



Appeal Decision

Hearing Held on 11 August 2020

Site visit made on 14 August 2020

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2020

Appeal Ref: APP/Q1255/W/19/3230105

Land at 2 Wilderton House, Wilderton Road, Poole BH13 6EE

- 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 Highdrive Property Co. Limited against the decision of the former Poole Council.
 - The application Ref APP/18/01072/F, dated 6 August 2018, was refused by notice dated 21 January 2019.
 - The development proposed is the demolition of the existing building and construction of a block of 25 apartments with basement parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and construction of a block of 25 apartments with basement parking on land at 2 Wilderton House, Wilderton Road, Poole BH13 6EE in accordance with the terms of the application reference APP/18/01072/F dated 6 August 2018, subject to the conditions set out in the schedule attached to this decision.

Procedural Matters

2. The decision notice in this case was issued by the Borough of Poole. The Council has since merged with neighbouring Councils and is now known as Bournemouth Christchurch and Poole Council.
3. The appeal was submitted with a set of plans that seek to amend the scheme of development that was the subject of the Council's refusal. The appellant has referred to these as 'the Wheatcroft plans' and I will refer to this scheme as such in this decision. The Wheatcroft plans shift the location of the west facing elevation of the development by some 1.8 metres towards Wilderton Road. It also includes alterations to other elevations of the building, principally the north facing elevation, as well as small changes to the internal layout.
4. The appellant undertook a consultation exercise that sought to mirror that undertaken by the Council for the original scheme. I have been provided with the representations made as a result of this consultation.
5. At the hearing the appellant confirmed that the Wheatcroft plans had been submitted in an attempt to overcome the RFR relating to trees and the living conditions of the occupiers of the development. However, the appellant asked

that I consider the original scheme in the first instance and that I only consider the Wheatcroft plans in the event that I am minded to dismiss the appeal.

6. The Council confirmed at the hearing that, whilst the Wheatcroft plans do not overcome its objections to the development, it had no objection to the amended scheme being considered.
7. Having regard to the nature of the amendments to the scheme and the consultation exercise undertaken, I am satisfied that, if necessary, the Wheatcroft plans and the representations received following the appellant's consultation exercise can be considered without prejudice to any party.
8. In addition to the above, the appellant submitted an updated arboricultural assessment 12 days prior to the hearing. The reason for this submission was due to an error that had been discovered; the position and canopy of a Beech tree had not been plotted correctly on the original Arboricultural Impact Assessment (AIA)¹. This tree is the subject of the Council's second reason for refusal (RFR). Whilst this matter was discussed at the hearing, it was agreed that the Council could provide a written response to the updated information. This response was received on 19 August 2020 and was followed by a final representation from the appellant on 25 August. I have had regard to these representations in reaching my decision.
9. Whilst only 5 reasons were given in the decision notice for the refusal of the application subject of this appeal, both the appellant and the Council have referred to 6 reasons in total. At the hearing it was confirmed that the sixth RFR had been omitted in error on the decision notice. Taken from the officer's report, RFR number 5 on the decision notice should have read as follows:

'The application site is within close proximity to Poole Harbour which is a Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar site and the determination of the application should be undertaken with regard to these European designations and the requirements of the Conservation of Habitats and Species Regulations 2017. If the Council had been minded to grant Planning Permission in all other respects it would have to carry out an appropriate assessment in accordance with the advice and procedure set out broadly in Circular 06/2005. The applicant has failed to demonstrate in accordance with the Habitat Regulations that the proposals will cause no harm to the SPA. It is clear, on the basis of advice from Natural England that, notwithstanding the CIL contribution, no avoidance or mitigation of adverse effects through Strategic Access Management and Monitoring (SAMM) has been secured. In the absence of any form of acceptable mitigation it is likely to have an adverse effect on the special features of Poole Harbour including those which are SPA features. Having regard to the Waddenzee judgement (ECJ case C-127/02) and Sweetman judgement (C-323/17) the Council is not in a position to be convinced that there is no reasonable scientific doubt to the contrary. For these reasons, and without needing to conclude the appropriate assessment, the proposal is considered contrary to the recommendations of the Berne Convention Standing Committee on urban development adjacent to Poole Harbour, and Policy PP32 and PP39 of the Poole Local Plan (November 2018).'

¹ Treecall document Arboricultural Impact Assessment and Provisional Method Statement dated 27 June 2018.

10. At the hearing the appellant acknowledged the above as a reason for the refusal of the development in this case and has referred to it in the evidence. I am, therefore, satisfied that no injustice would be caused by its consideration in this appeal.
11. In addition to the sites referred to in RFR 5, RFR 4 on the decision notice confirms that the appeal site is within 5Km of a Site of Special Scientific Interest, which is part of the designated Dorset Heathlands Special Protection Area (SPA) and RAMSAR site, and part of the Dorset Heaths Special Area of Conservation (SAC). The SPAs, RAMSAR sites and SAC referred to in RFR 4 and 5 are European sites as defined in the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations) and are, therefore, subject to its provisions.
12. The Council's decision notice and officer's report states that an Appropriate Assessment² would have been required, had it found the development acceptable in all other respects. This suggests that the development is likely to have a significant effect on the internationally important features of the European sites.
13. Notwithstanding the above, in the statement of common ground (SOCG) the parties agree on the amount of financial contribution that should be secured by the agreement for the following:
 - The Dorset Heathlands Mitigation Strategic Access Management and Monitoring;
 - The Poole Harbour Recreation Strategic Access Management and Monitoring; and
 - Affordable housing.
14. At the hearing the Council confirmed that, subject to the submission of a legal agreement securing the financial contributions set out in the SOCG, RFR 4, 5 and 6 would be overcome.
15. Whilst I received a signed unilateral undertaking dated 14 February 2020 prior to the hearing, the financial contributions listed in it did not match those agreed in the SOCG. A subsequent signed unilateral undertaking dated 19 August 2020 has been submitted and the Council confirm that this secures all necessary contributions.
16. Having regard to the above, whilst I note that the Council are satisfied that its RFR 4 and 5 have been overcome, I must still consider the likely effects of the development on the integrity of the European sites. I have not, however, identified this as a main issue in this case, but will nonetheless consider this later in my decision. I will also consider the provisions of the unilateral undertaking with regard to affordable housing provision.
17. The appeal site is located within a conservation area (CA), which has been referred to as the Branksome Park Conservation Area. However, I understand that the CA was enlarged several years ago to include the Chine Gardens area and was renamed as the Branksome Park and Chine Gardens Conservation

² Regulation 63 of the Conservation of Habitats and Species Regulations 2017

Area (BPCGCA). Whilst the appeal site is in the Branksome Park area of the wider CA, I will nevertheless refer to the CA in this decision as the BPCGCA.

18. On a similar note, there are two references in the decision notice to a 2006 appraisal. The Council's first RFR refers to the 'Branksome Park and Chine Gardens Conservation Area Character Appraisal 2006', whilst the second RFR refers to the 'Branksome Park and Canford Cliffs Conservation Area Character Appraisal 2006'. I have been provided with the document entitled 'Branksome Park Conservation Area Character Appraisal and Management Plan: Supplementary Planning Guidance 2006' (CAMP), which I am satisfied is the document referred to in RFR 1 and 2.
19. The building is currently used to accommodate 7 flats in total. At the site visit I was able to view inside three of the five flats accommodated within the original building (flats 1, 2 and 5), as well as the flat accommodated within the extensions to the north (flat 7). I was also able to view the communal hall and staircase providing access to the flats on the first and second floors. I inspected the grounds of the appeal site and the wider CA, noting the buildings that had been drawn to my attention at the hearing.

Main Issues

20. As I have noted above, of the six main issues identified at the start of the hearing, two are no longer determinative in this case. I have, however, separated the Council's objections to the development identified in its RFR 3 into two main issues. The main issues in this case are, therefore, as follows:
 - (i) The effect of the development on protected trees;
 - (ii) Whether or not the loss of the local heritage asset is acceptable;
 - (iii) Whether or not the development preserves or enhances the character or appearance of the BPCGCA;
 - (iv) Whether or not the development is acceptable with regard to its contribution to tackling climate change; and
 - (v) The effect of the development on the living conditions of its occupiers with regard to natural light.

Reasons

The Site and Surrounding Area

21. As noted above, the appeal site is within a CA (the designated heritage asset) and is occupied by a locally listed building (the non-designated heritage asset), together with a number of protected trees.
22. The CAMP predates the extension of the CA to include the Chine Gardens area. As such, it only relates to Branksome Park, within which the appeal site is located. It describes the original CA as having a spacious sylvan character that is derived from its division into large building plots in the 19th century. The CAMP particularly notes the road layout, dense evergreen hedges, turf embankments, generous wooded plots and low density. It informs that trees

and vegetation dominate the streetscape to the extent that, in views along many roads, few buildings are clearly visible. With regard to built development, the CAMP acknowledges the varied architecture and that this results from the area's gradual development over more than 100 years.

23. At my site visit I was able to appreciate the mature trees and dense woodland that dominate the CA. The Branksome Park Estate has an informal layout where buildings are predominantly detached and set within large plots. I also noted a mixture of architectural styles and buildings from a variety of different periods. As such, I agree with the description of the CA provided within the CAMP.
24. The appeal site is within the St. Aldehelm's Road and Wilderton character area, as described in the CAMP. The CAMP notes that this area's character is very close to that of the wider CA, and describes it as sylvan. It states that the strength of planting in Wilderton Road limits the dominance of buildings, although there are a number that add to the character of the CA. As indicated in the CAMP, I found Wilderton Road to be typical of the wider character of the CA.
25. The locally listed building is a large detached and extended property described as a Victorian Villa. This is set within a spacious plot that is also occupied by a significant number of mature trees.

Policies and Guidance Relevant to the Main Issues

26. The Poole Local Plan November 2018 (PLP) Policy PP30 (Heritage Assets) requires development to preserve or enhance the significance of Poole's heritage assets, which include locally listed buildings. It provides criteria against which proposals for development that affect any heritage asset should be considered. In particular, it informs at criterion (a) that early in the process there should be an assessment of the impact of development on heritage assets and justification of any harm or loss affecting the asset. It also requires at criterion (i) that development should enhance or better reveal the significance and value of the site within the street scene and wider setting.
27. Criterion (b) of Policy PP27 (Design) only permits development that does not result in the loss of trees that make a significant contribution to the character of the area. Criterion (c) permits development that would not result in a harmful impact upon the amenity of future occupiers considering, amongst other matters, levels of sunlight and daylight. The policy also contains requirements relevant to such matters as the design and layout of development.
28. Policy PP37 (Building sustainable homes and businesses), requires new development to contribute to tackling climate change. Criterion (b) informs that proposals should ensure that the orientation and design of development uses passive design features to minimise the need for such matters as artificial light and heating.
29. The CAMP provides a set of design codes that are guidelines for development in the CA. Code 1 requires that proposals seek to respect and maintain the dominance of the trees and vegetation, which is reinforced by Code 10. Code 2 relates to the demolition of important features within the CA. It

permits demolition where the character and appearance of the CA would be preserved or enhanced, but not where the building is important individually or as part of a group, suggesting that the removal of such buildings would be detrimental to the character or appearance of the CA.

30. Codes 4, 5 and 9 of the CAMP pay attention to materials, the orientation of development and gaps between buildings, whilst Code 12 seeks to retain a mix of building styles, advising that contemporary architectural styles are appropriate where they contribute to the traditional mixed development of the area.
31. The Council's Heritage Assets Supplementary Planning Document (HASPD) provides additional advice on, amongst other matters, the demolition or loss of significance of heritage assets and development within a CA. It also provides a list of development codes relating to, for example, landscape and biodiversity; materials; and height, scale and mass.
32. The relevant statutory duty in this case is imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. This requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a CA, when exercising planning functions.
33. The National Planning Policy Framework (the Framework) advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It requires clear and convincing justification for any harm to the significance of a designated heritage asset.
34. Paragraph 201 of the Framework deals with the loss of buildings that make a positive contribution to the significance of the CA. It informs that their loss should be treated as either substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the CA as a whole.
35. The Framework directs how development that would lead to substantial harm or less than substantial harm to a designated heritage asset should be considered.
36. Paragraph 197 of the Framework informs that, when considering applications that affect non-designated heritage assets the effect on the significance of it should be taken into account, and that a balanced judgement would be required having regard to the scale of any harm or loss, and the significance of the heritage asset.
37. Paragraph 192 provides a list of matters that should be taken into account when considering proposals for development that effect any heritage asset.
38. The Framework advises at paragraph 198 that all reasonable steps should be taken to ensure that new development will proceed after the loss of the whole or part of a heritage asset. Paragraph 191 deals with incidents of deliberate neglect or damage to a heritage asset.

Main Issue (i) - Protected Trees

39. The majority of trees on the site are protected by tree preservation order no 33/2002 (the TPO), which was confirmed on 20 December 2002. Any trees that are not protected by the TPO would, of course, be protected by reason of their location within the CA³.
40. With regard to the matter of trees, the Council's RFR relates only to the relationship between the proposed building and the Beech tree to the west, indicated as T1 Beech in the TPO. The second RFR states that the development would lead to pressure to remove or prune the tree to an extent that would undermine its long term health. However, at the hearing the Council raised further objections to the scheme following the receipt of the updated arboricultural information. These further objections relate to the proposed works to prune the Beech tree that would now be necessary in order to accommodate the development, and the effect of the development on other trees on the site. I have considered all of these matters in turn as follows.

Effect of the development on the Beech Tree (T1 of the TPO)

41. The AIA identifies the Beech (numbered T11 in the AIA), as a category A tree, which means it is of a high quality and value capable of making a significant contribution to the area for 40 or more years. Whilst it is not clearly visible from public vantage points, it is substantial and makes a significant contribution to the landscape setting of Wilderton House (WH) and, therefore, the wider area. In addition, it is common ground that the tree is in good health. For these reasons I conclude that the tree is of significant value in terms of its contribution to the character and appearance of the site and the wider CA.
42. The plan number TC2 in the AIA indicated that the footprint of the building would not be within the canopy of T1 and that no works were required to the tree, other than the recommended tree protection measures during construction. The conclusions of the AIA were supported in the appeal statement⁴ prepared by the appellant's arboricultural consultant.
43. As is noted above, updated arboricultural information was submitted by the appellant shortly before the hearing to correct the location of the T1 (T11) Beech and its canopy on the submitted plans. Plan number 1812 30A of the updated information demonstrates that the canopy of the tree would extend some 2.44 metres closer to the west elevation of the new building as proposed on the original plans and would marginally overlap its footprint. As a result, the appellant suggests that it would be necessary to prune the tree to provide a 2 metre clearance from the building by removing no more than 2.5 metres length from 3 small branches⁵.
44. Following the update the Council have added to their objections to the development as proposed in either the original or Wheatcroft plans with regard to the effect on the Beech tree, as set out in the representations submitted after the hearing⁶. It is suggested that the tree is 'close to

³ Section 211 of the Town and Country Planning Act 1990 as amended.

⁴ Treecall document entitled Appeal Statement for Wilderton House, 2 Wilderton Road, Poole BH13 6EE.

⁵ Paragraph 3.1 of the Treecall document entitled Additional Appeal Statement for Wilderton House, 2 Wilderton Road, Poole BH13 6EE dated 2 April 2020.

⁶ Received by email dated 19 August 2020.

becoming a veteran tree' and that, as such, the root protection area (RPA) should be greater than the standard buffer stated in the British Standard 5837:2012 - Trees in relation to design, demolition and construction – Recommendations (BS 5837). It is suggested that the RPA should be a minimum of 15 times the diameter of the tree trunk or 5 metres beyond the canopy, whichever is the greater. With regard to the proposed pruning, the Council are concerned that Beech trees do not respond well to pruning and that the proposed works would introduce decay through fungal pathogenic activity.

45. Dealing first with the status of the tree, whilst I acknowledge the Council's representations in this regard, it is common ground that it is not a veteran tree, as defined in the Framework. As such, the provisions of paragraph 175 c) are not engaged⁷. Nevertheless, it is common ground that the tree is a mature specimen.
46. With regard to the RPA for the T1 (T11) Beech, paragraph 4.6 of BS 5837 provides a method for calculating the RPA of a single stem tree, which should be the equivalent of a circle with a radius 12 times the trees' stem diameter. BS 5837 does not suggest that the calculation should be amended for older trees. It does, however, advise on circumstances where root disruption may have occurred, but suggests that modifications to the shape of the RPA should be based on a sound arboricultural assessment.
47. Whilst I note the Council's concerns with regard to the extent of the RPA, the appellant clearly does not agree. I have not been advised that either party has undertaken an investigation on site to show the actual extent of the RPA for the Beech tree. Furthermore, no further guidance has been drawn to my attention which indicates that a greater RPA than that suggested in BS 5837 ought to be applied because of the age of the tree. Accordingly, I have insufficient evidence to conclude that a greater RPA than that suggested in the appellant's arboricultural assessments for T11 is required.
48. Notwithstanding the above, the appellant's updated arboricultural information shows an RPA that would now slightly overlap the footprint of the building proposed on the original plans, where there would be a projecting element on the west facing elevation. Whilst this is noted, there is a suggested condition requiring the development to be carried out in accordance with the arboricultural method statement, which proposes special measures for development within the RPA of any tree. Subject to the imposition of a condition that would require such measures during demolition and construction, I am satisfied that the development would not cause an unacceptable degree of harm to the tree by reason of its effect on the tree's roots.
49. Turning to the pruning works required to accommodate the development proposed on the original plans, I note the Council's post hearing representations with regard to the extent required to achieve good arboricultural practice. Whilst the appellant suggests that the required pruning would result in wounds of up to 60mm in diameter, the Council are of the view that such cuts would leave truncated branches with no growth points. It suggests a greater degree of pruning back to growth points along

⁷ Paragraph 175 c) of the Framework - development resulting in the loss of veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

the affected branches would give the best opportunity for the tree to compartmentalise the wounds created. The Council suggests that this would, however, create wounds in excess of 100mm in diameter. It is also suggested that with either 60mm or 100mm wounds, the tree would still struggle to compartmentalise the wounds effectively.

50. The appellant's arboricultural consultant suggests that the proposed pruning is unlikely to be of detriment to the health of the tree as it is in accordance with the recommendations in the British Standard 3998:2010 Tree Works – Recommendations (BS 3998)⁸. This aside, the appellant has not provided additional commentary with regard to the ability of this particular species to respond to the proposed pruning.
51. BS 3998 is a guidance document and its recommendations with regard to the size of cuts and corresponding number of cuts is applicable to all species. The document acknowledges at paragraph 7.2.2 that the degree of pruning should be controlled according to the ability of the species to react defensively against wounding. In this regard I am persuaded by the Council's evidence in terms of the effect that the works would have on a tree of this particular species and note that the Council's arboriculturalists had objected to any works to this tree early on in the application process.
52. Having regard to the above, there is a sufficient degree of doubt that the development that is the subject of the Council's decision notice would result in detriment to the long term health of the tree. I have concluded that the tree is of significant value by virtue of its contribution to the character and appearance of the site and the wider area. Its loss would, therefore, have a harmful effect on the significance of the CA.
53. In view of my conclusion above, I now turn to consider the effect of the development proposed in the Wheatcroft plans on the protected Beech tree. The amended scheme shifts the west facing elevation of the building by some 1.8 metres to the east, moving it away from the Beech tree. The appellant has confirmed⁹ that the development would not result in the need for any pruning works to the tree, even to accommodate scaffolding needed during construction; the degree of separation between the tree's canopy and the development would be sufficient. The Council does not disagree with this assessment in its post hearing correspondence and suggests that the development can take place with 'no or very little pruning of small diameter branches'. In this regard it is unlikely that the development on the Wheatcroft plans would cause harm to the tree.
54. It is likely that the RPA for the Beech tree suggested by the Council would still overlap the footprint of the Wheatcroft plans scheme. However, having regard to my conclusions above on the necessary RPA for the original scheme, I cannot identify any harm in respect of a development that would shift the footprint further away from the tree. If anything, the amendment to the position of the west facing elevation should alleviate, to a degree, the Council's concerns with regard to the RPA.

⁸ Paragraph 3.1 of the Treecall Additional Appeal Statement dates 2 April 2020.

⁹ Treecall letter dated 12 August 2020.

Pressure for future works to the Beech

55. Notwithstanding the Council's case with regard to the matter considered above, it is suggested that, due to the close relationship of the Beech tree's canopy to the building as proposed on either the original or Wheatcroft plans, the development would result in future pressure for pruning and that this would ultimately result in the loss of the tree. At the hearing the Council suggested that, as the canopy of the tree would be closer to the building than originally shown on the AIA, its concerns in this regard would be greater.
56. I have not been advised of any previous proposals for works to this or any other tree on the site and I acknowledge that the closer relationship of the tree's canopy to the built development may well result in applications to prune the tree where there were none before. Indeed, having noted the condition of the landscape setting of the appellant's other developments in the area referred to during the hearing, it is likely that the landscaping of the site would be closely managed and maintained if the proposed scheme were to be built. However, the appellant suggests that the overall lack of maintenance of the shared garden results from the current ownership arrangements. As such, increased pressure for tree pruning might occur were the existing site to be properly managed and gardens regularly maintained.
57. Notwithstanding the above, it was agreed that future works to the tree would require the consent of the Council, allowing the Council to scrutinise any such proposal and refuse them if not acceptable. I acknowledge that the Council would have to have regard to its guidance on proposals for works to trees¹⁰, which suggests that applications for pruning of branches to provide a 2 metre separation between buildings and foliage are routinely approved. However, this is a guidance document; any future application for works to the tree should be considered on the basis of all relevant information, including the merits of the case.
58. Having regard to the above, and notwithstanding my conclusions with regard to the effect of the works necessary to accommodate the new building as proposed on the original plans, whilst I acknowledge that the development in that scheme may well result in applications to prune the tree in the future, I am unable to conclude that this is a reason to withhold permission for the development. The Council would ultimately have control over any future works to the tree in order to ensure that its health is safeguarded and that it continues to enhance and better reveal the significance and value of the appeal site within the street scene and wider setting, as required by criterion (i) of Policy PP30.
59. With regard to the development proposed on the Wheatcroft plans, the shift in the west facing elevation of the building would not alter my conclusion with regard to the pressure for pruning. Again, this amendment should alleviate, to a degree, the Council's concerns with regard to future pressure for pruning of the Beech.

¹⁰ Entitled TPO and Tree Work Application Information Sheet No. 1 dated October 2014 – provided at Appendix B of the appellant's additional arboricultural appeal statement

Effect of the development on other trees on site

60. As already noted, all trees on the site are protected by virtue of the TPO or their location within the CA. The appellant confirms that a number of trees would be removed to facilitate the development, but states that these are not readily seen from Wilderton Road and offer a low level of public amenity value. The Council's decision notice does not contain an objection to their removal or to the works to other trees on the site that are recommended within the AIA.
61. Notwithstanding this, having been alerted to the incorrectly drawn location of the T11 Beech tree on the AIA, the Council have expressed concern in its post hearing representation about the accuracy of the AIA with regard to the other trees on the site. At the hearing there was some discussion about the tree identified as T15 in the AIA. The Council say that following the hearing they have undertaken their own survey of the location of this tree and believe that its position is also inaccurately drawn. It is suggested that had an accurate arboricultural assessment been submitted, the Council's refusal would have also included reference to the effect of the development on this and possibly other trees on the site.
62. The appellant has responded to this and, having discussed the Council's late representations with the surveyor who plotted the trees in the AIA, confirms that the only mistake on the AIA was the location of the T11 Beech tree.
63. The timeliness of both the updated arboricultural information and response to this from the Council is unfortunate. However, my decision must be made having regard to the information that is before me. Whilst I acknowledge the Council's representations regarding their brief site survey of tree T15, it is confirmed that no other trees were surveyed¹¹. Furthermore, the Council's representations have not been accompanied by a detailed assessment of the potential impacts of the development on this or any other tree on the site, if indeed those trees have been incorrectly drawn. From the appellant I have confirmation that the AIA is accurate, save for its reference to the location and canopy spread of the Beech tree.
64. All things considered, I have insufficient evidence to disagree with the AIA with regard to the effect of the development in the original scheme on all trees on site, save for the Beech. Accordingly, my conclusions with regard to the effect of the original scheme on the Beech tree do not extend to its effect on other trees on the site.
65. As for the effect of the Wheatcroft plans scheme on other trees on the site, other than the Council's representations with regard to the accuracy of the original AIA, no additional concerns have been raised. Whilst the amended scheme would move the position of the west facing elevation of the building, there are no significant changes to the proposed location of any other elevations. Accordingly, my conclusions with regard to the effect of the original development on other trees on the site have not altered with the amended scheme.

¹¹ Page 3 of the Council's post hearing representation received on 19 August 2020.

Overall conclusion on main issue (i) - the effect of the development on protected trees

66. For the reasons given above the development as proposed in either scheme would be acceptable with regard to its effect on other trees on the site. I do not find conflict with criterion (b) of Policy PP27 or Policy PP30 in this regard. There would also be no conflict with the CAMP.
67. I have, however, found harm with regard to the proposed works to the Beech tree that would be necessary to accommodate the development proposed on the original plans and the effect these works would have on the long term health of the tree. For this reason the proposed development that is the subject of the Council's decision notice would have an unacceptable effect on a protected tree on the site, in conflict with criterion (b) of PLP Policy PP27 and Policy PP30. The scheme would also conflict with design codes 1 and 10 of the CAMP, which require development to respect and maintain the dominance of trees, and protect trees that contribute to the amenity of the CA.
68. The development proposed on the Wheatcroft plans would not have the same effect on the Beech tree. Furthermore, the Council would have sufficient control over any proposals to prune the tree in the future. Accordingly, the development in the Wheatcroft plans would not conflict with PLP policies PP27 and PP30, or the CAMP.

Main Issue (ii) - Loss of a Non Designated Heritage Asset

Significance of WH as a heritage asset

69. The statement of common ground confirms that the building on the site has been included in the local list for its architectural interest. 'Architectural interest' is one of the criteria provided in the HASPD for the selection of local heritage assets. The HASPD confirms that it is more common that the architecture of assets is unknown, but they are of good quality and design reflecting period detail and style¹².
70. The CAMP provides a limited list description for the building and states that it is a late Victorian mansion that has been altered in the late 20th century.
71. The extracts from the historical maps confirm that WH is one of the oldest buildings on the Branksome Park estate, built a short time after the estate roads were laid out. The Council state that the building appears on the 1870 OS map and point to the 'rich architectural detailing, the varied rooflines and slopes' on the building, as well as the 'high quality brickwork, stonework, embodied craftsmanship and internal fittings'.
72. At the site visit I was able to appreciate the varied rooflines described by the Council as well as some of the architectural detailing, stonework and brick patterns. These elements were most visible in the upper floors of the building. Whilst there are some less than sympathetic alterations to these upper floors, the roof of the building is interesting, as is the detail in the eaves and brickwork on the first floor.

¹² Page 41 of the HASPD.

73. Throughout the building there is, however, an obvious lack of consistency in the type and age of windows, as detailed in the appellant's Heritage Assessment¹³. Some of the replacement window units, including the UPVC and metal casement windows, are particularly unsympathetic, especially where openings have been altered to accommodate a more modern window. I find the overall mix in fenestration harmful to the building's appearance.
74. In addition to this, certain alterations and extensions on the ground floor have had a significant effect on the character and the appearance of the building. The large external staircase and first floor balcony dominate the north facing elevation of the building, particularly when viewed from the entrance drive into the site. Whilst an attempt has been made to replicate the corner brickwork of the original house, its design is wholly unsympathetic, particularly as it obscures so much of the north facing elevation, including the large window opening for the main stairway within the building.
75. The view of the building from the driveway is also dominated by the single storey flat roof extension, which the appellant suggests became the principal entrance to the building in the early 20th century. Although its design and detailing are more sympathetic to the original building, it is an uncomfortable addition, particularly when viewed alongside the external staircase and balcony described above.
76. A pitch roof and larger flat roof single storey has been added to the north west corner of the building. The flat roof addition is poorly designed and detracts from both the north and west facing elevation. Similarly, the lean to conservatory on the south facing elevation is also an insensitive addition, although I acknowledge that this is a small light weight structure.
77. Whilst I acknowledge that the mature landscape around the building is largely retained and enhances its immediate setting, built development within the appeal site, including the block of garages close to the site's entrance, have a detrimental effect on the character of the building and the wider appeal site. Indeed, this development, together with the other alterations and extensions described above, detract from the building's architectural interest and effect the ability to appreciate its value in this regard.
78. In the parts of the building I saw internally it was evident that little thought had been given to its historic features and layout when it was sub divided to accommodate the flats present today. For example, whilst the internal staircase and banisters were intact, this communal area has been cut off from what would have been the main entrance hallway, which is now wholly contained within flat 1. Internal walls have been added to the landings, which have clearly altered the layout of these areas. I also saw that certain rooms have been rearranged and altered extensively.
79. I acknowledge that the building still retains certain internal features of note. These include the main staircase, some fireplaces, tiled floors, some timber panelling and joinery. However, the layout of the building has been extensively altered, so much so that it is difficult to appreciate the value of the majority of the remaining original features it contains. The layout of the original Victorian villa is no longer legible.

¹³ Section 4 of Cotswold Archaeology Heritage Assessment July 2018.

80. The above findings are compounded by the deteriorated state of WH and the lack of repair and maintenance in recent years. The appellant's building survey¹⁴ and building condition survey¹⁵ highlight a significant number of problems with regard to the condition and structural stability of the building. The report confirms that most external elements of WH are in need of repair. For example, it confirms that the single glazed windows are in poor condition with a number of cracked panes; most timber frames have peeling paint and areas of rot; soil and vent pipes have peeling paint and corrosion of metal is visible; and throughout the roof areas chipped, loose, missing and broken tiles were noted on all slopes.
81. The Council do not dispute the appellant's findings with regard to the state of disrepair of WH. The building's poor condition and the need for repair is acknowledged in the Officer's report and heritage conservation comments. Indeed, I was able to gain an understanding of the particularly poor condition of the building during my site visit. I was able to see examples of many of the problems noted by the appellant in both the building survey and building condition survey. For this reason I agree with the appellant, that the building's condition has severely affected its appearance. This has affected its value in terms of its architectural interest, particularly as so many of the building's important features have been degraded by damage to them, caused by a lack of repair and maintenance.
82. With regard to other aspects of its value, the Council suggest that WH is within a group with two other similar locally listed Victorian villas¹⁶ in the northern part of the CA. The Council suggest that at least two of these buildings may have been designed by the same architect, although it has not been possible to identify the architect in question. Whilst I note the Council's suggestions in this regard, it is difficult to appreciate the value of WH as part of this group of three as there is a significant degree of more modern intervening development.
83. The Council also suggest that WH is one of around 30 pre 1910 buildings within the CA as a whole and that such buildings within the CA are becoming rare. I acknowledge that the age of the building within the Branksome Park estate is noteworthy and that WH has withstood the evolution of the estate around it. However, the Council acknowledge that other buildings of this period within the CA are better maintained and in a better condition than WH. The CAMP states that there are around 300 buildings¹⁷ in the CA¹⁸. As such, around 10% of buildings are from the pre 1910 period. This indicates that such buildings are well represented in the mix of architectural styles and periods found in the CA. Furthermore, the other buildings in the CA of this architectural period that are noted by the Council provide better examples.
84. In summary on the matter of the significance of WH, I acknowledge the value the Council place on the building. The building has value as it dates from the conception of the Branksome Park Estate and is an example of the large Victorian villas that would have characterised the estate in the pre 1910 period. However, the deteriorated condition of the building, together with the

¹⁴ Elcock Associates Building Survey dated 30 August 2017

¹⁵ Calcinotto Building Condition Survey dated November 2017

¹⁶ Victoria School and 8 Park Manor

¹⁷ Paragraph 1.4 of the CAMP.

¹⁸ The extent of the CA as identified on page 8 of the CAMP.

alterations, extensions and built development within its curtilage have all had a significant effect on its architectural interest and the ability to appreciate that interest. Accordingly, I conclude that the significance of WH as a heritage asset is low.

Effect of the development on the significance of WH

85. Notwithstanding the above, the development in both the original and Wheatcroft scheme would result in the total loss of the heritage asset and, therefore, its significance. As I have concluded that the significance of the building is low, the weight to be afforded to the harm resulting from its loss is also low. Nevertheless, such harm weighs against the development in either scheme.

The paragraph 197 balance

86. Paragraph 197 of the Framework informs that in cases that affect non-designated heritage assets a balanced judgement is required, having regard to the scale of any harm or loss, and the significance of the heritage asset. With regard to the other matters that I take into account when considering that balance, paragraph 192 of the Framework points to the following:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.

I have considered each of these in turn as follows.

87. Whilst the building accommodates 7 flats, only two are occupied at present. As such, effective use of the building is not being made. The appellant's building surveys suggest that it is not safe for occupation and does not comply with current standards of, for example, fire safety¹⁹. The building survey provides an indication of the cost of repair in order to improve the condition of the building so that all flats can be safely occupied. This cost is £2,032,405²⁰. The Council do not dispute this. Accordingly, it is unlikely that the remaining 5 vacant units would be occupied without substantial and costly repair works. Indeed, the Council acknowledge that the condition of the building is such that continued occupancy is questionable²¹.
88. The appellant owns 5 of the 7 flats, with the remaining two flats each being in separate ownership. The appellant has explained the difficult situation with regard to the current legal arrangements relating to the ownership of the building. In short, if the appellant were to undertake any works of repair or maintenance to the building, there is no mechanism to require the other owners to contribute to the cost of the works. Similarly, there is no mechanism for the appellant to require the free hold owner of the building (who is also the owner of one of the two other flats) to undertake any works

¹⁹ Page 37 and 38 of the Elcock Associates Building Survey dated 30 August 2017

²⁰ Page 42 of the Elcock Associates Building Survey dated 30 August 2017

²¹ Planning officer's report.

of repair or maintenance. Whilst the Council suggest that the legal arrangements could be changed, it has not identified how this can be done.

89. The appellant could, of course, purchase the two occupied flats²² and, therefore, take full ownership of the building. In these circumstances the ownership issues could be resolved. However, I appreciate that the appellant would only do this if there was certainty that a return on the investment could be achieved.
90. In this regard, the Council point to the value of the 7 flats as indicated in the viability appraisal and suggest that the refurbishment of the building would be viable. At the hearing the appellant confirmed that the prospect of a scheme for the site that would retain the building has been explored and that this would be unviable. It was suggested that the value of the flats, if repaired, would not be comparable to others in the area as, for example, most would not have access to a private balcony, which is a common feature for flats on the estate. Accordingly, the continued residential use of the building is unlikely to occur. In addition, the appellant states that, in view of the extent of repairs needed, the works would in all likelihood result in the loss of much of the historic value of the building. The appellant has confirmed that it would only take full ownership of the building if permission is granted for the development subject of this appeal.
91. The Council suggests that there could be other viable schemes or alternative uses that would allow the building to be retained. However, no such schemes have come forward and I have not been made aware of examples of any possible or probable alternative uses that might be viable, bearing in mind the predominantly residential context of the site that might also limit the types of alternative uses that would be appropriate. Whilst I acknowledge that the degree to which alternative schemes have been explored in this case is limited, I am conscious of the significant costs of repair of WH that has been highlighted by the appellant. This cost would only repair the building and make it safe for use as 9 flats. It does not, of course, include the cost of any alterations and development that might be needed to allow an alternative use.
92. Having regard to all of the above, whilst I acknowledge that sustaining and enhancing the significance of this heritage asset is the preferred outcome, the evidence before me suggests that, on balance, it is unlikely that this can be achieved in this particular case or that there would be a viable use of the building that is consistent with its conservation²³.
93. This also brings into question the contribution that conservation of this heritage asset could make to sustainable communities²⁴. Whilst its residents have access to everyday services and open space, the existing building does not support their well-being in so far as their living conditions cannot be described as safe. Furthermore, the building is under occupied at present with little prospect of the vacant units being brought into a condition that would allow for their safe occupation. For these reasons it is difficult to conclude that its continued conservation in its current condition would make a

²² The appellant explained during the Hearing that they had secured an option to purchase the two remaining flats.

²³ Paragraph 192 a) of the Framework.

²⁴ Paragraph 192 b) of the Framework.

positive contribution in support of a strong vibrant and healthy community, which is a social objective of sustainable development²⁵.

94. I acknowledge that there is a general presumption in favour of retaining any heritage asset. In most cases, their retention would be in line with the environmental objective of sustainable development. However, the appellant is clear that the only outcome in the event that permission is refused would be that the condition of the building deteriorates further. I can see no reason to dispute this outcome. The evidence does not demonstrate that there is a clear path out of the legal situation which at the moment prevents the repair and maintenance of the building. Furthermore, as stated earlier, I have no evidence of any likely alternatives that would result in the condition of the building being improved. The evidence before me only indicates that the building is not able to enhance the historic environment going forward, which is an environmental objective of sustainable development²⁶.
95. Turning to the new development proposed, the schemes in both the original and Wheatcroft plans would add to housing stock in the area. The officer's report takes account of the 7 existing flats and suggests that the provision of a further 18 units on site would make a small contribution. The Council's planning policy and implementation team, on the other hand, describe this addition as significant. Notwithstanding this, the evidence before me indicates that the 7 flats on site are unsafe and should not be occupied. Taking this into account, the scheme would make a contribution to the housing stock of an additional 25 residential units that are safe and habitable, which is a significant increase. The development would also make a contribution to affordable housing. These matters weigh in favour of allowing the demolition of the heritage asset in this case.
96. Although a matter I consider in more detail later in this decision, I note that the schemes in both the original and the Wheatcroft plans propose a building that has a contemporary design. This would add to the mix of architectural styles that is characteristic of the local area. It would also result in the removal of the existing garage building on the site, the design and condition of which detracts from the character and appearance of the site and surrounding area. Furthermore, having viewed the examples that were drawn to my attention of other of the appellant's developments in the area, either scheme would improve the overall condition of the site going forward.
97. Notwithstanding this, the development proposed in the scheme that is subject of the Council's decision notice is likely to result in the loss of the protected Beech tree. The development would not, therefore, adequately retain and enhance the important landscape setting of the site. For this reason I cannot conclude that the new development would make a positive contribution to local character and distinctiveness²⁷, despite my findings in the paragraph above. This would weigh against the development proposed in the original scheme.
98. The development proposed in the Wheatcroft plans would, however, sufficiently retain the important landscape setting of WH and enhance the retained trees with additional landscaping and landscape management. For

²⁵ Paragraph 8 b) of the Framework.

²⁶ Paragraph 8 c) of the framework.

²⁷ Paragraph 192 c) of the Framework.

these reasons the development proposed on the Wheatcroft plans would accord with paragraph 192 c) of the Framework.

99. In summary on the matter of the paragraph 197 balance, I acknowledge that there is a general presumption in favour of retaining any heritage asset. However, for the reasons given above, I have attributed a low degree of harm to its loss.
100. Balanced against this I have found that there is little prospect of the existing building being put to a viable use consistent with its conservation. The contribution the building currently makes to a sustainable community is limited. For the reasons already given above, the building is also likely to further deteriorate in the future, should permission be refused.
101. I have identified benefits with regard to additional housing stock and affordable housing. I am also satisfied that, due to the extent of the appellant's investment in the site so far and having secured an option to purchase the two remaining flats, the development would proceed after the loss of the heritage asset has occurred, in accordance with paragraph 198 of the Framework.
102. In this balancing exercise I have also taken account of the contribution new development would make to local character and distinctiveness. I have not, however, identified any benefit in this regard in the case of the scheme proposed in the original plans. Considering this and all other matters above, the balance would not tip in favour of allowing the demolition of the non-designated heritage asset to make way for the development proposed in the original plans.
103. In contrast to this, I have found that the new development proposed in the Wheatcroft plans would make a positive contribution to local character and distinctiveness. This adds weight in favour of the scheme and tips the balance in favour of allowing the demolition of the non-designated heritage asset to make way for the Wheatcroft plans development.

Overall conclusion on main issue (ii) - the loss of a non-designated heritage asset

104. I have had regard to PLP Policy PP30 and note that criterion (i) requires that development seeks to enhance or better reveal the significance and value of the site within the street scene. I also note that criterion (a) acknowledges that there are circumstances where the harm to, or loss of, a heritage asset might be justified.
105. Having regard to my findings above, I conclude that the loss of the local heritage asset as proposed in the original scheme is unacceptable. The demolition of WH is not justified to make way for the development in that scheme and for this reason it would conflict with Policy PP30.
106. The demolition of WH is, however, justified in the case of the scheme proposed on the Wheatcroft plans. The loss of the local heritage asset as proposed in that scheme would, therefore, be acceptable and would not conflict with Policy PP30 when read as a whole.
107. Whilst the CAMP deals with demolition, it is concerned with the effect of the demolition on the character and appearance of the CA. I have, therefore, considered this guidance in the following section of this decision.

Main Issue (iii) - Designated Heritage Asset

Significance of the BPCGCA

108. As I have noted earlier in this decision, the CAMP describes the CA as having a spacious sylvan character, where trees and vegetation dominate the streetscape. It particularly notes the road layout, dense evergreen hedges, turf embankments, generous wooded plots and low density. Whilst in general few buildings are clearly visible, the CAMP acknowledges the varied architecture within the CA. Earlier in this decision I also refer to my site visit where I was able to appreciate the mature trees and dense woodland that dominate the CA, as well as the informal layout of the Branksome Park Estate and mixture of architectural styles and periods. I note that Wilderton Road is typical of this character.
109. Having regard to the above, the significance of the BPCGCA is derived more from its landscaping and the layout of the area, rather than from the buildings it contains. Built development within the CA adds to its significance as a result of the mix of building styles that have clearly developed over the life of the estate. That mix is evident within the vicinity of the appeal site.

The contribution WH and the appeal site make to the significance of BPCGCA

110. The appeal site is occupied by a large detached building and an associated garage set within a large plot. The plot is typical of the sylvan character of the CA due to the significant presence of mature trees and vegetation on the site, particularly close to the boundaries. The natural landscaping within the site, which includes the protected T1 Beech tree, makes a positive contribution to the character and appearance of the BPCGCA.
111. As for built development on site, earlier in my decision I acknowledge the positive architectural features of WH that are more evident in its upper floors and include the varied roof lines, stone detail and brickwork. However, I have also noted that the building has been extensively altered and extended, which has had a significant detrimental effect on its character and appearance. Whilst WH provides a historic example amongst the varied architectural styles found in the CA, it is an example that is in a particularly poor condition where alterations and extensions have compromised its value. This is compounded by the block of garages within the plot that are poorly designed and are also in need of attention. These have a particularly detrimental effect on the setting of WH and the wider CA.
112. With regard to the poor condition of WH, earlier in my decision I note a number of elements of the building that are highlighted in the appellant's building survey and building condition report, which is not disputed by the Council. Many of the external elements that are in need of repair have a significant detrimental effect on the appearance of the building. For example, the variety of window types and age within the building is made worse by their overall poor condition; many have flaking paint, cracked window panes or have been boarded over.
113. In the written submissions the Council had referred to paragraph 191 of the Framework²⁸. This is also a matter that has been raised by interested parties.

²⁸ Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

It was, however, agreed during the Hearing that the condition of the building is not as a result of deliberate neglect. The guidance in paragraph 191 is not, therefore, engaged.

114. Whilst the CAMP states that the building has a 'fair condition', the appellant refers to a listing description provided by the Council²⁹ in which it states that the 'building is in poor condition and in need of repair'. The Council indicate that this description is within the HASPD. The CAMP dates from 2006 and the HASPD is more recent, dating from 2013. The period between the publication of the two documents might explain the difference in the description of the condition of the building these provide. Since 2013 its condition is likely to have deteriorated further, particularly as the appellant points to evidence of a clear lack of maintenance in recent years.
115. Whilst I acknowledge that the CAMP identifies WH as a key building within the BPCGCA, the role WH now plays in the CA has been significantly affected by its deteriorated condition, made worse by the condition of the garage building within its setting.
116. For the reasons set out above, whilst the site overall retains features that make a positive contribution to the significance of the CA (including the size and location of the building within the plot, certain features it retains, its landscape setting and the spaciousness of the plot), I conclude that the contribution WH itself now makes to the significance of the CA has been materially affected by its deteriorated condition.

Effect of the demolition of WH on the significance of the BPCGCA

117. With regard to the harm caused to the CA by the loss of the building, whilst the Council's Planning Policy and Implementation team suggest this would be less than substantial, the Council's RFR indicates that the harm would be substantial³⁰. The Council's heritage conservation comments point to the rarity of the Victorian villa that is still in residential use, and the period details and qualities as the reason for this conclusion.
118. I have already acknowledged the architectural features that the building still retains but have found that the appreciation and value of these have been affected by the unsympathetic alterations to the building, combined with its deteriorated state. As for the rarity of the building, I have also considered this earlier in my decision and conclude that WH as an example of a building of its architectural period is not particularly rare within the CA. The other buildings noted by the Council provide a better example within the CA of buildings of this period.
119. As noted earlier in this decision, paragraph 201 of the Framework deals with the loss of buildings that make a positive contribution to the significance of the CA. It informs that when determining the harm that should be attributed to their loss, account should be taken of the relative significance of the element affected and its contribution to the significance of the CA as a whole.
120. Having regard to my conclusions above with regard to the significance of WH itself and its contribution to the significance of the CA as a whole, I conclude

²⁹ Paragraph 3.11 and 3.12 of the appellant's Heritage Appeal Statement by Savills

³⁰ Chapter 16 of the Framework.

that the loss of WH would cause less than substantial harm to the significance of the BPCGCA heritage asset.

Effect of the new development proposed on the significance of the BPCGCA

121. As I note above, both the original and the Wheatcroft plans schemes propose a building that has a particularly contemporary design. Both schemes include flat roofs, large areas of glazing and light coloured materials. Elevations are alleviated with some recessed windows and balconies, as well as a reduced depth to the upper floors.
122. The Council suggest that there is an 'ad-hoc' arrangement of different framed horizontal and vertical elements and that there is inconsistency of approach to the glazing within these framed elements. It also suggests that the building lacks visual cohesion and architectural rhythm.
123. The building proposed in either scheme would be unashamedly modern, but to my mind the varied approach to glazing, materials and external features is typical of a contemporary design. Both proposals have detailed elevations which add interest to their appearance.
124. I acknowledge that there has been no attempt in either scheme to replicate the materials, architectural features or overall design of the building to be replaced. This is not, however, to the detriment of either scheme. The appeal site is in an area that is characterised by a mix of architectural styles and materials, where no one style or type of materials are prevalent. This is acknowledged in the CAMP. I agree with the Council, that the development proposed in either scheme would not be of such exceptional design as to make them unique or ground-breaking. However, a building of the style proposed in either scheme would not be out of accord with the character of built development in the surrounding area.
125. Both schemes propose the removal of the existing garage building and WH, and their replacement with a single principle building set within the existing plot, together with a bat roost and an open sided bin and bicycle store. Whilst the scale of the building proposed in either scheme would be greater than WH, the development would be comfortably accommodated within the plot and a substantial setting to the building would be retained. The development in either scheme would not affect the layout of the estate or cause detriment to the layout of the site, which is an important feature of the existing site that makes a positive contribution to the significance of the CA.
126. Although larger than WH, the development in either case is similar in proportions to other buildings that have been drawn to my attention within the surrounding area of Branksome Park. The building would not be prominent when viewed from Wilderton Road, by reason of its position within the plot and the retention of the vast majority of the mature landscape setting between the building and the road. As it is likely that there would only be glimpsed views of the new building from the highway, the development would be in keeping with the St. Aldehelm's Road and Wilderton character area, as identified in the CAMP.
127. I note earlier in this decision that the development would result in the removal of the existing garage on the site. Whilst not a prominent building, this still has a detrimental effect on the significance of the CA in this location

by reason of its poor design and deteriorated condition. Furthermore, having viewed the examples that were drawn to my attention of other of the appellant's developments in the area, the scheme would also improve the overall condition of the site going forward.

128. Where the two schemes differ is the effect of the new development proposed on the landscape setting of the site. I acknowledge that both schemes would provide an opportunity for new planting and landscaping enhancement, as well as the maintenance of all retained trees and planting on the site. However, I have found it likely that the original scheme would result in the loss of the Beech tree. As concluded earlier in this decision, the Beech tree is of significant value in terms of its contribution to the character and appearance of the site and the wider CA. Accordingly, the original scheme would cause an unacceptable degree of harm to the significance of the BPCGCA heritage asset by reason of the loss of the Beech tree. The scale of harm to the CA as a whole from the loss of a single tree would in this case be less than substantial³¹.
129. The new development proposed in the Wheatcroft plans would not have the same effect. The scheme would adequately retain the important landscape setting as well as providing opportunity for enhancement and maintenance of the mature trees on site. For this reason, and having regard to my findings above on the design, materials, scale, location and overall form of the new development proposed on the Wheatcroft plans, I conclude that this scheme would have a neutral effect on the significance of the BPCGCA heritage asset. There would, however, be a positive effect on the significance of the CA from the removal of the garage building and an improvement to the condition of the site.

The less than substantial harm balance (paragraph 196)

130. I have identified less than substantial harm with regard to the effect of the loss of WH on the significance of the CA. I have also identified less than substantial harm with regard to the loss of the Beech tree that would in all likelihood result from the development proposed in the original scheme. In these circumstances, paragraph 196 of the Framework makes it clear that where less than substantial harm to the significance of a designated heritage asset would occur then this has to be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. In undertaking this balance, I have again considered the provisions of paragraph 192.
131. Both schemes are viable even if the necessary contributions set out in the SOCG are made. The development would result in a significant increase of 25 safe and habitable residential units, not including the existing 7 units as discussed earlier in this decision. Furthermore, the development would make a contribution to affordable housing. Together these add substantial weight in favour of the development proposed in either scheme.
132. As noted above, the development would also see the removal of the garage building, as well as an improvement to the overall condition of the site. Both would have a positive effect on the significance of the CA. These matters also weigh in favour of the development.

³¹ Considered in the context of chapter 16 of the Framework, in particular paragraph 196.

133. I acknowledge that neither scheme would secure the optimal viable use of WH. I have, however, concluded above that it is unlikely that there would be any viable use of the building that is consistent with its conservation. Indeed, I have already concluded that its retention is unlikely to make a positive contribution to sustainable communities, having regard to the unsafe condition of the building and the lack of any prospect of its repair in order to safely continue the residential use. To my mind these are public interest matters that must be considered in the balance, along with the likely further deterioration of the building in the future and the effect that would have on the significance of the BPCGCA heritage asset.
134. With regard to the new development, I have concluded earlier that the scheme proposed in the Wheatcroft plans would make a positive contribution to local character and distinctiveness as it would sufficiently retain the important landscape setting of WH and improve this going forward. I have not, however, identified the same public benefit in respect of the scheme proposed in the original plans.
135. The appellant has pointed to other matters that are of benefit to the development, such as the contribution towards the Dorset Heathlands Mitigation Strategic Access Management and Monitoring, and the Poole Harbour Recreation Strategic Access Management and Monitoring. As the matters listed only mitigate the effect of the development, they would have a neutral effect in this balancing exercise.
136. In summary on the less than substantial harm balance, I acknowledge that paragraph 193 of the Framework advises that I give great weight to the conservation of a heritage asset and that any harm to its significance requires clear and convincing justification.
137. With regard to the scheme of development proposed in the original plans, whilst I acknowledge the public benefits of the scheme, along with the likely outcome for the building and the site should permission be refused, I conclude that these are not outweighed when account is taken of the total harm to the significance of the BPCGCA that would be caused by the loss of both WH and the Beech tree.
138. The harm from the loss of the Beech tree is, however, unlikely to occur in the scheme proposed on the Wheatcroft plans. By removing this harm, the balance is tipped in favour of allowing that scheme. Whilst my conclusion is finely balanced, I have found sufficient justification for the harm caused to the significance of the BPCGCA by the development proposed on the Wheatcroft plans.

Overall conclusion on main issue (iii) - Whether or not the development preserves or enhances the character or appearance of the BPCGCA

139. I have had regard to PLP Policy PP30 and note criterion (ii) of the policy informs that development within CA's should seek to retain buildings that make a positive contribution to the CA. Whilst the Council consider WH as such a building, I have concluded that the contribution the building makes to the significance of the CA has been significantly hampered by its deterioration up to now. As I have noted earlier, criterion (a) acknowledges that there are circumstances where the harm to a heritage asset might be justified.

140. In the case of the scheme proposed in the original plans, I have not found sufficient justification for the total harm that would be caused by that scheme. For this reason I find conflict with Policy PP30 as well as the CAMP.
141. In addition to this (and as I have already concluded when considering the first main issue in this appeal), the harm to the significance of the heritage asset that would result from the likely loss of the Beech tree would also conflict with Policy PP30 and the CAMP. For these reasons the development would neither preserve nor enhance the character or appearance of the BPCGCA heritage asset³².
142. With regard to the development proposed on the Wheatcroft plans, I have found sufficient justification for the harm that would result from that scheme. I have concluded that the new development proposed would preserve the significance of the BPCGCA heritage asset, and that the removal of the garage building and improvement to the condition of the site would have a positive effect. For these reasons I do not find conflict with Policy PP30 when read as a whole.
143. As for the design codes within the CAMP, whilst I note the requirements of Code 2 with regard to demolition in the CA, for the reasons set out above there would be sufficient justification in this case. The Wheatcroft plans development would comply with codes 1 and 10 as it would respect and maintain the dominance of the trees and vegetation within the CA. Similarly, compliance with codes 5 and 9 would be achieved as the development in either scheme would largely retain the orientation of WH and the existing gap between it and other neighbouring development. I have also found the materials proposed would be largely appropriate, as required by Code 4, and the contemporary design of the building would add to the diversity of architectural styles in the CA, in line with Code 12. Overall, the development would comply with the guidance within the CAMP.
144. Finally, having regard to all of the above, I conclude that the development as a whole as proposed in the Wheatcroft plans would preserve the character and the appearance of the BPCGCA heritage asset.

Main Issue (iv) - Climate Change

145. The Council are of the view that the sole northern aspect of flats 1, 7 and 13 would limit natural light into these units. It is suggested that this would result in a greater reliance on artificial sources of lighting and heating. Interested parties have raised similar concerns with regard to all flats that have north facing windows.
146. The Council suggest that the development would not comply with criterion (b) of Policy PP37 due to the orientation of the development and the resultant need for artificial light and heat. No particular standards have, however, been brought to my attention with regard to the required levels of energy efficiency in new development.
147. I acknowledge that the orientation of the building in both the original and the Wheatcroft plans scheme is such that units 1, 7 and 13 would only be north facing, and that the balconies would shade the windows in the units below.

³² The general duty as respects conservation areas in exercise of planning functions - Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

However, all windows in these units are floor to ceiling and almost the entire external elevations of these units are glazed. Indeed, floor to ceiling windows are proposed throughout the building, including in other units that have rooms that only have a north facing window. This element of the design would maximise the light received into all units.

148. The balconies of flats 1, 7 and 13 on the original scheme would be enclosed at either end, which might unnecessarily hinder the amount of light entering into these units. This enclosure has, however, been removed from the Wheatcroft scheme.
149. Notwithstanding the above, the Council's concerns relate to three of the 25 units proposed. In a scheme that seeks to consolidate development in a confined location within the plot, it is inevitable that some rooms within the building would only have a north facing aspect. This is the case with other blocks of flats in the area and other developments that have been drawn to my attention. Whilst this is not ideal, other elements of the scheme's design have sought to mitigate the effect of a north facing aspect, as noted above.
150. Having regard to this, and having regard to the number of units effected, I am satisfied that the development proposed in either the original or Wheatcroft plans would, as a whole, be acceptable with regard to its contribution to tackling climate change. I do not, therefore, find conflict with PLP Policy PP37.

Main Issue (v) - Living Conditions

151. The Council are also concerned that the amount of natural light received into flats 1, 7 and 13 would result in detriment to the amenity of the occupiers of these units and that, for this reason, the development (as proposed in either scheme) would be unacceptable.
152. Whilst I acknowledge the Council's concerns in this regard, most of my findings on the matter of climate change in this case are wholly relevant to, and determinative of the issue of living conditions. In particular, I have noted that in proposals such as this, it is inevitable that some rooms within the building would only have a north facing aspect, but that the effects of this have to a degree been mitigated in this case through design. This includes the proposed floor to ceiling glazing throughout the building.
153. Accordingly, and again having regard to the number of units effected, I conclude that the development proposed in either scheme would have an acceptable effect on the living conditions of its occupiers with regard to the natural light received into the new units. The development would not, therefore, conflict with PLP Policy PP27, criterion (c) in particular, as it would not result in a harmful impact upon the amenity of future occupiers by reason of levels of sunlight and daylight.

Other Matters

154. I note the significant objection to the development, much of which has been considered already in this decision. I now consider the remaining matters that have been raised by interested parties.

Living conditions of neighbouring occupiers

155. It is suggested that the development would have an overbearing effect on the outlook of neighbouring occupiers. The building would be substantially taller than the dwellings immediately to the west and marginally taller than the block of flats to the north. However, I have already highlighted that the development would retain a substantial garden around the new building. In doing so there would be a degree of separation between it and the closest buildings. As such, and having regard to the established intervening tree coverage, which would be enhanced, the development in either scheme would not have an unacceptably overbearing effect on the occupiers of adjoining properties.
156. With regard to the effect of the development on the privacy of neighbouring occupiers, I acknowledge that both schemes would bring a building closer to the flats to the north of the site and would result in a significant increase in windows facing that neighbouring building. The scheme would also introduce external balconies where currently there is only one. Whilst I have not been advised of any particular guidelines with regard to separation distances between new development and existing buildings and outdoor space, I am satisfied that the separation distance between the two buildings, considered together with the existing intervening trees would sufficiently mitigate the effect of the development on the privacy of existing neighbours.
157. I acknowledge that the development would result in an increase of movement of people and cars within the site. The parking area would, however, be in the basement below the building and not in front of the building, as is currently the case. It is, therefore, likely that some noise from vehicle manoeuvres and car doors slamming would be contained in the basement parking. Furthermore, the opening for the cycle parking is directed away from the flats to the north. Whilst there would be a greater number of residents making use of the outdoor space, any noise and disturbance resulting from the development is unlikely to be significantly greater than existing.
158. A shadow study dated October 2018 demonstrates that the development would result in a change to the shading effect currently experienced. It is suggested that the development would not accord with the guidelines set out in BRE 2011: Site layout planning for daylight and sunlight: a guide to good practice. Whilst I have not been provided with the relevant extracts of this document, I note that it is intended as a guide for site layout. A degree of judgement is required in such cases as this. Having regard to the extent of the change in shading, I would agree with the Council's findings, that this would not be so significant as to materially harm the amenity of neighbouring occupiers.
159. With regard to the density of the development, I acknowledge that both schemes would result in a significant increase in the number of residential units accommodated on this site. The extent of protected trees on site limits the area of development within the plot and I note that the proposed development would occupy the majority of this area. However, the remaining area of the plot would remain undeveloped, save for two small outbuildings, as the setting for the new building and amenity space for the residents. I do not, therefore, consider the density of the development to be unacceptable or

that it would have a negative effect on the living conditions of adjoining occupiers.

160. Whilst it is suggested that the removal of trees on site would result in pollution from vehicles and street light pollution effecting neighbouring properties, there is no evidence before me to substantiate this.
161. For the reasons given above, I conclude that the development proposed in either of the schemes before me would have an acceptable effect on the living conditions of neighbouring occupiers, in compliance with Policy PP27.

Highway Safety and Parking

162. Concern has been expressed with regard to the safety of the access to the site. I note that the existing point of site access would be retained, although the number of vehicle movements to and from the site would inevitably increase.
163. The scheme was amended during the application so as to overcome the concerns of the Council's transportation services. The amendments include the widening of the existing access to allow two vehicles to pass. Having regard to this and the visibility along the footpath and carriageway at the site entrance, I am satisfied that the improved access would be safe for both vehicles and pedestrians with the increased number of vehicle movements that would result from the development.
164. Whilst it is also suggested vehicle speeds on the adjoining highway are often faster than the 30mph limit, I have no evidence to conclude that greater visibility splays are required or that the resultant increase in traffic movement on the adjoining highway would affect highway safety.
165. With regard to parking provision, I note from the officer's report that the parking provision complies with the Council's parking standards. I also note that in the final comments from the Council's transportation services there was no objection to the development with regard to the ability to safely access the proposed parking. During my site visit I did not observe a significant demand for on street parking in the area and the Council do not acknowledge this as a particular issue. As such, it is likely that any additional parking can be accommodated on the adjoining highway without material harm being caused to highway safety.
166. The internal road layout is such that there is sufficient manoeuvring space for smaller service and delivery vehicles. Having regard to the nature of the development proposed, I cannot conclude that parking and manoeuvring space within the site for larger delivery or service vehicles would be required in the interests of highway safety.

Accuracy of Information Submitted

167. The accuracy of the information submitted has been raised as a concern by some interested parties. Having considered all information and plans submitted, as well as having visited the site and the area myself, I am satisfied that the documentation accurately describes the development proposed and that I am able to rely on this information to reach my decision.

Protected Species

168. Finally, I note the Council's late representations with regard to the expiry of the bat survey data in June 2021 and the need for an updated survey should demolition take place after it has expired. Circular 06/2005³³ states that in determining this appeal the presence of a protected species is a material consideration. In this case the survey that has already been undertaken indicates that protected species are present, and that the development is likely to result in harm to the species or its habitat. It also makes recommendations to mitigate the harm, which the evidence before me suggests is acceptable.
169. The original survey is still valid and, as such, the effect of the development on the habitat of bats on site does not amount to a reason to withhold planning permission. Notwithstanding this, I have not been advised of any reason why the situation with regard to the presence of bats on site has significantly changed since the initial survey was undertaken or is likely to change in the near future. Accordingly, there is no reason to conclude that the data collected in the survey and its recommendations would not be reliable after June 2021. However, in order to ensure that the development, the demolition in particular, is carried out with an understanding of the most up to date and valid information about protected species on site, I consider it necessary to require an update to the bat survey data in the event that demolition takes place after June 2021. This would ensure that the most appropriate mitigation measures are incorporated into the scheme.
170. With the above measures in place, I am satisfied that the development would have an acceptable effect on protected species and would comply with the requirements of PLP Policy PP33 (Biodiversity and geodiversity). This policy requires, amongst other matters, that development demonstrates how biodiversity is managed to prevent any adverse impacts, as well as incorporating measures to mitigate disturbance of sensitive wildlife habitats.

European sites and the Unilateral Undertaking

171. As noted earlier in this decision, it has been established that the location of the appeal site is such that the development is likely to have a significant effect on protected European sites listed within the Council's RFR 4 and 5. These are the Poole Harbour SPA and RAMSAR; the Dorset Heathlands SPA and RAMSAR site; and the Dorset Heaths SAC. These areas have been protected as European sites as they provide a habitat for important rare, vulnerable and migratory bird species as well as providing a unique environment for a variety of other wildlife, flora and fauna.
172. In view of the above, as the competent authority in this case I must undertake an Appropriate Assessment as required by regulation 63 of the Habitat Regulations. This need be no more than proportionate to the case.
173. The cumulative effects of potential development have been assessed in both The Dorset Heathlands Planning Framework 2015-2020 and The Poole Harbour Recreation Planning Framework 2019-2034. These highlight the concerns of Natural England with regard to the pressures placed by new residential development, either alone or in combination with other

³³ Government Circular: Biodiversity and Geological Conservation - Statutory Obligations and their Impact Within the Planning System.

development, on the protected areas and the significant adverse effect recreational activities in particular have on the integrity of the site. As a result both documents contain measures to mitigate the impact of new housing development upon the European sites. The measures are funded partly by CIL receipts and partly by payments secured through planning obligations. The measures include the Dorset Heathlands Mitigation Strategic Access Management and Monitoring and the Poole Harbour Recreation Strategic Access Management and Monitoring.

174. The proposal would result in a net increase in the dwellings on the site. Based on the evidence provided, the increase in people in the area to be housed by the development would likely have an adverse effect on the integrity of the important ecological areas that are within close proximity to the site, particularly as a result of recreational pressures.
175. Turning to the proposed mitigation, the unilateral undertaking provides for the appropriate contribution to be made in accordance with the above-mentioned planning frameworks and the Poole Community Infrastructure Levy Charging Schedule, approved February 2019. With this in place, the effects of this proposal on the protected areas would be sufficiently mitigated. I am, therefore, satisfied that the proposal would not have an adverse effect on the integrity of European protected sites. For this reason the development would not conflict with the Framework³⁴ or PLP Policy PP32 (Poole's nationally, European and internationally important sites).
176. On the matter of affordable housing, I am satisfied that the contribution within the undertaking accords with the Affordable Housing Supplementary Planning Document adopted November 2011. As such, the development would make the appropriate contribution towards the provision of affordable housing in the area, in accordance with PLP Policy PP11 (Affordable housing).
177. On a final point, I am satisfied that the contributions required by the unilateral undertaking would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with regulation 122 of The Community Infrastructure Levy Regulations 2010 as amended.

Conditions

178. The conditions set out in the accompanying schedule are based on those suggested and agreed by the main parties. Where necessary I have amended the wording suggested in the interests of precision and clarity in order to comply with advice in the Planning Practice Guidance: Use of Planning Conditions. The pre-commencement conditions were also discussed and agreed by the parties during the hearing.
179. As I have concluded that planning permission should only be granted for the scheme of development proposed in the Wheatcroft plans, I have only listed these plans in the plans condition. This condition would also ensure that the development is completed in the materials indicated on the approved plans. As such, a separate condition is not required to achieve this.
180. Whilst I have considered the suggested condition requiring a resurvey of all trees on site, I have concluded that there is insufficient reason to find the

³⁴ In particular chapter 15 of the Framework on conserving and enhancing the natural environment.

plotted location of all trees in the AIA to be inaccurate, save for the Beech tree. However, the AIA, including the method statement it contains, relates to a development that is not granted permission in this case. In order to ensure that all trees on site, including the Beech tree as correctly plotted, are safeguarded during the course of the development permitted it is necessary to require by condition a revised arboricultural survey and method statement in the terms stated.

181. I do not find the condition prohibiting any works to the Beech tree to be necessary. The appellant was clear, that no pruning would be necessary to accommodate the development permitted in this case and, as such, this permission would not grant consent for any such works. If works are subsequently found to be necessary, consent for these works must be sought from the Council. In addition, the requirement for a pre-commencement site meeting is not sufficiently precise and I am not certain that such a condition is necessary, having regard to the conditions requiring a revised arboricultural survey and method statement.
182. The protection and enhancement of the landscaping of this development together with details of hard landscaping are essential in the interests of good design, the living conditions of nearby residents and preserving the contribution that is made by existing trees on site. For this reason the conditions relating to these matters are necessary. As is the requirement for details of on-site renewable energy sources, sustainable drainage and means of hard surfacing in the interest of the environment and to prevent flooding.
183. Completion of the access, turning areas, parking, cycle store, external lighting and bin store prior to the occupation of the development are necessary to ensure there would be sufficient provision for the residents of the scheme. Furthermore, the provision of a barrier at the entrance would unnecessarily hinder vehicle movements into the site. The conditions relating to these matters are required in the interests of highway safety.
184. The Council's recommended condition 10 is not necessary as any amendment to the car parking layout would require the submission of a new planning application, where its compliance with the publication referred to can be considered. Furthermore, I see no need to ensure that parking spaces are not allocated. The parking provision is sufficient to ensure that incidents of on street parking are minimal.
185. I have not included the recommended conditions relating to maintenance of the vision splay for the site as the submitted details do not include these details. Nevertheless, I noted on site that there is a substantial distance between the edge of the carriageway and the site. Having regard to the advice on visibility at junctions in the Department of Transport document Manual for Streets, an adequate visions splay would be achieved entirely within the adopted highway. A condition relating to the maintenance of this land would not, therefore, be reasonable as it is not in the control of the appellant.
186. The condition requiring a proportion of the units to provide appropriate accommodation to meet the needs of the elderly is considered reasonable and necessary, having regard to the requirements of PLP Policy PP12 (Housing for an ageing population). I have no evidence to conclude that this is an area where such accommodation is not necessary.

187. Finally, the construction of the bat roost prior to the demolition of WH is necessary in order to mitigate the effect of the development on protected species. The need for the updated bat survey has already been given earlier in this decision. The condition requiring details of biodiversity enhancement is necessary and reasonable, in the interests of contributing to and enhancing the natural environment³⁵.

Conclusions

188. I have found harm with regard to the effect of the development that is the subject of the Council's decision notice. This harm is in conflict with the development plan and the Framework. There are no material considerations to outweigh the harm identified.

189. In view of the conclusions above, I have also considered the scheme of development proposed on the Wheatcroft plans.

190. Due to the amendments introduced in this scheme, I have not identified any harm with regard to its effect on protected trees. I have also found the development to be acceptable with regard to the living conditions of future occupiers and its contribution to tackling climate change. Furthermore, the benefits of the scheme would, on balance, weigh in favour of the development, despite it resulting in the loss of a non-designated heritage asset and less than substantial harm to the significance of the BPCGCA. In reaching these conclusions I have not found conflict with the development plan or the Framework.

191. For these reasons and having regard to all other matters raised I conclude that the appeal should be allowed but only in respect of the development proposed on the Wheatcroft plans.

J Moss

INSPECTOR

³⁵ Paragraph 170 a) of the Framework.

APPEARANCES

FOR THE APPELLANT:

Robert Walton QC	Landmark Chambers
Darryl Howells	Pure Town Planning
Laurie Marlow	David James Architects and Partners Limited
Nigel Harrison	Treecall Consulting Limited
Steve Cox	Treecall Consulting Limited
Jason Clemons	Savills

FOR THE LOCAL PLANNING AUTHORITY:

James Gilfillan	Bournemouth Christchurch and Poole Council
Margo Teasdale	Bournemouth Christchurch and Poole Council
Harry Doe	Bournemouth Christchurch and Poole Council
James Roberts	Bournemouth Christchurch and Poole Council

INTERESTED PERSONS:

Adrian Wardlow	On behalf of Valentine Court Management Limited
John Sprackling	On behalf of Branksome Park and Canford Cliffe Residents Association

HEARING DOCUMENTS – submitted shortly before, during and after the hearing

- 1) Signed and agreed statement of common ground received by email on 10 August 2020.
- 2) Missing extracts of the CAMP.
- 3) Policy PP12 of the PLP.
- 4) Updated arboricultural information dated 12 August 2020.
- 5) Map of developments designed by David James Architects and Partners Limited.
- 6) Email enclosing updated arboricultural representations from the Council received on 19 August 2020.
- 7) Unilateral undertaking signed on 19 August 2020.
- 8) Correspondence from the Pure Town Planning and Treecall Consulting Limited received by email dated 25 August 2020.

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 and documents:
 - 1812 01 revision A - Location and Block Plan
 - 1812 02 revision B - Site Coverage analysis
 - 1812 03 revision A - Distances Analysis
 - 1812 04 revision B - Site Plan
 - 1812 05 revision C - Basement Floor Plan
 - 1812 06 revision B - Ground Floor Plan
 - 1812 07 revision A - First Floor Plan
 - 1812 08 revision A - Second Floor Plan
 - 1812 09 revision A - Third Floor Plan
 - 1812 10 revision A - Fourth Floor Plan
 - 1812 11 revision A - Roof Plan
 - 1812 12 revision B - Proposed Elevations
 - 1812 13 revision B - proposed Elevations
 - 1812 14 revision B - Indicative Street Scene (Wilderton Road)
- 3) In the event that the development including demolition is commenced before 8 June 2021, no development shall commence until the bat roost has been constructed in accordance with the details hereby approved. The bat roost shall thereafter be retained as approved.
- 4) In the event that the development including demolition is not commenced before 8 June 2021, no development shall commence until an update of the Phase 1 & 2 Bat Survey Report dated 8 June 2018 has been submitted to and approved in writing by the local planning authority. The update shall include:
 - a) an assessment of any changes to the situation with regard to the presence of bats on site as reported in the 8 June 2018 report; and
 - b) recommendations for mitigation measures.No development shall commence until the recommended mitigation measures have been completed in accordance with the approved details.
- 5) No development shall commence until a scheme for the provision of sustainable urban drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage shall be completed in accordance with the approved details prior to the occupation of the development and shall thereafter be retained as approved.
- 6) No development shall commence until details of biodiversity enhancement have been submitted to and approved in writing by the Local Planning Authority. The details should include, but are not limited to, bat and bird boxes and bricks; bee bricks; and measures for hedgehogs and badgers. The approved details shall be implemented and completed prior to the occupation of the development and shall thereafter be retained as approved.

- 7) Notwithstanding the submitted details, no development shall commence until a revised arboricultural survey and method statement has been submitted to and approved in writing by the local planning authority. The document shall take account of the resurveyed location of the T11 Beech tree; provide comprehensive details of construction works and how these will affect all existing trees; and a method statement for the protection of existing trees during demolition and construction. The method statement shall include:
- a) details of protective fencing around trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
 - b) details of scaffolding and ground protection within tree protection zones in accordance with BS5837:2012;
 - c) details of an area for storage of materials, concrete mixing and any fires;
 - d) plans and particulars showing the siting of the service and piping infrastructure;
 - e) details of any necessary arboriculturally sensitive structures, including boundary treatment works;
 - f) the extent and methods of construction proposed for any no-dig area of the site; and
 - g) details of monitoring of the works on site, including a record of the monitoring.

The development including the demolition shall thereafter be carried out in accordance with the approved details.

- 8) Notwithstanding the submitted details, no development shall commence until a scheme of all hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of existing and proposed ground levels on the site; all means of enclosure; indications of all existing trees, hedgerows and other planting, identifying those to be retained; a planting specification to include numbers, density, size, species and positions of all new trees and shrubs; and a programme of implementation.
- 9) All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Prior to the occupation of the development hereby permitted all hard landscaping shall be completed in accordance with the approved details of hard landscaping. All external hard surfaces shall either be constructed using porous materials or shall drain to a permeable or porous area or surface within the site
- 11) Prior to the occupation of the development hereby permitted the bin store and cycle store shall be completed in accordance with the approved details shown on plan number 1812 04 revision B – Site Plan.

- 12) Prior to the occupation of the development hereby permitted on-site renewable energy sources shall be installed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the development meets a minimum of 20% of its predicted energy use and shall include methods for the maintenance of any measures proposed. The on-site renewable energy sources shall thereafter be retained and maintained in accordance with the approved details.
- 13) Prior to the occupation of the development hereby permitted external lighting, including that for the drive and pedestrian footway, shall be implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The external lighting shall thereafter be retained in accordance with the approved details.
- 14) Prior to the occupation of the development hereby permitted the access, turning space and vehicle parking shall be laid out and completed in accordance with the approved details. These areas shall thereafter be retained in accordance with the approved details and shall not be used except for access, parking and manoeuvring of vehicles in connection with the development hereby permitted.

**** Conditions End ****