



Appeal Decision

Site visit made on 6 December 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2023

Appeal Ref: APP/F0114/W/22/3305746

Land to the rear of Lansdown View, Twerton, Bath

- 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 Ian Betts and Anthony Perry against the decision of Bath and North East Somerset Council.
 - The application Ref 21/00677/FUL, dated 11 February 2021, was refused by notice dated 5 July 2022.
 - The development proposed is for the erection of seven new dwellings with access improvements and associated external works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of seven new dwellings with access improvements and associated external works at Land to the rear of Lansdown View, Bath in accordance with the terms of the application, Ref 21/00677/FUL, dated 11 February 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description I have used reflects what was agreed during the time the planning application was with the Council to reduce the number of dwellings to seven. It provides a more precise description of the development to which the appeal relates.
3. The appellants final comments have indicated that clearance works (with onsite ecology monitoring) were carried out on 12 December 2022. However, this was following my site visit on the 6 December, where I was able to view the land prior to any clearance works. For the avoidance of doubt, I have had regard to this information, however, it is not within the remit of the appeal to consider if the clearance works required permission, and if any breach of planning control occurred.
4. The Council has outlined that the Bath and North East Somerset Local Plan includes a Partial Update was adopted on 19th January 2023 (Core Strategy and Placemaking Plan). The update makes changes to some existing policies, as well as introducing some additional new policies. The Council has indicated new and amended policies will be of relevance to the scheme, in particular, Policies ST7 and NE6 have been updated and Policy SCR6- Sustainable Construction replaces Policy CP2. The draft version of the Transport and Development Supplementary Planning Document (SPD) was also adopted in January 2023 during the course of the appeal.

5. The appellants have been made aware of this and were given time to provide comments on the matter. As a result of the update, the appellants have submitted a revised site plan, house plans, elevations and section drawings referenced 1417/P/03 P10, 1417/P/06 P5, 1417/P/07 P6, 1417/P/08 P6 as well as propose additional conditions to address the changes to the Core Strategy and Placemaking Plan and the Transport and Development SPD. The Council has set out that they have no objection to the updated drawings, suggested conditions and documents being considered at appeal.
6. I have considered the drawings and documents under the principles established by the Courts in *Wheatcroft*¹. The plans have been revised to include additional solar panels on the roof planes as well as removing reference to a visitor parking space on the site plan. Although the changes were not seen during the application, the amendments and additional information would not substantially alter the nature of the development. In my judgement, it would not be necessary to reconsult neighbours or other relevant consultees. I am, therefore, satisfied that no party would be prejudiced by my assessing the scheme with regard to the updated drawings and documents. I have considered the appeal on this basis.
7. The appellants have also submitted a Unilateral Undertaking with the appeal (the UU), containing planning obligations made pursuant to Section 106 of the Town and Country Planning Act 1990, dated 22 December 2022. This relates to contributions to the loss of trees. The Council has confirmed that the UU, as drafted, is satisfactory as a legal agreement and in respect of the tree replacement contribution formula. I return to this matter later in my decision.

Main Issues

8. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area, including green space and trees
 - Pedestrian access and highway safety.

Reasons

Character and Appearance

9. The appeal site is located off Lansdown View, to the rear of a terrace on Lansdown View, which merges into Jews Lane. Jews Lane, Lansdown View and King George's Road are largely characterised by terraced properties fronting the road finished in bath stone. The dwellings have good sized rear gardens, which are proportionate with the size and scale of the dwellings. The simple pattern of development coupled with the coherent external materials and design features results in a pleasant character and appearance to the area.
10. The appeal site is accessible via a rear vehicle lane to the back of 11 Lansdown View. Aside from the adjacent terraces, a railway line adjoins to the north and allotments to the east. At the time of my site visit, the land was overgrown with brambles, vegetation, and trees. Due to the topography of the area, the appeal site is more elevated than the terrace at 1 to 10 Lansdown View but lower than the dwellings at 11 to 26 Lansdown View. The site is largely concealed from wider public vantage points on the roads outside the site due to level differences and the intervening-built form.

¹ *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

11. Although the dwellings would be more contemporary, the proposed development has taken cues from the existing context. The proposed dwellings would be stepped terraced dwellings with bath stone and clay tiles finishing. The dwellings would have a simple form, proportionate rear gardens and a legible relationship to the proposed access road and each other. A lower ground floor would result in a three-storey height to the northern elevation, but this is due to the steep slope of the site and changing levels. This would not be obvious other than within the site, and the more visible southern elevations would maintain a two-storey height, which would be comparable with the surrounding built form. The density would not be high, but the form, layout and amount of development would appear to be compatible with the surrounding character of the area.
12. The access road would extend across the whole site, but a good proportion of green space would be retained, and replacement tree planting is proposed. The appeal is accompanied by an Arboricultural Report (AR), which categorises trees based on guidance in British Standards². A good number of trees would need to be removed, however, all of them are either Category U- 'dead dying or dangerous trees' or Category C trees, which are of 'low quality, adequate for retention for a minimum of 10 years or young trees that are less than 15cm in diameter.' Two category B trees would be retained on site; a Sycamore and Goat Willow (identified as T10 and T25 respectively), with works proposed within a significant amount of the root protection area of the Sycamore due to the position of adjacent parking
13. The site appears to be a self-seeded and an overgrown backland plot. There were individual mature trees, but of those to be removed, none appeared to be of significant value. As a group of trees and low-lying bushes, the amenity value of the land is appreciable but only to users of the lane and from private views from the adjoining terraces. Wider views of the land are limited by the topography of the land and the intervening-built form. The concealed nature of the land and the lack of quality trees within the site limits the contribution they make to the character and appearance of the site and wider area.
14. The appellants have proposed an indicative landscaping scheme, showing two large areas of green space and 56 replacement trees to be planted. I acknowledge that the AR outlines that 108 trees should be replaced, but the appellants have stated that the calculation was overestimated due to counting of small saplings. Furthermore, the appellants have provided evidence to show that the Council Officer's indicated that 56 trees would need to be replaced, based on the formula with the Planning Obligations SPD. In view of this evidence to clarify the agreed replacement number, the proposed tree planting appears reasonable and in line with the Planning Obligation Supplementary Planning Document (SPD).
15. Accordingly, the density of the development together with the indicative landscaping scheme and tree planting would help to soften the impact of the built form and assimilate the scheme into the surrounding area. The proposed green spaces and trees would mitigate the loss of low-lying bushes and self-seeded trees on the site. Although the landscaping may take some time to assimilate, once mature, the landscaping and replacement trees would mitigate the impact of the built form from localised views along the lane and at the back of the adjoining terraces.

² BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations

16. I acknowledge the concerns over the contamination on the site, and whether the indicative landscaping scheme can be delivered. The appellants, however, have set out that mitigation is likely to involve removal of 600mm soil across the site, a geotextile membrane and importation of clean topsoil. Once the detailed remediation strategy is known, a landscaping scheme and the number of meaningful trees which can be replaced on-site can be fully agreed. As a precautionary measure the landscaping condition would need to be discharged prior to any commencement of the development and alongside the remediation strategy.
17. Further to this, a UU has been submitted to ensure that if all the trees cannot be accommodated on site, any residual number would be provided off-site via contributions in accordance with Policy NE6 of the Core Strategy and Placemaking Plan and the Planning Obligations SPD. If space for planting and contamination issues impact on the tree planting, compensatory provision has been made in line with the Planning Obligations SPD and secured via the signed UU. A planning obligation ensuring that the contributions would be made if the replacement trees could not be delivered would, therefore, be necessary to make the proposal comply with the requirements of Policy NE6 and Planning Obligations SPD. A planning obligation in this instance would therefore comply with the requirements of paragraph 57 of National Planning Policy Framework (the Framework).
18. A previous appeal on the site³ has been highlighted by the Council to support their case, and the need for greater clarification on contamination works and its impact on the landscaping scheme. I note the previous concerns raised by the inspector in terms of the delivery of a landscaping scheme. However, I do not have the full details of the scheme before the previous inspector. In the context of this appeal, I am satisfied that sufficient information and safeguarding has been proposed by the appellants to comply with the criteria set out in D1, D2, D3, D7 of the Core Strategy and Placemaking Plan.
19. Accordingly, the proposed development would not appear overdeveloped, and would have an acceptable impact on the character and appearance of the area. The proposal would comply with Policies D1, D2, D3 and D7 of the Core Strategy and Placemaking Plan, which, amongst other things, supports backland development where it is a high-quality design, which contributes positively to and does not harm local character, urban fabric and distinctiveness of an area. Residential density must also be compatible with the character of the area.

Pedestrian Access and Highway Safety

20. Policy ST7 of the Core Strategy and Placemaking Plan requires, amongst other things, that all developments provide safe, convenient and inclusive access to and within sites for pedestrians, included disabled people and those with mobility impairments. This is reiterated and supported by guidance set out in the Transport and Development Supplementary Planning Document 2023 (SPD).
21. The scheme proposes two points of access, a shared vehicle and pedestrian access to the north of 10 Lansdowne Road and a pedestrian only, stepped access to the south of the 1 Lansdowne Road. Currently both accesses exist but both are narrow and overgrown. The vehicle access is steep, and the pedestrian access is stepped. The proposed scheme seeks to alter them to provide access to the proposed development. The pedestrian lane and the vehicle lane also provide

³ APP/F0114/A/14/2218830

access to the back of properties on Lansdowne Road, King George's Road, and the adjoining allotments.

22. The Council has raised concerns over the accessibility to the site for all users. These include the pedestrian access being stepped and narrow, making the access not suitable for disabled persons and those with mobility issues. Also, the width of the proposed shared access narrows at its mid-point and lacks a separate walkway. The Council contend that this would result in a poor level of accessibility for all, particularly those with mobility issues. The narrowing of the shared access and lack of a separate footway would also increase the risk of pedestrian and vehicle conflicts to the detriment of pedestrian and highway safety.
23. The scale of the development means the access would result in a relatively modest increase in vehicle and pedestrian movements to and from the site. The design of the access as a shared surface would also naturally reduce the speed of vehicles. Although the shared access would not include a separate walkway and narrows to 3.4m, I am satisfied that the gradient, its overall width, the visibility along its length and the use of a shared surface over a short distance would be acceptable for all users. Furthermore, having regard to the relatively low number of pedestrians and vehicles needing to access and exit the site, coupled with the short length and good visibility, the increased risk of pedestrian and vehicle conflicts at the pinch point along the access would be low.
24. I recognise that not all users would be able to take advantage of the segregated pedestrian lane due to its stepped and narrow features. However, it would not deter all users and would understandably reduce the number of pedestrians accessing and exiting the site via the shared access.
25. In line with the updated Policy ST7 of the Core Strategy and Placemaking Plan and the Transport and Development SPD, the appellants have amended the accessibility assessment and proposed a condition for car club vouchers. Having regard to the policy update, and notwithstanding their objections to the proposed access arrangement, the Council has indicated that they are satisfied with the accessibility assessment and the provision and wording of the condition. I have had regard to the additional information, and I am satisfied that the proposed plans and condition would ensure satisfactory compliance with the updated policy.
26. Accordingly, the proposed development would provide access for all, and the increased risk to pedestrian and highway safety along the shared access would be limited. Consequently, the proposed development would not have an unacceptable effect on pedestrian and highway safety, complying with Policy ST7 of the Core Strategy and Placemaking Plan and the Transport and Development SPD. This policy, and guidance, sets out that that development will be permitted provided, amongst other things, that safe and convenient access to and within sites for vehicles, pedestrians and those with mobility impairments is provided, traffic of excessive volume, size or weight is not introduced onto an unsuitable road and highway safety is not prejudiced.

Other Matters

27. I have had regard to the representations submitted, which refer to matters such as the access issues to the back of properties and allotments, the timing of the

- traffic survey in the transport statement, ecology concerns, drainage, the possible use of the land as allotments and damage to properties.
28. I have limited evidence before me to confirm the road was closed during the traffic survey, as such, I have had regard to the information in the traffic survey when determining the appeal. I am satisfied that the proposed development would be acceptable in this location, particularly with respect to highways impacts, such as the traffic movements into and out of the site, as well as emergency and waste vehicles being able to access and turn within the site. Information submitted by the appellants also demonstrates that the loss of trees would be resolved through appropriate mitigation and compensation, and there is no net loss in biodiversity on the site, subject to conditions. Also, drainage details have been submitted to show a strategy of dealing with the increased run off from the site, subject to conditions.
29. Given the extended period the land has not been developed for allotments, together with the ongoing contamination costs, it is not likely that the land would be restored to allotments anytime soon. As such, were I to dismiss the case, there is no guarantee that the land would be developed in this manner.
30. The proposed development would not prevent pedestrian access to the rear of No's 1 to 8 and 11 to 26 Lansdown View, King George's Road or the adjoining allotments for any of the existing residents. I acknowledge that access issues are likely to occur during the construction period, however, this would be for a limited period and is not a substantive reason to withhold planning permission. A condition requiring details of the management of the construction and its traffic would also adequately address this issue.
31. I recognise that the appellants may not control or own all of the land and they may need consent from separate landowners to implement the permission. However, planning permission does not override the need to obtain consent from all landowners before carrying out works to implement the permission. I also acknowledge that the planning application process may have caused some hostility between some parties. However unfortunate, this issue would not weigh against allowing the appeal.
32. The proposed development is within the setting of the Bath World Heritage Site, therefore, consideration must be given to the effect the proposal might have on the World Heritage Site and its setting. In this instance, the proposal has been deemed to be acceptable in respect of character and appearance. Furthermore, the size, location and appearance of the proposed development would not result in harm to the outstanding universal values of the World Heritage Site or its setting. The proposal, therefore, accords with Policy B4 of the Core Strategy, Policy HE1 of the Core Strategy and Placemaking Plan and Part 12 of the Framework.
33. The appellants have provided additional solar panels on the proposed dwellings in order to address the updated requirements set out in the new sustainable construction Policy SCR6 of the Core Strategy and Placemaking Plan. Despite a technical conflict with the updated policy on space heating demand, the Council have no objection to the scheme as proposed, subject to a revised wording to a condition on sustainable construction. Based on the updated plans and submissions and due to the timing of the policy changes, I am satisfied that the additional solar panels and updated condition address the matter sufficiently.

Conditions

34. The Council has submitted suggested conditions, were I minded to allow the appeal. I have considered these in the light of advice in the Framework and Planning Practice Guidance (the PPG) and, in the interests of clarity and precision, amended some of the wording thereof.
35. In the interests of clarity, it is necessary to define the approved plans for the scheme. Conditions ensuring details of landscaping, access and highway works, a construction management plan, surface water drainage, an Arboricultural Method Statement, a Wildlife Mitigation and Compensation Scheme and land contamination are necessary to protect the character and appearance of the area, ecology and the living conditions of neighbours and future occupiers. These are also essential to the acceptability of the permission, and therefore these details need to be agreed prior to any works being carried out. The appellants have agreed to these conditions.
36. A condition requiring a verification report from a qualified ecologist, details of any materials, new lighting, a landscape and ecological management plan, noise mitigation report, rainwater harvesting, water efficiency, cycle provision, parking and waste collection are necessary to provide sufficient living conditions for future occupiers and ensure protected species are safeguarded. The conditions requiring the scheme to include housing standards, renewable energy measures and promote car club vouchers would also achieve the aim of reducing emissions and promoting alternative modes of transport. A condition has also been suggested to limit the garages to parking and storage. This limitation and control on the parking provision is reasonable given there is limited space to park on the private access road.
37. The Council also suggested a condition to secure electric vehicle (EV) charging. The amended Building Regulations, which came into force on 15 June 2022, require the installation of EV charging points. As such, it is not necessary to duplicate the function of other regulatory bodies or controls.

Conclusion

38. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

M. P. Howell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.
1417 P LOC P1 LOCATION PLAN
1417/P/01 P4 SITE SURVEY AND CONTEXT PLAN
1417/P/02 P4 EXISTING SITE SECTIONS
1417/P/03 P10 PROPOSED SITE PLAN GA
1417/P/04 P6 PROPOSED SITE PLAN LEVELS
1417/P/05 P4 PROPOSED HOUSE PLANS: LEVELS 0 AND 1
1417/P/06 P5 PROPOSED HOUSE PLANS: LEVEL 2 AND ROOF
1417/P/07 P6 PROPOSED ELEVATIONS
1417/P/08 P6 PROPOSED SECTIONS
- 3) The vehicle site access shall be completed to base course level in accordance with drawing 1417/P/03 P10 (PROPOSED SITE PLAN GA) and drawing 20074-GA01 (Proposed Site Access Arrangements), including relevant highways technical approvals before any work on the approved dwellings are begun. The gradient of the access shall not at any point be steeper than 12.5% (1 in 8) fall towards/ 8.5% (1 in 12) fall away from the highway, for a distance of 5.0m metres from its junction with the public highway. Thereafter the vehicle site access shall be retained during the construction phase and for the lifetime of the development.
- 4) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:
 - i. Deliveries (including storage arrangements and timings);
 - ii. Contractor parking;
 - iii. Traffic management;
 - iv Working hours;
 - v. Site opening times;
 - vi. Wheel wash facilities;
 - vii. Site compound arrangements;
 - viii. Measures for the control of dust;
 - ix. Sound power levels of the equipment, their location, and proposed mitigation methods to protect residents from noise.The construction of the development shall thereafter be undertaken in accordance with the approved details
- 5) No development shall commence until details of a scheme to clear and re-surface the secondary pedestrian access to the north of the site (shown on drawing no. 1417/P/03 P10, (Proposed Site Plan GA) are submitted to and approved in writing by the Local Planning Authority. The pedestrian accesses shall be carried out in accordance with drawing no. 1417/P/03 P10, Proposed Site Plan GA, and the details approved as part of this condition. The works to the pedestrian access shall be completed prior to the occupation of any of the approved dwellings, and retained in this manner to serve the development thereafter.

- 6) No construction of the external walls of the development shall commence until a schedule of materials and finishes to be used have been submitted to and approved in writing by the Local Planning Authority. The schedule shall include:

- i. Detailed specification of the proposed materials (Type, size, colour, brand, quarry location, etc.);
- ii. Photographs of all of the proposed materials;
- iii. An annotated drawing showing the parts of the development using each material.

Samples of any of the materials in the submitted schedule shall be made available at the request of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 7) No development shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority showing details of the following:
- i. All trees, hedgerows and other planting to be retained;
 - ii. A planting specification to include numbers, size, species and positions of all new trees and shrubs;
 - iii. Details of existing and proposed walls, fences, other boundary treatment and surface treatments of the open parts of the site;

All hard and soft landscape works shall be carried out in accordance with the details approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme of implementation agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme agreed as part of condition which, within a period of 10 years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the current or first available planting season with other trees or plants of species, size and number as originally approved unless the Local Planning Authority gives its written consent to any variation. All hard and soft landscape works shall be retained in accordance with the approved details for the lifetime of the development.

- 8) No development shall take place until full details of a Wildlife Mitigation and Compensation Scheme have been submitted to and approved in writing by the local planning authority. These details shall be broadly in accordance with the approved Biodiversity Net Gain assessment Rev 00 by Engain dated 19th November 2021, which shall be revised to ensure the BNG Calculation is correct and up to date, and fully in accordance with the plans (and any revisions to the plans since the approved BNG calculation was completed), and shall include:

(i) Construction Environmental Management Plan comprising Method statements for pre-construction and construction phases to provide full details of all necessary protection and mitigation measures, including, where applicable, proposed pre-commencement checks and update surveys, for the avoidance of harm to bats, reptiles, nesting birds, hedgehog, badger and other wildlife, and proposed reporting of findings to the LPA prior to commencement of works;

(ii) Detailed proposals for implementation of the wildlife mitigation and compensation measures and recommendations of the approved ecological report, and provision of habitats that have been committed to in the approved Biodiversity Net Gain report Rev 00 (Engain, 19 November 2021) with full details of proposed planting, tree replacement and woodland habitat creation; provision of bat and bird boxes, with proposed specifications and proposed numbers and positions to be shown on plans as applicable; specifications for fencing to include provision of gaps in boundary fences to allow continued movement of wildlife.

All works within the scheme shall be carried out in accordance with the approved details and completed in accordance with specified timescales.

- 9) No occupation of the development hereby approved shall commence until a report produced by a suitably experienced professional ecologist (based on post-construction on-site inspection by the ecologist) confirming and demonstrating, using photographs, adherence to the Wildlife Mitigation and Compensation Scheme in accordance with approved details, has been submitted to and approved in writing by the Local Planning Authority.
- 10) Prior to the occupation of the development, a landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and approved by the local planning authority. The landscape and ecological management plan shall be carried out in accordance with the approved details.
- 11) No development shall take place until a detailed Arboricultural Method Statement with Tree Protection Plan following the recommendations contained within BS 5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The method statement shall incorporate a provisional programme of works; supervision and monitoring details by an Arboricultural Consultant and provision of site visit records and compliance statements. If necessary, the statement should also include the control of potentially harmful operations such as soil remediation works, the burning, storage, handling and mixing of materials on site, the location of the site office, service run locations including soakaway locations and movement of people and machinery. The proposed development shall be carried out in accordance with details within the approved method statement
- 12) No development shall commence, except ground investigations, until written confirmation from the sewerage company (Wessex Water) accepting the surface water discharge into their network, including point of connection and rate, has been submitted to the Local Planning Authority. If the sewerage company are not able to accept the proposed surface water discharge, an alternative method of surface water drainage, which shall first be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be installed in accordance with the approved details prior to the occupation of the development.
- 13) No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This

assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

- 14) No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required. The scheme shall include:

- (i) all works to be undertaken;
- (ii) proposed remediation objectives and remediation criteria;
- (iii) timetable of works and site management procedures; and,
- (iv) where required, a monitoring and maintenance scheme to monitor the long-term effectiveness of the proposed remediation and a timetable for the submission of reports that demonstrate the effectiveness of the monitoring and maintenance carried out.

The remediation scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development, other than that required to carry out remediation, or in accordance with the approved timetable of works.

- 15) No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.
- 16) In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
- 17) No new external lighting shall be installed until full details of the proposed lighting design have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i. Lamp models and manufacturer's specifications, positions, numbers and heights;
 - ii. Predicted lux levels and light spill on both the horizontal and vertical planes;
 - iii. Measures to limit use of lights when not required, to prevent upward light spill and to prevent light spill onto nearby vegetation and adjacent land.The lighting shall be installed and operated thereafter in accordance with the approved details.
- 18) Prior to any occupation of the approved dwellings, the applicant shall submit to and have approved in writing by the Local Planning Authority an assessment from a competent person to demonstrate that the development has been constructed to provide sound attenuation against external noise. The development shall be constructed in accordance with the approved details. The following levels shall be achieved: Maximum internal noise levels of 35dBLAeq,16hr and 30dBLAeq,8hr for living rooms and bedrooms during the daytime and night-time respectively. For bedrooms at night individual noise events (measured with F time-weighting) shall not (normally) exceed 45dBLAmax.
- 19) Prior to occupation of the development hereby approved the following tables (as set out in the Council's Sustainable Construction Checklist Supplementary Planning Document) shall be completed in respect of the completed development, and submitted to and approved in writing by the local planning authority together with the further documentation listed below. PHPP/SAP calculations are to be updated with as-built performance values. The following are to be completed using the updated as-built values for energy performance.
 1. Energy Summary Tool 1 or 2
 2. Tables 1.1 or 1.2 (if proposal has more than one dwelling type)
 3. Table 5 (updated)
 4. Building Regulations Part L post-completion documents for renewables.
 5. Building Regulations Part L post-completion documents for energy efficiency.
 6. Final as-built full data report from Passive House Planning Package or SAP.
 7. Microgeneration Certification Scheme (MCS) Certificate/s.
- 20) The details set out in the Waste and Recycling Statement P2 shall be implemented in accordance with the agreed document. No occupation of the development shall occur until details of the waste collection contract has been arranged by the development's management company, and submitted to and agreed by the Local Planning Authority.
- 21) The approved dwellings hereby approved shall meet the optional technical standards 4(2) in the Building Regulations Approved Document M.
- 22) The approved dwellings shall be constructed to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day.
- 23) No occupation of the approved dwellings shall commence until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. Water butts) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

- 24) Each dwelling shall not be occupied until it is served by a properly bound and compacted footpath and carriageway to at least base course level between the dwelling and the existing adopted highway.
- 25) The areas allocated for parking and turning, as indicated on approved plan No. 1417/P/03 P10 Proposed Site Plan: GA, shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 26) The garages hereby approved shall be retained for the garaging of private motor vehicles and ancillary domestic storage associated with the dwelling and for no other purpose.
- 27) Following occupation of each approved dwelling, the first occupier shall be offered a free 2-year membership to the nearest car club bay provider. Prior to the occupation of the 7th residential unit, written evidence confirming that car club membership has been offered to all first occupiers shall be submitted to and approved in writing by the Local Planning Authority.

******End of Conditions******