
Appeal Decision

Site visit made on 5 August 2019

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/G1250/W/18/3218886

Durley Road Car Park, Hahmann Road, Bournemouth BH2 5JW

- 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 Mr Toby Marden (Bournemouth Development Company) against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 7-2018-25651-A, dated 27 February 2018, was refused by notice dated 20 July 2018.
 - The development proposed is the erection of a part five, and part six storey building comprising 44 apartments together with parking and access provisions.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part five, and part six storey building comprising 44 apartments together with parking and access provisions at Durley Road Car Park, Hahmann Road, Bournemouth BH2 5JW in accordance with the terms of the application, Ref 7-2018-25651-A, dated 27 February 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by the Bournemouth Development Company against Bournemouth, Christchurch and Poole Unitary Authority. This application is the subject of a separate Decision.

Procedural Matter

3. On 1 April 2019 Bournemouth Borough Council merged with Borough of Poole Council and Christchurch Borough Council to become Bournemouth Christchurch and Poole Council. The development plans for the merged local planning authority remain in place for the former area of Bournemouth Borough Council until such a time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved Bournemouth Borough Council.

Main Issues

4. The main issues are:
 - The effect of the development on parking provision and highway safety;
 - The effect of the development on habitats of European protected sites;

- Whether the proposal provides sufficient contributions towards affordable housing provision.

Reasons

Parking Provision

5. The proposal for a development of flats would be on a site which is currently a Council owned public car park (Durley Road Car Park), which has 119 spaces. The proposal would be for 44 flats with 41 car parking spaces for residents. Otherwise, the site is within an area near the centre of Bournemouth which is mixed in character, with residential, hotels and offices being nearby.
6. The site is mentioned within the Town Centre Area Action Plan (TCAAP) (Adopted March 2013) with policy T8. This policy seeks to reconfigure the public car parking within Bournemouth, with some car parks being increased in size, whereas others are to be closed. Durley Road Car Park is listed as one to be closed and removed.
7. The Council has objected to the proposal based on the additional parking pressures as a result of the closure of Durley Road Car Park to make way for the proposed development. The Council states that such high parking pressures would lead to inconsiderate and even illegal parking which could have adverse highway safety implications. The Council states that it is important to maintain the 6,400 car parking spaces at all times within Bournemouth, which is a number stated in policy T7 of the TCAAP.
8. I recognise that this is an area with high parking pressure. On the day of my site visit the car park was mostly occupied and the surrounding streets had few on-street spaces available. I also note the additional parking pressures from tourists especially in holiday seasons.
9. Whilst the need for parking provision within Bournemouth and particularly the area of the site is recognised, the proposal is based on an adopted policy which clearly states that Durley Road Car Park should be removed as part of this parking reconfiguration (policy T8 of the TCAAP). The TCAAP has been adopted and forms part of the statutory development plan.
10. Policy T8 does include the increase in capacity of other car parks, such as the West Hill car park near the site, which is to be increased from 127 to 200 spaces. I understand this has not occurred, but there is nothing in the policy to state that the car parks set for removal should only occur as the other car parks were increased in size. No such link within the policy has been included.
11. Policy T7 does state that car parking in public car parks should be maintained at "around 6,400" spaces, but this is not an exact requirement. I am not aware of the overall number of spaces that would exist if Durley Road Car Park was closed, but I have no substantive evidence before me that the additional spaces planned at West Hill would be needed to compensate for the loss of spaces at Durley Road Car Park at this time. Although these car parks are close to each other, this car parking strategy as part of these adopted policies cover the whole of Bournemouth. It does not link nearby car parks to be expanded before another is closed.
12. As such, the proposal is in compliance with policies T7 and T8 in that it follows the parking strategy set out in these policies, which also acknowledges that the

- closed car parks could be redeveloped. Since these policies were adopted I would think it is unlikely that the parking situation around the site has changed much to make this strategic parking strategy out dated in any way.
13. I recognise that saved policy 8.22 of the Bournemouth District Wide Local Plan (DWLP) (February 2002) requires any lost spaces should be replaced, but this policy precedes the TCAAP. Also, policy T8 specifically refers to the Durley Road Car Park, whereas 8.22 is a general policy for all redevelopment proposals.
 14. Notwithstanding the policy issues, the loss of the car park would have an impact on those using this facility, which I have observed is well used, with its proximity to schools, an NHS facility, the beach and hotels for tourists, to name a few clear examples.
 15. To address this the appellant has submitted parking assessments. A result of these assessments, in consultation with the Highways Authority, led to a plan to move all business and 'other' permit holders from Durley Road and West Hill car parks to the Avenue Road Car Park, which the appellant states has a maximum of 44% of capacity. West Hill Car Park is envisaged to become a short stay car park only. This reconfiguration would allow the West Hill Car Park to operate within reasonable capacity following the proposed development.
 16. The surveys do not collect full information on the profile of the car park users, such as the length of their stay and whether they work locally or are tourists for example. Nevertheless, the surveys show whether there is capacity at the main car parks in question at different times, which is a key factor and, in my opinion, sufficient to obtain the data necessary. It also appears the case that the Highway Authority have not asked for more information on additional survey matters before coming to their conclusions. I do accept that moving permit holders between car park areas may be disruptive, but the loss of this car park at Durley Road has been planning policy for several years and from the evidence provided there are other car parks available for people to use if needed.
 17. There are many hotels in the area, and it could be that some guests would have used the Durley Road Car Park, if their hotel does not have guest parking. However, I have no substantive information as to the number of hotels affected or how close other public parking areas are to these hotels. Whilst I note that a survey has shown many guests drive to hotels, this is an accessible location and alternatives are available to the use of private vehicle, but there are also other car parks in this wider area which could also be used.
 18. I note the police records of illegal or poor parking, which can have highway safety impacts. I acknowledge the high levels of on-street parking in the area which may be linked to these incidents, but I also recognise that there is a strategy in place both for the short term, which has been set out by the appellant following negotiations with the Highways Authority, and also in the longer term as part of the strategic policy parking plans under TCAAP policy T8. Furthermore, the highway improvements as part of the mitigation, particularly the 20mph zone improvement works around the school and the contribution via legal agreement to fund a parking enforcement officer for 2 years should help address the issue of illegal or dangerous parking practices.

19. There could still be an issue with over-capacity and busy road around West Hill Car Park at drop-off and pick-up times associated with the nearby St Michael's School. From information submitted, the reduced catchment size of this school had seen a significant rise in pupils walking to school, with the numbers that travelled by car to school dropping as a percentage. However, the appellant funded 20mph highway scheme in the vicinity of the school should help keep the roads as safe as possible for school pedestrians. Furthermore, there is proposed mitigation with footway build-outs to reduce crossing widths on nearby Clarendon Road (as part of a 'Park and Stride' plan from this area close to the school where there is more kerb side parking availability), to improve the safer route to school, to encourage walking rather than shorter car trips, for example.
20. It has been raised by interested parties that the loss of this car park would have an impact to the NHS mental health centre at Hahnemann House. I acknowledge that those working or visiting this centre would possibly use this car park, but from the evidence before me there would be alternative parking provision in the area which could serve this facility. There is also some remaining on-street parking in the area, although I understand there is regularly a scarcity of spaces available on some streets.
21. There could be more development in this area of Bournemouth in the future, but this should be considered with regards to parking as part of individual planning applications. Furthermore, policy T8 sets out car park expansions throughout Bournemouth which should help to accommodate future development. Also, I note that there has been no objection to the parking provision or access proposed for the 44 flats to serve the development from the Council. I would also regard this level of parking sufficient and should not significantly add to on-street parking pressure.
22. I have had regard to the example of other appeal decisions in Bournemouth that had parking as a main issue. However, these were different types and scales of development in differing circumstances. As such, while I note the issues relating to parking, I have considered this proposal on its own merits.
23. Taking all the above into consideration, the loss of Durley Road Car Park to the residential development proposed would result in some disruption and inconvenience to local residents, commuters, parents of school children, and visitors to the area. However, with the use of the permit system and improvements for safe routes to the local school there should be sufficient capacity at most times in the area. The proposal and its effects of parking provision should not, therefore, have any significant impact to the vitality and viability of Bournemouth town centre.
24. The submitted draft legal agreement includes the obligations for the appellant to financially contribute towards the aforementioned mitigation, such as the works at Clarendon Road and also the speed reduction works near St Michael's school and improve safety, among other things. A finalised legal agreement is required by condition, as explained in the section below. I regard this level of mitigation by the appellant as necessary and sufficient to help counter any adverse impacts of the proposed development in regard to parking provision.
25. For all the reasons set out above, the proposed development would not result in significant issues in relation to parking pressures on-street or at nearby public car-parks, subject to the implementation of the mitigation set out by the

appellant and that contained within the submitted legal agreement. The proposal is therefore in accordance with policies T7 and T8 of the TCAAP, which sets out a parking strategy for Bournemouth, amongst other things.

Legal Agreement

26. A draft deed of agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 has been submitted. This includes covenants for the development in relation to parking enforcement, affordable housing, transport and highways mitigation, and a contribution towards Dorset Heathland Strategic Access Management and Monitoring (SAMM). The legal agreement includes full details of trigger points as to when these contributions or other actions are required.
27. Both main parties have agreed to the legal agreement. From the evidence before me the contributions would be necessary to make the development acceptable in planning terms. They are directly related to the development and fairly and reasonably related in scale and kind to the development, in accordance with the CIL Regulations.
28. However, this is just a draft agreement and is not signed nor dated by either party. The reason for this is that the site is owned by the Council, although they are also the Local Planning Authority. The parties have agreed that a legal agreement such as a unilateral undertaking, given to the Council as Local Planning Authority whilst also landowner, to be inappropriate. As the Council is currently both the landowner and Local Authority for both planning and highway purposes the stance of both parties is that the Council cannot legally take any enforcement proceedings against itself.
29. The parties have sought to address this issue by use of Grampian type negative conditions. They have recommended such a condition, which requires that no development shall take place until a scheme for the securing of planning obligations (based on the draft legal agreement submitted) shall have been submitted to and approved in writing by the local planning authority.
30. Planning Practice Guidance (PPG) in its advice regarding use of planning conditions considers whether it possible to use a condition to require an applicant to enter into a planning obligation or an agreement under other powers. Whilst the general advice is that conditions should not be used to require planning obligations as this would be inappropriate, the PPG states that *"in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk (this may apply in the case of particularly complex development schemes). In such cases the 6 tests should also be met."* Paragraph: 010 Reference ID: 21a-010-20190723
31. Considering all the evidence I would regard this as an exceptional circumstance. Both parties are in agreement with the legal agreement and its covenants on the parties, but due to the particular circumstances of this case, where the Council is the land owner, the agreement cannot be signed. As such there is clear evidence that the delivery of the development, which I have otherwise considered as acceptable in all regards, would not be possible due to

this exceptional circumstance which prevents a necessary legal agreement being signed as would be otherwise typical.

32. The Grampian condition should ensure that no development can commence until the agreed form of Planning Obligation has been completed. It has been explained that the completion of the legal agreement would be pending the appellant's acquisition of a title interest in the appeal site.
33. Overall, I would conclude that this is an exceptional circumstance of the type mentioned in the PPG. Although not a conventional method I recognise that both main parties have agreed to this mechanism as the only positive way forward if the appeal is allowed. The draft legal agreement, agreed between the parties, is acceptable and the Grampian condition would ensure that this will be signed before commencement of development. I have therefore included such a condition following an assessment of the circumstance and the submitted draft agreement, which I am satisfied would be sufficient to ensure the necessary planning obligations and mitigations are met.

Affordable Housing

34. The proposal for 44 apartments does not include any affordable housing units. The Council's 'Affordable Housing' DPD and policy AH1 of this document sets out that development of over 10 units net will be subject to a requirement of affordable housing, with the target of 40% from each such development. This is, however, except where it is proven to not be financially viable.
35. The appellant has submitted viability information which was considered by the District Valuer, with all parties agreeing that for the development to be viable there could be no affordable housing provision.
36. However, a clause has been added to the draft legal agreement to require the appellant to enter into an agreement to build the site to core and shell within 18 months of any approval. This would be in line with the timeframe identified in the appellant's appraisal. If this is not achieved within this timeframe a new viability assessment would be required as the viability situation may have changed in this period. If possible, at this stage, there could be a commuted sum to be paid for off-site affordable housing if the viability assessment allowed for this. Both main parties have agreed to this approach.
37. However, paragraph 64 of the National Planning Policy Framework sets out that where major development involving the provision of housing is proposed, it should be expected that at least 10% of the homes should be available for affordable home ownership. As worded, this is an expectation and not a requirement. This paragraph sets out a number of exemptions, but the development would not meet any of them. However, evidence has been provided that the development would not be viable or deliverable if it was required to meet the provisions of paragraph 64. Based on the particular circumstances of this proposal, the refusal of planning permission for an otherwise acceptable development of 44 flats solely on the basis of conflict with paragraph 64 would go against the Government's objective of significantly boosting the supply of homes. The identified conflict with paragraph 64 is therefore not a determinative issue in this appeal.
38. Based on the evidence before me, there is evidence that based on the viability assessments affordable housing cannot be provided whilst still having a

deliverable development. However, if the situation changes and the development has not been built past 'core and shell' stage in 18 months' time, then there is the possibility of an off-site contribution to affordable housing if possible. This, I would agree, is a suitable and pragmatic approach. As such, the proposal is in accordance with policy AH1 of the Affordable Housing Development Plan Document (December 2009), which has regard to affordable housing provision.

Dorset Heathland

39. The appeal site lies within a zone of proximity to the Dorset Heathlands Special Protection Area (SPA), Special Area of Conservation, Ramsar site and a SSSI, where developments, either on their own or in conjunction with other proposals, are likely to have an adverse effect on the integrity of the special ecological sites. Additional pressures in this regard will arise as a result of new house building. Accordingly, I consider that occupation of the proposed development would be likely to increase recreational pressures on these designated areas and, either alone or in combination with other development in the area, would have a significant effect on them. It is therefore necessary for an Appropriate Assessment (AA) to be undertaken.
40. In this case, the cumulative effects of potential new development within the Bournemouth area on these protected sites have been assessed in the Dorset Heathlands Planning Framework 2015-2020, dated January 2016 (the Mitigation Strategy). These have resulted in an implementation plan to mitigate the impact of new housing development upon the Heathlands.
41. Considering the proposal would result in the introduction of the new flats in Bournemouth, based on the evidence provided including the Dorset Heathlands Mitigation Strategy, the increase in people in the area to be housed by the development would likely have an impact to this important ecological area within close proximity to the site, such as through recreational pressures.
42. It is permissible for me, at this stage, to have regard to any proposed avoidance or mitigation measures. A legal undertaking has been submitted by the appellant committing to the payment of the appropriate contribution towards that required by the Strategic Access Management and Monitoring for the Dorset Heathland. The Council has confirmed their agreement to the draft legal agreement, which includes the mitigation contribution. However, as explained above, this legal agreement is not signed by either party. There is proposed a 'Grampian' condition to require a signed legal agreement prior to the commencement of development, which would be based on the draft submitted.
43. Although this is not a typical approach, there are exceptional circumstances in this case where there is no alternative clearly available. However, the Grampian condition would provide sufficient assurance in these circumstances that the required mitigation contribution would be made prior to the commencement of development, which also binds the Council to using this towards the mitigation as set out in the Mitigation Strategy. There are no objections from Natural England based on the mitigation proposed, based on the mitigation strategy.

44. With this in place, I conclude that the effects of this proposal on the protected areas would be sufficiently mitigated so that no harm to their integrity would result.
45. The proposal therefore is in accordance with policy CS33 of the Bournemouth Local Plan: Core Strategy (October 2012), which requires that development will not lead to an adverse effect upon the integrity, directly or indirectly, of the Dorset Heaths international designations.

Other Matters

46. The site is set within the Poole Hill and West Cliff Conservation Area (CA). This area of the CA is characterised by generally large buildings (some of distinct Victorian character), often of a traditional appearance, set within large spacious grounds with high levels of landscaping. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions.
47. Comments have been received regarding concerns about the design and scale of the proposed building, and its impact on the designated CA. However, from the plans submitted, although this would be a large block of flats, in this location where there is a range of building height and sizes, it would not appear overwhelmingly large or prominent to a degree that it would have an adverse visual impact. It would not be an overly bulky building and it would not cover the whole site. The proposal does not constitute overdevelopment in this regard.
48. The design approach does not attempt to mimic the more traditional style of buildings in an area where there is a mix of styles. Whilst a modern building, its appearance would not detract from the Victorian prevailing style of the older buildings in the area. The proposed apartment building would also include some features to reflect some of the surrounding buildings that form part of its context. Overall, I would consider the design and appearance to be of suitable quality. In this regard, it is my opinion that the proposed building would enhance the CA, whereas the existing car park has a negative impact.
49. The proposal has also included details of how existing trees (including those with preservation orders) can be safeguarded through the course of construction. The development would not result in a significant loss of trees or other vegetation, with the proposal to develop a car park. Tree protection can also be required via condition.
50. Whilst a relatively tall building, it is to be positioned relatively centrally and set in from the site boundaries, giving a significant separation distance to neighbouring properties. Given the position of the proposed building, its layout and orientation, the development would not result in any significant impact to the amenity of neighbours' living conditions. This would include the issue of overshadowing or loss of privacy, for example.
51. Comments have been raised as to the quality of the apartments for future occupiers. Whilst these comments have been taken into consideration, from the proposed plans the apartments would appear to offer sufficient standards of overall living conditions to future occupiers.

52. Comments have been received that there are too many flats in Bournemouth and houses would be better on the site. However, the provision of flats would be a more efficient use of the land in providing more dwellings. Furthermore, I have no substantive evidence before me that there would be no demand for the apartments as proposed.
53. There has been comments that the local schools are currently over-subscribed, but I do not have substantive evidence of this, or that the local schools would not be able to accommodate children that might live in one of the proposed apartments.
54. I recognise that this is a development that would result in a profit likely to be taken by the developer, but this is nothing unusual or reason to dismiss the proposal. I would assume that there would be a loss for the Council in terms of revenue currently generated by the car park fees, but this is a matter for the Council to decide upon.
55. There would be some increase in traffic as a result of the development providing more dwellings in this area. However, there is no substantive evidence that the additional levels of traffic would result in highway safety issues or a significant increase in local congestion. As such, I do not regard this aspect of the development as being reason to dismiss the proposal.
56. There have been comments received with regards the Council handling of the planning application and the issue that the Council are the landowner. However, I have focussed on the merits of the planning proposals before me and these issues raised have had no bearing on my decision.

Conditions

57. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG. I have also, where possible, removed the requirement for information/details to be prior to commencement of development, in line with the PPG advice.
58. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
59. I have included conditions requiring a Construction Management Plan (which I agree would be necessary as a pre-commencement condition as it relates to all aspects of construction) and a restriction on construction times. This would be particularly in the interest of the living conditions of those residing near the site.
60. I have added a condition requiring full drainage details and there is also a condition requiring the use of porous materials for hard surfacing. These conditions are to ensure suitable drainage from the development.
61. All details of pipework are also needed to be submitted to the Council for approval in line with a condition I have added in this regard. This would be in the interests of the final appearance of the building. There is also a condition

- requiring the bin stores to be built prior to occupation, also in the interests of waste management.
62. In the interests of highway safety and parking provision, conditions requiring full details of the access, turning and parking provision, together with a requirement that all parking spaces remain unallocated, are included.
63. There is a condition included to require the measures set out in the submitted Energy Report to be implemented, in the interest of providing sustainable new homes.
64. A condition requiring the tree protection, as set out in the appellant's Arboricultural Method Statement, is included, to safeguard existing trees during the construction process.
65. There are conditions requiring that the proposed soft landscaping be implemented and also for a maintenance plan for landscaping to be submitted to and agreed by the Council. Details of all hard landscaping and associated features have also been included. These conditions are in the interest of the visual amenities of the development.
66. There are details of the cycle store on the submitted drawings, but not in sufficient detail for what will be an important aspect of the development. I also, as recommended, include the requirement for a single door of a minimum 1100mm width which would allow for ease of access for those with bicycles.
67. For the reasons set out in detail in the sections above, a condition requiring a planning obligation, based on the submitted draft legal agreement, is included. This is to ensure that there is a legally binding agreement to ensure the necessary contributions towards the parking and highway mitigation works and also the mitigation necessary for the Dorset Heathland SAC. There will also be included a requirement for a second viability assessment in certain circumstances. This is therefore in the interests of parking provision, highway safety, ecology and potential affordable housing provision.

Conclusion

68. For the reasons set out above, the appeal should be allowed, subject to the following conditions set out in the Schedule.

S. Rennie

INSPECTOR

SCHEDULE – CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 14.096.100, 14.096.101-01, 14.096.102, 14.096.200-01, 14.096.201-02, 14.096.202-02, 14.096.203, 14.096.204, 14.096.205, 14.096.206, 14.096.210-02, 14.096.211-02, 14.096.212-02, 14.096.220-02, m626-100-P8.
- 3) All on-site working, including deliveries to and from the site, associated with the implementation of this planning permission shall only be carried out between the hours of 8 a.m. and 6 p.m. Monday - Friday, 8 a.m. and 1 p.m. Saturday and not at all on Sunday, Public and Bank Holidays.
- 4) No site clearance or development work shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Method Statement that includes the following measures:
 - a) parking arrangements for operatives and construction vehicles working on-site;
 - b) noise reduction measures;
 - c) details and siting of equipment, machinery and surplus materials on the site; and
 - d) details for the wheel cleansing of vehicles prior to egress from the site onto the public highway.

The approved Construction Management Plan shall be implemented and complied with upon commencement of the development and the obligations within the Construction Management Plan shall be adhered to throughout the construction phase of the development.
- 5) Prior to the development of any drainage or above ground works, a scheme for the whole site providing for the disposal of surface water run-off and incorporating sustainable urban drainage systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details prior to occupation of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. The scheme shall include the following as appropriate:
 - a) A scaled plan indicating the extent, position and type of all proposed hard surfacing (e.g. drives, parking areas, paths, patios) and roofed areas.
 - b) Details of the method of disposal for all areas including means of treatment or interception for potentially polluted runoff.
 - c) Scaled drawings including cross section, to illustrate the construction method and materials to be used for the hard surfacing (sample materials and literature demonstrating permeability may be required).
- 6) Any new or replacement hard surfaced area(s) shall either be made of porous materials, or provision shall be made to direct run-off water from

- the hard surface to a permeable or porous area or surface within the curtilage of the property.
- 7) Prior to their use in the development hereby approved, samples of the materials to be used on the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
 - 8) Prior to any above ground works on site, a scheme for external pipe work and flues shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out strictly in accordance with the approved scheme and unless shown with the approved scheme or on the approved elevation drawings any pipe work (with the exception of rainwater down-pipes) shall be internal to the building.
 - 9) Prior to any above ground works, details of the specification (a typical cross section of the surfacing is required) of the access and areas for turning and parking including the marking out of spaces shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be constructed and surfaced in accordance with the approved details prior to the first occupation of the development hereby approved, and permanently retained and kept available for the residents and visitors of the development hereby permitted at all times thereafter.
 - 10) The bin stores hereby approved shall be constructed in accordance with the approved details prior to the occupation of the proposed development and shall be retained and maintained for that use thereafter.
 - 11) The tree protection measures as detailed in the Arboricultural Method Statement dated 09 February 2018 and prepared by Barrell Tree Consultancy shall be implemented in full and in accordance with the timings set out in the statement and maintained and supervised until completion of the development.
 - 12) The Soft Landscape Specification shown on Drawing No.M262-100 P8 shall be implemented in full and in accordance with the approved details, prior to the first occupation of the development hereby approved.
 - 13) Within 6 months of the date of commencement of the development, full details of a landscape maintenance plan for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the arrangements for its implementation. The landscape management plan shall be carried out in accordance with the approved details.
 - 14) Notwithstanding the submitted details, prior to any above ground works, full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. Hard landscape details shall include: (a) Lighting; (b) Bollards; (c) Seating; (d) Tree grills; (e) Other street furniture; (f) construction and services details in proximity to trees; (g) proposed finished levels and contours; (h) all hard surfacing; and (i) a timetable for implementation. The approved hard landscape scheme shall be implemented in full prior to the occupation or use of the development commencing and permanently retained.

- 15) All residential car parking spaces shown on the approved plans shall be made available for any resident of the development and those persons visiting residents of the development and shall remain unallocated to any specific resident or residence for the lifetime of the development.
- 16) Prior to occupation of the development, the sustainability and energy measures set out in the Energy Report prepared by MKP Consultants dated January 2018 shall be implemented, maintained and retained thereafter.
- 17) Notwithstanding the submitted plans and before development commences, details of the cycle store, showing details of a single access door of a minimum width of 1100mm, internal lighting and materials to be used in its construction, shall be submitted and approved in writing by the Local Planning Authority. The cycle store shall be constructed in accordance with the approved details prior to occupation of the development and shall be retained and maintained thereafter.
- 18) There shall be no commencement of development unless a planning obligation is securely in place which is substantively in the form set out in submitted Document Ref – 3218886/S106/v2.

END OF SCHEDULE