



Appeal Decisions

Hearing held on 18 and 19 October 2022

Site visit made on 18 October 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal A Ref: APP/D3640/W/21/3284097

175 London Road, Bagshot GU19 5DH

- 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 Richard Potts of Chartfield Homes against the decision of Surrey Heath Borough Council.
 - The application Ref 19/0695/FFU, dated 31 October 2019, was refused by notice dated 12 July 2021.
 - The development proposed is to demolish existing dwelling and outbuilding and erect a two-storey building with accommodation in the roof to provide 2 two bedroom and 2 four-bedroom (duplex) apartments, a two storey three-bedroom house and two pairs of semi-detached two storey four-bedroom houses with accommodation in the roofs with associated garages/car parking, revised access onto London Road and landscaping.
-

Appeal B Ref: APP/D3640/W/22/3301197

175 London Road, Bagshot GU19 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Richard Potts of Chartfield Homes against Surrey Heath Borough Council.
 - The application Ref 21/1306/FFU, is dated 30 November 2021.
 - The development proposed is to demolish existing dwelling and outbuilding and erect a two-storey building with accommodation in the roof to provide 2 two bedroom and 2 four-bedroom (duplex) apartments, a two storey three-bedroom house and two pairs of semi-detached two storey four-bedroom houses with accommodation in the roofs with associated garages/car parking, revised access onto London Road and landscaping.
-

Decision

Appeal A Ref: APP/D3640/W/21/3284097

1. The appeal is allowed and planning permission is granted to demolish existing dwelling and outbuilding and erect a two storey building with accommodation in the roof to provide 2 two bedroom and 2 four bedroom (duplex) apartments, a two storey three bedroom house and two pairs of semi-detached two storey four bedroom houses with accommodation in the roofs with associated garages/car parking, revised access onto London Road and landscaping at 175 London Road, Bagshot GU19 5DH in accordance with the terms of the application, Ref 19/0695/FFU, dated 31 October 2019, subject to the conditions in the attached schedule.

Appeal B Ref: APP/D3640/W/22/3301197

2. The appeal is allowed and planning permission is granted to demolish existing dwelling and outbuilding and erect a two storey building with accommodation in the roof to provide 2 two bedroom and 2 four bedroom (duplex) apartments, a two storey three bedroom house and two pairs of semi-detached two storey four bedroom houses with accommodation in the roofs with associated garages/car parking, revised access onto London Road and landscaping at 175 London Road, Bagshot GU19 5DH in accordance with the terms of the application, Ref 21/1306/FFU, dated 30 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

3. As set out above there are two appeals on this site. They differ mainly in the detail of layout. I have considered each proposal on its own merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In relation to appeal A, the appellant submitted amended plans¹ with the appeal. These plans show amendments to the scheme including alterations to internal rooms, external amenity areas, bay windows and balconies. Whilst it is noted that these amended plans were not those that the Council made a decision on, sufficient opportunity has been provided to the Council and any interested parties during the appeal process to comment on these plans. The Council commented on them in their statement of case and the matter was discussed at the hearing. Given the extent of the changes to the plans and that the Council and interested parties have had an opportunity to comment on the changes, I am accepting these amended plans as part of appeal A. I am satisfied that the Council and any interested parties have not been unduly prejudiced by the submission of these amended plans.
5. Following the submission of further evidence, including executed Unilateral Undertakings, the Council confirmed that matters relating to protected species, biodiversity and Thames Basin Heath Special Protection Area were resolved. Refusal reasons 3 and 4 of the decision notice relating to appeal A and similar matters with appeal B are no longer in dispute. I have assessed the appeals on this basis.

Main Issues

6. The main issues are whether the (i) appeal site is a suitable location for residential development, (ii) proposals preserves or enhances the setting, character or appearance of nearby heritage assets and the surrounding area; and (iii) proposals provides satisfactory living conditions for future occupiers of the development with regards to indoor room space and outdoor amenity space.

Reasons

Suitable location

7. The appeal site lies beyond the defined settlement boundaries of Bagshot with the Council arguing that the proposals would be an encroachment into open countryside. The site is bounded by built development to the north and east, the

¹ Drawing Numbers: P101D; P110B and P111C

highway to the south east with dense woodland to the south and west. Whilst the settlement boundaries may dictate that the site is within the countryside, given the physical constraints around the boundaries of the site, the proposed developments would not be an encroachment into "open" countryside.

8. The Council consider that the whole of the site is not previously developed land. At my site visit I witnessed an existing dwelling along with various outbuildings and garden paraphernalia located within the curtilage of the site. From my observations and being mindful of the definition of previously developed land in the National Planning Policy Framework (the Framework), I consider that the whole of the appeal site would constitute previously developed land.
9. I have had regard to the Council's Green Belt and Countryside Study with the appeal site being a component of Parcel C1. Given the scale of the proposals and the constraints to the boundaries of the site as described above, the proposals would not be urban sprawl between settlements nor would they be harmful to the open and rural character.
10. The proposals for residential accommodation would be suitably located and not be harmful to the open countryside. The proposals would be in accordance with Policies CP1 and CP3 of the Surrey Heath Core Strategy & Development Management Policies Document 2012 (CSDMP) and the Framework which seeks to promote the use of previously developed land, ensuring the most effective use of land, primarily through redevelopment of existing sites.

Heritage assets and surrounding area

11. The area surrounding the appeal site is mixed in character with woodland and open space to the south and west and built development to the north east. The built form is a mix of residential and commercial development with buildings having various architectural styles, design and sizes. In the immediate area of the appeal site, particularly on the north west side of London Road, properties tend to face onto the highway however, positionally, some properties are set close to the highway with others set further back. The wider pattern of development of the settlement is varied with the built form not being particularly uniformed. The Foresters Arms (FA), which sits directly adjacent to the appeal site, is a locally listed building and is a non-designated heritage asset.
12. The proposed apartment blocks to the front of the site would be wide but would not appear out of keeping when compared to existing blocks of terraced properties situated along London Road. The apartment blocks would be higher than some buildings in the area and as they would be set back from the highway, including sensitive design elements with hipped style roofing, this would ensure that this part of the development would not be overly dominant. The linked properties to the rear of the site, given their size and the difference in site levels, may be visible from some views. Nevertheless, given the surrounding woodland and the position of the proposed apartment blocks, the proposed properties would not be visually prominent features within the street scene.
13. The proposed layout of the developments respects the linear pattern of built form in the immediate area along London Road with the apartment block elements positioned along the front boundary of the site. The siting of the proposed properties to the rear would not be out of keeping with the built character of the wider surrounding area that is less uniformed with elements of back land development.

14. The existing woodland surrounding the site as well as the deciduous trees along the front boundary form an important element in reflecting what the Council describe as the sites transitional nature into the countryside. The surrounding woodland and the majority of the trees to the front boundary would be retained as part of the developments. The proposals would introduce an increase in built development to the site however, given the natural elements of the site and surroundings are to be largely kept, the proposals would not lead to an urbanisation that would detract from the appearance of the area and the transition from the built settlement to the countryside.
15. The architectural design of buildings in the area is mixed and the proposed styles and detailing of the properties and apartment blocks would ensure that the developments would not appear at odds with this varied design styles of the area. It can be seen that certain design elements have been reflected in the proposed architectural features, such as hipped roofing with flat roofed sections, as these are seen on the existing house at the site as well as other properties in the area. Overall, the design and stylings of the proposals would not reflect an uncharacteristic form of development in the area.
16. The FA is a prominent building that is visible on approaches from both directions along London Road. Whilst the proposed massing and height of the buildings differs from the existing property at the appeal site, the proposals have been sensitively designed so there is a greater separation between the proposed buildings and the FA building. This allows the significance and setting of the FA to remain and not be harmfully disturbed by the proposed buildings. The apartment blocks would be closer to the highway than the existing property and the Council are concerned that with the proposed access there would be a dominance of tarmac around the heritage asset. I am satisfied however, that with an increased separation between the buildings and the landscaping that is proposed as part of the developments, the proposal would preserve the setting, character and appearance of the FA as a locally listed, non-designated heritage asset.
17. The Council have expressed concerns with regards to vehicle parking on the site and potential for future pressure for landscaping to be removed for additional parking. Sufficient parking spaces has been provided to meet highway standards. Given the size and layout of the proposals, I consider that even if there was future pressure to provide additional parking that this could be achieved without the need to lose significant landscaping and would not compromise the appearance of the surrounding area.
18. The proposed developments, given their scale, massing, design, layout and use of natural features, would not be an overly dominant or uncharacteristic form of development that would be at odds with the pattern of built form in the surrounding area. The proposals would not lead to an urbanisation of the site that would be harmful to the built settlement or surrounding countryside and would preserve the significance and setting of the adjacent non-designated heritage asset.
19. Accordingly, the proposals would be in accordance with Policies CP1, CP2, DM9 and DM17 of the CSDMP, Principles 6.6, 6.7, 6.8, 6.9, 7.1, 7.2 7.3, 7.4, 7.5, 7.8, 7.9 and 8.6 of the Surrey Heath Residential Design Guide Supplementary Planning Document (SPD) and the Framework which seeks development to be of high quality design, promote the conservation of heritage assets and have regard to layout, built form and amenity.

Living conditions

20. Communal amenity space is provided to the south east of the proposed apartment blocks for use by units 1-4 and private garden areas are provided to the rear of proposed units 5-9. The proposed properties and the apartment blocks would be sited a significant distance away from the existing trees that are located around the boundary of the site.
21. Evidence has been provided from both the Council and the appellant with regards to overshadowing from the trees. The trees would overshadow the outdoor amenity areas to a certain degree, depending on the time of the year and time of the day. However, given the location of the proposed properties, the size of the amenity areas and the orientation of the trees with regards to these amenity areas, I am satisfied that the proposed amenity areas would not be overshadowed to an extent that would compromise the enjoyment of these areas for future residents.
22. The plans show the outdoor communal amenity area divided allowing for units 1 and 2 to have individual areas and then a communal area which can be enjoyed by residents of units 3 and 4. Future residents of 3 and 4 would also have individual balcony areas which can be used as outdoor amenity areas. From my observations at my site visit, the front section of the site is not necessarily steep in terms of levels, and I am satisfied that a useable communal area can be provided in this location. The distance from units 3 and 4 to the communal amenity area would be a short walking distance, as access is on the other side of the building therefore the future residents of units 3 and 4 would have good access to the communal amenity area. There is a footpath proposed through the communal amenity area however large spaces of open areas are provided around this footpath. Overall, the proposed amenity spaces provided for units 1-4 would be useable by future residents.
23. The communal amenity area for the apartment blocks would be located adjacent to the highway although separated by existing trees and hedgerow. It is noted that the trees and hedgerow are mainly deciduous, nevertheless, the boundary landscape is dense and would provide a level of screening between the highway and the communal amenity area which would help reduce noise disturbance from the road. It is also noted that future occupants of the scheme would also have access to Earlswood Park, a short walking distance away, that would offer good outdoor amenity options.
24. Following the submission of the amended plans in relation to appeal A, the Council confirmed that they had no concerns with regards to internal room space on either appeal A or B.
25. The proposed developments would not have a harmful effect on the living conditions of future occupiers of the development with regards to internal room space and outdoor amenity space. The proposals would accord with Policy CP2 of the CSDMP and Principles 7.6, 8.5 and 8.6 of the SPD which seeks development to comply with national internal space standards and provide private outdoor amenity space.

Other Matters

26. I have had regards to representations made by local residents and the Ward Councillor which include comments relating to overdevelopment, overlooking onto adjacent properties, parking and access. I note that the Council have not raised any fundamental concerns with regards to these matters. The proposed parking provision would meet the required highway standards and I am satisfied that the access provides adequate visibility to ensure safe entry and egress from the site. The proposed developments would be located further away from the adjacent buildings than the existing property on site and there would not be any adverse effects in terms of overlooking. I am satisfied that given the scale and parameters of the proposed developments that the schemes would not be overdevelopment of the site.
27. The matter of five-year housing land supply was discussed at the hearing with the Council claiming there is a supply of around 7 years with the appellant indicating that there is a shortfall in supply identifying a figure of 4.8 years. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, I have not found any harm with the proposed schemes and therefore any adverse impacts of the proposed developments would not significantly and demonstrably outweigh the benefits.

Conditions

28. The conditions imposed are those that were agreed by the appellant and the Council at the hearing. In the interests of precision and clarity I have undertaken some minor editing and rationalisation where necessary.
29. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. It is noted the time limit condition suggested was for development to begin within one year with a reason given to prevent an accumulation of unimplemented planning permissions. However, given there are pre-commencement conditions, some of which require further assessment works to be undertaken, a one-year time limit would be unreasonable. I have therefore imposed three-year time limit conditions.
30. In the interests of highway safety conditions are imposed in relation to a construction transport management plan, parking and turning areas, access to the highway and public transport measures. To ensure the development does not compromise the setting, character and appearance of heritage assets and the surrounding area, conditions are necessary in relation to materials, hard standing areas, landscaping and trees. To prevent undue risk to the local environment it is necessary to attach conditions relating to ecological and biodiversity matters, archaeology and drainage. In the interests of encouraging sustainable modes of travel, a condition is imposed relating to vehicle electric charging points. To safeguard the living conditions of future occupiers of the scheme, conditions are necessary in relation to window and ventilation details, and acoustic fencing. In the interests of both the character and appearance of the area and living conditions of existing and future occupiers, conditions are imposed in relation to finished floor and site levels, refuse storage and external lighting.

Conclusion

31. The proposal would not conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
32. For the reasons given above I conclude that the appeals should be allowed subject to the appropriate conditions and the relevant terms of the submitted Unilateral Undertakings.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

A. Black	Planning Consultant
R. Potts	Appellant – Chartfield Homes
P. Graham	Architect
I. Warner	Housing Supply Consultant
Z. Mirza	Chartfield Homes
C. Colville	Heritage Consultant

FOR THE LOCAL PLANNING AUTHORITY:

S. Bishop	Surrey Heath Borough Council
A. Barnes	Surrey Heath Borough Council – Trees
D. Nunn	Surrey Heath Borough Council – Housing Supply
M. Gustafsson	Surrey Heath Borough Council – Heritage

INTERESTED PERSONS:

Cllr White	Councillor for Bagshot
------------	------------------------

DOCUMENTS SUBMITTED AT THE HEARING:

1. Draft copies of Unilateral Undertakings relating to both appeals A and B
2. Executed copies of Unilateral Undertakings relating to both appeals A and B
3. Technical Note 001 – response to Council statement of case relating to trees
4. Winter shade pattern plan dated 17/10/2022
5. Summer shade pattern plan dated 17/10/2022
6. Waitrose site comparison photographs
7. Aerial photograph 2010
8. Aerial photograph 2010 with Bagshot Retail Park and new housing/SANG overlaid
9. Amended plans relating to appeal A, drawing numbers: P101D; P110B; P111C
10. Document on updated position on five-year housing land supply site assessment

Schedule of Conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The proposed development shall be built in accordance with the following approved plans: S101 A, P101 D, P102 D, P110 B, P111 C, P112 B, P113 A, P114 C, P115, 03D and 31 C.
- 3) Before the development hereby approved is commenced, details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before the development hereby approved is commenced, details for all surface materials for the access roads/car parking spaces/areas, footpaths or patio areas including location of their use shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details completed prior to the first occupation of the plot to which they relate.
- 5) Notwithstanding any information submitted with the application no foundations or ground floor slabs shall be constructed on site until details of the proposed finished ground floor slab levels of all buildings and the finished ground levels of the site including roads, private drives, parking areas and garden/communal amenity space etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.
- 6) Before the development hereby approved is commenced, details of all boundary treatment and/or soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out as approved and implemented prior to first occupation of the plot to which they relate. The scheme shall include indication of all walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development.

Any landscaping which, within 5 years of the completion of the landscaping scheme, dies, becomes diseased, is removed, damaged or becomes defective in anyway shall be replaced in kind.
- 7) Before the development hereby approved is commenced a Habitat and Landscape Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Habitat and Landscape Management Plan should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the Update Ecological Walkover Survey report and should include, but not be limited to following:
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;

- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery;
- j) Demonstrates measures to provide a biodiversity net gain.

The Habitat and Landscape Management Plan shall be carried out as approved.

- 8) Before the first occupation of the apartment building the refuse storage area for this building shall be provided in accordance with the approved plans and thereafter retained for its designated purpose.
- 9) Before the development hereby approved is commenced, a Construction Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials;
 - d) programme of works (including measures for traffic management);
 - e) provision of boundary hoarding behind any visibility zones;
 - f) measures to prevent the deposit of materials on the highway;
 - g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
 - h) on-site turning for construction vehicles.

The Construction Transport Management Plan shall be carried out as approved.

- 10) Before the development hereby approved is occupied, the parking and turning areas detailed in drawing number P101D for the plot to which they relate shall be laid out. Thereafter the parking and turning areas including garages shall be retained and maintained for their designated purposes.
- 11) Before the development hereby approved is occupied, details of external lighting for the parking area/access road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of that part of the site to which they relate. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification including a sensitive lighting management plan to minimise the impact on protected species in the area as may be found as a result of the surveys required pursuant to condition 23.

- 12) The following measures shall be implemented at the applicant's expense through a S278 Agreement in accordance with drawing number 31 rev C prior to the first occupation of the development:-
- a) a dedicated right turn lane on London Road into the site;
 - b) an uncontrolled pedestrian crossing with refuge island, tactile paving, keep left bollards and high level keep left signs;
 - c) a Vehicle Activated Speed Sign
- 13) The installation of an electronic Real Time Passenger Information display at a bus stop in the vicinity of the site shall be implemented at the applicant's expense through a section 278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.
- 14) The proposed modified access to London Road hereby approved shall be constructed and provided with visibility zones in accordance with drawing number 31 rev C and thereafter the visibility zones shall be kept permanently clear of any obstruction over one metre high.
- 15) Before the dwellings hereby approved are occupied, a scheme for fast charge Electric Vehicle charging point (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 amp single phase dedicated supply) for each dwelling and at least one visitor bay shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be made available for use prior to occupation of the plot they relate to and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 16) Before the development hereby approved is commenced, a reptile mitigation strategy shall be submitted to the Local Planning Authority for approval. The strategy will need to be prepared by a suitably qualified ecologist and appropriate to the local context. The reptile mitigation strategy should include, but not be limited to following:
- a) Location and map of the proposed translocation site including details of landowner permission if not within the application site
 - b) Assessment of the habitats present, including their ecological function to reptiles
 - c) Assessment of the translocation site reptile population size, evidenced by recent reptile surveys following best practice, and an assessment of habitat quality
 - d) Analysis of reptile carrying capacity of translocation site
 - e) Analysis of reptile carrying capacity of the retained development habitat
 - f) Details of management measures that are required
 - g) Work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - h) Details of the body or organisation responsible for implementation of the reptile mitigation strategy
 - i) Legal and funding mechanisms by which the long-term implementation of the reptile mitigation strategy will be secured by the applicant with the management body(ies) responsible for its delivery.

Development shall be carried out in accordance with the approved details.

- 17) Before the development hereby approved is commenced, details of window and ventilation specifications shall be submitted to and approved in writing by the Local Planning Authority. Such scheme to achieve the minimum attenuations as detailed within Section 10.2 of the Environmental Noise Survey and Acoustic Design Statement Report reference 27270/ADS1 dated 11 October 2019. Development shall be carried out in accordance with the approved details.
- 18) Before the development hereby approved is commenced, details of acoustic fencing, including its siting, appearance and specification to mitigate the impact from road traffic noise from the London Road (A30) on the private/communal amenity spaces for use by future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to the first occupation any part of the development to which they relate and thereafter retained and maintained for its designated purpose.
- 19) Before the development hereby approved is commenced, details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF, and Ministerial Statement on SuDS. The required drainage details shall include;
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible in whole or in part, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspections chambers etc) including details of the proposed highway drain diversion.
 - d) A plan showing exceedance flows (ie during rainfall greater than design events or during blockage) and how property on and off site will be protected;
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system;
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.
- Development shall be carried out in accordance with the approved details.
- 20) Before the development hereby approved is occupied, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provided the details

of any management company and state the national grid reference of any key drainage elements (surface water attenuations devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

- 21) Notwithstanding any information submitted with the application no operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until an updated and detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS/TPP. The AMS and TPP shall include full details of the following:
- a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
 - c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order. A specification for protective fencing during both demolition and construction phases and a plan indicating the alignment of the protective fencing. Details to include a specification for ground protection within Root Protection Areas (RPA's).
 - d) Details of any construction and demolition works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.
 - f) Detailed levels and cross-sectional diagrams to show the construction of any roads, parking areas and driveways within Root Protection Areas as proposed, where the installation is to be constructed using a no-dig specification, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses and adjacent surfaces.
 - g) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - h) Details of the arrangements for the implementation, supervision, monitoring and reporting of works required to comply with the arboricultural method statement.
 - i) Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

- j) No development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement.
- 22) Should archaeology be found as part of the demolition/construction process the developer shall commission a qualified archaeologist to observe the excavations and record items of interest and finds. A report of what has been found shall thereafter be submitted to the Local Planning Authority.
- 23) Before the development hereby approved is commenced, an updated Single Bat Emergence, Great Crested Newt and Reptile Surveys undertaken by a suitably qualified Ecologist for the relevant species shall be submitted to and approved in writing by the Local Planning Authority. Should these surveys demonstrate the presence of protected species, then no works shall be undertaken until the Local Planning Authority has been provided with a detailed mitigation, compensation and enhancement strategy as appropriate. The development shall be undertaken in accordance with the approved details.

Appeal B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The proposed development shall be built in accordance with the following approved plans: S201, P201, P202, P210 A, P211, P212, P213, P214, P215, 03C and 31C.
- 3) Before the development hereby approved is commenced, details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before the development hereby approved is commenced, details for all surface materials for the access roads/car parking spaces/areas, footpaths or patio areas including location of their use shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details completed prior to the first occupation of the plot to which they relate.
- 5) Notwithstanding any information submitted with the application no foundations or ground floor slabs shall be constructed on site until details of the proposed finished ground floor slab levels of all buildings and the finished ground levels of the site including roads, private drives, parking areas and garden/communal amenity space etc. in relation to the existing ground levels of the site and adjoining land, (measured from a recognised datum point) have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.
- 6) Before the development hereby approved is commenced, details of all boundary treatment and/or soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out as approved and implemented prior to first occupation of the plot to which they relate. The scheme shall include indication of all walls, fences, access features, the existing trees and hedges to be retained, together with the new planting to be carried out and the details of the measures to be taken to protect existing features during the construction of the development.

Any landscaping which, within 5 years of the completion of the landscaping scheme, dies, becomes diseased, is removed, damaged or becomes defective in anyway shall be replaced in kind.

- 7) Before the development hereby approved is commenced a Habitat and Landscape Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Habitat and Landscape Management Plan should be based on the proposed impact avoidance, mitigation and enhancement measures specified in the Update Ecological Walkover Survey report and should include, but not be limited to following:
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;

- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Legal and funding mechanisms by which the long-term implementation of the plan will be secured by the applicant with the management body(ies) responsible for its delivery;
- j) Demonstrates measures to provide a biodiversity net gain.

The Habitat and Landscape Management Plan shall be carried out as approved.

- 8) Before the first occupation of the apartment building the refuse storage area for this building shall be provided in accordance with the approved plans and thereafter retained for its designated purpose.
- 9) Before the development hereby approved is commenced, a Construction Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of:
 - a) parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials;
 - d) programme of works (including measures for traffic management);
 - e) provision of boundary hoarding behind any visibility zones;
 - f) measures to prevent the deposit of materials on the highway;
 - g) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused;
 - h) on-site turning for construction vehicles.

The Construction Transport Management Plan shall be carried out as approved.

- 10) Before the development hereby approved is occupied, the parking and turning areas detailed in drawing number P201 for the plot to which they relate shall be laid out. Thereafter the parking and turning areas including garages shall be retained and maintained for their designated purposes.
- 11) Before the development hereby approved is occupied, details of external lighting for the parking area/access road shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of that part of the site to which they relate. The details shall include full details of the lighting supports, posts or columns, a plan showing the location of the lights and full technical specification including a sensitive lighting management plan to minimise the impact on protected species in the area as may be found as a result of the surveys required pursuant to condition 23.
- 12) The following measures shall be implemented at the applicant's expense through a S278 Agreement in accordance with drawing number 31 rev C prior to the first occupation of the development:-
 - a) a dedicated right turn lane on London Road into the site;

- b) an uncontrolled pedestrian crossing with refuge island, tactile paving, keep left bollards and high level keep left signs;
 - c) a Vehicle Activated Speed Sign
- 13) The installation of an electronic Real Time Passenger Information display at a bus stop in the vicinity of the site shall be implemented at the applicant's expense through a section 278 Agreement in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.
- 14) The proposed modified access to London Road hereby approved shall be constructed and provided with visibility zones in accordance with drawing number 31 rev C and thereafter the visibility zones shall be kept permanently clear of any obstruction over one metre high.
- 15) Before the dwellings hereby approved are occupied, a scheme for fast charge Electric Vehicle charging point (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 amp single phase dedicated supply) for each dwelling and at least one visitor bay shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be made available for use prior to occupation of the plot they relate to and thereafter retained and maintained to the satisfaction of the Local Planning Authority.
- 16) Before the development hereby approved is commenced, a reptile mitigation strategy shall be submitted to the Local Planning Authority for approval. The strategy will need to be prepared by a suitably qualified ecologist and appropriate to the local context. The reptile mitigation strategy should include, but not be limited to following:
- a) Location and map of the proposed translocation site including details of landowner permission if not within the application site
 - b) Assessment of the habitats present, including their ecological function to reptiles
 - c) Assessment of the translocation site reptile population size, evidenced by recent reptile surveys following best practice, and an assessment of habitat quality
 - d) Analysis of reptile carrying capacity of translocation site
 - e) Analysis of reptile carrying capacity of the retained development habitat
 - f) Details of management measures that are required
 - g) Work schedule (including an annual work plan capable of being rolled forward over a five-year period)
 - h) Details of the body or organisation responsible for implementation of the reptile mitigation strategy;
 - i) Legal and funding mechanisms by which the long-term implementation of the reptile mitigation strategy will be secured by the applicant with the management body(ies) responsible for its delivery.

Development shall be carried out in accordance with the approved details.

- 17) Before the development hereby approved is commenced, details of window and ventilation specifications shall be submitted to and approved in writing by the Local Planning Authority. Such scheme to achieve the minimum attenuations as detailed within Section 10.2 of the Environmental Noise Survey and Acoustic Design Statement Report reference 27270/ADS1 dated

11 October 2019. Development shall be carried out in accordance with the approved details.

- 18) Before the development hereby approved is commenced, details of acoustic fencing, including its siting, appearance and specification to mitigate the impact from road traffic noise from the London Road (A30) on the private/communal amenity spaces for use by future occupiers shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected prior to the first occupation any part of the development to which they relate and thereafter retained and maintained for its designated purpose.
- 19) Before the development hereby approved is commenced, details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF, and Ministerial Statement on SuDS. The required drainage details shall include;
- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels
 - b) Evidence that the proposed final solution will effectively manage the 1 in 30 and 1 in 100 (+40% allowance for climate change) storm events and 10% allowance for urban creep, during all stages of the development. If infiltration is deemed unfeasible in whole or in part, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off
 - c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspections chambers etc) including details of the proposed highway drain diversion.
 - d) A plan showing exceedance flows (ie during rainfall greater than design events or during blockage) and how property on and off site will be protected;
 - e) Details of drainage management responsibilities and maintenance regimes for the drainage system;
 - f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

Development shall be carried out in accordance with the approved details.

- 20) Before the development hereby approved is occupied, a verification report carried out by a qualified drainage engineer shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provided the details of any management company and state the national grid reference of any key drainage elements (surface water attenuations devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.
- 21) Notwithstanding any information submitted with the application no operations shall commence on site in connection with the development hereby

approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until an updated and detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS/TPP. The AMS and TPP shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
 - c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order. A specification for protective fencing during both demolition and construction phases and a plan indicating the alignment of the protective fencing. Details to include a specification for ground protection within Root Protection Areas (RPA's).
 - d) Details of any construction and demolition works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. No services shall be dug or laid into the ground other than in accordance with the approved details.
 - f) Detailed levels and cross-sectional diagrams to show the construction of any roads, parking areas and driveways within Root Protection Areas as proposed, where the installation is to be constructed using a no-dig specification, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses and adjacent surfaces.
 - g) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - h) Details of the arrangements for the implementation, supervision, monitoring and reporting of works required to comply with the arboricultural method statement.
 - i) Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 - j) No development or other operations shall take place except in complete accordance with the approved tree protection scheme and Arboricultural Method Statement.
- 22) Should archaeology be found as part of the demolition/construction process the developer shall commission a qualified archaeologist to observe

the excavations and record items of interest and finds. A report of what has been found shall thereafter be submitted to the Local Planning Authority.

- 23) Before the development hereby approved is commenced, an updated Single Bat Emergence, Great Crested Newt and Reptile Surveys undertaken by a suitably qualified Ecologist for the relevant species shall be submitted to and approved in writing by the Local Planning Authority. Should these surveys demonstrate the presence of protected species, then no works shall be undertaken until the Local Planning Authority has been provided with a detailed mitigation, compensation and enhancement strategy as appropriate. The development shall be undertaken in accordance with the approved details.