



Appeal Decision

Site visit made on 23 March 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/J3015/W/22/3309040

Land between Styring Street and Station Road, Station Road, Beeston NG9 2WJ

- 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 Cassidy Group (Beeston) Limited against the decision of Broxtowe Borough Council.
 - The application Ref 22/00125/FUL, dated 11 February 2022, was refused by notice dated 9 August 2022.
 - The development proposed is the construction of purpose-built student accommodation building (sui generis) and ground floor commercial unit (Class E(g)(i) with associated access, car parking, landscaping and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of purpose-built student accommodation building (sui generis) and ground floor commercial unit (Class E(g)(i) with associated access, car parking, landscaping and infrastructure at land between Styring Street and Station Road, Station Road, Beeston, NG9 2WJ in accordance with the terms of the application, Ref 22/00125/FUL, dated 11 February 2022, subject to the conditions in the attached schedule.

Applications for costs

2. An application for an award of costs has been made by Cassidy Group (Beeston) Limited against the Council. This is the subject of a separate decision.

Preliminary Matters

3. I have received signed copies of a legal agreement (s106 Agreement) and unilateral undertakings (UUs) under Section 106 of the Town and Country Planning Act 1990 (the Act). These were completed following the Council's decision on the application.

Main Issues

4. The main issues are:
 - the effect of the proposal on parking pressure in the surrounding area;
 - whether the proposal would provide acceptable living conditions for future occupiers with regard to living space; and
 - the effect of the proposal on the town centre.

Reasons

Parking Pressure

5. The proposal includes provision for six parking spaces. These would be available for staff and visitors including taxis or small deliveries. Bicycle parking spaces are also proposed. None of the car parking spaces would be available to future occupiers. The Council's concern, echoed by a number of interested parties, is that occupiers of the development would generate increased demand for parking in the surrounding streets, which would add to parking stress and inconvenience for residents.
6. While the previous 2004 Local Plan may have included a requirement for one car parking space per 15 students, Policy 17 of the 2019 adopted Broxtowe Part 2 Local Plan 2018-2028 (the LP) includes no parking minimum standards. My attention has not been drawn to any other policy in the development plan that includes such a requirement.
7. The appellant submitted a Transport Assessment (TA) with the application. This provides information on anticipated vehicle traffic generation. Although the TA does not provide any estimates of modal splits for other forms of travel, it does provide information on accessibility to cycle routes and public transport services including bus, tram and rail, as well as a range of other services and facilities. The appellant's Framework Travel Plan provides information on the modal split from the TRICS site used to forecast vehicle traffic generation from the proposed development. The modal split for that development, which was a 350-unit student accommodation development on the edge of Derby city centre, was 44.3% walking, 0.1% cycling, 50.4% bus/tram, 4.1% rail and vehicle occupants 1.1%. The appellant's Transport Technical Note¹ submitted as part of the appeal identifies this modal split as interim targets that would be applied for the proposed development until baseline travel surveys are undertaken.
8. Given the proximity of the site to public transport options and its location within a comfortable walking distance of the services and facilities within the town centre, I have no reason to doubt that a similar modal split for the proposed development would not be reasonable. Its location in proximity to the town centre services and facilities together with the range of available public transport options mean that future occupiers would not necessarily have to rely on a car for day-to-day requirements. Consequently, the likely demand for car use would be reduced.
9. Even so, and notwithstanding the appellant's intention to discourage students from bringing cars through their tenancy agreement, with up to 419 students potentially living at the site, there would still be the potential for some car parking demand generated by future occupiers. There would also likely be parking demand at the start and end of the academic terms.
10. Several of the streets in the vicinity of the site are subject to Traffic Regulation Orders (TROs). Based on the submitted evidence and my site visit observations, this includes Station Road and Middle Street which are subject to double yellow lines on both sides in the vicinity of the site. Station Road transitions to single yellow lines to the south with restrictions preventing

¹ Transport Technical Note for Planning Appeal Submission (Planning Application Reference: 22/00125/FUL), HSP Consulting, 11 October 2022

waiting of car vehicles between 07:30 to 18:00, Monday to Friday and between 08:00 to 18:00 on Saturday. Styring Street in the vicinity of the site can only be used by buses and trams. Church Street has double yellow lines on one side and a mix of single yellow lines with no waiting 08:00 to 18:00 Monday to Saturday and a small number of parking spaces. Part of Hallam Road is subject to a controlled parking zone (CPZ) which restricts parking to permit holders between 08:00 and 18:00 Monday to Friday.

11. Opportunities for on-street parking on the closest streets is therefore quite limited. I accept that this would be less so outside of the restricted hours. Nevertheless, the timing of the restrictions would cause inconvenience for car owners who would have to move their vehicles before the restrictions come into effect and not park them again before the restrictions end for the majority of the week.
12. The Council identifies a number of streets as ones which could be negatively affected by parking pressure. While there is no site-specific information before me regarding parking pressure, for example a parking survey, CPZs can be an indicator of parking stress. The streets specifically identified by the Council do not appear to be part of a CPZ.
13. I observed the parking situation on these streets during my site visit on a weekday afternoon, which I appreciate was just a snapshot in time. Many of the properties on these streets have off-street parking provision for at least one vehicle. Although there was on-street parking on all the specified streets, there remained on-street parking capacity.
14. While there is therefore some demand for on-street parking within the vicinity of the site, there is little substantive evidence to demonstrate that the existing on-street parking situation has reached saturation point or that highway safety issues have occurred as a result of the current levels of on-street parking. I note that the Highway Authority has not identified any materially adverse highways implications associated with the proposal and has not objected to it.
15. Furthermore, the specified streets are not visible from the site. Monitoring vehicle security would not therefore be possible, and this would likely discourage on-street parking demand to an extent in these locations.
16. The appellant states that they would commit to covering the costs of 24-hour parking within nearby pay and display car parks four times each academic year per student. This would include the start and end of term when parking demand would likely be highest. The appellant's survey of nearby public car parks demonstrates that there would likely be capacity to accommodate these peak times, subject to the operation of staggered drop-off and pick-up times which are also proposed. Other measures proposed by the appellant include on-site residential car parking prevention measures and providing all occupants with a free tram pass for the duration of their tenancy.
17. While noting the points made about the capacity of the public transport network in the area, there is no clear evidence before me to indicate that it is already at capacity during peak periods.
18. I appreciate the concerns raised about the implications of what is a car restricted development given its scale. However, it would be close to a range of public transport options and the town centre, there would likely be a low

demand for car parking; and a package of transport and car parking measures are proposed, which could be secured by planning condition or obligation. On this basis, I conclude that the evidence is such that the proposal would not lead to unacceptably harmful increases in on-street parking pressure on surroundings streets with its associated inconvenience or disturbance to local residents. Consequently, the proposal would not conflict with Policy 10 of the 2014 adopted Greater Nottingham Aligned Core Strategies Part 1 Local Plan (the ACS) or Policy 17 of the LP which require developments to be designed to reflect the need to reduce the dominance of motor vehicles and provide sufficient, well integrated parking and safe and convenient access.

Living Conditions

19. The proposal would comprise 419 studio flats, the majority of which would be about 16 square metres (m²), together with around 101 units ranging from about 19m² to 30m², including en-suites. These sizes would fall below the guidance in the Technical housing standards – nationally described space standard, 2015 (the NDSS), which recommends a minimum of 37m² for a 1-bed 1-person room including a shower room, by more than a marginal degree.
20. I have not been directed towards any adopted planning policy that seeks to ensure that developments are carried out in accordance with the NDSS, although Policy 10 of the ACS requires new development to be designed to create an attractive, safe, inclusive and healthy environment and Policy 17 of the LP requires development to ensure a satisfactory degree of amenity for occupiers of new development.
21. All the proposed studios would exceed the 14m² minimum set out in the Council's House in Multiple Occupation (HMO) Property Standards (2018) for combined bedroom, living and kitchen units. In addition, the submitted plans show areas of shared internal amenity space. As these areas would be just on the ground floor, they would be some distance from many of the studios, but nevertheless, would provide additional space for future occupiers.
22. Overall, therefore, while the proposal would be a high-density development, I cannot conclude that it would provide an unacceptable living environment for future occupiers with regard to living space. Accordingly, I find no conflict with the amenity requirements of Policy 10 of the ACS or Policy 17 of the LP, as summarised above.

Town Centre

23. The appellant has provided information on the average expenditure of a Nottingham student. This identifies that the proposed development would have the potential to generate quite a significant expenditure within local businesses. No substantive evidence has been provided to contradict this.
24. I appreciate that student expenditure may fluctuate during the year compared to other types of residents given the seasonality of occupation, even with the proposed model of accommodation being for 51-week tenancies. Nevertheless, even if the economic impacts have been overstated to an extent, including that some of the additional expenditure might go to Nottingham and that students do not contribute via council tax, in my view the proposal would generate additional economic activity for Beeston town centre.

25. Accordingly, I conclude that the proposal would not have an unacceptable effect on Beeston town centre. As such, there would be no conflict with Policy 6 of the ACS, which seeks to maintain and enhance the vitality and viability of centres.

Other Matters

Character and Appearance

26. The proposal would result in a large development on the site. It is noteworthy however, that, based on the submitted evidence, the proposed layout, scale, massing and appearance would follow the principles within the approved scheme² on the site, with the addition of an area at the corner of Styring Street and Middle Street. There would be very limited differences between the height of the elevations of the approved scheme and those of this appeal proposal.
27. The block fronting onto Styring Street would be four storeys, which is comparable to the properties opposite. The block adjacent to the cinema would be of a similar height to this building. The tallest block, at eight storeys, would lie adjacent to Station Road opposite the Tesco Extra. This block would be higher than other nearby buildings. However, the adjacent cinema, while not as high, nevertheless has a large bulk and the building would be seen within this context. The lowest block, at two storeys, would front on to Middle Street. This would sit in between the gable ends of the blocks along Styring Street and Station Road and would provide a break in the built form. The different heights and variations in brickwork proposed would help to break up the overall mass of the proposal. There are relatively wide streets on three sides of the site separating it from the surrounding buildings. For these reasons, despite its scale, the proposal would not overwhelm the surrounding area.
28. Architectural details are proposed which would add some interest to the built form. The full height windows proposed for the commercial unit would help present an active frontage to the public realm here and would complement the existing commercial units that front onto this area. The proposal would be unlikely to detract from the public realm area given the separation distance that would be maintained, nor is there any clear evidence before me to suggest that there would be an increase in anti-social behaviour in this area.
29. Overall, therefore, the site would be capable of accommodating a building of the form proposed without unacceptably harming the character and appearance of the area.

Alternative Uses

30. Suggestions have been made about alternative uses for the site including affordable housing, starter homes, family accommodation, intergenerational accommodation, mixed tenure housing and the local GP service. However, my attention has not been drawn to any policies that would restrict student housing at the site or that have a presumption in favour of other forms of accommodation or development types. Nor is there any clear evidence before me to suggest that there is a shortfall in the provision of affordable or other suggested forms of housing. In any case, there are no alternative schemes before me, and I have to determine the appeal scheme as submitted.

² Planning permission reference 19/00816/REM

Demand for Student Accommodation and Local Services

31. I have no firm evidence of an overconcentration of student accommodation in the area or that the proposal would unacceptably affect the balance of the community. I also note the contrary contention, that there is uncertainty over future demand for student accommodation. However, there is no firm evidence to substantiate this view, with only very limited extracts of a technical paper³ presented and very little context in which to place these extracts. In any event, I have not been made aware of any development plan policies that would prohibit the principle of student accommodation in the locality. Furthermore, there is no clear evidence to confirm that the building could not be converted to alternative uses at a point in the future, if required.
32. The s106 Agreement makes provision for a contribution towards infrastructure to ensure that there would be adequate primary health care facilities in the area. No substantive evidence has been presented to demonstrate that other local services would have insufficient capacity to accommodate the increased population.

Living Conditions of Nearby Occupiers

33. Given the separation distances from the properties on Styring Street and Middle Street and the nature of the staggered height of the proposed building, the proposal would not give rise to an unacceptable effect on outlook for existing occupiers or an unacceptable loss of light.
34. For the most part, activity would be related to the normal residential use of the building, and there is no clear evidence to indicate that this would be particularly intrusive. Although some late-night activity at certain times during the week would be likely, the character of the surrounding land use has an established evening economy. The appellant proposes a management regime which would aid in controlling the behaviour of future occupiers. In addition, the mitigation measures identified in the appellant's noise assessment would provide some attenuation for noise that may arise within the building. Consequently, there is no clear evidence to indicate that the proposal would give rise to unacceptable levels of noise or disturbance for nearby occupiers.

Biodiversity and Sustainability

35. The appellant's Preliminary Ecological Appraisal⁴ identifies the site as being of low ecological value and the Council did not find any harm in this regard. On the evidence before me, I have no reasons to disagree with this position. The submitted plans show the use of green roofs and conditions could be imposed that would protect existing biodiversity and secure enhancements.
36. The appellant's Energy and Sustainability Statement⁵ recommends a number of low carbon measures including high standards of insulation, air source heat pumps and a photovoltaic array. A condition could address these matters.

³ Greater Nottingham & Ashfield Housing Needs Assessment technical paper by Icen Projects Limited on behalf of Ashfield, Broxtowe, Gedling, Erewash, Nottingham and Rushcliffe Councils (February 2020)

⁴ Prepared by Middlemarch Environmental, January 2022, report no. RT-MME-156274-01-Rev A

⁵ Prepared by Building Services Advisory Partnership, 6 September 2022, report reference 1171/F14 rev 3

Heritage Assets

37. The site lies close to the Beeston West End Conservation Area (the CA). From the evidence before me and my site visit observations, the significance of the CA is derived, in part, from the architectural and historic interest associated with the development of the area and the evidence it provides of the architectural style and building techniques of the time. The Church of St John the Baptist is a Grade II listed building to the north west of the site. Its significance is derived in part from its vernacular ecclesiastical multi-phased architecture. Given the separation distance and nature and scale of the intervening built form, the proposal would preserve the setting of the listed building and the character and appearance of the CA. Accordingly, it would not harm their significance as designated heritage assets.

Consultation

38. I note the concerns raised about a lack of pre-application consultation. However, in determining this appeal, I am only able to have regard to the planning merits of the case.
39. I appreciate the strength of opposition from the local community about the proposal including an on-line petition. Nevertheless, this is not sufficient in itself to justify withholding planning permission in the context that the proposal would accord with development plan policies, subject to the imposition of necessary planning controls.

Planning Obligations

40. The s106 Agreement and the UUs include a number of obligations to come into effect if planning permission is granted. I have considered these in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations), which are restated in paragraph 57 of the National Planning Policy Framework (the Framework).
41. Policy 19 of the ACS sets out that developments will be expected to meet the reasonable costs of new infrastructure required as a consequence of the proposal. Policy 32 of the LP lists the types of infrastructure for which contributions will be sought, including health and highways.
42. The s106 Agreement would secure a financial contribution of £90,818.25 towards the enhancement of capacity/infrastructure within local GP practices. This would accord with the requirements of Policy 19 of the ACS and Policy 32 of the LP.
43. Measures include the provision of free tram passes; a single, 24-hour phoneline for residents to contact in the event of noise, disturbance or nuisance; and adequate CCTV coverage. These measures would be necessary to safeguard the living conditions of nearby occupiers in accordance with Policy 10 of the ACS and Policy 17 of the LP.
44. A student management plan would be submitted to the Council for approval prior to the occupation of the development and implemented from the first occupation. Paragraph 2.7 of the s106 Agreement sets out that this would include details of (a) on-site staffing; (b) the management of servicing and deliveries; (c) details of on-site residential car parking prevention measures;

- (d) sustainable transport incentives; (e) the provision of parking passes during drop off and collection periods; and (f) litter and waste control measures. Although these measures would be necessary in the interests of highway safety and to safeguard the living conditions of nearby occupiers in accordance with Policy 10 of the ACS and Policy 17 of the LP, those in parts (a), (b) and (c) are matters that could be controlled by a planning condition. Given the advice in the Planning Practice Guidance about the use of planning obligations, a condition would be the more appropriate mechanism.
45. Occupation of the development would be restricted to students only, which is necessary as this is the basis on which the proposal was assessed.
46. To enable servicing to take place, a lay-by is proposed beside Station Road. The area of land to the rear of this lay-by would become the footway but it is located within the application boundary. The s106 Agreement would ensure that this area of land would remain open to the public and be maintained for the lifetime of the development. This would accord with the place-making and design principles of Policy 17 of the LP and Policy 10 of the ACS.
47. All of these requirements in the s106 Agreement are required to make the development acceptable in planning terms save for those set out in paragraph 2.7 (a), (b) and (c), as these are matters that would be controlled with reference to listed condition 13. In that regard, the obligations in the s106 Agreement would take effect on the grant of planning permission apart from those in paragraph 2.7 (a), (b) and (c).
48. The UU dated 26 April 2023 sets out an undertaking to submit an application for a TRO for the proposed lay-by on Station Road. This lay-by would provide the servicing area. It is therefore necessary to ensure that it would remain available for this purpose. Controlling its use through a TRO would therefore be necessary in the interests of highway safety and in accordance with Policy 17 of the LP.
49. The other UU dated 23 March 2023 sets out an undertaking that no occupiers of the development would be eligible to apply for a residents' parking permit (except for those holding a disabled person's badge). I have had regard to the cases⁶ cited by the Council with respect to this obligation. In my view, the wording of the undertaking would not relate the obligation to the use of the land, rather it would be a personal undertaking. It would not therefore fall within the terms of section 106(1) of the Act. I appreciate that the UU is also entered into under other statutory powers, but there is no guarantee that these powers would ensure that the obligation runs with the land.
50. Nonetheless, as I have found that the proposal would not give rise to unacceptable parking pressure in the surrounding area and would not conflict with the development plan in this regard, the undertaking in the UU would not be necessary to make the development acceptable in planning terms. Having regard to Regulation 122 of the CIL and paragraph 57 of the Framework, it would not therefore be appropriate to take this UU into account as a reason for granting planning permission.

⁶ Westminster City Council v SSCLG & Mrs Marilyn Acons [2013] EWHC 690 (Admin) and R (on the application of Khodari) v Royal Borough of Kensington and Chelsea & Cedarpark Holdings Inc [2017] EWCA Civ 333

Conclusion

51. In terms of the main issues, the proposal would not cause unacceptable parking pressure in the surrounding area; it would provide acceptable living conditions for future occupiers with regard to living space; and it would not have an unacceptable effect on the town centre, subject to the imposition of conditions and the identified obligations within the s106 Agreement and the UU dated 26 April 2023. I have had regard to the other considerations raised, but they would not result in significantly harmful effects subject to the imposition of suitably worded conditions, or conflicts with the development plan.
52. Overall, the proposal would accord with the development plan as a whole, and there are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

Conditions

53. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims). In particular, I have amended the Council's suggested condition relating to the student management plan to reflect those matters which are addressed through the s106 Agreement. I have also amended the Council's suggested condition relating to the management of the lay-by in recognition that the TRO needed to ensure this management would be addressed through the relevant UU.
54. A number of conditions are required prior to commencement of development to ensure that the relevant details are acceptable and compliance with their requirements at a later time could result in unacceptable harm. The reasons for the conditions that are necessary are included within the attached schedule.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan Ref. SRB2-MAB-01-00-DR-A-00200-P01;
- Existing Site Plan Ref. SRB2-MAB-01-00-DR-A-00210-P01;
- Proposed Site Plan Ref. SRB2-MAB-01-ZZ-DR-A-00221-P04;
- South & North Elevations Ref. SRB2-MAB-01-ZZ-DR-A-00611-P02;
- East & West Elevations Ref. SRB2-MAB-01-ZZ-DR-A-00612-P02;
- 3D Views Ref. SRB2-MAB-01-ZZ-DR-A-900001-P02;
- Street Views Ref. SRB2-MAB-01-ZZ-DR-A-900002-P02;
- Ground Floor & Mezzanine Plan Ref. SRB2-MAB-01-ZZ-DR-A-00310-P04;
- First & Second Floor Plans Ref. SRB2-MAB-01-ZZ-DR-A-00311-P02;
- Third & Fourth Floor Plans Ref. SRB2-MAB-01-ZZ-DR-A-00312-P03;
- Fifth, Sixth & Roof Plan Ref. SRB2-MAB-01-ZZ-DR-A-00313-P03;
- Proposed TRO of Layby Ref. SR-HSP-00-00-DR--C-900;
- Accommodation Schedules Ref. SRB2-MAB-ZZ-ZZ-SH-A-00005-P03.

Reason: To ensure that the development takes the form envisaged when determining the application.

- 3) Prior to the commencement of the development, details of a methodology for an archaeological watching brief and strip, map and sample in accordance with Section 4.3 and 4.4 of the Written Scheme of Investigation for Archaeological Works, March 2019 (Archaeological Research Services Ltd) shall be submitted to and approved in writing by the Local Planning Authority. The approved watching brief and strip, map and sample shall be implemented in full accordance with the approved details.

Reason: To ensure any below-ground archaeological remains are monitored and record in accordance Policy 11 of the ACS and Policy 23 of the LP.

- 4) Prior to the commencement of the development, a detailed Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall be in accordance with the enhancement measures contained within Section 7 of the Preliminary Ecological Appraisal Survey (Middlemarch Environmental, January 2022, report ref. RT-MME-156274-01-Rev A) and shall be implemented in accordance with the approved plan.

Reason: In the interests of securing an environmental net gain in accordance with Policy 17 of the ACS and Policy 31 of the LP.

- 5) Prior to the commencement of the development, a detailed renewable energy and sustainability management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the siting, design and required maintenance of any renewable energy structures. The renewable

energy and sustainability management plan shall be in accordance with the recommendations contained within the Energy and Sustainability Statement by BSAP, 6th September 2022, ref. 1171/F14 rev 3. The development shall be implemented in accordance with the approved details.

Reason: In the interests of sustainability in accordance with Policy 1 of the ACS and chapter 14 of the Framework.

- 6) Prior to the commencement of the development, details of any necessary piling or other penetrative foundation design shall be submitted to and approved in writing by the Local Planning Authority, including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.

Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policies 17 and 19 of the LP.

- 7) Prior to the commencement of the development, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
- a) the means of access for construction traffic;
 - b) parking provision for site operatives and visitors;
 - c) the loading and unloading of plant and materials;
 - d) the storage of plant and materials used in construction/demolition for the development;
 - e) a scheme for the recycling/disposal of waste resulting from construction/demolition works; and
 - f) details of dust and noise suppression to be used during the construction phase.

The approved CMS shall be adhered to throughout the construction period.

Reason: To protect the amenity of neighbouring occupiers in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 8) No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:
- a) numbers, types, sizes and positions of proposed trees and shrubs;
 - b) proposed boundary treatments;
 - c) proposed hard surfacing treatment;
 - d) proposed lighting details;
 - e) planting, seeding/turfing of other soft landscape areas;
 - f) proposed retaining walls or similar structures.

The approved landscaping shall be carried out in accordance with the approved details not later than the first planting season following the substantial completion of the development or occupation of the building, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species.

Reason: To ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 9) No development above slab level shall commence until samples/details of the proposed external facing materials have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.

Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 10) No development above slab level shall commence until a waste management plan has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented in accordance with the approved details.

Reason: To ensure sufficient provision is made for bin storage on the site in the interests of highway safety and residential amenity and in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 11) No development above slab level shall commence until written and illustrative details of the number, siting, design and future use of the electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. No commercial or residential unit shall be occupied until the electric vehicle charging points have been provided in accordance with the approved details.

Reason: To future proof the development and in the interests of air quality in accordance with Policy 1 of the ACS and Policy 17 of the LP.

- 12) The development shall not be occupied until full details of the artwork feature fronting onto Middle Street and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented in accordance with the approved timetable.

Reason: To add local interest to the design of the approved scheme in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 13) Prior to the first occupation or use of the development, a Student Management Plan (SMP) shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall only be carried out in accordance with the approved SMP. For the avoidance of doubt, the SMP shall include the following:
- a) details of on-site staffing, including a dedicated property manager during normal office hours supported by designated wardens who will reside at the premises and will deal with any emergencies or incidents outside office hours including night-time supervision;
 - b) the proposed management of servicing and deliveries;
 - c) full details of on-site residential car parking prevention measures.

Reason: In the interests of highway safety and to safeguard the living conditions of nearby occupiers in accordance with Policy 10 of the ACS, Policy 17 of the LP and chapter 9 of the Framework.

- 14) No part of the development hereby permitted shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in the approved plan.

Reason: In the interests of highway safety and the environment to encourage use of more sustainable modes of transport than the car and in accordance with Policy 17 of the LP and chapter 9 of the Framework.

- 15) No commercial unit shall be occupied until details of the siting, size and design of street bollards adjacent to Styring Street have been submitted to and approved in writing by the Local Planning Authority. The street bollards shall be provided in accordance with the approved details prior to the occupation of any commercial unit and shall thereafter be retained.

Reason: To ensure there is no future allowance for vehicles exiting on to Styring Street in the interests of highway safety and in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 16) Suitable ventilation and filtration equipment shall be installed to suppress and disperse odour created from food preparation operations on the premises. Details of the equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any food preparations on the premises. The equipment shall be installed and in full working order prior to the commencement of any food preparations on the premises and shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the use continues.

Reason: To protect nearby occupiers from excessive odour in accordance with Policies 17 and 19 of the LP.

- 17) No construction or site preparation work shall be undertaken outside of the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the living conditions of nearby occupiers in accordance with Policies 17 and 19 of the LP.

- 18) During the construction period, all excavations shall be covered overnight or else have an escape ramp to prevent entrapment of badgers, hedgehogs, and other wildlife. All pipework greater than 150mm shall be capped off at the end of the day and chemicals shall be stored securely.

Reason: In the interests of protecting wildlife habitats in accordance with Policy 17 of the ACS and Policy 31 of the LP.

- 19) No commercial or residential unit shall be occupied until the vehicular entry/exit point hereby permitted has been carried out with a continuous footway across the access in accordance with the Transport Technical Note produced by HSP Consulting (dated 26th April 2022).

Reason: In the interests of highway safety in accordance with Policy 17 of the LP and chapter 9 of the Framework.

- 20) No commercial or residential unit shall be occupied until all vehicle and cycle parking has been provided in accordance with the approved Proposed Site Plan Ref. SRB2-MAB-01-ZZ-DR-A-00221-P04.

Reason: In the interests of highway safety in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 21) No commercial unit shall be occupied until the lay-by as shown on the Proposed Site Plan Ref. SRB2-MAB-01-ZZ-DR-A-00221-P04 has been implemented.

Reason: To ensure appropriate servicing parking is available in the interests of highway safety in accordance with Policy 10 of the ACS and Policy 17 of the LP.

- 22) The development hereby permitted shall be carried out in accordance with the noise mitigation measures contained within Section 4 of the Noise Assess Ltd noise report, February 2022, ref. 13327.01.v4.

Reason: To protect the living conditions of nearby occupiers in accordance with Policies 17 and 19 of the LP.

- 23) The total rating level resulting from the use of any plant, machinery or equipment installed pursuant this permission shall not exceed the existing background sound level when measured according to British Standard 4142:2014+A1:2019, at a point one metre external to the nearest noise sensitive premises.

Reason: To protect the living conditions of nearby occupiers in accordance with Policies 17 and 19 of the LP

- 24) The commercial premises shall not be used except between 08:00 to 24:00 Sunday to Thursday and 08:00 to 01:00 Friday and Saturday.

Reason: To protect the living conditions of nearby occupiers in accordance with Policies 17 and 19 of the LP.

- 25) Deliveries by commercial vehicles shall only be made to or from the site between 07:30 to 20:00 Monday to Saturday and at no time on Sundays, Bank Holidays and other public holidays.

Reason: To protect the living conditions of nearby occupiers in accordance with Policies 17 and 19 of the LP.