
Appeal Decision

Hearing held on 26 October 2016

Site visit made on 27 October 2016

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 27 January 2017

Appeal Ref: APP/X5210/W/16/3153454

Mansfield Bowling Club, Croftdown Road, London NW5 1EP.

- 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 Generator Group LLP against the decision of the Council of the London Borough of Camden.
 - The application Ref 2015/1444/P, dated 11 March 2015, was refused by notice dated 1 February 2016.
 - The development proposed is the creation of a new publicly accessible open space; enhanced tennis facilities including the reconfiguration and extension of the courts to provide an additional court and increased playing area to accord with LTA requirements; the provision of a new ancillary pavilion (Class D2) to replace existing ancillary buildings and structures providing community and leisure space; a new community garden; and the demolition and replacement of the existing bowling club building with a new part three storey, part 2 storey building providing 21 residential dwellings (Class C3) with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission granted for the creation of a new publicly accessible open space; enhanced tennis facilities including the reconfiguration and extension of the courts to provide an additional court and increased playing area to accord with LTA requirements; the provision of a new ancillary pavilion (Class D2) to replace existing ancillary buildings and structures providing community and leisure space; a new community garden; and the demolition and replacement of the existing bowling club building with a new part three storey, part 2 storey building providing 21 residential dwellings (Class C3) with associated access, parking and landscaping at Mansfield Bowling Club, Croftdown Road, London NW5 1EP in accordance with the terms of the application Ref 2015/1444/P, dated 11 March 2015, subject to the conditions in the schedule at the end of the decision.

Application for Costs

2. An application for costs was made by Generator Group LLP against the Council of the London Borough of Camden. This is the subject of a separate decision.

Procedural Matters

3. Prior to the hearing, but outside of the hearing timetable, the appellant indicated that they wished to introduce a rebuttal statement in response to the Council's statement and representations from interested parties. At the hearing, following submissions by the main parties I decided to accept the
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rebuttal statement because to do so was in line with the Town and Country Planning (Hearing Procedure) (England) Rules 2000 and my consideration of it would not prejudice any other parties. For the same reasons I agreed to accept the Council's further statement and various other items of correspondence.

4. At the hearing it was apparent that a number of representations made directly to The Planning Inspectorate had not been provided to me or copied to the main parties. I can confirm that the representations were made available to the main parties, that no additional comments were raised in response, and that I have taken these representations, along with all of the others made, into account in reaching my decision.
5. The application was refused on the basis of 13 reasons for refusal. The Council confirmed that the second to thirteenth reasons do not fall to be considered if the first reason is upheld. However, the Council indicated that all of these subsequent reasons could be addressed through an agreement under Section 106 of the Town and Country Planning Act, 1990.
6. A signed and dated Section 106 agreement was submitted after the hearing. This contains obligations in respect of affordable housing, construction management, a sports facility contribution, sustainability, employment and training, the enhancement of existing tennis facilities, open space maintenance and transport matters. I return to the obligations later in my decision.

Main Issues

7. At the start of the hearing there was some discussion about my initial list of main issues. On reflection I have amended my original version of issue a) as I consider that this appropriately reflects the wording of the relevant policy. The appellant suggested two additional main issues but I address them under other matters as they did not directly relate to the reasons for refusal. Whilst the Council were content with the initial list they were also not opposed to the proposed revisions. Consequently the main issues are:
 - a) Whether adequate alternative facilities are available in the area, such that no shortfall in provision would be created by the loss;
 - b) Whether it has been demonstrated that there is no demand for an alternative leisure use of the site that would be suitable; and
 - c) Whether it is necessary to provide a financial contribution towards new or improved local sports facilities as mitigation for the loss of the leisure facilities.

Reasons

Background

8. The first reason for refusal indicated that the application had not complied with Policy DP15 of the London Borough of Camden Local Development Framework (LDF) Development Policies, 2010.
9. The main parties agreed that the relevant parts of Policy DP15 were those which seek to *'protect existing leisure facilities by resisting their loss unless: e) adequate alternative facilities are already available in the area, and therefore no shortfall in provision will be created by the loss; or f) the leisure facility is*

no longer required and it can be demonstrated that there is no demand for an alternative leisure use of the site that would be suitable'.

10. The supporting text to Policy DP15 indicates that in addition to demonstrating that there would be no shortfall in provision created by the loss, the proposals should 'also' show that the site cannot be used for alternative leisure uses. Nevertheless, the Council acknowledged at the hearing that permission should be granted if either DP15 e) or f) were satisfied.

Alternative Facilities

11. The appeal site comprises an indoor bowling club building although the use has ceased. The building also provides changing rooms, a bar, club rooms and offices, a Masonic Lodge room and two ancillary residential flats. Elsewhere on the site can be found a disused bowling green, two tennis courts and car parking.
12. The evidence of both main parties confirms that there has been a decline in demand for bowling with a low level of participation locally. Adequate alternative bowling facilities are available within a reasonable distance of the site and without a significant financial subsidy the bowling club has no prospect of future use. Consequently no shortfall in provision would be created by the loss. Whilst local residents suggested that the alternative facilities for indoor bowling were inadequate I had no clear evidence to substantiate this position.
13. The Council argued that the building had a wider multi-purpose community facility than as a bowling club and that it had not been demonstrated that adequate alternative facilities were not available in the area for the community facility. Whilst there is evidence that the building was used for other community purposes it is clear to me that the primary use of the building was as a bowling club.
14. The Council made a distinction between the reference to facilities in DP15 e) which it suggested related to the building, and the use made of the facilities in DP15 f). Based on the words preceding DP15 e), I consider that '*adequate alternative facilities*', requires consideration of alternatives to the existing use that is to be lost and that the appropriate test under Policy DP15 e) is whether an alternative to the existing use exists rather than consideration of alternative leisure facilities. The issue of potential alternative uses is a feature of criterion f) only.
15. The appellant has drawn my attention to the Council's decision earlier this year in respect of Belsize Fire Station (Ref 2016/0745/P). The loss of the Fire Station was considered under Policy DP15 as a specific use rather than a more general community facility. This adds further weight to the position that the correct approach to Policy DP15 e) is to consider the existing use rather than a broader range of facilities.
16. Policy CS10 of the London Borough of Camden Core Strategy, 2010 (the Core Strategy) states that the Council will support the retention and enhancement of existing community, leisure and cultural facilities and the provision of multi-purpose community facilities that can provide a range of services to the community. The supporting text to Policy CS10 states that the Council will seek to protect existing community facilities where they are necessary to support the local population. It also makes reference to Policy CP15 as

providing a detailed approach to protecting community and leisure facilities. The supporting text to DP15 indicates that these two policies should be read together.

17. I have also taken account of emerging policy in the form of Policy C2, Community Facilities and Policy C3, Cultural and Leisure Facilities, in the Submission Version of the new Local Plan. Whilst these policies are at an advanced stage, having recently been through their examination, and therefore carry some weight, they would not justify a departure from the policies in the adopted development plan.
18. I therefore find that the loss of the existing bowling club would not be contrary to Policy DP15 e) of the LDF Development Policies because there are adequate alternative facilities in the area and the loss would not result in a shortfall in provision. Consequently, in the context of Policy DP15 e) there would be no conflict with Policy CS10 of the Core Strategy as I have found that the use is not necessary and additionally there would be no conflict with Policy CS19 which aims to monitor progress of the Core Strategy.
19. In addition the proposal would not be in conflict with paragraph 70 of the National Planning Policy Framework (the Framework) which seeks to deliver the social, recreational and cultural facilities and services the community needs and guards against the unnecessary loss of valued facilities and services.

Demand for an Alternative Leisure Use

20. Policy DP15 f) of the LDF Development Policies requires a demonstration that the facility is no longer required and there is no demand for any alternative relevant leisure use. The second part of the criterion requires an assessment as to whether the alternative leisure use for which there is a demand is suitable. Whilst no guidance is provided as to how this element of the policy is assessed the appellant suggested that the alternative use must be acceptable in planning terms and viable. This interpretation was accepted by the Council at the hearing and appears reasonable to me.
21. The policy is phrased in terms of proving a negative but the appellant's position is that the standard of proof must be the balance of probabilities which also seems reasonable.
22. The only form of alternative leisure use which meets the policy requirements is tennis for which the proposal makes additional provision through a third court and improvements to the existing courts and facilities.
23. The report by consultants SLC submitted by the appellant considered a wide range of alternative uses for the site. Commenting on it, the officer report summarised the low demand and sufficient supply in the vicinity of the site for alternative uses or that the location was unsuitable in amenity or financial viability terms. This view was endorsed by the Council's own consultants who assessed the appellant's submission during consideration of the application. In terms of methodology I find that the SLC report is in line with the appropriate guidance for undertaking such assessments and that the conclusions are well supported by evidence.
24. Nevertheless, I accept the view of the Council's consultant Nortoft which echoes the views of local residents that there is a clear demand for indoor sports in the locality. Whether the alternative sports are suitable particularly

from a viability perspective is another matter. Nortoft assessed the SLC alternatives and indicated that some could be suitable in different formats. However, a number of these such as athletics, BMX and football/rugby pitches would not find support from the local community and/or based on the evidence I have seen do not appear viable. Nortoft's view, and similar claims made by interested persons, is that a mix of alternative uses may be viable. This is based on statements of interest from commercial operators which are heavily caveated and therefore I attach limited weight to these comments.

25. On the basis of the Council's own planned provision and the evidence that additional private sector supply is not required to meet demand I find that a health and fitness facility would be unlikely to be viable, notwithstanding the caveated interest of GLL in the site. Many of the alternatives suggested are based on the use of indoor facilities provided through an indoor sports hall. Whilst there is interest from uses such as korfbal, soft play, nursery/creche and trampolining I have little evidence that these uses would be viable. Moreover, I find Nortoft's suggestion that the cost of refurbishing the bowling club building to enable it to operate as an indoor sports hall would be more viable than a replacement building to lack credibility. My conclusion is based on SLC's analysis of the condition of the existing building and the extent of works required.
26. It was agreed by the Council and the appellant that there is a deficit in sports hall space within the borough and there is a demand from a range of sports clubs and schools. However, I have seen no evidence to counter the view of the appellant that sports halls as standalone facilities are not commercially attractive due to low income generating potential and the difficulty of accommodating all of the potential users given that they are likely to want access at similar times. Significant question marks remain over the ability to secure funding for the capital costs of development and the land purchase and whilst it has been suggested that grant funding, crowd funding and community investment programme funding could be used these sources have not been tested. The provision of a sports hall which does not comply with Sport England guidance would also restrict the capacity of the facility to accommodate some sports and the ability to generate income notwithstanding the Council's comment that a like for like provision would be acceptable.
27. The potential for a large scale multi-use leisure facility was considered by various parties but the location and various site constraints suggest to me that the site would not attract a commercial operator.
28. The SLC report also considered the possibility of a mixed use development incorporating sports provision with housing but concluded in commercial terms that it would be unlikely to meet the requirement to maintain the open space and therefore would be unacceptable. I have no reason to doubt this view.
29. It was suggested by interested parties that alternative uses would not come forward whilst the possibility of the site being developed for residential use remained a realistic prospect. However, the appellant confirmed a willingness to entertain discussions with potential alternative providers and I consider that the appellant has undertaken reasonable consultation.
30. Whilst not a statutory consultee on the planning application Sport England objected on the basis that there was insufficient evidence to demonstrate that the current and future needs of the borough were being met and that the site

was no longer required to be retained in sport and leisure use. Whilst their objection was confirmed in writing immediately prior to the hearing it was not substantiated and therefore I afford it very limited weight. However, as set out in the officer report, the Council's emerging indoor facilities strategy indicated that the planned delivery of sports facilities would address the shortage in locations where they are most needed. I also note that Sport England did not object to the methodology used in compiling the assessment which appropriately focused on facilities required to meet an identified need.

31. Whilst neighbouring residents have indicated that there is a significant desire for additional and improved sports facilities not least from local schools I have no firm evidence or demonstration of interest. I note that La Sainte Union school expressed interest in the use of the site and this was not progressed through discussions with the appellant but in the absence of firm proposals I can attach little weight to this interest.
32. I therefore find that the leisure facility is no longer required and that there is no demand for an alternative leisure use of the site which would be suitable. Consequently the proposal would not be contrary to Policy DP15 f) of the LDF Development Policies or Policies CS10 and CS19 of the Core Strategy.
33. Additionally I consider that the proposal would not conflict with paragraphs 73 and 74 of the Framework which state that existing sports and recreational buildings should not be built on unless an assessment has been undertaken which shows the building to be surplus to requirements.

Whether a Financial Contribution is required towards Sports Facilities

34. The Council sought a financial contribution of £600,000 towards the extension or enhancement of local indoor sports facilities having regard to the fact that an alternative leisure use may be provided if a mixed residential and leisure use building were proposed on the footprint of the building. The Council justified this on the basis of the consultation responses which indicated a significant interest in additional or improved sports facilities.
35. The contribution was viewed by the Council as a material consideration justifying the grant of planning permission if the proposal failed to comply with Policy DP15 f). However, no justification is provided within the policy for financial contributions to secure compliance with the development plan and there are no material considerations which indicate that planning permission should be granted notwithstanding any non-compliance with the development plan. Consequently, as I have concluded that the proposals comply with Policy DP15 a contribution is not necessary to make the development acceptable.

Other Matters

Character and Appearance

36. The appeal site is located within the Dartmouth Park Conservation Area. As set out in the Council's Conservation Area Appraisal and Management Statement (the Appraisal), the area has a variety and complexity of residential development from the 18th century to the present day with schools, churches and other community facilities also present. The varied topography of the conservation area results in a number of interesting views and highlights the importance of roofscapes whilst hedges, trees and shrubs contribute to a semi-rural character.

37. The open space of the appeal site contributes to the character and the site has relevance to the historic development of the Dartmouth Park area. Surrounding houses and gardens are also generally positive contributors to the conservation area. However, the Mansfield Bowling Club building has a negative impact on the character and appearance of the conservation area by virtue of its industrial form and lack of architectural quality. The Appraisal recognises that it could contribute more positively through sensitive enhancement or redevelopment.
38. The removal of the building would be a positive aspect of the proposed development. Whilst the proposed replacement would occupy the same footprint and bulk as the existing building, the design of the replacement building would respond positively to the characteristics of surrounding residential development and the built form would assist in creating a scale which allows the bulk to appear reduced. The proposed development would also allow the historic tennis use to continue although it would result in the loss of an element of the site's historic use. Nevertheless, the improvement of the open space and its public accessibility would be a positive feature of the development.
39. Whilst the Dartmouth Park Conservation Area Advisory Committee expressed the view that the replacement building would not enhance the conservation area by virtue of a similar bulk and massing to the existing, for the reasons given I do not share this view. In addition, it was suggested at the hearing that greater improvements to the conservation area could be achieved but I have to consider the scheme before me.
40. I therefore find that the proposals would result in an enhancement to the character and appearance of the conservation area and would be in accordance with Policy CS14 of the Core Strategy which requires a standard of design that respects local context and character and seeks to preserve heritage assets. It would also meet the requirements of Policy DP25 which requires development in conservation areas to preserve and enhance the character and appearance of the area. In coming to this position I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, to which I attach considerable importance and weight.

Open Space

41. The application site with the exception of the bowling club building is designated as private open space and therefore protected in line with Policy CS15 of the Core Strategy. There would be a very slight increase in the proportion of the site occupied by buildings as a result of a larger tennis pavilion but as the proposed residential development would occupy the footprint of the exiting building there would be no significant loss of designated open space. The outdoor bowling green would be lost but this would be outweighed in my opinion by the provision of a third tennis court and improvements to the existing courts and facilities.
42. Policy CS15 only allows development on designated open space if it is limited and ancillary to the use on the open space. The residential development is not ancillary to the existing use of the site for leisure but would occupy part of the open space for access and parking purposes whilst areas to the south of the residential development are more likely to be used by residents than the

public. Nevertheless the designated open space would be retained and would provide publicly accessible open space together with outdoor children's play facilities in an area where such facilities are deficient. Consequently I find that the scheme would comply with Policy CS15 and with Policy DP31 of the LDF Development Policies in that it would bring private open space into public use.

43. Concerns raised in representations and at the hearing included traffic impacts and the effect of the proposal on the living conditions of neighbouring residents. I have had regard to the fact that the highway authority did not support concerns about traffic. Nevertheless, I took account of the likely effects on traffic and living conditions when I visited the site but the concerns do not amount to reasons to dismiss the appeal. Concerns about drainage, parking, the impact of construction and the effect on trees can be addressed through appropriately worded planning conditions or planning obligations.
44. The appellant suggested that a main issue should be whether the benefits of the appeal scheme outweigh any breach of the development plan and the parties undertook a balancing exercise at the hearing. However, as I have found the scheme would not breach the development plan it is not necessary for me to address this further.
45. Mansfield Bowling Club has been formally listed as an asset of community value (ACV). The owner notified the Council of its intention to sell the property but as the period within which the local community can raise money to purchase the site has expired it would not be reasonable to dismiss the appeal on the basis that it is an ACV notwithstanding the significant value which the local community places upon the site.

Conditions

46. The Council suggested a number of conditions to be imposed were I to allow the appeal. These were discussed with the main parties at the hearing and I have also had regard to the conditions in the light of the Framework and Planning Practice Guidance (PPG).
47. In addition to the standard implementation condition (Condition 1) I have imposed a condition specifying the relevant drawings as this provides certainty (2). Conditions are necessary to address the appearance of the building in its surroundings (3, 4 and 5) and that landscaping provides an appropriate setting for the proposed building (6 and 7). I also attach a condition to reduce the rate of surface run-off and limit the impact on the storm-water drainage system (8). A condition is also required to address refuse and recycling for the benefit of the wider environment (9) and a condition requiring the provision of cycle storage is appropriate in the interests of sustainable transport (10). In order to minimise the effects of the proposed development on the living conditions of future occupiers and adjoining occupiers a condition to address noise is appropriate (11).
48. A condition to secure on-site parking is appropriate in order to avoid inconvenience to other road users (12). At the hearing there was a discussion about car parking options which was addressed through correspondence following the hearing. The layout which is shown in drawing AA4437/2130 Rev F was the scheme on which the Council made its decision and it is on this basis that I have determined the appeal. A condition to protect the living conditions of neighbouring residents during construction is also necessary (15).

Conditions to address the ecological interest in the site and biodiversity potential are also required (13, 14, 16, 17 and 18).

49. PPG advises that care should be taken when using conditions which prevent any development authorised by the planning permission from beginning until the condition has been complied with. In this respect it is necessary for conditions 6, 8 and 15 to be conditions precedent as they are so fundamental to the development that it would otherwise be necessary to refuse the application. I do not consider that conditions 9, 10, 12, 13, 14 or 16 need to be conditions precedent and I have therefore amended them. A condition to ensure that all units are designed and constructed in accordance with Building Regulations Part M 4 '2' is not necessary as it is covered in other legislation.

Planning Obligations

50. The Section 106 agreement makes provision for five intermediate housing units and six social rented housing units which is in line with Policy CS6 and CS19 of the Core Strategy in respect of providing quality homes and delivering the Core Strategy. It is also in line with Policy DP3 of the LDF Development Policies with regard to contributions to the supply of affordable housing.
51. Provision is also made for a Construction Management Plan to mitigate the impact of construction on the area and neighbouring occupiers. Such provisions are in accordance with Policies CS5, CS11 and CS19 of the Core Strategy which seek to manage the impact of growth and development and promote sustainable and efficient travel. The measures also conform to the requirements of Policies DP20, DP21 and DP26 of the LDF Development Policies in respect of managing the movement of goods and materials, the effect of development on the highway network and managing the impact of development on neighbours. Also related to construction, the agreement makes provision for a Basement Construction Plan to ensure that development does not cause harm to the environment or result in flooding or ground instability. The mechanisms proposed would be in accordance with the requirements of Policies CS5, CS14 and CS19 of the Core Strategy with CS14 seeking to conserve heritage, and Policies DP23 and DP27 of the LDF Development Policies in respect of water and the development of basements.
52. The agreement makes provision for the submission to and approval of a sustainability plan to ensure that the development is designed and implemented taking an efficient approach to the use of resources. These measures would be in line with Policies CS13 in respect of tackling climate change and CS19 of the Core Strategy and Policies DP22, sustainable design and construction and DP23, water of the LDF Development Policies.
53. An employment and training plan, an agreement to use reasonable endeavours to ensure that local residents are employed and an agreement to adopt the Council's local procurement code, subject to criteria being met would assist in ensuring that the development would not exacerbate local skill shortages and a lack of training and opportunities for local residents and businesses. Such measures would be in accordance with Policies CS5, CS8 which promotes a successful and inclusive local economy, and CS19 of the Core Strategy.
54. Measures are also proposed through the agreement to secure the provision of replacement affordable tennis facilities to ensure that the development would not undermine the provision of existing leisure facilities to support local

communities in line with Policies CS10 and CS19 of the Core Strategy and Policy DP15 of the LDF Development Policies regarding community and leisure uses. At the hearing concern was raised that as Kenlyn Lawn Tennis Club was not a signatory to the Section 106 agreement there was no guarantee that the club would continue to be granted a lease. Whilst I recognise this concern the agreement provides the mechanism for the continued tennis use but I am not able to address what are essentially private property interests.

55. To ensure that the open space is sustainably managed and maintained for the benefit of the public the agreement provides for an open space plan in line with Policies CS15, protecting and improving open spaces, and CS19 of the Core Strategy and Policy DP31 of the LDF Development Policies which addresses the provision of public open space.
56. The agreement also makes provision for a number of transport measures. These address parking provision, restrictions on car parking and the provision of disabled parking spaces as well as travel plan measures to promote sustainable travel. Contributions towards highway works, pedestrian, cycling and environmental works in the vicinity of the development would also be made in order to restore the pedestrian environment to an acceptable condition. Collectively these measures would address the requirements of Policies CS11 and CS19 of the Core Strategy in respect of promoting sustainable transport and delivering the Core Strategy and Policies DP16, DP17, DP18, DP19 and DP21 of the LDF Development Policies. These policies address the transport implications of development, sustainable transport measures, parking standards and the impact of parking and connecting development to the highway network.
57. I am satisfied that the contributions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development and therefore consistent with Regulation 122 of the Community Infrastructure Levy Regulations, 2010 (as amended).
58. The agreement made provision for a local sports facility contribution but as I have found this to be unjustified I cannot take it into account in granting planning permission.

Conclusion

59. For these reasons, and taking into account all matters presented in evidence and raised at the hearing, I conclude that the appeal should be allowed.

Kevin Gleeson

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Charles Banner	Landmark Chambers
David Churchill	Iceni Projects Ltd
Laurie Handcock	Iceni Projects Ltd
Duncan Wood Allum	The Sport, Leisure and Culture Consultancy
Anna Dalton	The Sport, Leisure and Culture Consultancy
Frank Amato	Generator Group LLP

FOR THE LOCAL PLANNING AUTHORITY

Nicholas Ostrowski	Six Pump Court Chambers
Jennifer Walsh	London Borough of Camden
William Bartlett	London Borough of Camden
Ian Gracie	London Borough of Camden
David O'Neil	Nortoft

INTERESTED PERSONS

Sally Gimson	Ward Councillor, London Borough of Camden
Sian Berry	Ward Councillor, London Borough of Camden
Oliver Lewis	Ward Councillor, London Borough of Camden
Sam Kay	Dartmouth Park Residents CIC
Amy Silverston	Neighbouring Resident
Stephen Hill	Neighbouring Resident / Dartmouth Park Cohousing Group
Patrick Lefevre	Dartmouth Park Conservation Area Advisory Committee
Andrew Sutch	London Federation of Sport and Recreation
Ron Velden	Camden Fencing Club
William Morton	Kenlyn Lawn Tennis Club
Keith Northrop	Neighbouring Resident

Kathleen Northrop

Neighbouring Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Additional Information Related to SLC Rebuttal and List of Allocated Sites 2016-2017 to 2030-2031, submitted by the Council.
2. Draft Section 106 Agreement.
3. Correspondence regarding Go Jump submitted by the appellant.
4. Correspondence with GLL submitted by the appellant.
5. Revisions to Drawing Numbers, submitted by the Council.
6. Opening Submissions on behalf of the Council.
7. Legal Submissions on the Interpretation of Policies Relevant to Reason for Refusal 1, submitted by the appellant.
8. Overview of the Appellant's Arguments.
9. Authorities, submitted by the appellant.
10. Correspondence with GLL, submitted by the Council.

DOCUMENTS SUBMITTED AFTER THE HEARING

11. Email from the Appellant re Representations of Mr. S Hill, dated 31 October.
12. Email from the Council re Conditions, dated 2 November.
13. Email from the Appellant re Conditions , dated 2 November.
14. Signed and dated Section 106 agreement.

SCHEDULE OF CONDITIONS

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
AA4437/2100 Rev B; AL4437-2000 Rev B; AL4437-2001 Rev C; AL4437-2002 Rev C; AL4437-2003 Rev C; AA4437/2101 Rev B; AA4437/2101 Rev B; AA4437/2102 Rev B; AA4437/2103 Rev B; AA4437/2104 Rev B; AA4437/2105 Rev B; AA4437/2106 Rev B; AA4437/2107 Rev B; AA4437/2110 Rev B; AA4437/2111 Rev B; AA4437/2120 Rev B; AA4437/212 Rev B; AA4437/2130 Rev F; AA4437/2131 Rev B; AA4437/2135 Rev C; AA4437/2136 Rev C; AA4437/2140 Rev B; AA4437/2145 Rev B; AA4437/2146 Rev B; AA4437/2147 Rev B; AA4437/2156 Rev B; AA4437/2157 Rev B; AA4437/2159 Rev B; AA4437/2160 Rev B; AA4437/2161 Rev B; AA4437/2162 Rev B;

AA4437/2163 Rev C; AA4437/2164 Rev B; AA4437/2170 Rev C;
AA4437/2171 Rev C; AA4437/2175 Rev B; AA4437/2176 Rev B;
AA4437/2180 Rev B; AA4437/2185 Rev C; AA4437/2186 Rev C;
AA4437/2187 Rev C;

3. Samples of all new facing materials shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced and the development shall be carried out in accordance with the approval given. The facing brickwork must include a 1m x 1m panel demonstrating the proposed colour, texture, face-bond and pointing.
4. Detailed drawings of the new external windows and doors including cills, reveals and heads shall at a scale of 1:10 shall be submitted to and approved in writing by the local planning authority prior to the relevant works taking place.
5. No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.
6. No development shall take place until full details of hard and soft landscaping including details of replacement trees and details and location of railings have been submitted to and approved in writing by the local planning authority. Details shall include samples of all ground surface materials and finishes. The details shall also include proposals for the enhancement of biodiversity, with particular reference to bats. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.
7. All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.
8. No development shall take place until details of a sustainable urban drainage system and scheme of maintenance shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff, demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.
9. The development hereby permitted shall not be occupied until details of the refuse and recycling facilities intended for its occupiers of the residential

dwellings and commercial premises have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be provided in their entirety prior to the first occupation of any of the new dwellings and commercial premises and permanently retained thereafter.

10. The development hereby permitted shall not be occupied until details of the cycle storage for 52 bicycles for the residential dwellings and 10 bicycles for the tennis club have been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be provided in their entirety prior to the first occupation of any of the new dwellings and commercial premises and permanently retained thereafter.
11. Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).
12. The development hereby permitted shall not be occupied until details of on-site parking spaces for the residential and tennis club, including dimensions of parking bay and turning circles, have been submitted to and approved in writing by the local planning authority. The approved parking spaces shall thereafter be provided in their entirety prior to the first occupation of any of the new dwellings and permanently retained thereafter.
13. The development hereby permitted shall not be occupied until a bat mitigation strategy to include the recommendations made in the Phase 2 ecology survey (Aspect Ecology, July 2015) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved strategy.
14. The applicant must apply for a European Protected Species Licence from Natural England due to likely evidence of the bat roost. Evidence that the Licence has been granted shall be submitted to and approved in writing by the local planning authority prior to the commencement of the relevant part of the works.
15. No development shall take place until a method statement for a precautionary working approach to demolition and construction has been submitted to and approved in writing by the local planning authority. This shall include:
 - a) detailed proposals for vegetation clearance demonstrating that all removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

b) Precautionary approaches to mitigate the impact on bats and badgers and hedgehogs, including impact of lighting during works.

All site operatives must be made aware of the possible presence of protected species during works. If any protected species or signs of protected species are found, works should stop immediately and an ecologist should be contacted. The applicant may need to apply for a protected species licence from Natural England, evidence of which should be submitted to the local planning authority.

16. The development hereby permitted shall not be occupied until full details of a lighting strategy, to include information about potential light spill on to buildings, trees and lines of vegetation to minimise impact on bats, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.
17. Prior to first occupation of the development a plan showing details of bird and bat and hedgehog box locations and types and indication of species to be accommodated shall be submitted to and approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to the occupation of the development and thereafter retained.
18. Details in respect of the green roof in the area indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority before the relevant part of the development commences. The details shall include species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.