

Appeal Decision

Inquiry held on 25, 26 & 27 April 2017

Site visit made on 27 April 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/L5810/W/16/3158532

Sandycombe Centre, Sandycombe Road, Richmond upon Thames, TW9 2EP

- 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 Goldcrest against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 15/5376/FUL, dated 21 December 2015 was refused by notice dated 5 August 2016.
 - The development proposed is redevelopment of the site to provide for a mixed-use development of 535sq.m of commercial space and 20 residential units, together with car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission granted for redevelopment of the site to provide for a mixed-use development comprising 535sq.m of commercial space (B1(a) offices, B1(b) research and development, B1(c) light industrial and B8 storage Use Classes) and 20 residential units, together with car parking and landscaping at Sandycombe Centre, Sandycombe Road, Richmond upon Thames, TW9 2EP in accordance with the terms of the application Ref 15/5376/FUL, dated 21 December 2015 subject to the conditions in the schedule at the end of the decision.

Procedural Matters

2. A signed and dated legal agreement which is made pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 16 of the Greater London Council (General Powers) Act 1974 was submitted prior to the Inquiry. This contains obligations in respect of affordable housing, the removal of rights to parking permits for prospective residential and commercial occupiers and would provide access to car club membership for a period of five years. I shall return to these matters later in my decision.
 3. The planning application was refused on the basis of four reasons. Subsequent to the Council's decision the main parties produced a Statement of Common Ground (SoCG) confirming that the provisions of the Section 106 agreement meant that the Council was no longer pursuing reasons for refusal relating to affordable housing, transport and highways.
 4. In my formal decision I have used the description of development which the Council used in its decision letter and the appellant in their appeal form as this more accurately describes the proposed development.
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Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the local area with particular reference to height, scale, mass and design and elevational treatment.

Reasons

6. The appeal site is currently occupied by a vacant modular metal-clad warehouse positioned to the rear of the site and within a large area of hardstanding with limited vegetation and soft landscaping. The building has a jarring and somewhat bleak appearance because of the material used and because it is vacant. It also has a degree of prominence due to its poor design and scale. I therefore find that the existing building has no townscape merit and does not contribute positively to the surrounding area.
7. The appeal site is located on the eastern side of Sandycombe Road bounded to the east by a railway line in cutting. The wedge shaped site is at its widest to the north and tapers almost to a point to the south. To the north of the site is 11 Sandycombe Road which has an extant planning permission for a two storey mixed commercial and residential redevelopment. To the south of the site is the Manor Circus Roundabout. At this point Sandycombe Road meets Lower Richmond Road to the east and Lower Mortlake Road to the west (the A316).
8. Policy CP7 of the London Borough of Richmond upon Thames Core Strategy, 2009 (the Core Strategy) seeks high quality design. The supporting text to the policy advises that the Design Quality Supplementary Planning Document (SPD), 2006 encourages developers to take account of the 12 distinct character areas within the Borough.
9. The appeal site lies within the area covered by the Kew Village Planning Guidance SPD (the Kew SPD). The area to the south and west of the appeal site is covered by the Richmond and Richmond Hill Village SPD (the Richmond SPD). Both documents seek to establish a vision and to provide guidance to assist in defining, as well as maintaining and enhancing, the character of the area they cover. At the core of each of these SPDs are a series of Character Areas (CA) identified through the similarity of key features that are deemed to define their local character.
10. The appeal site is located at the southern extreme of CA8 which identifies the predominant character as comprising a number of distinctive housing types, typically more modern than much of the stock in Kew. The appeal site is not mentioned in the Kew SPD and it is silent on how the opportunity to redevelop the site might be taken up. Moreover, only approximately a third of the site boundary to Sandycombe Road faces other properties within CA8 with the site being largely separate from the main part of CA8. The existing use and character of the appeal site is very different from the remainder of the CA and does not positively contribute to it.
11. CA7 to the north of the appeal site, beyond 11 Sandycombe Road and therefore separate from the appeal site, is focused on the east side of Sandycombe Road. It is characterised by two storey nineteenth century terraces. CA9 to the east, beyond the railway is characterised by small scale two-storey uniform residential terraces. As with CA8, the southern part of CA9

at the junction of North Road and Lower Richmond Road includes commercial development which is not described in the SPD.

12. The appeal site adjoins three CAs in the Richmond SPD. CA3, north of Lower Mortlake Road recognises that Raleigh Road retains modest Victorian terraced houses and that the area is predominantly characterised by two-storey residential properties. At the eastern end of Raleigh Road, and identified as a sub-area of CA3 is the four storey residential estate of Finucane Court. Properties at the western end of Raleigh Road do not have an active frontage or a regular building line to Sandycombe Road and therefore do not provide a frontage of merit opposite the appeal site. On the Lower Mortlake Road frontage, at the junction with Sandycombe Road buildings are in a variety of commercial uses including a petrol filling station.
13. CA4 and CA6 of the Richmond SPD cover areas to the south of Manor Circus where land uses are dominated by large scale retail units on either side of Manor Road.
14. In each area SPD a predominant land use or built form is described for each CA. In some cases other significant sites which do not conform to the overall typography are also described, or, as in the case of the appeal site no reference is made. Nevertheless, CAs are not always comprehensive in their descriptions.
15. The appeal site represents a transition from the smaller grain residential to the larger scale commercial. Being located at the point where six different CAs meet further demonstrates a transitional character. Therefore, it is appropriate and necessary to consider the character and predominant characteristics of adjoining CAs as well as CA8 to assess the appeal site's character.
16. In spite of a lack of visual connection between areas, the physical separation provided by the A316 and the rising ground of the roundabout, areas to the south of Manor Circus inform how the appeal site is experienced and understood. Consequently it would be wrong to ignore the contribution which these areas and individual buildings make to the character of the wider area. There are a number of buildings in the wider area which are taller than the predominant height but inform local character. It would also be wrong to simply replicate the two storey development which is the dominant character in the immediate vicinity of the appeal site as this would fail to optimise the development potential of the site.
17. Moreover, the townscape around Manor Circus is relevant because, as the Design Quality SPD indicates, corner buildings should have a relationship with opposing corners. Consequently, as the appeal site tapers towards the roundabout it is reasonable to consider the townscape of the roundabout and surrounding area.
18. The Kew SPD also identifies the site as part of a secondary node reflecting its connectivity and accessibility although the Richmond SPD does not refer to it as such. I agree with the Kew Society that the southern end of Sandycombe Road forms an entrance to Kew Village. Whilst the Society argued that the development of the site should reflect the scale and character of Kew Village, as a gateway to Kew it is also not inappropriate to denote it in townscape terms.

19. In addressing the wider context it is appropriate for the taller elements of the scheme to be located to the southern part of the building. Reflecting the constraints of the site, the fifth storey element is set back from Manor Circus. Nevertheless, because of the rise of Sandycombe Road southwards the site is over 4 metres below street level at Manor Circus resulting in the proposed development having a reduced impact at this location although the fifth storey would act as a visual marker. The scheme would improve the townscape around Manor Circus roundabout although the impact of the improvements would be limited because the immediate area would continue to be dominated by a busy roundabout.
20. In reflecting the strong building line to the north along Sandycombe Road the proposal would bring the building closer to the residential development opposite. Nevertheless, the introduction of landscaping and appropriate boundary treatment would soften the edge and contribute to an improved streetscape. The setback from each of its boundaries and the recessing of the upper floors from the western and northern frontages would reduce the overall bulk and massing. As a result the fifth storey would occupy approximately 30% of the building footprint such that the visibility of the upper floor would be reduced when viewed from some areas at street level. The solid brick parapet of the balconies would also line through with the predominant height of ridge lines of properties on the eastern side of Sandycombe Road.
21. In accommodating the employment floorspace it would not be appropriate for a mixed use building to have the same building form as neighbouring terraced housing in appearance or massing. Moreover, for the reason set out above I do not find that the principal elevations would be read as a predominantly four and five storey block resulting in a monolithic appearance as the Council suggested.
22. In terms of length the frontage to Sandycombe Road would not be significantly longer than the existing building before it chamfers towards the rear of the site at its southern end. In addition, the building footprint would be less than 50% of the overall site area and has been designed in a manner that has regard to the shape, constraints and context of the site. Whilst the proposed development would be visible in local and some longer distance views the impact would not be overbearing and it would not in my view adversely affect the skyline.
23. Whilst taller than the proposed development at 11 Sandycombe Road the distance between the buildings would create a visual separation and ensure that the height of the appeal scheme would not appear over dominant. Moreover, whilst the existing building turns its back on the residential properties across the railway line and fails to address North Road the proposal would incorporate terraces and Juliet balconies which would provide visual relief and would reduce the bulk when viewed from the east.
24. The west facing façade would be modulated through the use of balconies, roof terraces, recessed upper floors and legible entrances. These design features would break up the overall scale and massing of the scheme.
25. The palette of materials would be traditional and complementary. The use of high quality stock brick within the proposed modern building would complement the surrounding more traditional stock brick, providing a unifying feature. In addition, the northern façade would be embellished by the use of

textured brick to add detail to the design. The façade design would therefore complement the detailing of local character.

26. Existing fenestration within CA8 and the neighbouring CA7 and CA9 demonstrates a variety of types with no particular style predominating. Recent developments in the locality have incorporated an approach which is similar to that proposed in this case. Furthermore, the residential windows reflect the rooms which they serve, with groups of windows having proportions similar to other neighbouring residential properties.
27. The fenestration has portrait style windows with a greater ratio of brick to glass which is a local characteristic and makes appropriate reference to local materials and features. The scheme would incorporate typical residential window spacing set into a traditional stock brick façade whilst the pattern of windows in the bays also breaks the façade into a smaller scale. At ground floor level the windows are more extensive reflecting the need to maximise available light and indicate the different use from the upper floors.
28. The full height glazing in the circulation cores of the proposed building rather than serving to emphasise the height of the building would, being set back from the main brick façade, provide depth to the elevation.
29. The appellant presented potential refinements to the elevational treatment of the two upper storeys. In my view these would further reduce the overall building mass and visual scale although the Council took the view that the revised elevational treatments would serve to emphasise the upper storeys. The main parties agreed that such changes could be addressed through a planning condition requiring the submission of external materials for approval by the Council and therefore I do not need to comment further.
30. The proposal would not meet the criteria for tall and larger buildings described as being substantially taller than their surroundings or causing a significant change to the skyline as set out in Policy 7.7 of the London Plan. Further clarification about the definition of tall buildings is provided in the supporting text to Policy CP7 which indicates that large scale development in the Borough is defined as buildings of generally six storeys or more. On this basis I do not find that the proposed development would be in conflict with Policy DM DC3 of the DMP which indicates that taller buildings would be inappropriate in this location.
31. As a transitional site, the overall height, scale and mass whilst larger than neighbouring properties would appropriately address the wider context and provide a landmark building at this highway and character area intersection. It would be an appropriate scale for the size of the appeal site without being overly dominant. It would neither mimic neighbouring residential terraces nor commercial development to the south but provide a high quality contemporary design response appropriate to its location. The design, fenestration and palette of materials would relate well to the form, proportion and composition of surrounding buildings, would make a positive contribution to the local area and would address local distinctiveness.
32. The proposed development would therefore accord with Policy CP7 of the Core Strategy and Policy DM DC1 of the Council's Development Management Plan, 2011 (the DMP) which both require new development to be of high design quality, respecting local character. I also find that the proposal would meet the

requirements of the Design Quality SPD to create a high quality scheme in terms of urban design and architecture which integrates sensitively with surrounding areas.

33. Furthermore, I find no conflict with London Plan Policy 3.5 in respect of the quality and design of housing developments or Policy 7.4 which requires new development to have regard to its context and make a positive contribution to local character within its neighbourhood. In being respectful and sympathetic to other architectural styles the contemporary architecture of the proposed development would meet the requirement of Policy 7.6 to provide architectural quality. The proposal would also accord with the aims of the National Planning Policy Framework in relation to design.

Other Matters

34. Concern was expressed by many residents about the impact of the proposal in terms of traffic generation and parking. The proposal would provide 15 parking spaces with eight provided on double height vehicle stackers. In addition the scheme would make provision for free membership of a car club for each residential and commercial unit, for a period of not less than five years.
35. The Council has not objected to the level of car parking to be provided although Transport for London considered that a lower number of spaces could be provided reflecting the accessibility of the site. However, taken as a whole I find that amount of parking on site and the measures to restrict parking through a car-free housing requirement and the encouragement of sustainable transport would comply with the development plan policies and would not result in undue impacts on on-street parking levels or have a material impact on the traffic network. These measures would be secured through the proposed legal agreement. Concerns about the effectiveness of the vehicle stackers were also raised at the Inquiry. However, I am satisfied that through a condition requiring details to be submitted to and approved by the Council that these concerns could be addressed.
36. Neighbouring residents also expressed concern about the effect of the proposed development on occupiers of neighbouring properties in respect of privacy, visual intrusion and the loss of sunlight and daylight. Apart from 22 and 24 Sandycombe Road properties do not generally have east facing windows providing a direct view across the site as the gables of properties in Raleigh Road primarily present a blank façade.
37. Based on the distances between the existing properties and the proposed development and in particular taking account of the position of windows in habitable rooms I do not consider that there would be a material loss of privacy or that the scheme would be unduly overbearing or visually intrusive for neighbouring occupiers. Evidence before me also indicates that because of the distances between the proposed development and neighbouring properties there would be no material impact on sunlight or daylight for neighbours.

Conditions

38. The SoCG confirms that there is agreement between the main parties about the list of conditions which were included in that document. These were discussed at the inquiry and I have also had regard to the conditions in the light of Planning Practice Guidance (PPG).

39. In addition to the standard implementation condition (Condition 1) I have imposed a condition specifying the relevant drawings with which the scheme should comply as this provides certainty (2). Conditions relating to the boundary treatment (3) and materials to be used (16) are necessary to ensure the appearance of the development is appropriate and conditions are required to manage arrangements for the storage and disposal of refuse and waste (4 and 8). Conditions to address the provision and use of parking spaces and the details of the proposed vehicle stacker are necessary to avoid inconvenience to other road users (5, 18 and 19) and a condition to minimise light pollution (6) is necessary in the interests of the wider environment.
40. It is necessary to impose a condition to address any ground contamination associated with the previous use and to ensure its remediation (7). I also attach conditions to secure sustainable development (9), to manage the impacts of construction in the interests of neighbouring residents (10) and to secure the provision of cycle parking facilities in support of sustainable transport aims (11). Conditions are attached to protect existing trees and habitats (12 and 17), to ensure that additional tree planting and landscaping is undertaken to benefit the appearance of the development and its surroundings (13) and to support ecological enhancements (14 and 15). Finally, conditions are required to ensure that the proposed development does not result in noise disturbance to neighbouring occupiers (20 and 21).
41. I have amended condition 9, removing the reference to highway licences and traffic orders as this is covered by other legislation and removing references to arboricultural matters as these are covered by condition 13.
42. 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 3, 7 and 10 to be conditions precedent as they are so fundamental to the development that it would otherwise be necessary to refuse the application.

Planning Obligations

43. The appellant has undertaken to make a contribution of £250,000 representing the provision of one affordable housing unit to be used by the Council to provide affordable housing elsewhere. The agreement makes provision for car club membership for a five year period. I am satisfied that the contribution is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development. The affordable housing proposal is in accordance with Policy CP15 of the Core Strategy, Policy DM HO6 of the DMP and the Affordable Housing SPD. The transport and highways provisions are in accordance with Policies CP1 and CP5 of the Core Strategy and Policies DM TP1, DM TP2 and DM TP8 of the DMP. They are therefore consistent with Regulation 122 of the CIL Regulations 2010 (as amended).
44. With regard to the car free housing requirement this is not a valid planning obligation, but it will remain secure as the agreement is also made pursuant s16 of the Greater London Council (General Powers) Act 1974 (and all other powers enabling).

Conclusion

45. For these reasons set out above, and having taken into account all matters presented in evidence and raised at the Inquiry, I conclude the appeal should be allowed.

Kevin Gleeson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Richard Moules, of Counsel

Landmark Chambers, instructed by the
London Borough of Richmond upon Thames

He called:

Andrew Vaughan

Senior Planner,
London Borough of Richmond upon Thames

FOR THE APPELLANT

Mary Cook, of Counsel,

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INTERESTED PERSONS

Councillor Stephen Speak

Cabinet Member and Member of the
Planning Committee, London Borough of
Richmond upon Thames

Caroline Brock

Chair, The Kew Society

DOCUMENTS

1. Appearances for the Appellant, submitted by the Appellant.
2. Revised Appendix 9 (9B) of Mr Barrie's Proof, submitted by the Appellant.
3. Comments from the Council's Urban Design Officer, submitted by the Appellant.

4. Opening Submissions on behalf of the Appellant.
5. Opening Statement on behalf of the Council.
6. Approved Plans for the Redevelopment of 11 Sandycombe Road, submitted by the Council.
7. Comments in relation to emerging Policy LP2, submitted by the Council.
8. Extract from Planning Practice Guidance para 005 re Design, submitted by the Council.
9. Revised Conditions, submitted by the Council.
10. Closing Statement of the Council.
11. Closing Submissions on behalf of the Appellant.

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration 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: 5409-P01 - 001; 5409-P01 - 005; 5409-P01 - 010; 5409-P01 - 020; 5409-P01 - 031; 5409-P01 - 050; 5409-P01 - 101; 5409-P01 - 102; 5409-P01 - 103; 5409-P01 - 104; 5409-P01 - 105; 5409-P01 - 106; 5409-P01 - 202; 5409-P01 - 203; 5409-P01 - 204; 5409-P01 - 205; P01 501; 5409-P01 - 100A; 5409-P01 - 201A and 141212-L-01F.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before first occupation of the commercial and residential units. Development shall be carried out in accordance with the approved details.
4. The building hereby approved shall not be occupied until arrangements for the storage and disposal of refuse/waste as shown on plan 5409-P01-100A have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
5. The car parking spaces as shown on plan 5409-P01-100A shall not be used for any purpose other than for the garaging or parking of private motor vehicles used by residential or commercial occupiers or visitors to the development.
6. Any external illumination of the premises shall not be carried out except in accordance with details giving the method and intensity of any such external illumination which shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the buildings.
7. (1) No development shall take place until:
 - a) an intrusive site investigation has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the Local Planning Authority. Such work to be carried out by suitably qualified and accredited geo-environmental consultants in accordance with the current U.K. requirements for sampling and testing.
 - b) written reports of i) the findings of the above site investigation and ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Local Planning Authority.
- (2) None of the dwellings/buildings hereby approved shall be occupied until:
 - a) the remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved

strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with condition 7 (1)(a and b) above and an adequate remediation scheme shall be submitted to and approved in writing by the local planning authority and fully implemented thereafter.

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the local planning authority. Such report to include i) details of the remediation works carried out and ii) results of verification sampling, testing and monitoring and iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

8. No refuse or waste material of any description shall be left or stored anywhere on the site other than within a building or refuse enclosure.
9. (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent' (or such national measure of sustainability for design that replaces that scheme).

(b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the Local Planning Authority to demonstrate compliance with part (a).

(c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.
10. No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on / off site;
 - b) Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
 - c) Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - d) Details and location where plant and materials will be loaded and unloaded;
 - e) Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if

required;

f) Details of any necessary suspension of pavement, roadspace, bus stops and/or parking bays;

g) Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;

h) Details of any wheel washing facilities;

i) Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);

j) Details of measures that will be applied to control the emission of noise, vibration and dust; and working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites;

k) Details of the phasing programming and timing of works;

l) A construction programme including a 24 hour emergency contact number.

11. No building/dwelling/part of the development shall be occupied until cycle parking facilities have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the position, design, materials and finishes thereof.

12. The development hereby approved shall not be implemented other than in accordance with the principles and methodology as described within the approved Arboricultural details (Arboricultural Report: Assessment of trees in relation to development for planning purpose - 1-9 Sandycombe Road, prepared by Tim Moya Associates, dated December 2015).

13. A) Prior to first occupation of the commercial and residential units hereby approved, a tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); a programme or timetable of the proposed works.

B) Where within the Root Protection Area of retained trees hard landscape design, small structure installation and service installation should be formulated in accordance with section 7.4, 7.5 and 7.7 of British Standard

5837:2012 Trees in relation to design, demolition and construction - Recommendations.

C) Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment); the specification is to include details of the quantity, size, species, location, planting methodology, proposed time of planting and anticipated routine maintenance of all planting. Any proposed tree planting should be undertaken in accordance with section 5.6 of British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations.

D) All tree planting included within the approved specification shall be carried out in accordance with that specification and in accordance with: British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations (sections 5.6) and BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations. There will also be a requirement which must acknowledge and accept the party responsible for the maintenance and replacement of any tree planted under the scheme that is removed, uprooted, destroyed or dies (or becomes in the opinion of the local planning authority seriously damaged or defective) within the period of 5 years from the date planting completed.

E) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

F) Prior to first occupation of the commercial and residential units hereby approved a schedule of landscape maintenance for a minimum period of 5 years from the date of completion of the landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and shall be implemented as approved from the date of completion of the landscaping scheme as part of the development

14. As part of the development hereby approved, all the recommendations as identified in section 4 of the Ecological Appraisal prepared by RPS Planning & Development (December 2015) shall be carried out in full, and details of ecological enhancements (e.g. nest bricks, bat boxes/bricks, insect walls) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the occupation of the first dwelling/commercial unit hereby approved and maintained thereafter.
15. Details of the sedum/green roof hereby approved shall be submitted to and approved in writing by the local planning authority prior to occupation of the first unit. These shall include details of the design, external finishes and maintenance regime. Development shall be carried out in accordance with the approved details.
16. The external surfaces of the buildings (including fenestration, masonry and brickwork, bonding pattern, window and door recesses shall not be

constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority.

17. No trees or vegetation on site shall be cleared from September through to the end of January unless a report by a professional Ecologist demonstrates that there are no nesting birds present on the site. The report shall be submitted to and approved by the Local Planning Authority prior to removing trees/vegetation during these months.
18. The car parking layout (15 no. car parking bays including 2 no. disabled bays and 1 no. servicing bay including turning area) as shown on drawing no. 5409-P01-100A shall be implemented in full prior to first occupation of any of the residential/commercial properties hereby approved. Twenty per cent of the car parking bays shall be suitable for electric vehicles.
19. Prior to first occupation of the commercial and residential units hereby approved of the development hereby approved, technical specifications of the pit-type stackers as shown on plan 5409-P01-100A shall be submitted to and approved in writing by the Local Planning Authority. In accordance with approved details the pit-type stackers shall be installed and maintained thereafter.
20. The development hereby approved shall be undertaken in accordance with the indicative building facade, glazing, ventilation and amenity area acoustic fencing specification detailed in the acoustic report submitted by Moirhands reference 3224/26/2015 dated 17/12/2015. Full details of the acoustic specification of the above building elements shall be submitted to and approved by the Local Planning Authority prior to construction of the development.
21. A) Before any mechanical services plant including heating, ventilation and air conditioning (HVAC) plant to which the application refers is used at the premises, a scheme shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved.

B) The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including heating, ventilation and air conditioning (HVAC) to which the application refers, shall be 5dB(A) below the existing background noise level, at all times that the mechanical system operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142. An alternative position for assessment /measurement may be used to allow ease of access; this must be shown on a map and noise propagation calculations detailed to show how the design criterion is achieved.

C) The plant shall be supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated

noise within adjacent or adjoining premises, and these shall be so maintained thereafter.