not be first occupied before the developer has submitted to and the Local Planning Authority has approved the layout of the proposed parking enlargement and realignment, for cars and cycles to be parked, and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in a forward gear. The parking/turning area shall be realigned in accordance with the approved layout and thereafter used and retained exclusively for its designated purposes.
- 37) No development shall start until a Method of Construction Statement has been submitted to and approved by the Local Planning Authority. The Statement shall include details of:
- Parking for vehicles of site personnel, operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials;
 - Programme of works (including measures for traffic management);
 - Provision of boundary hoarding behind any visibility zones;
 - Disposal and recycling materials of construction; and
 - Subsequent clearance of the site.
- The Method shall be implemented during the construction period and construction shall be carried out in accordance with the approved Statement.
- 38) Before any operations which involve the movement of materials in bulk to or from the site are commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the facilities to be provided to keep the highway clean. The agreed measures shall thereafter be retained and used whenever the said operations are carried out.
- 39) No development hereby permitted shall commence until the District Council has confirmed in writing that it has made arrangements for the relocation of the existing 74 long stay parking spaces in the Peace Memorial Hall Car Park and that all 181 proposed parking spaces shall be short stay spaces to be retained thereafter.
- 40) The retail store hereby permitted shall not commence trading before the existing vehicular and pedestrian access from The Marld to the current property known as Hobsons Choice has been closed and it shall thereafter remain closed.
- 41) The retail store hereby permitted shall not commence trading before the service yard area has been acoustically treated in accordance with details to

be submitted to and approved by the Local Planning Authority. The acoustic treatment shall be retained thereafter.

- 42) Before any works commence on site a Protected Species Assessment with particular emphasis on bats shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation measures that may be necessary shall be implemented as part of the development before the store commences trading.
- 43) The rating level of noise emitted by all fixed plant on the site shall not exceed 42dBA between the hours of 23.00 and 07.00 on any day, or 47dBA at any other time. Noise levels shall be determined at the nearest noise-sensitive properties.