
Appeal Decision

Hearing Held on 8 August 2017

Site visit made on 8 August 2017

by David Richards B Soc Sci DipTP MRTPI

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

Decision date: 31 August 2017

Appeal Ref: APP/Q3305/W/17/3170809

Land at Vallis Road, Frome, Somerset, BA11 3NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Sustainable Britain Limited against the decision of Mendip District Council.
 - The application Ref 2016/1025/FUL, dated 22 April 2016, was refused by notice dated 27 September 2016.
 - The development proposed is mixed use development consisting of 64 no. dwellings with associated community hub (Use Class D1), parking, landscaping, open space and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for a mixed use development consisting of 64 no. dwellings with associated community hub (Use Class D1), parking, landscaping, open space and associated works at Land at Vallis Road, Frome, Somerset, BA11 3NA in accordance with the terms of the application, Ref. 2016/1025/FUL, dated 22 April 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Hearing an application for a partial award of costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect on the supply of employment land in the area, the effect on the supply of affordable housing and the effect on the character and appearance of the area.

Reasons

4. The site is located on the north-western fringe of Frome, within the town's defined settlement boundary. It extends to some 1.5 hectares and is accessed by Wallington Way, which also provides access to the neighbouring residential areas. It is bounded to the north and west by existing residential development, to the east by Vallis Road (A362) and to the south by Vallis Trading Estate.

5. It is a brownfield site, which was previously part of a larger complex of buildings that formed the Western Vinyls site, which specialised in the production of synthetic floor tiles. This use ceased some 20 years ago. A portion of this larger site to the west and south-west of the appeal site has already been developed for housing, following the grant of planning permission in 2002 for the erection of 204 dwellings
6. The redundant buildings that once stood on the site have been demolished and the rubble and debris removed from the site. The levels vary considerably, rising from Vallis Road to a more level area adjacent to the Trading Estate.

Development Plan

7. The development plan for the area includes the Mendip District Local Plan 2006 – 2029 Part 1: Strategy and Policies adopted December 2014 (LP) and the Frome Neighbourhood Plan, made on 12 December 2016 (FNP). Core Policy 1 of the LP directs the majority of development towards the five principal settlements, including Frome, to reinforce their role as market towns. In identifying land for development the emphasis will be on maximising the re-use of appropriate previously developed sites within existing settlement limits. Core Policy 3 plans for the creation of 9,410 jobs in the District, of which some 2700 would be at Frome, and identifies a requirement for some 20.2 ha of employment land. The Vision for Frome identifies the town's biggest challenge as reducing the outflow of workers from the town by providing more jobs locally particularly in the sectors of Business Services, Retailing and Health. It identifies a need for smaller sites to be identified within the town which can offer office and studio type space. Policy DP1 requires development to contribute positively to the maintenance and enhancement of local identity. Policy DP7 seeks high quality designs, and development which is of a scale, mass, form and layout appropriate to the location, and which encourage the use of sustainable construction techniques.
8. Policy DP11 addresses affordable housing provision and seeks provision of 30% affordable housing. Where proposals cannot viably deliver (as set out in a detailed financial appraisal) the Council will negotiate on affordability provision. Policy DP20 supports proposals for the development of land or buildings previously or currently used for employment use, subject to the ability to demonstrate that a) the re-use for non-B class employment generating uses or for mixed use schemes will deliver comparable employment generation or wider economic benefit, and b) the proposal would not prejudice the Council's wider employment strategy.
9. Policy H1 of the FNP supports the creation of mixed, balanced and inclusive communities, with affordable housing provision in accordance with LP Policy DP11. Policy BE1 of the FNP resists the redevelopment of 'Valuable Employment Sites' for non-employment uses. Such development would only be granted in the exceptional circumstances where it can be clearly demonstrated that no demand exists within this area for B1, B2 or B8 use. Figure 11 shows the appeal site as a two-star site, that is 'poorer quality stock in inappropriate locations with poor access or environmental issues'.
10. Mendip District Council has also adopted a supplementary planning document (SPD) 'Marketing and business evidence to support planning applications'. It says that the Council will require evidence to demonstrate that the land has been fully exposed to the market at an appropriate valuation and that a range

of similar uses have been considered. It advises that the marketing should be up to date and reflect current market conditions, and should usually be carried out within two years of the planning application, and should last for at least 10 – 12 months in accordance with a suitable marketing strategy.

Employment land supply

11. The site has been unused for some 20 years. The former buildings on the site were demolished in 2014 leaving a predominantly open brownfield site with some areas of trees and grass around the perimeter. The site is currently surrounded by a high fence, which is a negative element in the present character and appearance of the area.
12. The parties refer to a previous appeal for housing development on the site in 2008¹. The Inspector concluded at the time that insufficient evidence had been provided on the viability of reuse of the site for employment purposes. He affirmed that *'it has been demonstrated through the marketing campaign carried out over a 10 year period that the site in its present form is not capable of satisfactory re-use for employment ... in my view this is hardly surprising as both the size and form of the premises and their current condition are quite clearly far removed from the requirements of modern industry and business.'* However he went on to say *'a viability appraisal would be impossible until the building has been demolished, thereby allowing the site conditions to be fully investigated'* and that he had *'little doubt that the lack of such information would have been a material factor in the apparent lack of interest in commercial redevelopment in response to the marketing exercise.'*
13. At the time of the application to which this appeal relates, no further marketing of the site had taken place since the period from 1997 to 2007. In support of the application, the Appellant submitted a letter from a firm of commercial property consultants, Hartnell Taylor Cook LLP dated 1 August 2016. The letter referred to the lack of commercial interest generated by the previous marketing campaign and states that *'In considering the use of the subject site for employment purposes, we have concluded that there is unlikely to be any significant demand from commercial occupiers for the site, primarily due to the following factors:*
 - *Secondary commercial location*
 - *Poor local road network*
 - *Contaminated site*
 - *Poor market rents in this location make development unviable*
 - *Potential restrictions on planning relating to use and noise conditions*
 - *Mainly surrounded by residential areas; and*
 - *Competition from Marston Trading Estate and Commerce Park, far superior locations*
14. The writer concluded that *'the most likely and commercially viable use for the subject site .. is a residential led scheme. It is a logical expansion from the adjoining Wallington Way residential development.'*

¹ APP/Q3305/A/07/2053796

15. LP Policy DP20 supports proposals for the development of land or buildings previously or currently used for employment use, subject to the ability to demonstrate that a) the re-use for non-B class employment generating uses or for mixed use schemes will deliver comparable employment generation or wider economic benefit, and b) the proposal would not prejudice the Council's wider employment strategy.
16. The proposal includes a community hub for the Co-Housing element of the proposal, with potential for wider community use. Although potential uses are not prescribed in the scheme, and it would be a matter for a management committee to determine within the overall restriction to D1 uses, it is suggested that such uses might include a café, and perhaps a hot-desking facility for use by scheme occupants. I acknowledge that this might contribute an element of employment, but in my opinion it could not be considered to provide 'comparable employment generation' to an exclusively commercial development. To that extent there would be a conflict with this aspect of development plan policy.
17. However it is important to consider whether development for commercial purposes is a realistic possibility in current circumstances.
18. The Appellant has submitted further information on marketing from Humberts in response to the Council's appeal statement. It refers to a new phase of marketing which commenced on 10 February 2017. The site was advertised (price on application) for B2 use on national websites, and two boards were placed on the site. Details were circulated to some 30 concerns who had previously registered an interest in commercial property in the south-west region with the agents. A total of 15 enquiries were received requesting details. The majority sought basic information regarding the site. Three of the enquirers continued their interest with some requesting further details in relation to contamination and one requested an accompanied viewing. No party made an offer and there was no interest in using the site for an employment use.
19. I acknowledge that this was submitted late on before the hearing. Nevertheless the Council had an opportunity to respond at the hearing, which was also attended by a representative of Frome Town Council. The Town Council referred in written representations to evidence of demand for employment use on the site, for arts, media and community use, but has not submitted any further details or evidence in support.
20. To my mind, the marketing evidence, partial though it is, provides a strong indication of a lack of effective demand for commercial use on the site in its current condition. There is little convincing evidence to the contrary that the site could viably be redeveloped for employment use in its entirety. It might be argued that demand would materialise if appropriate units were to be provided, at a reasonable rent. However that would require a willing developer to acquire the site and make a substantial investment. Having regard to rent levels for commercial property on the adjoining site (as referenced by Hartnell Taylor Cook above), such an investment seems to me to be a remote possibility in current circumstances. While the economic problems of the period since 2008 are well documented, and I acknowledge the impact of recession, there is no evidence of a substantial upturn in the commercial property market, such that

the site might have become an attractive investment prospect having remained vacant for some 20 years.

21. The FNP acknowledges some of the issues with the site, classifying it as 'poorer quality stock in inappropriate locations with poor access or environmental issues'. It is relatively remote from the strategic road network, access to the A361 bypass being through the urban area of Frome. Contamination remains a known problem which is a substantial site cost. I deal with valuation in more detail under the heading of affordable housing below, but the financial viability assessment (FVA) identifies abnormal site costs (excluding the community hub) of some £947, 000, which substantially relate to site contamination. These estimates were broadly accepted as reasonable by the Council's valuation consultant. The overall conclusion of the FVA was that the predominantly residential appeal scheme would only be viable provided no affordable housing requirement was sought. I consider that this is a clear indication that redevelopment of the whole site for a lower value use (e.g. commercial) is unlikely to be viable².
22. I acknowledge that the marketing that has been carried out to date is not fully compliant with the Council's SPD. However, for the reasons given I consider that it provides sufficient clarity that the site is unlikely to be redeveloped for commercial purposes, and for that reason also I conclude that the proposed scheme would not prejudice the implementation of the Council's wider employment strategy.
23. In reaching this conclusion I note that there is some underoccupancy of the adjoining Vallis Trading Estate, where some of the existing buildings are used for car parking. I also saw that there appeared to be at least some remaining plots available at Commerce Park, which is accepted as being a more attractive location for commercial development, albeit one that is more distant from Frome Town Centre and the residential areas to the south of the town centre. I am also aware that the CS proposes the identification of a significant new land allocations at Frome as part of its employment strategy, to be taken forward in the forthcoming sites allocation plan.
24. With regard to Policy BE1 of the FNP, I have already noted that though considered a 'valuable employment site', it is also regarded as poorer quality stock with significant issues. For the reasons given I consider the Appellant has provided sufficient evidence that there is no effective demand for B1, B2 or B8 uses on the site as it stands, and this amounts to the exceptional circumstances needed to overcome the objection to residential redevelopment of the site in accordance with the appeal scheme.
25. I note that the local planning authority has taken a similar view in relation to the residential redevelopment of the Butler, Tanner and Dennis site in Frome, where the wider regeneration benefits were accepted as outweighing the loss of employment land. While the site circumstances are not identical, there is some comparability between the cases. This was the view taken by the Council's officers in recommending approval of the current scheme.

² At the time of the hearing, the Council was considering an alternative proposal mixed use scheme which would essentially substitute employment use for the community hub. No details of that scheme are before me, and it would be inappropriate for me to reach any conclusion as to the viability or acceptability of this alternative scheme.

Effect on the supply of affordable housing

26. Policy DP11 addresses affordable housing provision and seeks provision of 30% affordable housing. Where proposals cannot viably deliver (as set out in a detailed financial appraisal) the Council will negotiate on affordability provision. This requirement is reflected in Policy H1 of the FNP, which also supports the creation of mixed, balanced and inclusive communities.
27. The appeal scheme comprises 64 dwellings in total of which 11 units would be set aside for purchase by a community led housing group (the 'co-housing' element). It is not suggested that the 'co-housing' should be considered as affordable housing, and it would not comply with the definition of affordable housing set out in the NPPF Glossary.
28. At the application stage, the Appellants submitted a Financial Viability Appraisal (FVA) which demonstrated that the development would be unviable if required to make affordable housing provision, principally due to the abnormal site costs of remediating contaminated land, and the provision of a community hub for the co-housing element of the scheme. The Council employed an external consultant (Steve Blake Consultancy Ltd) to analyse the figures included in the FVA, which concluded in broad terms that the assessment was reasonable and the provision of affordable housing would render the scheme unviable.
29. At the hearing, the Council pointed out that the actual conclusion reached by Mr Blake was that whilst the FVA appears to be reasonable, such as it would be difficult to justify a policy complaint (30%) affordable housing, it would be appropriate 'to discuss an approach whereby at least some affordable housing provision (or commuted sum) could be made, albeit accepting that this would not be at a policy compliant level.' However no such approach was made to the appellant before the application was determined
30. Mr Blake's evidence to the hearing on behalf of the Council was that the Community Hub is a non-essential element of the scheme, and that the cost of providing it (£500,000) could be redirected to provide affordable housing on-site. He argued that the hub, occupying some 426m² spread across three floors, would easily lend itself to becoming 6 two-storey flats, which in turn would improve the viability of the scheme by £383,633. Furthermore the resultant improvement of the viability could be used to convert a further 5 open market flats to affordable flats, equating to 17% affordable housing across the scheme.
31. The Council questioned the validity of the co-housing element, arguing that there is no policy requirement to provide a community hub, whereas the provision of affordable housing is a clear requirement of the Mendip LP strategy. It was also pointed out that 'co-housing' is normally community led, whereas in this case there is no established local group involved as partners in the scheme, in contrast with other successful schemes such as Lilac in Leeds, which were also supported by public subsidy. While I have some sympathy with this view, I was informed that there is considerable support in principle for a co-housing in Frome, though little consensus as to how it should be taken forward amongst individuals and community groups. In the circumstances, I consider the scheme represents a valid model for promoting co-housing, and that the proposed community hub is an essential element of the scheme, providing the opportunity for some functions to be undertaken communally.

32. In any event, as the Council witness accepted, I have to determine the scheme before me, which includes provision of a community hub as an essential element of the co-housing. On this basis, I accept that the scheme would not be viable if it were required to make provision for affordable housing, due principally to the abnormal site costs involved in remediating contaminated land, and the provision of a community hub.

Character and appearance

33. The Applicant points out that the design and layout of the proposal were the subject of extensive pre-application consultation with officers of the Council. The buildings that formerly occupied the site were industrial in character with little design or architectural interest. The committee report addressed design in detail and concludes that 'the development will integrate well into the existing site setting and will respect the character and appearance of development within this locality without appearing harmful to the wider landscape'. It was further considered that the contemporary design proposed for the development, including the use of flat roofs, the co-housing units fronting Vallis Road and the design and materials used for the community hub building were acceptable, and would add visual interest to the street-scene and wider area.
34. The character of the surrounding area is strongly influenced by the adjacent trading estate which consists of a variety of 20th century industrial buildings and offices, typical of their era but of no particular distinctive merit. It is also influenced by a relatively recent housing development to the west and south west comprising 2 and 3 storey development, its design and layout reflecting in part the need to limit noise exposure to industrial and commercial uses on the current appeal site. Earlier two-storey housing fronts the opposite side of Vallis Road to the east of the appeal site. The site frontage to Vallis Road was previously an open grassed bank with groups of trees providing some screening of the former industrial buildings, but which has now been enclosed by a high and somewhat unsightly perimeter fence.
35. The Council is particularly concerned with the appearance of Plots 41 – 44 which it says would be an alien and jarring feature in the street-scene fronting Vallis Road. It also considers that the tall, regimented gables, steep roofs, and narrow grouped window pattern of Plots 37 - 40 would fail to respond to the surrounding context, exacerbated by occupying a commanding position on a raised part of the site. Within the site Plots 45-54 and 59-62 and the community hub are considered to represent large, monolithic flat roofed buildings that again would be out of keeping with the character and form of buildings in the surrounding area.
36. The Framework is clear that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.
37. I acknowledge that some design elements of the scheme would not reflect the more traditional features of surrounding residential development. Nevertheless, while attractive, the design of surrounding development is not particularly distinctive and the contrasting approach of the appeal scheme would deliver considerable visual interest. Furthermore the development of a vacant brownfield site using straw-bale construction techniques which achieve high

energy efficiency would contribute significantly to the achievement of wider regeneration benefits.

38. There are precedents for the use of brick elsewhere in the town (development associated with the arrival of the railway in Frome in the 19th century), and while it may be inappropriate in certain areas, for example parts of the conservation area, I do not consider that the extensive use of brick, particularly within the site, would be unattractive or alien to the character of the area, such as to justify dismissal of the appeal on the grounds of character and appearance.
39. I conclude that the proposal would not conflict with the relevant policies of the development plan as regards form, layout, appearance and materials.

Other matters

40. A resident expressed concern about the effects of the proposal on wildlife. The application was accompanied by an Ecological Appraisal. Part 9 addresses such issues including the effect on protected species and makes recommendations for measures to mitigate any impacts. I consider that this matter could be satisfactorily addressed through the attachment of a condition requiring the implementation of a detailed scheme of mitigation in line with the recommendations of the appraisal.

Conditions and S106 obligation

41. An agreed list of conditions was presented at the hearing. I have considered these in the light of the advice in paragraph 206 of the Framework. To mind, all the suggested condition are compliant with the relevant legal tests for conditions.
42. In addition to the time limit, a condition specifying approved plans and reports is necessary to define the permission and in the interests of proper planning. A condition restricting use of the community hub to uses falling within or ancillary to Class D1 to ensure that the hub is not used for other purposes without planning permission for a change of use being obtained. A condition addressing surface water drainage is necessary to ensure the site is properly drained and avoid increasing the risk of flooding elsewhere. Conditions addressing materials, including sample panels, joinery, rainwater goods, landscaping and tree protection are needed to secure a satisfactory appearance to the development. Conditions removing specified permitted development rights are required to ensure the character and appearance of the development is retained. A condition to retain garages in use for parking is necessary in the interest of the appearance of the development and highway safety. Conditions requiring the provision of a parking compound, a Construction Environment Management Plan, a method statement for construction and groundworks and a timetable for the construction of accesses etc. and parking provision are necessary in the interests of amenity and highway safety.
43. A condition requiring details of external lighting to be approved is necessary in the interest of the amenity of the area and ecological mitigation. Conditions addressing recycling and waste containers are needed in the interests of sustainability. Conditions requiring the remediation of contamination are necessary to secure appropriate treatment of known and potential risks to human health. A condition specifying the mix of house types is necessary to

fulfil the Housing strategy set out in Policy DP14 of the Mendip District Local Plan. A condition requiring noise mitigation is necessary to secure the amenity of future occupiers. A condition limiting operating hours for units within the community hub is necessary to secure the amenity of residents and neighbours of the development. A condition requiring details of a scheme for ecological mitigation is necessary in the interests of protecting the ecology of the site.

44. The Appellant has submitted a signed and dated S106 obligation. Schedule 2 would secure the provision of open space, a local area of play, allotments and communal gardens. Schedule 3 would secure the provision of the community hub prior to the occupation of any of the co-housing units. Schedule 4 would secure that management and maintenance of the sustainable urban drainage scheme (SUDS). Schedule 5 is concerned with the establishment of a management company to manage the open space, SUDS and the Community Hub. While not accepting the necessity of the community hub, the Council accepts that Schedules 3 and 5 would satisfactorily secure the provision and management of such a facility were I to find it necessary. While I respect the Council's position I have found that the community hub is a necessary part of the scheme without which planning permission should not be granted.
45. Schedule 6 limits the occupation of dwellings on part of the site until the buildings comprising the acoustic screen are in place. Schedule 7 secures the implementation of a travel plan. I conclude that the provisions of the obligation are necessary, directly related to the development, fairly related in scale and kind to the development and otherwise compliant with the community infrastructure regulations.

Conclusion

46. Applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise.
47. I have found there is little likelihood of the site being redeveloped in its entirety for employment use, and for this reason I do not consider the proposed development would conflict with LP Policy DP20. It would not prejudice the Council's employment strategy and would deliver wider economic benefits through the regeneration effects of bringing the site back into use. With regard to FNP Policy BE1 I consider that the Appellant has provided sufficient evidence to overcome the objection to residential redevelopment of the appeal site. In other respects the scheme would comply broadly with Core Policy 1 of the LP as it is a development which would reinforce the role of Frome in the settlement hierarchy and contribute to maximising the re-use of appropriate previously developed sites within existing settlement limits.
48. The scheme would not deliver any affordable housing as sought by Policy DP11 of the LP and Policy H1 of the FNP. However the Appellant has put forward convincing evidence that the particular scheme, involving the provision of Co-Housing and a community hub would not be viable if affordable housing was required. This was not in the event challenged by the local planning authority at the hearing. While I acknowledge the Council's views on the validity of the co-housing element and the community hub, I have reached a different conclusion for the reasons set out above. In the circumstances I consider that the Appellant has provided sufficient viability evidence to overcome the affordable housing objection, such that the proposal is not in material conflict with these policies.

49. With regard to character and appearance I conclude that the scheme would not conflict with the relevant policies of the development plan as regards form, layout, appearance and materials.
50. For these reasons I conclude that the scheme would be broadly in accordance with the development plan as a whole, and insofar as there is any conflict with individual policies, there are material considerations which outweigh such conflict. Accordingly, I allow the appeal.

David Richards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alex Bullock	Pegasus
Nick Calvert	Sustainable Britain Ltd
Andrew Cullen	Alder King

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Foster	Principal Planning Officer
Steve Blake	Steve Blake Consultancy Ltd
Nina Richards	Housing Enabling Officer

INTERESTED PERSONS:

Jane Llewellyn	Frome Town Council
----------------	--------------------

Schedule of Conditions
APP/Q3305/W/17/3170809

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with drawing numbers: 6285 03 0002 B; 6285 03 0101 D, 6285 3 0113 A; 6285 3 0114 A; 6285 03 2017 A; 6285 03 2018 A; 6285 03 0321 A; 6285 3 0330; 06285 03 0401 D and 06285 03 7101 E received 31st August 2016 and drawing numbers: BRS.3402_02C; 6285 03 0001 A; 6285 03 0102; 6285 03 0111; 6285 2 0112; 6285 2 0115; 6285 3 1116; 6285 3 0117; 6285 3 0118; 6285 3 0119 A; 6285 03 0211; 6285 03 0212; 6285 03 0213; 6285 03 0214; 6285 3 0215; 6285 03 0216; 6285 03 0219; 6285 03 0220; 6285 3 0305; 6285 3 0311; 6285 3 0315; 6285 3 0316; 6285 3 0317; 6285 3 0318; 6285 3 0322; 6285 3 0328; 6285 3 0329; 6285 3 0331; 6285 3 0332; 6285 3 0335; 6285 3 0336; 6285 3 0337; 6285 3 0341; 6285 3 0342; 6285 3 0345; 6285 3 0346; 6285 03 7102 A; 6285 03 7104; Noise Assessment; Framework Residential Travel Plan; Arboricultural Survey, Impact Assessment and Tree Protection plan; Ecological Appraisal; Flood Risk Assessment and Drainage Strategy and Interpretive Report on Site Investigation at Vallis Road, Frome (Report No: 727819) validated on 11th May 2016 only.
- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that Order with or without modification) the units hereby approved within the Community Hub shall be used in association with or ancillary to a use falling within Class D1 of the schedule to that Order Only.
- 4) No building hereby permitted shall be occupied until details of the surface water drainage scheme, based on the principles set out within the submitted Flood Risk Assessment and Drainage Strategy (dated 22nd April 2016) validated on 11th May 2016, together with a programme of implementation and maintenance for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than the previously agreed runoff rates and volumes. Such works shall be carried out in accordance with the approved details and be retained and maintained as such thereafter.
- 5) No external facing materials in respect of the walls and roofs of the development hereby approved shall be constructed or installed unless a schedule of materials and finishes and samples of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in accordance with the approved details and shall not be occupied until the approved external facing materials have been installed.
- 6) No external facing materials shall be constructed or installed in respect the development hereby approved until a sample panel of all external walling materials (including cladding) has been erected on site and approved in

writing by the Local Planning Authority. It shall thereafter be kept on site for reference until the development is completed. The development hereby approved shall be carried out in accordance with the approved details and shall not be occupied until the external facing materials have been installed in accordance with the approved sample panel.

- 7) No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.
- 8) No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall thereafter be retained in that form.
- 9) No site works or clearance shall be undertaken until protective fences which conform with British Standard 5837:2012 have been erected around the existing trees and other existing or proposed landscape areas shown on the ARBORICULTURAL SURVEY, IMPACT ASSESSMENT AND TREE PROTECTION PLAN validated on 11th May 2016. Until the development has been completed these fences shall not be removed and the protected areas are to be kept clear of any building, plant, material, debris and trenching, with the existing ground levels maintained, and there shall be no entry to those areas except for approved arboricultural or landscape works.
- 10) The development hereby approved shall not be occupied until a detailed hard and soft landscape scheme has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, species and positions for new trees and plants, boundary treatments, surfacing materials (including roadways, drives, patios and paths) and any retained planting. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension or enlargement (including additions or alterations to the roof/s) of the dwelling/s hereby approved shall be carried out without the granting of planning permission from the Local Planning Authority.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no boundary treatments, other than those shown on the approved plans or approved under details submitted for condition 11, shall be erected forward of any dwelling hereby approved, other than those expressly authorised by this permission, without the granting of planning permission from the Local Planning Authority.

- 13) The proposed internal garage spaces serving the development shall be permanently retained for the purpose of parking private motor vehicles.
- 14) No works shall be carried out on site until a construction access and contractors parking/compound area has been provided, surfaced and drained in accordance with a detailed scheme, which shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall also indicate the eventual use of that area.
- 15) No works shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
 - Construction vehicle movements;
 - Construction operation hours;
 - Construction vehicular routes to and from site;
 - Construction delivery hours;
 - Expected number of construction vehicles per day;
 - Car parking for contractors;
 - Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
 - A scheme to encourage the use of Public Transport amongst contractors; and
 - Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- 16) The proposed accesses, estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhand margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
- 17) The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and the existing highway.
- 18) No external lighting (including street lighting) shall be installed in connection with the development hereby approved unless in accordance with details that shall have been first submitted to and approved in writing, by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source

and a lux diagram showing the light spill from the scheme. The external lighting shall be installed, operated and maintained in accordance with details thereby approved.

- 19) To ensure orderly parking on the site and thereby decrease the likelihood of parking on the highway, the car parking shown on the approved plans shall be marked out in accordance with a scheme to be agreed by the Local Planning Authority, prior to the occupation of the development. The parking area(s) and access(s) shall thereafter be kept clear of obstruction at all times and not used other than for the parking of vehicles in connection with the development hereby permitted or for the purpose of access. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
- 20) The development hereby approved shall not be occupied until provision for recycling and waste containers has been made within the site in accordance with details shown within the approved plans.
- 21) The development hereby approved shall not be occupied until the bicycle stands and store have been provided within the site in accordance with details shown on the approved plans.
- 22) An investigation and risk assessment, in addition to the 2013 Structural Soils (ref 727819) 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, adjoining land, groundwater's and surface waters, ecological systems, 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'.

- 23) 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 quality as contaminated land under Part 2a of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation (NPPF s.121). The development shall be carried out in accordance with the approved details.

- 24) 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 in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme and prior to occupation, a verification report (or 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. The development shall be carried out in accordance with the approved details.
- 25) 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 22, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23, which is subject to the approval in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 26) 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 conditions 22 to 25 have been complied with. If unexpected contamination is found after development has commenced, 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 25 has been complied within in relation to the identified contamination.
- 27) The overall mix of the development shall include: 3 x 1 beds, 22 x 2 beds; 31 x 3 beds and 8 x 4 beds (Total 64 units).
- 28) The dwellings hereby approved shall not be occupied until a validation statement has been provided to the satisfaction of the LPA which confirms that all glazing has been installed in accordance with the 'façade mitigation schemes' as detailed in the Hepworth Acoustics Noise Report (referenced P15-119-R02v2, dated April 2016), validated on 11th May 2016. The works shall be permanently retained and maintained in accordance with the approved details thereafter.
- 29) Construction, including any demolition or groundworks, of the development hereby permitted shall not commence until a detailed method statement of groundworks and construction has been approved in writing by the Local Planning Authority. The method statement shall detail the working methods to be employed on site during the construction to minimise emissions of dust, fumes, odour, light, noise and vibration. The method statement shall

include hours of works, details for the safe disposal of waste material, likely levels of noise and vibration and details of any equipment (e.g. pumps, generators) which may have to operate outside the specified working hours. The works shall be carried out in full accordance with these approved details.

- 30) No commercial unit hereby approved within the Community Hub shall be occupied or brought into use until a schedule of operating hours for that unit has first been submitted to and approved in writing by the Local Planning Authority. The unit shall be operated in accordance with the approved details at all times.
- 31) No works shall commence on site until a detailed scheme for ecological mitigation, compensation and enhancement measures, to align with the Recommendations (Part 9.0) of the Ecological Appraisal Land off Wallington Way, Frome prepared by Ethos Environmental Planning dated April 2016, validated on 11th May 2016, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed schedule of implementation and fully illustrate how and where the relevant measures will be integrated within the site/development. The works shall be carried out in full accordance with the approved details and be retained and maintained as such, where relevant, thereafter.