



Appeal Decision

Site visit made on 16 March 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2020

Appeal Ref: APP/W0340/W/19/3243107

19 and 19a High Street, Theale, Reading RG7 5AH

- 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 TA Fisher Developments Ltd. against the decision of West Berkshire Council.
 - The application Ref 18/03209/FULEXT, dated 30 November 2018, was refused by notice dated 19 September 2019.
 - The development proposed is demolition of existing building and construction of 15 no. dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing building and for the construction of 15 no. dwellings, 2 retail units (use class A1/A2/A3), associated access, parking and landscaping at 19 and 19a High Street, Theale, Reading RG7 5AH in accordance with the terms of application Ref 18/03209/FULEXT dated 30 November 2018, and subject to the conditions within the attached schedule.

Procedural matters

2. The application form is not dated, I have therefore used the date on the appeal form as the date the application was made.
3. A neighbouring occupier requested that I see the site from their rear garden. Such a visit was undertaken without prejudice to any party.
4. The rear facing bedroom windows for flats 1 and 4, shown on the layout plans, are not on the 'Elevation onto entrance road' drawing found on plan 16-1075-1004-B. However, the issue of overlooking has been raised by the Council and interested parties. I shall therefore take the effect of these windows into account in the appeal.

Main Issues

5. The main issues are:
 - Whether the proposal would preserve or enhance the character and appearance of the Theale High Street/Blossom Lane Conservation Area (CA),
 - the effect of the proposed development on the living conditions of future occupiers especially in regard to the provision of external space and on

neighbouring occupiers, especially in regard to 12 Crown Lane (No 12) and 77 Woodfield Way (No 77) in terms of outlook and access to sunlight and daylight, and

- whether the proposal would make an appropriate provision towards affordable housing with respect to local and national policies.

Reasons

Character and appearance

6. The appeal site is adjacent to the high street and widens towards its rear. It has a rear access, via Crown Lane, that provides access to a car park. The surrounding area consists of a combination of commercial development to the front and side of the site and residential uses to the rear. The existing building is an adapted Victorian structure. It includes a large modern rear extension perpendicular to the main range. Buildings on the high-street are generally two-storey although there is a greater variety of height in the wider area. A number of local buildings are three-storey. These include Theale Court and within Comber Court. The high street includes a variety of traditional building that maintain a comparatively consistent building line and form. The existing building sits within this context but is of limited architectural interest itself. Consequently, the site makes a neutral contribution to the character and appearance of the area.
7. The proposal consists of two buildings with a courtyard in-between. The frontage building would be two-storeys and would therefore sit amongst buildings of similar scale and be of traditional design. The rear block would be a combination of two and three-storey elements with both contemporary and traditional design features. Its mass would be disaggregated through the introduction of various forms and materials. This would be screened from the high street by the frontage building.
8. Approximately half of the front part of the site is within the CA. The statutory requirements¹ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The significance of the CA derives from its importance to the origins of the village and the role of the high street as the historic core of the settlement. The National Planning Policy Framework (The Framework) recognises that great weight should be given to a heritage asset's conservation when considering the impact of development on its significance. Any harm to its significance requires clear and convincing justification. The Framework identifies significance as the value of a heritage asset to this and future generations and is derived not only from its physical presence, but also its setting. It explains that elements of a setting may make a positive or negative contribution to its significance or may be neutral. Therefore, the question is whether change to the conservation area would result in a loss of (or degrading to) its 'significance' as a heritage asset.
9. The existing building is two storeys and sits within a similar scale of buildings within the high street. It includes some traditional features, but inside I have observed that substantial works have adapted its function over time. The Heritage Environment Record², identifies that parts of the building originate from the early 19th Century. However, this also describes extensive remodelling

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

² Submission of Cllr Macro, 20 February 2020

that corroborates the findings of the appellant's Heritage Assessment³. These changes, combined with the limited extent of historical features and its modern rear extension, leads me to find that the building is of limited historic interest. Accordingly, the building makes a neutral contribution to the CA. Turning to its setting of the CA, the rear area of the site includes dwellings of moderate historical interest on Crown Lane and largely modern commercial and suburban residential development. Therefore, the context to the rear of the site conveys a neutral contribution to the setting of the CA due to its limited significance.

10. The proposed development would complement the prevailing pattern and scale of existing local built form. The proposal would respect the traditional proportions of local buildings and complement this context. Accordingly, it would be a suitable and appropriate addition to the streetscape taking into account the character and scale of the area. Also, views of the proposal such as from the adjacent public house garden and neighbouring development would reveal a subtle proposal with variety in form and material, adding interest. This would therefore preserve and enhance the significance of the CA.
11. In respect to density, policy CS4 of the West Berkshire Core Strategy 2006-2026 (2012) (CS), requires development to make efficient use of land and to achieve greater intensity of development in places with good public transport accessibility. It seeks to achieve densities of over 50 dwellings per hectare in key locations including in places close to transport nodes. The site is at a transitional point between the high street and the lower density development behind. The high street provides access to bus services and the nearby railway station. Therefore, the scheme is of an appropriate density taking into account the context, accessibility to public transport and proximity of the site to the high street. In summary, and taking all of the above into account, the proposed development would make a positive contribution to the area.
12. Consequently, the proposal would accord with policies CS4 and CS19 of the CS. These seek amongst other things for development to make efficient use of land and to ensure that new development is appropriate in terms of location, scale and design for the existing settlement pattern. The proposal would also accord with the objectives of the Framework that seek development to be sympathetic to local character.

Living conditions

13. In terms of the effect on future occupiers, the proposal would provide pockets of grassed external space. These would be to the rearmost part of the site and to the sides of the small courtyard car park in its centre. Some of these areas would be assigned to flats on the ground floor. The use of the space around the parking areas would be partly impeded by the proximity of cars and general traffic movement. Also, around a third of the proposed flats would have access to private balconies. Furthermore, a communal terrace above the retail units would provide external space for a further three flats.
14. The Council's Design Guidance⁴ seeks flats to have access to 25sqm (per flat) of communal amenity space. However, this also states that approaches to the provision of outdoor space would vary according to the location and character of the proposal. The proposal would provide for a significant proportion of the

³ Appellant's Statement of Case – Heritage, October 2019

⁴ West Berkshire Quality Design – Supplementary Planning Guidance Part 2 Residential Development 2006

requirement, and most flats would have direct access to reasonable areas of external space. Accordingly, overall the proposed development would provide good quality outdoor space. Furthermore, an effective landscape design would adequately delineate the external spaces close to parking areas. Moreover, the accommodation would be likely to provide non-family accommodation where a need for extensive external space would be lessened. Accordingly, the benefits of the proposal in regard to its proximity to public transport and high street services would out-weight the reduced provision of external space.

15. Turning to the effect on neighbouring occupiers, the Council's Design Guidance considers the effect of development on neighbouring development. This identifies that where a separation distance of 21 metres cannot be achieved careful design is required in regard to window design, location and internal arrangement. This seek to ensure that outlook to neighbouring residential properties and access to daylight would not be compromised. The site is adjacent to dwellings to its rear and side, surrounding land is relatively flat without a substantial change in levels.
16. The Appellant's Daylight and Sunlight assessment⁵ found that the proposal would accord with the Building Research Establishment (BRE) guidance⁶. This guidance is a recognised national approach to considering the anticipated effect of development on adjacent users. It advises that if the vertical sky component (VSC), when taken from the centre point of a window, is greater than 27% of the visible dome then adequate skylight would be considered to reach the window.
17. No 12 is located at the head of a shared access. Its front elevation looks towards the rear boundary of the site. The plot includes a garage within its frontage and has a hedge on its shared boundary with the site. Notwithstanding the existing screening, the Assessment found that the front windows of this dwelling would receive adequate light and achieve the minimum VSC. Furthermore, the shadow diagrams also show that the property would receive an acceptable level of sunlight. Meeting the BRE guidance and also being partially screened leads me to find that the effect on loss of daylight and sunlight to the occupiers of No 12, and adjacent dwellings along Crown Lane, would be marginal. In regard to outlook, for similar reasons, the proposal would be a reasonable distance from the dwelling and as such its effect on outlook would be limited.
18. With respect to the effect on No 77, the appellant's Assessment shows that the VSC received by the dwelling would be in excess of 27%. The shadow diagrams also show that although the proposal would cast a shadow into part of the garden, the relationship would meet the BRE guidance. The effect would therefore be relatively limited. In regard to outlook, the rear garden is currently open and offers wide views over the adjacent car park. The proposal would include a three-storey element beyond the rear boundary. However, this would be over a relatively deep rear garden. The proposal would present a series of shapes and forms of varying heights, materials and roof forms that would act together to reduce the overall visual impact from this vantage. Furthermore, provision is also made for landscape screening to assist in softening the outlook from this view. Therefore, although it is recognised that the outlook would change, the impact on outlook for the occupants of No 77

⁵ Day/Sunlight and Overshadowing Analysis, Richard Staig December 2019

⁶ Site Layout planning for daylight and sunlight: a guide to good practice

would not be substantial due to the separation distance and the configuration and form of development.

19. Consequently, with respect to the effect on the living conditions of future and existing occupiers the proposal would satisfy policy CS14 of the CS. This seeks development to be high quality including in the way it would function and be informed by the wider context. The proposal would also accord with the Council's Design Guidance where it seeks a reasonable provision of outdoor space and careful design to prevent daylight being compromised to neighbouring development. Furthermore, the proposal would satisfy the Framework where it seeks to require a high standard of amenity for existing and future users. It also satisfies the Framework where it seeks to ensure that new development is appropriate taking into account its likely effects on living conditions.

Affordable housing

20. Policy CS6 of the CS requires the on-site provision of affordable housing. This should be provided at a ratio of 30% of dwellings but is subject to the economics of the development. The Policy states that a provision below this level should be fully justified through a viability process. The Council's Obligation guidance⁷ explains that where the Council is satisfied that there are genuine viability issues in delivering affordable housing, the Council may review the obligations required. Moreover, the National Planning Practice Guidance (PPG) explains that affordable housing should be set at a level that takes into account infrastructure and allows for the site to be deliverable.
21. The appellant's original Financial Appraisal found that a small financial contribution could be offered towards affordable housing. This position had been previously agreed with officers of the Council. However, the revised Financial Appraisal⁸ identifies that the scheme can no longer offer any such sum. This latest finding has been unchallenged by the Council and I see no reason not to concur with its conclusions. Accordingly, as the initial agreed sum was only a small amount it is reasonable to now construe that the proposal can no longer sustain an affordable housing contribution.
22. The PPG states that planning obligations are negotiable on the grounds of viability. This therefore seeks to support development that is viable and thereby deliverable. Consequently, the absence of affordable housing has been justified by the submitted Appraisal. To require its provision would render the site as undeliverable and preclude the provision of the proposed dwellings. The comments expressed in an appeal decision⁹ submitted in evidence gave significant weight to the shortfall of affordable housing. However, that decision stated that viability was not a factor in that proposal's under-provision of affordable housing. I am therefore unconvinced that this is comparable to the proposal the subject of this appeal. Therefore, although this under-provision cannot weigh in favour of the proposal, the proposed development would nevertheless satisfy policy CS6 due to the conclusions of the Appraisal.
23. Accordingly, the proposal would comply with policy CS6 of the CS which seeks any under-provision of affordable housing to be justified by an agreed financial

⁷ Planning Obligations – Supplementary Planning Guidance 2014

⁸ Haslams Chartered Surveyors, Financial Viability Report: 2 December 2019

⁹ Planning Appeal Reference: APP/W0340/W/18/3218589

appraisal. The proposal would also satisfy the Council's Obligation guidance which seeks affordable housing unless genuine viability reasons prove that a reduced provision is appropriate. These policies are in general conformity with the Framework which seeks development to be viable and thereby deliverable.

Other matters

24. Concerns have been raised in regard to overlooking of neighbouring dwellings including to No's 77 and 12, 29b stable cottage, and internally between proposed units. The Council's Design Guidance explains that where a separation distance is less than 21 metres careful consideration is required to minimise overlooking. The proposed residential block presents a side elevation towards the rear of No 77 and a largely blank elevation towards No 12. Accordingly, the design would result in minimal overlooking opportunities from these aspects. Furthermore, a condition requiring most of these windows to be obscurely glazed would substantially further reduce overlooking opportunities.
25. Views into neighbouring dwellings from the bedroom windows of units 1 and 4 would be limited and oblique due to their relationship to the boundary and the proposed landscape screening. Furthermore, in broader terms overlooking from proposed balconies and windows would be adequately mitigated with screens secured by condition. Also, the central courtyard would create a reasonable separation distance and would result in limited overlooking between the two proposed buildings. Accordingly, the impact of overlooking on neighbouring and future occupiers would be negligible.
26. The side of the proposed rear block would be relatively close to the garden and dwelling of 29b Stable Cottage. However, the intervening trees, separation distance and orientation of the dwelling would result in a limited impact on the living conditions of its occupiers in regard to overlooking or being overbearing.
27. The Council has indicated that the proposal would affect several listed buildings on the high street. However, it has not identified the significance of those it considers to be affected or any adverse impact conveyed by this relationship. The nearest at 29 High Street is some distance from the site and separated by intervening buildings. Therefore, the impact of the proposal on its setting and others would be negligible.
28. The proposed parking provision would comply with the Council's parking policies. Staff for the retail use would be able to use local public car parks or public transport. Deliveries would take place on the high street, this appears to be similar to the arrangement for local premises. The visibility splays at the exit from the access road onto Crown Lane are compromised by side boundaries and could be further impeded by parked cars. However, traffic regulation orders prevent parking around the access onto the main road that is also relatively flat and straight. Main parties concur that the existing use of the site as an office has the capability to generate a similar level of traffic to that proposed. Accordingly, whilst the access onto Crown Lane is via a single track, the proposal would not demonstrably exacerbate the level of traffic using the access road. I am therefore satisfied that the proposal would function adequately without an adverse impact on highway safety and without significant detriment to local road users.

29. Ownership of the access road is not known. Accordingly, advertisement of the application included this matter and the planning requirements have therefore been met.
30. In regard to access for a fire tender, the tracking plan drawing shows the sweep-paths at the entrance to the site. This shows that the entrance, adjacent to the rear block, would accommodate a turning head for a fire tender. Furthermore, the Fire and Rescue Service have raised no objection to the proposed access arrangement. Accordingly, the proposal would provide a satisfactory layout to enable a fire tender and similar sized vehicles to enter and exit the site safely in a forward gear.
31. The appellant explains that refuse bins would be stored in the covered walkway adjacent to the retail unit and within the residential block. Refuse bins would be taken from the communal collection points and placed on the High Street on collection day. The Council's waste management team have raised no objection to this approach. I find this to be an acceptable arrangement and one that would prevent extensive congestion of bins around the Crown Lane access.
32. The noise impact of the proposed development during construction would be temporary only. This would be adequately mitigated by the use of planning conditions. Post construction, noise levels would be unlikely to be substantially greater than the level generated by the existing commercial car park. Also, the effect of any external lighting on nearby living conditions can be adequately controlled through the imposition of a planning condition.
33. The Council reported that a confidential ecological survey was submitted during the application process that showed no evidence of protected species on site. Furthermore, it found only a low potential for roosting bats within the building. This issue is undisputed between main parties. Furthermore, although some anecdotal reference has been made to wildlife on site, no compelling evidence has been submitted that would cast doubt over these conclusions. I therefore see no reason not to accept these findings.
34. Furthermore, I have taken into account concerns raised in regard to the potential structural impact of the proposal on 17 High Street; the question of the need for further flats in the area; and the impact on local house price values, but these matters do not affect my findings on the main issues.
35. Representations were made to the effect that the rights of a local resident, under the Human Rights Act 1998, Article 1 of the First Protocol and article 8, would be violated if the appeal were allowed. I do not consider this argument to be well-founded. I have found that the proposed development would not cause unacceptable harm to the living conditions of local residents. Therefore, the degree of interference that would be caused would be insufficient to give rise to a violation of the qualified rights under Article 1 of the First Protocol or Article 8.

Conditions

36. I have considered the use of conditions in line with the PPG. This advises that conditions should be kept to a minimum. These should only be used where they pass the 6 tests as set out by paragraph 55 of the Framework. I shall impose the Council's suggested conditions with some amendments for clarity. I have expanded the condition relating to obscure glazing to include the windows

within a rear stairwell to prevent overlooking. The condition in regard to odour has also been amended to refer to any kitchen associated with the approved A3 use for clarity. Conditions 3-6 require details prior to commencement on site. The appellant has agreed to the imposition of these, following formal notification under Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

37. Subsequently, I have attached the following conditions which are recommended in the Guidance and are necessary in the interests of certainty [1 and 2]. I have also attached conditions that would safeguard the character and appearance of the area [3, 11, 12, 16 and 17], would protect the living conditions of existing residents [6, 8, 22 and 23], would protect the living conditions of future occupiers [13, 14, 15 and 24] and would meet highway safety and sustainable travel expectations [19, 20 and 21]. Furthermore, I have also included conditions that would meet the advice of the Council's archaeology consultee in the interests of the historic recording of the building and site [4 and 5], would resolve any unforeseen contamination found on site [9], meet sustainable drainage requirements of the Lead Local Flood Authority [10], to require the hand removal of the tile hanging to limit ecological impact [7] and to enhance on site biodiversity [18].

Conclusion

38. For the reasons given above, I conclude that the appeal is allowed, and planning permission is granted.

Ben Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no 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: 16-1075-001-D Location Plan, 16-1075-1010-H Proposed site plan, 16-1075-1002-D Floor plans for new apartments sheet 1 of 2, 16-1075-1003-B Floor and roof plan for new apartments sheet 2 of 2, 16-1075-1004-B Elevations for new apartments, 16-1075-1005-D Floor plans and elevations retail building sheet 1 of 2, 16-1075-1006-A Elevations and sections sheet 2 of 2, and 5591.006 Autotrack Swept Path Fire Tender Turning within Site.
- 3) Prior to the commencement of development, a valid contract shall be entered into for the carrying out and completion of works to demolish the existing building and construct the building hereby permitted which fronts the High Street Theale. Evidence of that contract shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development.
- 4) Prior to the commencement of development, a written scheme of archaeological investigation and work shall be submitted to and approved in writing by the Local Planning Authority. The approved development shall be implemented in accordance with the agreed archaeological programme.
- 5) Prior to the commencement of development, a programme of building recording and written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority. This shall be subject to Level 3 recording in accordance with Historic England guidance. The approved development shall incorporate and be undertaken in accordance with the approved statement.
- 6) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for: (a) The parking of vehicles of site operatives and visitors, (b) Loading and unloading of plant and materials and details of access onto the site, (c) Storage of plant and materials used in constructing the development, (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, (e) Wheel washing facilities, (f) Measures to control the emission of dust and dirt during construction, (g) A scheme for recycling/disposing of waste resulting from demolition and construction works. The development shall be carried out in accordance with the approved details.
- 7) The area of restricted tile hanging on the building shall be carefully removed using soft-strip methods with the following controls: All site operatives given a toolbox talk on the possibility of encountering bats and the legal protection they and their roosts are afforded; Initial works carried out with care and the area of tile hanging removed by hand, lifting each tile clear with two hands and not lifting the front of the tile and rolling backwards as this may crush any bats beneath and; To check underneath the tile before stacking or discarding as bats may cling to the underside of tiles.

- 8) Demolition or construction works shall take place only between the hours of 07:30 to 18:00 on Mondays to Fridays, the hours of 08:30 to 13:00 on Saturdays, and shall not take place at any time on Sundays or Bank or Public Holidays.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 10) No development, with the exception of demolition and site clearance, shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:
 - a) Incorporate the implementation of Sustainable Drainage methods (SuDS);
 - b) Include and be informed by a ground investigation survey over winter which confirms the groundwater levels;
 - c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than the existing greenfield runoff rate;
 - d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
 - e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;
 - f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
 - g) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises; and
 - h) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.
- 11) Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing 1044-01 Rev B dated November 18 and supported by the tree report by SJ Stephens's ref 1044 dated 23rd November 2018. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles, or fires.

- 12) No development above foundations shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.
- 13) No dwelling shall be occupied, and no retail unit brought into use, until a noise scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: (a) written details concerning any proposed air handling plant associated with the development including (i) the proposed number and location of such plant as well as the manufacturer's information and specifications, (ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice, and (iii) the intended operating times. (b) calculations showing the likely impact of noise from the development; (c) a scheme of works or such other steps as may be necessary to minimize the effects of noise from the development. No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.
- 14) No dwelling shall be occupied until details of a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the measures have been completed in accordance with the approved details.
- 15) No dwelling shall be occupied until details of a scheme of works or other such steps as may be necessary to minimise the effects of odour from the kitchen of any restaurant associated with the approved commercial use has been submitted and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the scheme has been completed in accordance with the approved details.
- 16) No dwelling shall be occupied, or retail unit brought into use, until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, species of value for wildlife including flowering plants and shrubs and trees suitable for bird nesting, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure; a) Completion of the approved landscape scheme within the first planting season following completion of development and b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.
- 17) No dwelling shall be occupied, or retail unit brought into use, until details of the external lighting to be used in the areas around and to the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall minimise light

spillage and pollution and not be directed onto any bird or bat box. The external lighting shall be installed in accordance with the approved scheme before any dwelling is occupied or retail unit brought into use. No external lighting shall be installed except for that expressly authorised by the approval of details as part of this condition. The approved external lighting shall thereafter be retained.

- 18) No dwelling shall be occupied, or retail unit brought into use, until details of the biodiversity enhancements to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. The enhancements shall include bird and bat boxes either within the soft landscaping or buildings and installed and positioned in accordance with good practice. The enhancements shall be provided in accordance with the approved details prior to the occupation of any dwelling or the use of a retail unit.
- 19) No dwelling shall be occupied until the vehicle parking and turning spaces have been surfaced, marked out and provided in accordance with the approved plans. The parking and turning spaces shall thereafter be kept available for parking at all times.
- 20) No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.
- 21) No dwelling shall be occupied until the refuse and recycling facilities have been provided in accordance with the approved drawings and these facilities shall be retained for this purpose thereafter.
- 22) No dwelling with a balcony shall be occupied until details of the measures to provide screening to minimise potential overlooking from the balcony to adjacent occupiers and land users have been submitted to and approved in writing by the Local Planning Authority. The screening shall be provided in accordance with the approved details prior to the occupation of that dwelling.
- 23) The residential units numbered 6 and 10 shall not be occupied until the windows, at first and second floor level in the north elevation serving those units, have been fitted with obscure glass and fixed shut with the exception of a top-hung openable fan light. Furthermore, residential units 4, 5, 6, 9 and 10 shall not be occupied until the windows for the stairwell, serving these units and on the east elevation, have been fitted with obscure glazing and fixed shut with the exception of a top-hung openable fan light. The obscure glazing shall be permanently retained once installed thereafter.
- 24) The premises associated with the approved A1/A2/A3 use shall not be open to customers outside the following hours: 08:00 to 23:00 Mondays to Fridays, 09:00 to 23:00 Saturdays; and 09:00 to 22:30 Sundays and Bank Holidays.

End of conditions