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## Appeal Decision

Hearing held on 14 December 2021

Site visit made on 15 December 2021

**by David Prentis BA BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 December 2021**

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### **Appeal Ref: APP/Q1445/W/20/3265732**

### **64 to 68 Palmeira Avenue and 72 to 73 Cromwell Road, Hove BN3 3GF**

- 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 RKO Developments Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2020/01403, dated 22 May 2020, was refused by notice dated 18 September 2020.
  - The proposal is redevelopment of land on the corner of Palmeira Avenue and Cromwell Road for the erection of 94 flats (C3) with basement parking, landscaping and associated works.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary matters**

2. By agreement with the parties, my site visit was mainly unaccompanied. In addition, I visited the gardens of Nos 60 and 62 Palmeira Avenue, Nos 120 and 122 Holland Road and Bell Mead Court. In each case, the visits were on an access required basis, with an occupier or neighbour being present solely for the purpose of enabling me to gain access.
3. Discussions on a s106 Agreement continued until shortly before the Hearing. It was therefore necessary to allow a period after the close of the Hearing for a signed document to be submitted. The signed Agreement is consistent with the agreed draft that was discussed at the Hearing. The Agreement would secure the following:
  - submission of an Employment and Training Strategy and payment of a contribution to a local employment scheme;
  - inclusion of an artistic component in the scheme;
  - highway works in the vicinity of the appeal site; and
  - an affordable housing review mechanism.
4. The Council submitted a statement explaining how the obligations would comply with the tests set out in the Community Infrastructure Levy Regulations, identifying relevant planning policies as appropriate. I comment further below on the affordable housing review mechanism and on one element of the highway works. Otherwise, the obligations were not controversial and no

party at the Hearing suggested that they would not meet the relevant tests. I have taken the obligations into account in my decision, other than one element of the highway works which is discussed below.

5. The development plan documents relevant to the appeal are the adopted Brighton and Hove City Plan Part 1 (2016) (B&HCP) and the remaining saved policies of the Brighton and Hove Local Plan (2005) (B&HLP). In addition, the Council has adopted SPD17 – Urban Design Framework (2021) (UDF) as a Supplementary Planning Document. Reference was also made to the Urban Characterisation Study (2009) (UCS). This does not have the status of policy or guidance but I have taken it into account as an evidence base document.

## **Main issues**

6. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the living conditions of neighbouring residents; and
- whether the proposal would make adequate provision for affordable housing.

## **Reasons**

### ***Character and appearance***

7. This part of Hove is characterised by long, straight streets. Whilst there is a variety in the ages and architectural styles of the buildings, much of the area has a formal layout of street frontage development conforming to established building lines. The appeal site has frontages to Cromwell Road and Palmeira Avenue. Cromwell Road is part of a busy main route (also including Davigdor Road) running approximately east/west across the city. Palmeira Avenue and Holland Road run southwards from Cromwell Road, defining a street block that includes the appeal site.
8. Buildings fronting the northern side of Cromwell Road, opposite the appeal site, are within the Willett Estate Conservation Area, the greater part of which lies further to the west. The *Willett Estate Conservation Area Character Statement* (1997) notes that the character and appearance of the conservation area is derived from large bay-fronted, detached, semi-detached and terraced houses, set in spacious tree-lined streets, behind walls with railings. I consider that the character of the northern side of Cromwell Road is consistent with this description, albeit that the frontage also contains some modern blocks of flats.
9. The UCS identifies Cromwell Road and Davigdor Road as the “*Davigdor Corridor*”, the character of which is described as mixed use and mixed scale development along a busy tree-lined thoroughfare, including commercial offices, an industrial estate, purpose built blocks of flats and large houses dating from the late 19th century to the 1930s. I agree with this description, whilst noting that the purpose built flats appear to date from the mid-20<sup>th</sup> century onwards. The Cromwell Road frontage of the appeal site is within the Davigdor Corridor character area.

10. The southern part of the appeal site is within the St Ann's character area, which is described in the UCS as comprising spacious late Victorian residential streets with large houses of mixed appearance, together with an informal Victorian park and a cricket ground. This description of the broader area does not fully reflect the character of the Palmeira Avenue and Holland Road street block. Although these are spacious residential streets, they date from a later period. Moreover, there has been a significant amount of incremental redevelopment, with blocks of flats replacing houses. On the east side of Palmeira Avenue there are just five houses at the northern end, including three within the appeal site itself<sup>1</sup>. The frontage to the south is now predominantly flats. Bell Mead Court<sup>2</sup> is a modern care home which stands adjacent to the appeal site on the corner of Cromwell Road and Holland Road. On the west side of Holland Road there are four pairs of semi-detached houses to the south of the appeal site, beyond which there are flats.
11. The appeal site contains five detached houses, three fronting Palmeira Avenue and two fronting Cromwell Road. These are not contemporary with the Edwardian buildings on the opposite side of Cromwell Road which are in the conservation area. The appellant's heritage consultant considers that they are likely to date from around 1911 to 1929, a point that was not disputed at the Hearing. Even so, the scale and architectural style of the buildings is sympathetic to the older buildings opposite. In my view they make a positive contribution to the character and appearance of the area.
12. No 68 Palmeira Avenue stands on the corner, with its flank elevation facing Cromwell Road. There is a view from Cromwell Road, over the back garden of No 68, towards trees in the back gardens of properties in Palmeira Avenue, Holland Road and beyond. This is not a planned or designed view, rather it is an incidental glimpse of greenery which provides a pleasant contrast with the generally built frontage to Cromwell Road. Whilst I saw that No 68 is in need of maintenance, that is a transient factor to which I attach little weight. I do not agree with the appellant's suggestion that the view is unattractive or that this gap in the frontage represents a harmful element in the street scheme.
13. B&HCP Policy CP12 states that a city-wide Urban Design Framework will identify areas of the city which should largely be conserved, areas suitable for localised, incremental development and enhancement and areas where positive and pro-active measures are required to secure major enhancement. It goes on to say that, where appropriate, density will be raised through predominantly low-to-medium rise development but making most effective use of those identified areas which have the potential for taller developments. Taller developments are defined as 18m or more in height. On this definition, it is not disputed that the appeal scheme would be a "*taller development*" for the purposes of Policy CP12.
14. The appeal site is not within any of the areas identified in the plan for taller developments. The UDF shows that the appeal site is an area of the city regarded as suitable for localised, incremental development and enhancement. Neither Policy CP12 nor the UDF preclude consideration of taller buildings outside the areas identified as being suitable for such development. The UDF states that sites outside the areas so designated may also, potentially, be

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<sup>1</sup> One has previously included a nursery use and another may be in use as flats. However, they all retain the appearance of detached houses.

<sup>2</sup> The property is also referred to as Bellmead in parts of the evidence.

suited for tall buildings. However, it also states that “*the threshold to prove the positive contribution of a tall building to the local townscape and community outside these areas is higher*”.

15. With regard to building heights, the appeal scheme takes its cue from the nine storey Cromwell Court, on the opposite side of Palmeira Avenue. Relative to the pavement level in Cromwell Road, the appeal scheme would have seven storeys above ground level and would rise to a height of around 20m. This would be only a little below the height of Cromwell Court. However, to my mind, Cromwell Court is something of an outlier in terms of height, form and urban design approach. Hovedene is of similar height but is sited further west on Cromwell Road, such that it is visually separated from the appeal site. The Artisan building is also of similar height but is located further to the east in a location characterised by predominantly commercial development. Building heights are generally significantly lower in and around the Palmeira Avenue/Holland Road street block.
16. Moreover, Cromwell Court has space around it on all sides. The front elevation is set well back from Cromwell Road and the garaging is at basement level, allowing open views at street level. This urban design approach is very different to the perimeter block form of layout that is more generally found in this part of Hove, which the appeal scheme seeks to contribute to. Consequently, I do not consider that the height of Cromwell Court is a strong indicator of the height that may be appropriate at the appeal site.
17. The appeal scheme would generally conform to existing building lines. On the Cromwell Road frontage, this would mean that most of the proposed development would be on the same alignment as the existing houses at Nos 72 and 73. However, the corner block would step forward, bringing it relatively close to the back edge of the footway. I appreciate that this seeks to replicate the position of the flank elevation of No 68 Palmeira Avenue. However, that is a much smaller building than the proposed building would be and the effect would be very different. I consider that the height and siting of the development proposed here would have an excessively dominant effect.
18. This part of the appeal scheme would be very prominent in views along Cromwell Road, in both directions. This would erode the spacious character of the street, which depends on the width of the carriageway and footways together with the building set backs on either side. I understand that the design seeks to address the corner location. However, I do not think that placing such an intensive built form so close to the footway is an appropriate way of achieving that design objective.
19. Although I have commented particularly on the corner block, I consider that the building heights in general, combined with the close proximity to the site boundaries, would result in a very intensive form of development. This is because, even though existing building lines would generally be followed, there would be a significant increase in scale.
20. The design approach seeks to mediate the scale of the proposed buildings in various ways. These include stepping down the storey heights adjacent to Bell Mead Court and No 62 Palmeira Avenue. The development would be split into two blocks and there would be recessed light wells to provide further articulation of the built form. The frame of the building would be expressed in brickwork with bay widths that seek to reflect widths typically found in the

locality. I consider that these features of the design would be beneficial and I have taken them into account in my overall assessment.

21. At the Hearing, the appellant argued that the upper storeys would be set back from the main elevations and would have a light-weight appearance. I note that the top two storeys would be clad in glass curtain walling. However, in my view the extent to which these storeys would appear light-weight was overstated. Depending on light conditions, glass curtain walling can look quite solid. Moreover, the building envelope would be subdivided into the relatively small spaces required for domestic occupation. These spaces would be formed by internal walls and would require varying degrees of screening from external views to provide privacy for the occupants, either within the curtain walling or in some other way.
22. The set back from the front elevation would mean that the top storeys would be largely hidden in street level views from immediately in front of the proposed development. However, buildings are not generally experienced from fixed viewpoints, they are seen in a sequence of views as the viewer moves through the locality. In this case, the upper floors would be prominent in views along Cromwell Road from both directions. Due to the stepping of the proposed buildings, up to four levels of glass curtain walling would be in view. I consider that this amount of glazing would be an uncharacteristic and jarring feature in the street scene.
23. Moreover, the glazed storeys would not be well related to the brick elevations below. They would appear out of scale and would not contribute to a coherent composition. Far from being recessive, the glazed elements would be dominant skyline features in views from the east and west.
24. Although the top two storeys would be set back from the Cromwell Road elevation, there would be no such set back from the rear elevation. The buildings would be eight storeys in height above the communal garden. The lower ground floor would be below the level of adjoining gardens and the storey heights would be reduced adjacent to Bell Mead Court and No 62 Palmeira Avenue, as described above. Even so, there would be a stark contrast with the scale of other buildings to the south of the site.
25. The appellant argued that this elevation is not readily visible from the public domain. Whilst there would be a glimpsed view of the elevation across the car park of Bell Mead Court, in general terms that is a fair point to make. Most of the views of the south elevation would be from private property. Nevertheless, the height and mass of the buildings would be very prominent in numerous views from such properties. This is an aspect of the design which I consider should form part of an overall assessment.
26. Drawing all this together, I consider that the proposal would represent a very intensive form of development that would not be well related to its surroundings. The design incorporates some features that would mitigate the height, scale and mass of the buildings to a degree but this would not be enough to integrate it into the site context in a satisfactory way. The appeal scheme would result in harm to the character and appearance of the area. It would not raise the standard of architecture and design in the city, nor would it contribute to establishing a strong sense of place by respecting the character of the neighbourhood. Consequently, it would conflict with B&HCP Policy CP12. Moreover, it would not be within an area identified for taller buildings and

would fail to achieve the threshold for tall buildings outside such areas to make a positive contribution to the local townscape, as required by the UDF.

27. The National Planning Policy Framework (the Framework) states that good design is a key aspect of sustainable development, creating better places in which to live and work. It goes on to say that developments should be visually attractive and sympathetic to local character. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. For the reasons given above, I conclude that the proposal would not represent good design, as that term is used in the Framework.

### ***Effect on the living conditions of neighbouring residents***

#### *Overlooking and loss of privacy*

28. The eastern end of the appeal scheme would include various roof terraces and balconies that would potentially overlook windows and the garden of Bell Mead Court. There would also be potential overlooking from balconies and roof terraces close to the boundary with No 62 Palmeira Avenue. Illustrative drawings submitted with the Statement of Common Ground showed how screening could be provided in a way that would avoid harmful overlooking whilst maintaining the benefit of the balconies and terraces to the new occupiers. At the Hearing, the Council accepted that details of such screening could be secured by condition. I share that view.
29. There would also be overlooking of properties in Palmeira Avenue and Holland Road from the main (south facing) rear elevation of the appeal scheme. Any views of windows would be at an oblique angle and would not be harmful to privacy. However, there would be direct overlooking of the garden of No 62 Palmeira Avenue at a distance of less than 20m. The distance from the new windows and balconies to the gardens of No 60 Palmeira Avenue and Nos 120 and 122 Holland Road would be greater.
30. Some overlooking of gardens is to be expected in an urban area such as this and there is already potential for some overlooking from the existing houses at Nos 72 and 73 Cromwell Road. Moreover, the separation distance to the gardens of No 60 Palmeira Avenue and Nos 120 and 122 Holland Road would be greater than separation distances that are often found to be acceptable. Even so, it is necessary to take account of the particular nature of the proposed elevation. It would be predominantly glazed, with glass curtain walling to the top two floors and full height glazing to the lower floors. There would also be a large number of balconies. Due to the intensive nature of the proposal, there would be a very large number of new dwellings overlooking the gardens to the south. Taking all that into account, I consider that the impact would be harmful to the living conditions of the occupiers of the properties identified above.

#### *Overbearing effect*

31. Occupiers of properties at Nos 55 to 60 Cromwell Road, opposite the appeal site, are concerned that the proposal would result in an unduly overbearing effect. As seen from these properties, I consider that the proposed setting back of the top two storeys described above would be beneficial in reducing the perceived scale of the buildings. I do not think that any overbearing effect here would be so great as to amount to harm to living conditions.

32. I have referred above to the height and scale of the rear elevation. I consider that the properties most affected by this elevation would be No 62 Palmeira Avenue and No 122 Holland Road. Any views of the new elevation from the windows of these properties would be at an oblique angle, such that there would not be an unduly enclosing effect. However, I consider that the height, scale and horizontal extent of the new elevation would have a significantly overbearing and unduly enclosing effect on the rear gardens of these properties.

#### *Sunlight and daylight*

33. Several residents raised concerns about impacts on sunlight and daylight. The greatest potential for harmful impacts on sunlight is at Nos 55 to 60 Cromwell Road, which are to the north of the appeal site. A sunlight and daylight assessment was submitted with the application, relating to all potentially affected buildings. This was independently reviewed on behalf of the Council. An additional report on sunlight and daylight was submitted with the Statement of Common Ground, dealing with sunlight to gardens. The assessments found that there would be no impacts on sunlight or daylight to windows, or on sunlight to gardens, that would be significant in planning terms. At the Hearing the Council confirmed that it no longer maintained any objection on these grounds. I see no reason to disagree.

#### *Conclusion*

34. I conclude that the proposal would result in harm to the living conditions of neighbouring residents due to overlooking, loss of privacy and the creation of an unduly overbearing and enclosing effect in relation to nearby gardens. This would conflict with B&HLP Policy QD27 which seeks to avoid any material loss of amenity to existing residents.

#### ***Affordable housing***

35. B&HCP Policy CP20 requires the provision of 40% affordable housing on all sites of 15 or more dwellings. At the Hearing, local Councillors and others spoke about the pressing need for affordable housing in the city and a sense of disappointment that this relatively large scheme would not provide any affordable housing.
36. Policy CP20 states that the target may be applied flexibly, having regard to various factors including the financial viability of developing the site. At the time the application was determined, the appellant had submitted a viability assessment which indicated that, having regard to the existing use value of the site, there would be no development surplus to provide affordable housing. The assessment was independently reviewed on behalf of the Council. That review concluded that it would be possible to make a financial contribution to some affordable housing provision off site, albeit not at a policy compliant level.
37. The Council has subsequently adopted a Community Infrastructure Levy charging schedule which would affect the cost base of the appeal scheme. An updated viability assessment was submitted with the appeal. This was also independently reviewed on behalf of the Council. The review identified a smaller deficit in relation to the existing use value than the appellant's assessment. However, whichever assessment is preferred, the outcome is the same. The costs of carrying out the development, compared with the sales

- values that would be achieved, would be such that there would be no development surplus, even with no affordable housing whatsoever.
38. It appears to me that the approach that has been taken to viability assessment, including benchmark land value, is consistent with Planning Practice Guidance. For present purposes, it is not necessary for me to comment on the differences between the two assessments before the Hearing. This is because neither assessment identifies any scope for delivering affordable housing on current costs and values.
39. At the Hearing, the Council confirmed that it would no longer pursue its second reason for refusal, relating to affordable housing, subject to provision being made for an affordable housing review mechanism in the s106 Agreement. The appellant argued that the need for reviews should be identified in development plans, pointing out that Policy CP20 makes no mention of reviews. Consequently, in the appellant's view, there is no need for a review mechanism in this case.
40. The s106 Agreement provides for a review to take place approximately half way through the development<sup>3</sup>. This would allow viability to be reassessed on the basis of actual costs incurred and sales revenues achieved, rather than the projections on which the current assessments are based. Measures are set out that would secure some affordable housing, either on site or by way of a contribution, in the event that the viability of the scheme had improved sufficiently.
41. I consider that there would be a need for a review mechanism in this case because this is a relatively large scheme which would provide no affordable housing at all, on current costs and values, in circumstances where there is a pressing need. It could be some years before the midway point of the development is reached, by which time costs and values may have changed such that some affordable housing could be delivered.
42. Whilst Policy CP20 does not make express provision for review mechanisms, it does provide for flexibility in situations where policy compliant provision cannot be achieved at the outset. In my view the review mechanism secured by the Agreement would be within the scope of that flexibility. Moreover, Planning Practice Guidance gives general support for review mechanisms to be used to achieve policy compliance over the lifetime of a development where contributions have been reduced below policy requirements<sup>4</sup>.
43. Subject to the review mechanism set out in the s106 Agreement, I conclude that the proposal would not conflict with Policy CP20, notwithstanding the lack of any affordable housing at the outset. That said, in striking the overall planning balance, I attach little weight to the possibility of affordable housing being delivered at a later date because there can be no certainty as to the outcome of the review mechanism.

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<sup>3</sup> This was included without prejudice to the appellant's case that it is not necessary, to enable the point to be considered in the context of this appeal decision.

<sup>4</sup> Planning Practice Guidance – Viability; Reference ID: 10-009-20190509

## ***Other matters***

### *Housing land supply*

44. The Council and the appellant agree that the Council cannot demonstrate the five year supply of deliverable housing sites required by the Framework. The supply figure currently stands at 2.2 years. Consequently, the approach to decision making set out in paragraph 11(d)(ii) of the Framework is applicable.

### *Conservation Area*

45. The appeal site is not within the Willett Estate Conservation Area but is within its setting. There is a clear difference in character between the two sides of Cromwell Road. The northern side (within the conservation area) is broadly consistent with the character and appearance of the designated area as a whole, in terms of the scale, period and architectural style of the buildings and conformity with an established building line. The southern side is more mixed in terms of all these factors.
46. The significance of the conservation area is derived from the assemblage of period houses within it and their distinctive layout along spacious tree-lined streets. This significance can be experienced from within the designated area and from the streets that surround it. Overall, I consider that the street scene on the southern side of Cromwell Road makes only a limited contribution to the ability to experience or understand the significance of the conservation area. However, the fact that Cromwell Road itself has a spacious tree-lined character is a feature of the setting that does contribute to the significance of the area.
47. For the reasons given above, I consider that the proposal would be harmful to the character and appearance of the area generally. That harm would be experienced from within the conservation area as well as from points outside the designated area. I have found that the corner block would be very prominent in views along Cromwell Road and would erode the spacious character of the street. That would cause harm to the setting and the significance of the conservation area. However, this is a relatively minor aspect of the overall significance of the designated heritage asset. Nevertheless, to this extent, there would be conflict with B&HCP Policies CP12 and CP15 insofar as those policies seek to preserve the city's built heritage and its settings.
48. In the terms of the Framework, I consider that the harm to the significance of the conservation area would be less than substantial. I would characterise the degree of harm as being at the lower end of the spectrum of less than substantial harm.

### *Density*

49. The Council calculates that the appeal scheme would represent a density of over 300 dwellings per hectare, which would be well above the minimum net density of 50 dwellings per hectare set out in B&HCP Policy CP14. It would also be above the density of Cromwell Court and other, more recent, flatted developments on Palmeira Avenue. However, the Council did not identify specific planning harm arising from the proposed density, other than the visual and townscape impacts discussed above.
50. Local residents expressed concern that the density of development would put pressure on community infrastructure. However, development plan policy

allows for localised development and the proposal would make a proportionate contribution to infrastructure through the payment of the Community Infrastructure Levy.

51. Policy CP14 allows for development at higher densities than those typically found in the locality where it can be shown that the proposal would meet various criteria. In this case, for the reasons given above, I do not consider that the proposal would meet those criteria. In particular, it would not achieve a high standard of design or maintain a coherent townscape. Nor would it respect the character of the neighbourhood or contribute positively to its sense of place. The proposal would therefore conflict with Policy CP14.

#### *Transport and parking*

52. Local residents raised concerns about the level of parking provision, which would be around one space per two units. However, the Council confirmed at the Hearing that this level of provision is consistent with the parking standards for this location. Vehicular access would be from Palmeira Avenue. I saw that visibility would be satisfactory at the proposed access point, which would be well separated from the junction of Palmeira Avenue with Cromwell Road. The highway authority has not raised any concerns in terms of parking or highway safety.
53. The highway works covered by the s106 Agreement would include the removal or relocation of an existing bus stop and its replacement with a new loading bay to serve the appeal scheme. There was no evidence before the Hearing as to where the bus stop might be relocated to and it appears that it could well be removed and not replaced. Nor was there any information about the implications that would have for the ability of new and existing residents to access public transport. I do not consider that these works have been shown to be appropriate or necessary and I have not taken them into account.

#### **Conclusion**

54. The proposal would conflict with B&HCP Policies CP12 and CP14 and with B&HLP Policy QD27. Although it would not conflict with B&HCP Policy CP20, the conflicts that I have identified are of sufficient importance for it to be regarded as being in conflict with the development plan as a whole.
55. The proposal would deliver 94 housing units within a part of the city that is identified for localised development. Given the shortage of deliverable housing sites, reflected in the housing land supply position, I attach significant weight to this benefit.
56. The proposal would result in less than substantial harm to the significance of the Willett Estate Conservation Area, which I have characterised as being at the lower end of the spectrum of less than substantial harm. Applying the approach set out in paragraph 202 of the Framework, I consider that the harm to the conservation area would be outweighed by the benefit of contributing to housing land supply. Consequently, the policies of the Framework relating to the historic environment do not weigh against the proposal.
57. Applying the approach set out in paragraph 11(d)(ii) of the Framework, I am mindful that the Framework seeks to boost the supply of homes. However, it also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process

should achieve. Good design is a key aspect of sustainable development. The Framework goes on to say that developments should add to the overall quality of the area, be sympathetic to local character and history and create places with a high standard of amenity. For the reasons given above, I consider that the proposal would conflict with these requirements of the Framework. To my mind, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits of housing delivery, when assessed against the policies in the Framework taken as a whole.

58. The proposal would conflict with the development plan. There are no other material considerations that indicate that the appeal should be determined other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

***D Prentis***

Inspector

**APPEARANCES**

|                                   |                                                                              |
|-----------------------------------|------------------------------------------------------------------------------|
| FOR THE APPELLANT:                |                                                                              |
| Killian Garvey                    | of Counsel                                                                   |
| Silke Gruner<br>BL(Hons) CMLI     | CSA Environmental                                                            |
| Dr Paula Jones<br>BA(Hons) MA PhD | HCUK Group                                                                   |
| Paul Jenkins<br>MRTPI MA BSc      | SF Planning Limited                                                          |
| Heidi Copland                     | DMH Stallard LLP                                                             |
| Joe Chavrimootoo<br>BA(Hons)      | Brooke Vincent and Partners                                                  |
| FOR THE LOCAL PLANNING AUTHORITY: |                                                                              |
| Hilary Woodward                   | Planning Solicitor                                                           |
| Mick Anson                        | Principal Planning Officer                                                   |
| INTERESTED PARTIES:               |                                                                              |
| Cllr Carol Theobald               | Councillor                                                                   |
| Cllr Bridget Fishleigh            | Councillor                                                                   |
| Cllr Mariana Ebel                 | Councillor                                                                   |
| Cllr John Allcock                 | Councillor                                                                   |
| Cllr Jacqueline O'Quinn           | Councillor                                                                   |
| Charles Harrison                  | Local resident                                                               |
| Mahendra Gudka                    | Local resident                                                               |
| Annette Boehmer                   | Local resident                                                               |
| Tamsin Jones                      | Local resident                                                               |
| John Sneddon                      | Tetlow King                                                                  |
| Simon Gulliver                    | Local resident                                                               |
| Stefan Elbe                       | Local resident                                                               |
| Lisa Heathfield                   | Local resident – unable to appear but a statement was read out on her behalf |

**DOCUMENTS SUBMITTED AT OR FOLLOWING THE HEARING**

Developer contributions technical guidance (June 2020)

Email of 14 December 2021 confirming the appellant's agreement to the pre-commencement conditions which were discussed at the Hearing

Section 106 Agreement dated 20 December 2021