



Appeal Decision

Hearing Held on 27 February and 15 March 2019

Site visit made on 27 February 2019

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 7 June 2019

Appeal Ref: APP/X0360/W/18/3205448

Autotrader House and Hartman House, Danehill, Earley RG6 4UT

- 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 Equity Real Estates Development Limited against the decision of Wokingham Borough Council.
 - The application Ref 173675, dated 18 December 2017, was refused by the Council by notice dated 15 May 2018.
 - The development proposed is redevelopment of the site to provide 76 residential dwelling houses (Use Class C3) in three buildings rising to three storeys in height, together with associated surface level and part lower ground floor car parking, open space, landscaping and infrastructure works.
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Decision

1. I allow the appeal and grant planning permission for redevelopment of the site to provide 76 residential dwelling houses (Use Class C3) in three buildings rising to three storeys in height, together with associated surface level and part lower ground floor car parking, open space, landscaping and infrastructure works at Autotrader House and Hartman House, Danehill, Earley RG6 4UT in accordance with the terms of the application Ref 173675, dated 18 December 2017 and subject to conditions 1) to 25) on the attached schedule.

Procedural Matters

2. A revised National Planning Policy Framework was published on 19 February 2019 and the parties were canvassed as to any effect that this had on their case. The Council supplied details of the housing land supply situation and the application of the Housing Delivery Test methodology.
3. The Council submitted a draft s106 Agreement during the Hearing that sought to overcome Reasons for Refusal 3 and 4 on affordable housing and the Special Protection Area. There was disagreement between the parties over a particular clause regarding the provision of Suitable Alternative Natural Greenspace (SANG) with regard to the Special Protection Area. Opportunity was allowed for further submissions on this matter with a date set for resumption of the Hearing for discussion. In the event agreement had been reached by the set date, 15 March 2019 and a further draft Agreement was discussed at the resumed Hearing. Time was allowed following the close of the Hearing for the final signed copies to be produced, which will be the subject of a commentary later in this Decision.

4. In answer to a request, the Council supplied details of prior-approvals given for the conversion of 2 units at Cutbush Court, immediately to the east of the appeal site, for change of use from commercial to provide a total of 12 units of residential accommodation. At the resumed Hearing it was stated that Hartman House also now had the benefit of a permitted development prior approval for residential use for 22 units.

Main Issues

5. Having regard to the above, the main issues are:
 - The effect of the proposals on the living conditions of prospective occupiers with particular regard to noise and disturbance, and amenity of balconies.
 - The effect of the proposals on the aims of policies that seek mixed, balanced and sustainable communities.
 - The effect of the proposals on traffic and the provision of services.

Reasons

Policy

6. Core Strategy Policy CP1 on sustainable development states that permission will be granted for development proposals that, among other things; maintain or enhance the quality of the environment; avoid areas where pollution including noise may impact on the amenity of future occupiers; and provide attractive, functional, accessible, safe, secure and adaptable schemes. Developing inclusive communities is the aim of Policy CP2 and planning permission will be granted for proposals that address various identified sectors of society. Policy CP3 sets out general principles for development which include providing a functional, accessible, safe, secure and adaptable scheme. A mix and balance of densities, dwelling types, tenures and sizes is to be provided under Policy CP5.
7. Policy TB05 of the Managing Development Delivery Local Plan states that proposals for residential development shall provide for an appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households.
8. The Borough Design Guide Supplementary Planning Document of 2012 sets out at section 4 considerations with regard to residential development. Paragraph R16 states that new housing should provide easy access to some form of amenity space. Flats in particular should have access to some form of amenity space, preferably in the form of private or communal garden space. For upper floor flat-dwellers it is important to provide private outdoor space in the form of balconies, upper level terraces or winter-gardens. The requirements are listed as; some degree of privacy, sunlight where possible and the protection of the privacy of existing residents.
9. The National Planning Policy Framework sets out at paragraph 8 the three overarching objectives of sustainable development, including within the social objective the need to ensure a sufficient number and range of homes. Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 170 states that decisions

should contribute to and enhance the natural and local environment by, among other things, preventing new development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Principle of Development

10. The site is within the built-up area and close to residential development on Cutbush Lane. There is a bus service running along that road, and a more frequent service a short walk away on Rushey Way, where there is also a large shopping centre. It is the fact as pointed out at the Hearing, that this is an uphill route, but not an onerous one.
11. Of particular note is that a previous Appeal Decision concerning a scheme for 126 residential units found no harm to the character and appearance of the area and was dismissed only on the poor outlook provided for prospective residents by the central space; being described as appearing little more than a car park (Ref. APP/X0360/W/17/3174392 dated 1 December 2017). The loss of the present, albeit unused and vandalised, commercial floor-space on the site was not a reason for refusal.
12. The residential development of the site is therefore acceptable in principle and notwithstanding the Council's housing delivery figures and a supply of deliverable sites in excess of the 5-year requirement, the provision of housing in this accessible location would support the Government's objective of significantly boosting the supply of housing as stated in paragraph 59 of the Framework.

Living Conditions

13. The major area of concern here is the proximity of the M4 Motorway to the south of the site, with a busy local road more immediately adjacent, and the effect of noise from those sources on the utility of the open space available to residents.
14. The previous Inspector refers to terraces being enclosable to mitigate the traffic noise, with communal gardens being provided, but it was observed that the noise environment of the larger garden might limit the length of time of a visit. The Inspector considered that conditions could mitigate the effect and that the garden behind Block A would offer a quieter alternative, due to the shadowing effect of that building. The conclusion was that sufficient communal amenity space would be provided, although the utility of that space would be limited by the noise environment. This would make the visual impact of the design all the more sensitive and this is where the failing lie that led to the Appeal being dismissed.
15. It is clear therefore that the Inspector did consider the noise environment of the central amenity space, as part of an overall balance of what makes a space usable and attractive.
16. The car parking that adversely affected that visual amenity is now proposed to be entirely below the residential blocks, so that, with a smaller number of flats and more of the central space available to residents for sitting and walking, there would be a marked improvement in the visual amenity of the space, and the area available to each resident.

17. The noise at the boundary would remain much as considered previously, and the appellant explained the changes that the formation of a 'smart motorway' would be likely to have. The changes to the arrangement of the proposed blocks and the smaller gap between them along the southern boundary would reduce the noise level within the central space and together with the greater amount of space available for recreation within the noise shadow of the blocks, would result in an improvement in both the visual and noise environment, together with an overall improvement in the utility of the area to residents.
18. To the extent to which the previous Inspector considered a balance of various factors, those factors are now improved upon, and the noise environment in particular would be improved to a daytime level of 60dB(A) falling within the Lowest Observable Adverse Effect Level (LOAEL) as sought in the Local Plan Appendix. It is concluded that the central space meets the requirements of the Development Plan and the Borough Design Guide and is therefore acceptable in its quality.
19. Turning to the provision of balconies, the Guide is not prescriptive, requiring easy access to some form of amenity space, although the provision of balconies, upper level terraces or winter-gardens is described as being important. In the case of these three-storey blocks, with lifts, access to the central area would be easy, and the provision of balconies allows a choice for residents of a sitting space near to the lounge and kitchen areas. The south facing balconies would however be subject to noise from the motorway and being above ground level there would be limited attenuation other than by distance. An unmitigated level of 77dB(A) is quoted, whilst within the flats along that line the design of the fabric, openings and ventilation would reduce that to an acceptable internal level.
20. The level within the balconies could be reduced by the use of glazing, which would not need to be of the high standard specified to achieve the internal flat levels, but would allow a reasonable balance between attenuation and ventilation, at the choice of the occupiers. The balcony would also be available as an extension of the room with the outer glazing either open or shut. The Guide refers to winter-gardens and the glazed balconies would provide occasions for use that would not be available with a totally open balcony, regardless of the noise environment.
21. The question was asked whether permission would have been refused if no balconies were proposed, and the Councillors present were of the view that this would have been the case. The appeal scheme does provide balconies, which are only described in the Guide as a preferable rather than essential provision, and a scheme could be required by condition to ensure a satisfactory environment with a choice as to how they would be used.
22. To conclude, in addition to all residents having access to a good quality and quantity of communal outdoor space in the central area, balconies or terraces would be provided for upper-floor residents, and those on the southern elevation would remain of an acceptable standard through the use of glazing to mitigate the effects of traffic noise. With that mitigation, the amenity space would accord with Policies CP1 and CP3, and with the guidance in the Borough Design Guide Supplementary Planning Document.

Housing Mix

23. The concern here is the proportion of one-bed units now proposed, at 70%. The latest recommendation on housing mix applicable to the site is within the Berkshire (including South Bucks) Strategic Housing Market Assessment of February 2016 with one-bed being 15% of all dwellings and the expected focus to be on new market housing provision of two- and three-bed properties. The Assessment also states that in applying policies on housing mix to individual development sites regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. There is a mix of dwelling sizes in the area, with just over 18% in the ward being one-bed units which is already in excess of the Assessment figure, but over the Borough as whole that figure drops to 6.6%.
24. It is appropriate to take account of the nature of the housing to be provided, in that while much of the character and appearance seen in the area is of single family houses, the site lends itself to re-development as proposed in flats, and that aspect is not objected to by the Council. Although not providing the flexibility of a spare bedroom for guests or a growing family, the evidence is of under-occupation of family housing as children grow and move on.
25. The site and the housing proposed would suit both down-sizing older people and younger people looking to start a home, and would tend to be less attractive to families. The proposal would further the aims of significantly boosting the supply of housing in a sustainable location, and would not cause demonstrable harm through the mix proposed.

Traffic and Services

26. These matters are not supported by a reason for refusal or evidence from the Officer at the Hearing, and the previous Inspector writing in 2017 concerning 126 units as opposed to 76 in the present scheme, found no adverse impact on the road network or local services, having allowed for the Community Infrastructure Levy contributions. Nevertheless, continued concern was expressed by interested persons at the Hearing. Having mind to the acceptability in principle of residential use and the findings of the previous Inspector, together with the access to bus services, albeit the more frequent services being a slight uphill walk away, the lower numbers of residential units now proposed would not cause unwarranted harm to traffic or services.

Other Considerations

27. The third reason for refusal concerns a failure to make adequate provision for affordable housing which was considered not to contribute to the objective of creating mixed and balanced communities, contrary to the aims of the Framework and Policy CP5 of the Core Strategy. As set out earlier in this Decision, an undertaking had been finalised which made the agreed provision for affordable housing. Whilst there was representation at the Hearing as to the level proposed, that had been the subject of negotiation and assessment and is acceptable.
28. The final reason for refusal alleged failure to secure mitigation for the adverse effect on the integrity of the Thames Basin Heaths Special Protection Area. The site is within 7km of the Area, the proposal is for more than 50 units, and

Natural England had considered that the development would be likely to have a significant effect on a European Site either alone or in combination with other plans or projects.

29. The site is not within the catchment area of one of Wokingham's own SANGs but is within such an area of sites owned by the University of Reading, and the submitted Agreement provides for a particular SANG to be linked to the proposal, which would be closer than the Special Protection Area. The Inspector is the Competent Authority at appeal stage and an Assessment is required under the Habitats Regulations.
30. There are 7 steps to the Assessment and once one of the steps has been met there is no requirement to go on to consider the remaining steps;
- *Step 1, is the proposal directly connected with or necessary to the management of a protected site? No, that is not the case.*
 - *Steps 2 and 3, is the proposal likely to have a significant effect on the interest features of the site, alone or in combination? If it is or such a risk cannot be excluded on the basis of objective information, then an Appropriate Assessment must be undertaken to determine whether or not the development will have an adverse effect on the integrity of the site. On the basis of the Natural England submission and the Council's evidence, it is necessary to consider the next step.*
 - *Step 4, if any adverse effects are identified, can they be mitigated or overcome by conditions or other restrictions such as a section 106 agreement or undertaking? The Agreement provides a robust method of ensuring the availability of SANG provision at a site owned by the University of Reading that would mitigate the effects and overcome the risk to the Special Protection Area and there is no need to continue further with the Assessment.*
31. It is concluded that the proximity to and accessibility of the Thames Basin Heaths Special Protection Area is not a reason to withhold permission as suitable mitigation can be secured.

Conditions and Agreement

32. The Council suggested a number of conditions and these were discussed at the Hearing. In order to canvass the appellant's opinion on those that were to be pre-commencement conditions, as required by the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and section 100ZA of the 1990 Act, an amended set were sent by the Planning Inspectorate to the appellant, and agreement was forthcoming.
33. Conditions were agreed to ensure that car access, parking and management, as well as cycle storage and parking, and refuse management facilities are available at the right time; that a Travel Plan and a Construction Method Statement is approved and implemented; that samples of materials have been approved; that air quality and noise mitigation together with contamination remediation measures are in place; and that the hours of construction are controlled. A scheme for generating 10% of the predicted energy requirements is to be secured, as are landscaping, bat and other ecological details, and the management of the hard and soft areas, with the retention of trees to be covered, while avoiding works to vegetation during the nesting season. A

further pre-commencement condition is necessary to seek drainage details and a condition naming the 'as proposed' drawings is required in the planning permission for the avoidance of doubt.

34. There was one further suggested condition requiring a privacy screen to be detailed for the roof garden of Block 6 to protect the amenity of residents in Block 5, which was not agreed by the appellant to be warranted, but if it was considered to be necessary, the appellant had no objection to it being a pre-commencement condition. It is noted that windows on the flank elevation of Block 6 below that level are shown on the drawing to require translucent glazing 'at 2m above FFL' which can be taken to indicate a need for some mitigation on that façade. On that basis it is reasonable to attach the condition as drafted for the privacy screen and to formalise the requirement for the flank elevation windows on the floor below.
35. With those provisions, the conditions to be attached meet the tests in paragraph 55 of the Framework and within the web-based Planning Practice Guidance.
36. The need for the Agreement has been set out previously in overcoming Reasons for Refusal 3 and 4 on affordable housing and the Special Protection Area. A further provision is for the appellant to submit an Employment Skills Plan for approval or to make an Employment Skills Contribution of £15,000 index-linked. The resulting Agreement satisfies the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 as well as paragraph 56 of the Framework in being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. As a result, full weight can be accorded it in this Decision.

Conclusions

37. The principle of residential use of the site is acceptable and the design and layout of buildings would adequately protect the living conditions of prospective occupiers with regard to noise. The proposed housing mix is also acceptable and conditions together with an Agreement can provide an alternative to the use of the Special Protection Area, while ensuring the provision of affordable housing and the delivery of the required standard of development. The proposal accords with the relevant provisions of the Development Plan and Central Government planning policy. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

L Callan Planning Officer
Wokingham Borough Council

FOR THE APPELLANT:

N Green Director Savills
J Neale DMWR Architects
G Cifaldi Planner Savills
D Clare RSK Acoustics

INTERESTED PERSONS:

Cllr T Holton Ward Councillor and Chair Planning Committee
Cllr C Jones Ward Councillor
Cllr D Hare Ward Councillor
W Luck Chair Early Town Council Planning Committee
A Mickleburgh Local resident

DOCUMENTS

Document 1 Heads of Terms submitted by appellant
Document 2 Draft s106 Agreement submitted by Council
Document 3 e-mail giving details of Prior Approvals for Cutbush Court and of the Housing Delivery Test dated 27 February 2019 submitted by Council.
Document 4 Maps pertaining to the location of the Special Protection Area and the Suitable Alternative Natural Greenspaces submitted by Council
Document 5 Completed s106 Agreement dated 29 May 2019

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3184-DNWR, 3184_PL_0010 rev P1, 3184_PL_0011 rev P2, 3184_PL_0012 rev P2, 3184_PL_0013 rev P1, 3184_PL_0014 rev P2, 3184_PL_0015 rev P1, 3184_PL_0020 rev P2, 3184_PL_0030 rev P1, 3184_PL_0031 no rev, 3184_PL_0032 rev P1.
- 3) No part of any buildings hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking spaces shall remain available for the parking of vehicles at all

- times and the turning space shall not be used for any other purpose other than vehicle turning
- 4) The development hereby approved shall not proceed above slab level until details of secure and covered bicycle storage/parking facilities for the occupants of and visitors to the development, together with a phasing programme for implementation if appropriate, have been submitted to and approved in writing by the Local Planning Authority. The cycle storage/parking shall be implemented in accordance with such details as may be approved before occupation of the development hereby permitted, or in accordance with the approved phasing programme, and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose
 - 5) No part of any buildings hereby permitted shall be occupied until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.
 - 6) No part of any buildings hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a programme of implementation and proposals to promote alternative forms of transport to and from the site, other than by the private car and provide for periodic review. The Travel Plan shall be fully implemented, maintained and reviewed as so approved.
 - 7) No part of any buildings hereby permitted shall be occupied until a Car Park Management Plan including long term objectives, management responsibilities, timescales and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall be implemented and retained in operation as approved.
 - 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:
 - I. the parking of vehicles of site operatives and visitors,
 - II. loading and unloading of plant and materials,
 - III. storage of plant and materials used in constructing the development,
 - IV. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
 - V. wheel washing facilities,
 - VI. measures to control the emission of dust and dirt during construction,
 - VII. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VIII. measure to protect local residents from noise from the construction or demolition works.

- IX. phasing of construction.
- X. lorry routing and potential numbers.
- XI. types of piling rig and earth moving machinery to be utilized
- XII. temporary lighting.
- XIII. any other measures proposed to mitigate the impact of construction operations.

The approved Statement shall be adhered to throughout the construction period and any deviation from this Statement shall be first agreed in writing with the Local Planning Authority.

- 9) No development shall take place until samples and details of the materials to be used in the construction of the external surfaces of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.
- 10) No part of any buildings hereby permitted shall be occupied until mitigation methods as set out in section 7 of the 'Equity Real Estate Developments. Land at Lower Earley Way, Reading. Air Quality Assessment Report no. 442386/AQ/03/(00). November 2017. RSK' shall have been implemented. The so approved mitigation methods shall be retained, operated and maintained in their approved form and in accordance with the approved mitigation methods for so long as the use hereby permitted remains on site.
- 11) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A) to D) of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D) has been complied with in relation to that contamination.

A) SITE CHARACTERISATION An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of 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. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a) human health
 - b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c) adjoining land

- d) groundwaters and surface waters
- e) ecological systems
- f) archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of land Contamination CLR 11

B. SUBMISSION OF REMEDIATION SCHEME 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 must be prepared, and is subject to the approval in writing of 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 under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. IMPLEMENTATION OF APPROVED REMEDIATION SCHEME The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. REPORTING OF UNEXPECTED CONTAMINATION In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition C

- 12) Development shall not begin until a scheme for protecting the proposed dwellings from noise from traffic on the surrounding highway network has been submitted to and approved in writing by the Local Planning Authority in accordance with the design targets within BS 8233: 2014 for internal residential space and Wokingham Borough Development Plan MDD guidance for external amenity space for dwellings (Annex 1, Table 1 – within LOAEL threshold). Any works which form part of the scheme

- approved by the Authority shall be completed before any permitted dwelling is first occupied unless an alternative period is agreed in writing by the Authority.
- 13) No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 0800 and 1800 Monday to Friday and 0800 to 1300 Saturdays and at no time on Sundays or Bank or National Holidays.
 - 14) No part of any buildings hereby permitted shall be occupied until details of bin storage area/ facilities have been submitted to and approved in writing by the Local Planning Authority. The bin storage area and facilities shall be permanently so-retained and used for no purpose other than the temporary storage of refuse and recyclable materials.
 - 15) No development shall take place until a scheme for generating 10% of the predicted energy requirement of the development from decentralised renewable and/or low carbon sources (as defined in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007) or any subsequent version) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and shall remain operational for the lifetime of the development.
 - 16) No development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate, proposed finished floor levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structure (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, external services, etc). Soft landscaping details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained unless otherwise agreed in writing by the Local Planning Authority.
 - 17) No development shall take place until a Landscape Management Plan, including long term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall be carried out as approved.
 - 18) a) No development shall take place until a scheme which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent the site in accordance with BS5837: 2012 has been submitted

to and approved in writing by the Local Planning Authority (the Approved Scheme); the tree protection measures approved shall be implemented in complete accordance with the Approved Scheme for the duration of the development (including, unless otherwise provided by the Approved Scheme) demolition, all site preparation work, tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery.

b) No development (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) shall commence until the Local Planning Authority has been provided (by way of a written notice) with a period of no less than 7 working days to inspect the implementation of the measures identified in the Approved Scheme on-site.

c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

d) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

19) Works are to be carried out in accordance with the precautionary bat mitigation measures detailed in Section 5.2 of the bat survey report (Solyt Brewster, ref: E1670701, August 2016). Should demolition works not commence prior to August 2018, an updated bat survey is to be undertaken by a suitably qualified ecologist and a report detailing the findings submitted to and approved in writing by the council.

20) No part of any buildings hereby permitted shall be occupied until a lighting scheme shall be submitted to and approved in writing by the council. The approved lighting plan shall thereafter be implemented as agreed. The scheme should demonstrate how;

external lighting will not adversely impact upon wildlife and shall include details of the following:

A layout plan with beam orientation

A schedule of equipment

Measures to avoid glare

An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The scheme shall also set out the steps that will be taken to ensure that external lighting does not cause a nuisance to local residents including future residents of the site.

- 21) Any vegetation clearance or building demolition is to be undertaken outside the bird-nesting season (March - August inclusive) or if clearance during the bird-nesting season cannot reasonably be avoided, a suitably qualified ecologist will check the areas to be removed immediately prior to clearance and advise whether nesting birds are present. If active nests are recorded, no vegetation clearance or other works that may disturb active nests shall proceed until all young have fledged the nest.
- 22) No development shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of biodiversity enhancements (to include integral bird nesting and bat roosting opportunities on and around the new buildings), long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The Plan shall be implemented and retained as approved
- 23) No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 1. BRE 365 test results demonstrating whether infiltration is achievable or not.
 2. Use of SuDS following the SuDS hierarchy, preferably infiltration.
 3. Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100 year flood event with a 40% allowance for climate change and runoff controlled at 13.5l/s or better.
 4. Calculations demonstrating that there will be no flooding of pipes for events up to and including the 1 in 100 year flood event with a 40% allowance for climate change.
 5. As connection is to an existing surface water sewer, we need confirmation from the utilities supplier that their system has got capacity and the connection is acceptable.
 6. Groundwater monitoring to confirm seasonal high groundwater levels especially as a below ground car park is proposed.
 7. A drainage strategy plan indicating the location and sizing of SuDS features, with invert levels and base of any SuDS features located at least 1m above the seasonal high water table level.
 8. Details demonstrating how any SuDS for this development would be managed throughout the lifespan of the development and who will be responsible for maintenance.
- 24) No development shall take place until details of a privacy screen to the roof garden of Flat 6.09.2F has been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be erected before the occupation of the flat and be retained for the lifetime of the development.
- 25) Flat 6.05.1F shall not be occupied until the flank elevation windows have been installed as noted on drawing 3184_PL_0012 rev P2 and that arrangement shall be retained for the lifetime of the development.