



Appeal Decision

Site visit made on 31 May 2017

by **G P Jones BSc(Hons) MA MRTPI**

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

Decision date: 28 June 2017

Appeal Ref: APP/Z0116/W/17/3166851

Former Elizabeth Shaw Chocolate Factory, Greenbank Road/Co-Operation Road, Easton, Bristol BS5 6EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Generator (Chocolate Factory) LLP against the decision of Bristol City Council.
 - The application Ref 15/06400/F is dated 11 December 2015.
 - The development proposed is described as Mixed use development comprising conversion of existing remaining buildings (labelled Blocks C, D and F) and erection of new buildings to provide: 135 dwellings (91 apartments; 44 houses) (Blocks A,B,D,E,F,G and terraces); 485 sq m Class B1 floorspace (Block D); 726 sq m of commercial floorspace (Use Class B1/A1/A2) (Blocks B and C); 332 sq m of flexible community/business/health/leisure floorspace (Class B1/D1/D2) (Block C); 412 sq m flexible Class A3 or A4 floorspace (Block D); and associated accesses including a new pedestrian/cycle link onto the Railway Path, parking and landscaping (Major Application).
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Decision

1. The appeal is allowed and planning permission is granted for a Mixed use development comprising conversion of existing remaining buildings (labelled Blocks C, D and F) and erection of new buildings to provide: 135 dwellings (91 apartments; 44 houses) (Blocks A,B,D,E,F,G and terraces); 485 sq m Class B1 floorspace (Block D); 726 sq m of commercial floorspace (Use Class B1/A1/A2) (Blocks B and C); 332 sq m of flexible community/business/health/leisure floorspace (Class B1/D1/D2) (Block C); 412 sq m flexible Class A3 or A4 floorspace (Block D); and associated accesses including a new pedestrian/cycle link onto the Railway Path, parking and landscaping (Major Application).

Application for costs

2. An application for costs was made by Generator (Chocolate Factory) LLP against Bristol City Council (hereafter referred to as BCC or the Council). This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. Revisions to the original proposal, including a revised description of development, were agreed between the Council and the appellant. Consequently, in reaching my decision I have considered the revised scheme and have used the revised description of development in the banner heading, although I have retained the date of the original application. In the interests of
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clarity I have used in the banner heading the name of the company rather than the planning agent for the appellant.

4. Since the appeal was submitted a report on this application was taken to the Council's Development Control Committee A of 22 February 2017, at which it was resolved that it would have recommended approval subject to the imposition of a number of planning conditions and the submission of a Unilateral Undertaking (UU). Also it was resolved that the Council did not wish to defend this appeal. There remains, however, disagreement between the main parties as to the measures that the UU should contain.

Main Issues

5. Taking into account all that I have read and seen I consider that the main issue is as follows:
 - Whether the proposal makes adequate provision for affordable housing and whether the impact of the proposal on local facilities and services has been adequately mitigated by means of the submitted Unilateral Undertaking.

Reasons

Mitigation of the effect of the proposal on services and facilities, including the provision of affordable housing

6. The appellant has submitted a signed UU, dated 5 June 2017, that contains four different obligations in terms of contributions that are detailed in Schedule 1 of the UU. All of the four obligations contain the following proposed index linked contributions: £15,000 for the construction of a pedestrian refuge on Rose Green Road; £13,000 for the alteration and provision of 3 no. Traffic Regulation Orders; £9,957 for the provision of 3 no. street trees in the public highway; £4,500 towards the provision of 3 no. fire hydrants. In addition, all of the four options contain a requirement to comply with the Affordable Housing Viability Review contained in Schedule 3 of the UU. Hereafter these particular measures shall be referred to as the 'common commitments'.
7. Obligation A contains only the common commitments. Obligation B consists of the common commitments and the provision of £46,496, index linked, towards bus stop enhancements in the vicinity of the development. Obligation C contains the common commitments and the provision of 6 no. affordable rented units. Obligation D contains the common commitments and both the £46,496 bus stop contribution and the provision of 6 no. affordable rented units. The Council has responded to the appellant's UU and has stated its view that its preference would be for Obligation D.
8. I have considered these UU obligations having regard to Regulation 122, and where appropriate Regulation 123, of the Community Infrastructure Levy (CIL) Regulations 2010 (hereafter referred to as the 2010 Regulations). In addition, I am mindful that the Council has an adopted CIL Charging Schedule and monies for the same purpose cannot be required twice over. The proposal would secure funding of £978,913.34 under the terms of the CIL.
9. Regulation 122 of the 2010 Regulations and Paragraph 204 of the National Planning Policy Framework (the Framework) guide that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, they are directly related to the development, and

they are fairly and reasonably related in scale and kind to the development. The Planning Practice Guidance¹ (PPG) advises that planning obligations must be fully justified and evidenced.

10. The appellant and the Council have both provided a viability review, from Bilfinger GVA and the District Valuers Service respectively. These both found that the proposal would not be economically viable in the current market if any provision was made for affordable housing, but that there should be included in the UU the requirement for an updated viability review that would re-assess the viability of providing affordable housing if development had not commenced within 18 months of the date of the planning permission. The appellant has also submitted an Addendum to the Viability Statement undertaken by JLL. This also concluded that the scheme is unable to deliver any affordable housing, based on a further review of viability undertaken in January 2017.
11. I appreciate that there have been a substantial number of public objections to the proposal citing the lack of affordable housing as a key issue. The Council's position seems to have altered as a result of the appellant's offer to provide 6 no. affordable housing units prior to the November 2016 meeting of the Council's Development Control Committee.
12. There are some areas of disagreement between the appellant's and the Council's viability assessments. Nevertheless, there is consensus between the assessments that the scheme could not afford to make contributions to affordable housing, and I give significant weight to this. Furthermore, I have not been provided with any other substantive evidence to demonstrate that the provision of affordable housing would not render the scheme economically unviable. This leads me to conclude that currently it would not be economically viable to provide any affordable housing on this site and thus I consider that both Obligations C and D, as documented in Schedule 1 of the UU, would not be acceptable.
13. In terms of the provision of monies for bus stop enhancements, this was originally offered by the appellant but has more recently been withdrawn as a result of additional comments made by the Council in its Committee report Amendment Sheet, dated 29 November 2016. The appellant contends that in this report the Council confirmed that the requested sum of money towards bus stop enhancements is not required to make the proposal necessary in planning terms.
14. The precise wording contained in the Council's Amendment Sheet states that: "*Whilst the enhanced bus stop was considered to be an important piece of mitigation, by making the site more accessible by public transport, officers could not justify refusing planning permission on this ground.*"
15. To my mind, the Council's subsequent statement that: "*The site is still served by public transport and the provision of affordable housing is considered to be paramount*" indicates that, in effect, a choice was made by the Council between the bus stop enhancements or the provision of 6 no. affordable units, as a result of the late offer by the appellant. Thus it was within this context that the Council expressed a preference for the latter option.

¹ Reference ID 23b-004-20-150326

16. However, in my view this does not necessarily indicate that the contribution towards bus stop enhancements would not be necessary or that it would fail to meet the tests in the Framework. The reasons for this are because there have been significant concerns expressed regarding the additional traffic generated by the proposal and the issue of parking availability, with the number of car parking spaces being marginally below the recommended standards. The appeal site lies within an urban residential area and it is highly likely that some of the future occupiers would wish to make use of public transport.
17. Consequently, I attach significant weight to the improvement of public transport facilities in the locality and I consider that this would accord with Policies BCS10 and BCS11 of the Bristol Development Framework Core Strategy (CS) adopted 2011, and Policies DM23 and ZZZ of the Bristol Local Plan - Site Allocations and Development Management Policies (SADMP), adopted July 2014. Taken together these policies require, among other matters, that development provides an adequate contribution towards the delivery of transport infrastructure improvement and that public transport measures are promoted.
18. Based on the evidence before me I therefore consider that the bus stop enhancement monies required by BCC are necessary to make the development acceptable in planning terms, are related directly to the development, are fairly related in scale and kind and have been robustly justified and evidenced. As such, these monies would comply with the requirements contained in Regulation 122 of the 2010 Regulations and the guidance in the Framework. In addition, I have not been presented with any evidence that in seeking this contribution, the limit for the pooling of contributions as outlined in Regulation 123 would be exceeded. Therefore I am able to take it into account.
19. In terms of the other common commitments, that are not in dispute between the parties, I consider that the requirement for an affordable housing viability review, and the payment of monies for a pedestrian refuge on Rose Green Road, the provision and alteration of 3 no. Traffic Regulation Orders, and the provision of 3 no. trees and 3 no. fire hydrants would be necessary to make the development acceptable in planning terms, would be directly related to the development, and would be fairly and reasonably related in scale and thus would comply with the requirements of Regulation 122 of the 2010 Regulations. Therefore I am able to take all of these into account. These contributions sought would be specific to this scheme alone and I am not in receipt of any evidence that any of these contributions would exceed the limit for the pooling of contributions, as outlined in Regulation 123 of the 2010 Regulations.

Other Matters

20. A significant number of objections have been received in regard to the potential effect of the proposal on the availability of car parking spaces and the increase in traffic flows in the locality. The appellant has submitted a Technical Note on Parking and Traffic Issues from Transport Planning Associates. This reports that whilst the Council originally considered that there would be a shortfall of two residential parking spaces on-site, due to a misunderstanding over the housing mix the shortfall would actually be only 0.75 of a parking space.
21. Whilst the proposal would clearly give rise to additional traffic, I do not consider that it would be significant enough to warrant refusal of this appeal.

In reaching my decision I have had regard to the accessibility of the appeal site, including its proximity to the Bristol to Bath Railway Path, the view of the Highway Authority in this regard and also to paragraph 32 of the Framework which states that development should only be prevented or refused on highway grounds where the residual cumulative impacts of development are severe.

22. Concerns have been raised about the design of the scheme and the potential effect on overshadowing the photovoltaic panels on the properties in Green Oak Crescent that are part of a hybrid solar, heat pump and store system. Modelling has assessed that the proposed development would have minimal impact on the efficiency of this system, and I note that the Council has not objected to the proposal in this regard. The relationship between these properties and the proposed new development leads me to conclude that overshadowing of the photovoltaic panels would not be a significant issue.

Planning balance

23. The proposal would provide 135 dwellings and other uses on what is currently a derelict site on previously developed land. I consider that this would be a significant benefit of the proposal and in reaching my decision I attach considerable weight to the provision of housing and the regeneration of this site.
24. Having specific regard to paragraphs 14 and 49 of the Framework, I conclude that there are clear and significant benefits to the proposal, particularly in regard to increasing the supply of housing. The adverse impacts of the proposal that I have identified would be limited in magnitude and number, and thus would not significantly and demonstrably outweigh the benefits that I have described. Furthermore, there are no other development plan or other considerations that indicate planning permission should not be granted. The proposals may therefore be considered sustainable development, for which the Framework, at paragraph 14, presumes in favour.

Conditions

25. A substantial number of planning conditions were recommended in the Officer's report to the Council's Development Control Committee A, dated 30 November 2016 and these have not been challenged by the appellant. I have considered these in the light of the advice contained within the PPG. In allowing the appeal I shall impose conditions accordingly, improving precision where necessary in accordance with the advice in the PPG.
26. In addition to the standard condition which limits the lifespan of the planning permission, a condition to direct that the development accords with the approved plans is required for the avoidance of doubt and to ensure that the development, as assessed, would be undertaken. Conditions requiring details of samples of all the external materials and finishes including specific details for the proposed photovoltaic panels, the details of dormer windows for Block F, the box extensions and all privacy and baffle screens, are required in the interests of ensuring the development is visually acceptable and accords with the character and appearance of the area.
27. Conditions requiring specific details of all hard and soft landscaping, including landscaping schemes for the central square and railway path bank and a

- management and maintenance strategy for all publicly accessible areas, are required to ensure that a high quality of landscape design would be achieved.
28. In the interests of protecting the environment conditions regarding contaminated land, including remediation measures for dealing with any contamination encountered, are required. Some of these need to be pre-commencement in order to assess and deal with any contamination that may exist.
29. A pre-commencement condition requiring a SuDS scheme is necessary in order to prevent the increased risk of flooding and to ensure such measures are incorporated at the beginning of the development. Furthermore, I consider that a condition that requires achieving a BREEAM communities 'excellent' rating accords with CS Policy BCS15 and is required in the interests of sustainable building techniques and climate change reduction, and a condition requiring compliance with the submitted Sustainability and Energy Statements is required in the interests of climate change mitigation.
30. A pre-commencement condition regarding the submission of a Construction Management Plan and a Site Specific Construction Environmental Management Plan is necessary in the interest of maintaining a safe construction site and to ensure that the living conditions of the occupiers of neighbouring properties are not adversely affected.
31. Conditions requiring a detailed lighting scheme, noise insulation measures, restricting noise from plant and equipment, requiring an assessment of noise and odour management measures from any commercial units and limiting their opening hours, including for external seating areas, and restricting delivery, refuse and servicing hours are necessary in the interests of safeguarding the living conditions of the future occupiers and the occupiers of nearby properties. A condition restricting the use of roof areas is required in order to safeguard the living conditions of adjoining premises from overlooking and loss of privacy.
32. In the interests of highway safety, promoting sustainable travel and to ensure that there is adequate vehicle manoeuvring and parking provided, conditions regarding the completion and maintenance of vehicular, pedestrian and cycle access and parking, the stopping up of existing accesses, details of car parking and restrictions on car parking, vehicle manoeuvring and deliveries and cycle parking provision, and the submission of a Travel Plan, are necessary. Due to the slight shortfall in the number of spaces provided, and the overall concerns about parking in the vicinity of the site, I consider it necessary to impose a condition requiring that garages and car parking spaces are retained for the purpose of car parking. Details of road, footway and infrastructure works, including construction details for the highway to be adopted and refurbishment of the existing pedestrian and cycle link, are required to ensure that these works are undertaken to an appropriate and timely standard.
33. Conditions to require a management strategy for the operation of the commercial units and limitations to the amount of floorspace used for retail, community use, and Use Classes A2 and A4 are necessary in order to provide a suitable mix of uses and protect the vitality of existing identified centres and the living conditions of residential occupiers. In the interests of minimising waste and protecting the living conditions of future occupiers a condition requiring details of the storage measures for refuse and recyclable materials is necessary.

34. Pre-commencement conditions concerning the timing of any vegetation clearance and the submission of an ecological mitigation strategy are necessary to protect any nesting birds and other biodiversity interests. A local employment strategy and a strategy for the delivery of flexible workspaces is required in the interest of promoting the economy of the local area. The condition pertaining to the local employment strategy needs to be a pre-commencement condition to ensure that account is taken of such needs from the outset of the development.
35. There are a number of conditions requested by the Council that I have chosen not to impose. Paragraph 200 of the Framework guides that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The PPG² advises that such conditions will rarely pass the test of necessity and should only be used in exceptional circumstances. The Council has not provided a clear justification for requiring these conditions and in the light of the guidance in the Framework and the PPG I consider that the conditions nos. 45, 46 and 47 that are contained in the report to the Development Control Committee A, dated 30 November 2016, and which relate to withdrawing permitted development rights, should not be imposed. In addition, I have deleted the recommended condition no. 19, that relates to the remediation of any contamination found, as it is a duplication of condition no. 6.

Overall conclusion

36. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the imposition of the planning conditions contained in the attached schedule and the UU comprising obligation B of Schedule 1, ie the common commitments plus the £46,496 (index linked) contribution towards bus stop enhancements in the vicinity of the development.

GP Jones

INSPECTOR

² Planning Practice Guidance ID 21a-017-20140306

Schedule of conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. No clearance of vegetation or structures suitable for nesting birds, shall take place between 1st March and 30th September inclusive in any year without the prior written approval of the Local Planning Authority.
3. Prior to the commencement of development, including any works of demolition, the developer/occupier shall submit to the Local Planning Authority a strategy to maximise the opportunities for local residents to access employment offered by the development. The approved strategy shall thereafter be implemented in accordance with an agreed timetable that shall be detailed within the strategy.
4. Prior to the commencement of development an intrusive investigation assessment to establish site conditions at the site shall be submitted to, and approved in writing by, the Local Planning Authority (in addition to any assessment provided with the planning application). The results of this investigation shall be considered along with the Ground Conditions Desk Study prepared by Hydrock, dated January 2016 (Ref R/151570/001 Rev 3) and a site specific risk assessment shall then be carried out to assess the nature and extent of the contamination on the site and whether or not it originates on the site. The contents of the assessment shall then be submitted to and be approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced.
5. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Thereafter the approved scheme shall be implemented.
6. In the event that contamination is found at any time, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to, and approved in writing by, the Local Planning Authority.
7. No development shall take place including any works of demolition until a Construction Management Plan and a Site Specific Construction Environmental

Management Plan have been submitted to and been approved in writing by the Local Planning Authority. The Management Plan must include the following:

- (a) Technical evidence to demonstrate the full protection of the integrity and stability of the Bristol – Bath Railway Path (the Railway Path) during and after construction of the development hereby approved. The evidence shall identify construction risks and, where such risks are identified, appropriate mitigation measures shall be included to the satisfaction of the Local Planning Authority;
- (b) Condition Survey of the existing public highway, public accesses and the Railway Path;
- (c) Demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting on the surrounding area including the adjacent Easton-Staple Hill disused railway Site of Nature Conservation Interest, Railway Path amenity route and all surrounding premises and infrastructure;
- (d) Details of vehicle parking for site operatives and visitors;
- (e) Routes for construction traffic;
- (f) Method of prevention of mud being carried onto the highway;
- (g) Pedestrian and cyclist protection measures;
- (h) Proposed temporary traffic restrictions;
- (i) Arrangements for the turning of vehicles.

The development shall thereafter be carried out in strict accordance with the approved Management Plans and their recommendations and any damage occurring as a result of this development shall be remedied by the developer to the written satisfaction of the Local Planning Authority.

8. Prior to the commencement of development (including any demolition or strip out works to any retained buildings) and notwithstanding any approved plans or documents, an ecological mitigation strategy prepared by a suitably qualified ecological consultant shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following provisions:
- (a) Production of a nature conservation and landscape management plan;
 - (b) Details of the planting of a new native species-rich hedgerow on top of the proposed gabion wall along the south-eastern boundary of the site;
 - (c) Confirmation that all works are to take place in accordance with the submitted method statement for a monitoring programme for works within 20 metres of any badger sett;
 - (d) Measures to prevent badgers being trapped in open excavations and pipes;
 - (e) A precautionary pre-construction bat dusk emergence (or dawn re-entry) survey (which will need to be undertaken between May and August when bats are active) prior to the commencement of works;
 - (f) A lighting contour plan extending to incremental levels of zero lux;
 - (g) The incorporation into the landscape proposals, planting that will aid the conservation of bats, the provision of a wildlife pond, and the provision of 15cm by 15 cm gaps under any close boarded fencing to allow the movement of hedgehogs;
 - (h) A method statement for the avoidance of impacts on nesting birds, hedgehogs, reptiles and amphibians including common toad;
 - (i) An updated check for badger setts within two months of the start of development;

- (j) A Method Statement for the careful removal of materials by hand under the supervision of a suitably qualified ecologist which have the potential to support roosting bats on Block F, the remaining Victorian factory building;
- (k) The provision of 5 no. bat tubes integrated within buildings, 10 no. bat boxes on trees and 20 no. bird boxes integrated within buildings to include at least 10 no. swift boxes or bricks and two artificial hedgehog houses; and
- (l) The provision for living roofs with wildflower meadow (non sedum) and features for invertebrates on them.

The development shall thereafter be carried out in full accordance with the approved strategy.

9. Notwithstanding notations on any approved plans or documents, a detailed design of hard/soft landscaping and structures within the landscape areas along the entirety of the interface of the site and the Railway Path shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The scheme shall include details of species selection of plants and trees, planting numbers, stock size, spacing and also provide full sectional details through the Railway Path Bank. The development shall be completed in accordance with the approved scheme and implemented so that planting can be carried out during the first planting season following the first occupation of the building(s) or the completion of the development whichever is the sooner.
10. Notwithstanding notations on any approved plans or documents, a full detailed design of hard/soft landscaping and structures within the proposed Central Square area shall be submitted to and approved by the Local Planning Authority prior to the commencement of the relevant element of the development. The scheme shall include details of species selection of plants and trees, plant numbers, stock size, spacing and also include sectional details of all the main structural features (such as levels, steps and retaining walls). The scheme shall also investigate alternative landscape proposals for the car parking/access area to the south of the Central Square in order to optimise the efficient use of this area following its non-adopted status. The development shall be completed in accordance with the approved scheme and implemented so that planting can be carried out during the first planting season following the first occupation of the building(s) or the completion of the development whichever is the sooner.
11. The development hereby approved shall not commence until a detailed Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using Sustainable Drainage System (SuDS) methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of any of the buildings commencing and shall be maintained thereafter for the lifetime of the development.
12. Prior to the commencement of development a detailed lighting scheme, including predicted light levels, undertaken by a suitably qualified Lighting Engineer shall be submitted to and approved in writing by the Local Planning Authority. Any light created by reason of the development shall not exceed 5Lux as calculated at the windows of the nearest residential properties. The scheme shall include details of all external lighting (including any decorative

lighting and security lighting within external amenity/access area) and associated light spill plans unless otherwise agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented.

13. Prior to the commencement of development details of the following works shall be submitted to and approved in writing by the Local Planning Authority:
- (a) Refurbishment and upgrade of existing footway to south side of Greenbank Road and Co-Operation Road for the full length of the red line boundary;
 - (b) Extension of the existing build-out on the south side of Greenbank Road east of the new vehicular access road;
 - (c) Improvements to existing street lighting on Greenbank Road and Co-operation Road;
 - (d) Detailed design drawings of the proposed new and refurbished pedestrian and cycle links to the site from the adjacent Bristol-Bath Railway Path to include plans and sections at a scale of 1:10 and to include a gradient that is compliant with the Disability Discrimination Act; and
 - (e) Submission of gabion basket walls adjacent to the Railway Path to accord with requirements of the Design Manual for Roads and Bridges (DMRB).

No buildings hereby permitted shall be occupied until these works have been completed in accordance with the approved details.

14. Development shall not take place until construction details of the internal access road(s) (including the upgrade and refurbishment of the existing pedestrian and cycle link into the site from Carlyle Road) to achieve an adoptable standard have been submitted to and been approved in writing by the Local Planning Authority. The building(s) hereby permitted shall not be occupied or the use commenced until the road(s) is/are constructed in accordance with the approved plans.
15. Notwithstanding any notations on any approved plans, detailed drawings (including plans, elevations and sections also indicating materials, treatments and finishes) to a minimum 1:5, 1:10 or 1:20 scale whichever is appropriate or as requested by the Local Planning Authority of the following items shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of work is begun unless otherwise agreed in writing by the Local Planning Authority:
- (a) Details of the junctions between the different materials; door/windows reveals, cills and lintels, how the building meets the ground, entrance canopies/soffits below projections; and parapet coping details for the following buildings:
 - Block E and Terrace-02 front and side elevation;
 - Block G and Terrace 5 elevations facing the railway path and the gable end to the west;
 - Block D – all elevations;
 - Block B – all elevations;
 - Terrace 01 – Front elevation;
 - T1-Block 1 and Block A – All elevations;
 - (b) Details of the dormer windows for Block F;
 - (c) Details of the Box extension for Apartments 2.6, 3.6 and 4.6; and
 - (d) Details of all privacy baffles and screens.

16. Notwithstanding any materials noted on any approved plans, sample panels of all the external materials and finishes to all buildings, stores, associated plant areas, walls, hard landscape features including paved surfaces, demonstrating coursing, jointing and pointing to the masonry, are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced, unless otherwise agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
17. Prior to the commencement of the relevant element of the development, details including the exact location (to include the optimisation of positioning), dimensions, design/ technical specification and method of fixing relating to the Photovoltaic panels shall be submitted to and agreed in writing by the Local Planning Authority. The approved equipment shall be installed and made operational prior to the first occupation of the use which they serve and retained as operational thereafter in perpetuity.
18. Development shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of noise insulation measures for all residential accommodation, (this scheme shall also include details of ventilation). The scheme of noise insulation measures shall take into account the recommendations detailed in the HYD-ACO-REP-20151117 Rev 002 Noise Planning Report prepared by Hydrock dated December 2015 and the approved measures shall be regularly checked by a competent acoustic consultant throughout the construction of the development.

The approved details shall be implemented in full prior to the first commencement of the use in each development block hereby permitted and be permanently maintained thereafter.
19. Prior to the first occupation of any building on the site, a maintenance and management strategy for all non-adopted but publically accessible areas shall be submitted to and agreed in writing by the Local Planning Authority. The strategy must include the following features:
 - (a) Central Square and associated parking and access areas to the south;
 - (b) The new cycle and pedestrian link from the Railway Path into the site;
 - (c) Refurbished existing pedestrian link from the Railway Path into the site;
 - (d) Railway Path Bank Interface; and
 - (e) All other areas landscaped areas on the site including trees.
The development shall be maintained and managed in full accordance with the approved strategy thereafter.
20. Prior to first occupation (or unless an alternative phased timetable is agreed in writing by the Local Planning Authority), the final post construction BREEAM communities' certificate indicating that a BREEAM 'Excellent' rating has been achieved shall be submitted to and approved in writing by the Local Planning Authority.
21. Prior to the first occupation of each of the commercial unit(s) by any A1, A2, A3, A4, D1 D2 or B1 Use Classes (or combination thereof) hereby permitted a

management strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following measures, unless otherwise agreed in writing by the Local Planning Authority:

- (a) Confirmation of the tenant mix and use of floorspace in each block; and
- (b) How the tenants will manage their servicing requirements (including details of refuse and recycling storage and deliveries).

The floorspace shall be occupied in accordance with the approved details and strategies in perpetuity. Any subsequent occupiers of the commercial unit(s), in perpetuity, shall submit a new management strategy to the Local Planning Authority for approval prior to occupation.

22. Prior to the first occupation of any commercial unit hereby approved within Use Class B1 (Business), a management strategy setting out a method for the delivery of small, flexible workspaces on site shall be submitted and approved in writing by the Local Planning Authority. The strategy shall include the location and extent of floorspace of the flexible workspace within the development and how this workspace is to be managed and maintained. The development shall then be managed in full accordance with the approved strategy in perpetuity.

23. No commencement of each use of any commercial premises in Blocks, B, C or D (Units within Use Classes A1, A2, A3, A4, D1, D2 and B1 only) shall take place until an assessment on the potential for noise from the development affecting residential properties as part of this development and existing residential properties in the area has been submitted to and approved in writing by the Local Planning Authority.

The assessment shall include noise from:

- (a) Music;
- (b) Customers (including customers in any outside area);
- (c) Ventilation, refrigeration and air conditioning plant or equipment;
- (d) Servicing (deliveries and refuse collections).

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first commencement of each unit within Use Classes A1, A2, A3, A4, D1, D2 and B1.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development. The noise assessment shall be carried out by a suitably qualified acoustic consultant/engineer. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

24. No commencement of use of each individual commercial unit for either Use Class A3 or A4 hereby approved shall take place until there has been submitted to, and approved in writing, by the Local Planning Authority, details of ventilation/extraction equipment serving the unit. The details shall include the following:

- a) Specification of equipment;
- b) Method of ensuring that plant fumes and smells do not affect residents or neighbouring occupiers ;
- c) Management/maintenance schedule.

The equipment shall then be installed as approved prior to the first occupation of each unit and maintained thereafter so as to perform as approved.

- 25. No building or use hereby permitted shall be occupied or the use commenced until a Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed Travel Plan targets.
- 26. No building or use hereby permitted shall be occupied or the use commenced until the refuse store and area/facilities allocated for storing of recyclable materials related to that building or use, as shown on the approved plans, have been completed in accordance with the approved plans.

Thereafter, all refuse and recyclable materials associated with the development shall either be stored within this dedicated store/area, as shown on the approved plans, or internally within the building(s) that form part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway, collection point or pavement, except on the day of collection.
- 27. No building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring of delivery and service vehicles have been completed in accordance with the approved plans. Thereafter, these areas shall be kept free of obstruction and remain available for these uses.
- 28. No building or use hereby permitted shall be occupied or the use commenced until the car /vehicle parking areas shown on the approved plans have been completed, and thereafter, the areas shall be kept free of obstruction and remain available for the parking of vehicles associated with the development.
- 29. No building or use hereby permitted shall be occupied or the use commenced until the means of vehicular access has been constructed and completed in accordance with the approved plans and the said means of vehicular access shall thereafter be retained for access purposes only.
- 30. No building or use hereby permitted shall be occupied or the use commenced until the means of access for pedestrians and/or cyclists (including the upgrade and refurbishment of the existing pedestrian and cycle link to the site from Carlyle Road) have been constructed in accordance with the approved plans and shall thereafter be retained for access purposes only.
- 31. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been

- completed, and thereafter be kept free of obstruction and available for the parking of cycles only.
32. No building or use hereby permitted shall be occupied or the use commenced until the existing accesses to the development site have been permanently stopped up and the footway reinstated in accordance with the approved plans.
33. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or any notations on the approved plans, 226 sq m (but no more) of the commercial floor space within either Blocks B or C shown on approved Drawing No.s CF-519-D-00-DR-A-20040 Rev 6 and CF 519 C 00 DR A 20030 Rev 5 shall be used for the purposes of A1 (shops) as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.
34. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or any notations on the approved plans, at least 332m² of the commercial floorspace within Block C as shown on approved Drawing CF 519 C 00 DR A 20030 Rev 5 shall be used for Community Use (Use Class D1) as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.
35. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or any notations on the approved plans, no more than 226 sq m of the commercial floor space within either Blocks B or C shown on approved Drawing No.s CF-519-D-00-DR-A-20040 Rev 6 and CF 519 C 00 DR A 20030 Rev 5 shall be used for the purposes of Use Class A2 (Financial and Professional Services); as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.
36. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) or any notations on the approved plans, no more than 206 sq m of the commercial floor space within Block D shown on approved Drawing No. CF 519 D 00 DR A 20040 Rev 6 shall be used for the purposes of Use Class A4 (Drinking Establishment) as defined in the Town and Country Planning Use Classes Order 2010 (or any Order revoking and/or re-enacting that Order) unless otherwise agreed in writing by the Local Planning Authority.
37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.

38. Parking within the development site shall be restricted to the areas allocated on the approved plans and shall not encroach onto areas allocated on the plans for other uses.
39. In respect of the commercial units (units within Use Classes A1, A2, A3, A4, D1, D2 and B1) hereby approved, no customers shall remain on the premises outside the hours as set out below:
 - Units within Use Classes: A1, A3 & A4 - 08.00 to 23.00 hours Monday to Sunday;
 - Units within Use Classes: A2, B1, D1 & D2 - 08.00 to 21.00 hours Monday to Sunday.
40. There shall be no consumption of food or beverages outside (including any external terraces or balconies) any commercial unit within the Use Classes A3 or A4 use after 21.00 hours.
41. The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level, as determined by BS4142: 1997-"Method of rating industrial noise affecting mixed residential and industrial areas".
42. Activities relating to the collection of refuse and recyclables and the tipping of empty bottles into external receptacles (units within Use Classes A1, A2, A3, A4, D1, D2 and B1 only) shall only take place between 08.00 and 20.00 hours Monday to Saturday, and not at all on Sundays or Bank Holidays.
43. Activities relating to deliveries (units within Use Classes A1, A2, A3, A4, D1, D2 and B1 only) shall only take place between 08.00 and 20.00 hours Monday to Saturday, and not at all on Sundays or Bank Holidays.
44. Access to all roof areas (other than those areas specifically shown as external amenity space or balconies on the approved plans) shall be for the purposes of maintenance and emergency access only and not be used as external amenity space or roof terraces.
45. The development shall be carried out in complete accordance with the Sustainability Statement C151570_HYD-BPE-REP-004 P05 and the Energy Statement C151570_HYD-BPE-REP-003 P06 both prepared by Hydrock dated 29 November 2016, and maintained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
46. The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.
 - CF-519-S-XX-DR-A-01001 REV 3 - Site Location Plan
 - CF-519-S-XX-DR-A-01002 REV 3 - Site Boundary Plan
 - CF-519-S-XX-DR-A-90001 REV 8 - Proposed Masterplan - Roof Plan
 - CF-519-S-XX-DR-A-90005 REV 7 - Proposed House Type Allocation Plan
 - CF-519-S-XX-DR-A-90010 REV 8 - Proposed Illustrative Masterplan
 - CF-519-S-XX-DR-A-93001 REV 8 - Proposed Refuse Strategy
 - CF-519-S-XX-DR-A-93002 REV 2 - Communal Refuse Store Layouts
 - CF-519-S-XX-DR-A-94001 REV 9 - Proposed Cycle Storage Strategy

CF-519-S-XX-DR-A-94002 REV 8 - Proposed Car Parking Strategy
CF-519-S-XX-DR-A-94003 REV 8 - Proposed Access and Movement Strategy
CF-519-S-XX-DR-A-94004 REV 3 - Communal Cycle Store Layouts
CF-519-S-XX-DR-A-21001 REV 6 - Proposed Street scenes - Sheet 1 of 7
CF-519-S-XX-DR-A-21002 REV 6 - Proposed Street scenes - Sheet 2 of 7
CF-519-S-XX-DR-A-21003 REV 6 - Proposed Street scenes - Sheet 3 of 7
CF-519-S-XX-DR-A-21004 REV 6 - Proposed Street scenes - Sheet 4 of 7
CF-519-S-XX-DR-A-21005 REV 7 - Proposed Street scenes - Sheet 5 of 7
CF-519-S-XX-DR-A-21006 REV 4 - Proposed Street scenes - Sheet 6 of 7
CF-519-S-XX-DR-A-21007 REV 3 - Proposed Street scenes - Sheet 7 of 7
CF-519-S-XX-DR-A-21010 REV 1 - Greenoak Crescent Relationship Layout
CF-519-S-XX-DR-A-SK001 REV 1 - Railway Path Connection Ga Typical Refuse
Internal Elevation Sketch - dated 17/11/16/DC
05214.00001.16.005.11 Site Wide: Landscape Design Strategy and Tree Plan
CF-519-S-XX-DR-A-02001 REV 3 - Existing Site Plan
CF-519-S-00-DR-A-04001 REV 2 - Reception Building - Existing Floor Plans
CF-519-S-00-DR-A-04002 REV 2 - Former Factory Buildings 1 & 5 - Ground
Floor Plan
CF-519-S-01-DR-A-04003 REV 2 - Former Factory Buildings 1 & 5 - First Floor
Plan
CF-519-S-02-DR-A-04004 REV 2 - Former Factory Buildings 1 & 5 - Second
Floor Plan
CF-519-S-03-DR-A-04005 REV 2 - Former Factory Buildings 1 & 5 - Third Floor
Plan
CF-519-S-04-DR-A-04006 REV 2 - Former Factory Buildings 1 & 5 - Fourth
Floor Plan
CF-519-S-05-DR-A-04007 REV 2 - Former Factory Buildings 1 & 5 - Roof Plan
CF-519-S-XX-DR-A-02020 REV 2 - Existing Street Scene_Existing Building
Elevations - Sheet 1 of 2
CF-519-S-XX-DR-A-02021 REV 2 - Existing Street Scene_Existing Building
Elevations - Sheet 2 of 2
CF-519-S-XX-DR-A-02025 REV 2 - Existing Site_Building GA Sections - Sheet 1
of 2
CF-519-S-XX-DR-A-02026 REV 2 - Existing Site_Building GA Sections - Sheet 2
of 2
CF-519-S-XX-DR-A-20001 REV 3 - House Type 1 - Proposed Floor Plans Typical
Elevations and GA Section
CF-519-S-XX-DR-A-20004 REV 4 House Type 4 - Proposed Floor Plans Typical
Elevations and GA Section
CF-519-S-XX-DR-A-20005 REV 3 - House Type 5 - Proposed Floor Plans Typical
Elevations and GA Section
CF-519-S-XX-DR-A-20006 REV 4 - House Type 6 - Proposed Floor Plans Typical
Elevations and GA Section
CF-519-S-XX-DR-A-20007 REV 5 - House Type 7 - Proposed Floor Plans Typical
Elevations and GA Section
CF-519-T1-XX-DR-A-20080 REV 1 - Terrace 01 Apt Block - Proposed Plans and
Elevations
CF-519-A-00-DR-A-20010 REV 5 - Block A - Proposed Floor Plans
CF-519-A-XX-DR-A-21010 REV 4 - Block A - Elevations and Sections
CF-519-B-00-DR-A-20020 REV 6 - Block B - Proposed Floor Plans 00 & 01
CF-519-B-01-DR-A-20021 REV 6 - Block B - Proposed Floor Plans 20, 03 & 04
CF-519-B-05-DR-A-20022 REV 6 - Block B - Proposed Floor Plans 05 & Roof
CF-519-B-XX-DR-A-21020 REV 6 - Block B - Proposed Elevations - 1 of 2

CF-519-B-XX-DR-A-21021 REV 5 - Block B - Proposed Sections
CF-519-B-XX-DR-A-21022 REV 2 - Block B - Proposed Elevations - 2 of 2
CF-519-C-00-DR-A-20030 REV 5 - Former Reception Building – Proposed Floor Plans
CF-519-C-XX-DR-A-21030 REV 4- Former Reception Building – Elevations and Sections
CF-519-D-00-DR-A-20040 REV 6 - Apartment Block D - Ground & First Floor Plans
CF-519-D-02-DR-A-20041 REV 3 - Apartment Block D - Second & Third Floor Plans
CF-519-D-04-DR-A-20042 REV 4 - Apartment Block D - Fourth & Fifth - Floor Plans
CF-519-D-06_DR-A-20043 REV 5- Apartment Block D - Roof Plan
CF-519-D-XX-DR-A-21040 REV 6 - Apartment Block D - Proposed Elevations
CF-519-D-XX-DR-A-21041 REV 6 - Apartment Block D - Proposed Sections
CF-519-E-00-DR-A-20050 REV 7 - Block E - Proposed Floor Plans
CF-519-E-XX-DR-A-21050 REV 9 - Block E - Proposed Elevations and Section
CF-519-F-XX-DR-A-20060 REV 6- Block F - Proposed Apartment Plans 00 & 01
CF-519-F-XX-DR-A-20061 REV 6 - Block F - Proposed Apartment Plans 02, 03 & Roof
CF-519-F-XX-DR-A-20062 REV 6 - Block F - Proposed Townhouse Floor Plans
CF-519-F-XX-DR-A-21060 REV 7- Block F - GA Elevations - 1 of 2
CF-519-F-XX-DR-A-21061 REV 5 - Block F - GA Elevations - 2 of 2
CF-519-F-XX-DR-A-21062 REV 5 - Block F - GA Sections - 1 of 2
CF-519-F-XX-DR-A-21063 REV 1 - Block F - GA Sections - 2 of 2
CF-519-G-00-DR-A-20070 REV 7 - Block G - Proposed Floor Plans
CF-519-G-XX-DR-A-21070 REV 5- Block G - Proposed Elevations and Section
160901_BREEAM Pre Assessment Report - Elizabeth Shaw Chocolate Factory.docx Rev 1 prepared by Carbon Consult Limited dated 01.09.2016
C151570_HYD-BPE-REP-004 P05 Sustainability Statement prepared by Hydrock dated 29 November 2016
C151570_HYD-BPE-REP-003 P06 Energy Statement prepared by Hydrock dated 29 November 2016
R/151570/001 Rev 3 Ground Conditions Desk Study prepared by Hydrock dated January 2016

(end of Schedule)