



Appeal Decision

Hearing (Virtual) held on 16 May 2023

Site visit made on 17 May 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2023

Appeal Ref: APP/L5240/W/23/3316205

30 Russell Hill, Purley CR8 2JA

- 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 Mr S Sabet against the decision of London Borough of Croydon.
 - The application Ref 21/00173/FUL, dated 13 January 2021, was refused by notice dated 30 September 2022.
 - The development proposed is for demolition of former drug and alcohol rehabilitation residential care home (Use Class C2) and erection of 2 no apartment blocks totalling 24 no one, two and three bedroom flats (use class C3) (including affordable housing), comprising block A: four-storey building including semi basement and roof accommodation containing 18 no flats and block B: three-storey building with semi basement containing 6 no flats. Construction of bin and garden stores, alterations to ground levels and installation of surface water drainage infrastructure. Formation of new vehicular and pedestrian accesses onto Russell Hill. Lay out of associated hard and soft landscaping, including new private driveway, pedestrian paths and terraces, gardens and children's play equipment.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of former drug and alcohol rehabilitation residential care home (Use Class C2) and erection of 2 no apartment blocks totalling 24 no one, two and three bedroom flats (use class C3) (including affordable housing), comprising block A: four-storey building including semi basement and roof accommodation containing 18 no flats and block B: three-storey building with semi basement containing 6 no flats. Construction of bin and garden stores, alterations to ground levels and installation of surface water drainage infrastructure. Formation of new vehicular and pedestrian accesses onto Russell Hill. Lay out of associated hard and soft landscaping, including new private driveway, pedestrian paths and terraces, gardens and children's play equipment at 30 Russell Hill, Purley CR8 2JA in accordance with the terms of the application, Ref 21/00173/FUL, dated 13 January 2021, subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Mr S Sabet against the London Borough of Croydon. This application is the subject of a separate decision.

Preliminary Matters

3. Amended plans have been submitted during the appeal process that include the position of one basement level wall altered, changes to the internal layout of 5

units including the sizes of 3 units and the alteration of unit 19 to a 2-bed 4-person and unit 13 to a 2-bed 3-person unit and the relocation of the disabled units. As well as an urban design rebuttal statement. Overall these changes are relatively minor and the parties had the opportunity to respond to their content at the event. As such, prior to the hearing, it was agreed that the appeal would be considered on the basis of these amended plans.

4. At the event an amended section was discussed showing the corrected height of the neighbouring property and related land levels measured against the AOD level. The section shows a correction which would make any assessment more accurate. Furthermore, the effect of this alteration related to the matter of outlook to a proposed dwelling only, which was discussed in detail at the event. For the reasons above the parties would not be prejudiced in my consideration of these changes. As such the appeal has been assessed on the basis of this amended plan.
5. I have been provided with a Unilateral Undertaking (UU) which includes mechanisms which seek to provide affordable housing, S278 highway works, car club membership, a restriction on car parking permits, a sustainable transport contribution, air quality contribution, carbon offset contribution and a local employment and training strategy. At the hearing the Council confirmed that this overcomes their reason for refusal relating to the lack of mitigation in relation to these matters. I will return to these matters later in this decision.

Main Issues

6. The main issues are:
 - The effect of the proposed development on the character and appearance of the area
 - The quality of the living accommodation for future occupiers with particular regard to outlook from units 19 and 20.

Reasons

Character and Appearance

7. I understand that the Borough Character Appraisal (Draft September 2015) describes the general character of Purley and the residential area around Russell Hill as comprising detached houses on relatively large plots with minimal public realm; and of an architectural style often referred to as 'neo-classical Tudorbethan' which is typified by elevations with hanging tile, timber panels, brick, painted brickwork, chimneys, dormers, bay windows, gables, varied pitched roofs.
8. In addition, more recently a number of apartment blocks have replaced these houses, or are under construction. These mainly follow the established building line, but with larger footprints and heights of 3-4 storeys. Generally, they incorporate some of the 'neo-classical Tudorbethan' features into their detailed design. They include no. 31¹, 4-8², 5³, 28⁴ Russell Hill and 37⁵ Russell Hill

¹ 18/02477/FUL

² 17/02427/FUL

³ 20/03470/FUL

⁴ 18/00891/FUL

⁵ 19/00467/FUL

Road. The specific sites and buildings are not directly comparable to the appeal scheme in that there are differences in their appearance and detailed context, or that the decisions are somewhat dated and were assessed against different policies. Furthermore, 29-35 Russell Hill Road is somewhat distant from the appeal site and does not have its main relationship with Russell Hill. Nevertheless, these larger flatted blocks now form part of the character and appearance of Russell Hill and I have taken them into account in this regard.

9. There are also a number of examples of housing to the rear of the properties fronting Russell Hill. These include cul de sacs such as the two storey houses along Oscar Close, as well as blocks to the rear of individual properties, such as that at no. 28, which are generally provided with vehicular access.
10. Together Policies DM10 and SP4.1 of the Croydon Local Plan (2018) (CLP) and D3 and D4 of the London Plan (2021) (LP) have a clear requirement for high quality design. They state that development should take a design-led approach, must positively respond to local distinctiveness and respect and enhance local character. This should be thoroughly scrutinised and quality should be maintained through to completion. This is in accordance with the National Planning Policy Framework (2021) (the Framework) which states that creating high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Whilst the scale and location of the scheme at 51-56 Manor Road and 53-55 Drayton Green Road⁶ is notably different to the appeal scheme, I have nevertheless had regard to the Inspectors comments regarding beauty in so far as they are relevant to this scheme.
11. The Council stated at the hearing the basis of its concern was that the scheme would not achieve the high quality design as envisaged by these policies. This has been detailed through concerns regarding the proposed mixture of roof forms, width and depth, height, the stepped footprint, the quality of the side and rear elevations and appearance of the facade amongst other things.
12. The front elevation includes detail in the form of soldier courses of brick, an inset window at fourth floor, balcony detailing and materials. Corner balconies provide interest to the parts of the side elevations that would be most visible, with the majority screened by the side elevations of the neighbouring blocks and landscaping. As such, the depth would not be readily perceived, and considering its relationship with the rear elevations of the adjoining plots, the footprint would not be excessive in this context. The four storey height is similar to the neighbouring plot and others nearby and landscaping would provide interest at ground floor and contribute to the legibility of entrances. As such the proposed development would be appropriate within the streetscene.
13. To the side and rear, numerous features found in the surroundings are included such as projecting side elements creating a stepped footprint, a combination of pitched roofs, flat roofed balconies, inset dormers and a gable end bay including balconies. Whilst individually these elements are found elsewhere in the area, the number and variety of design features taken together, creates a lack of coherence to these parts of the development.
14. Development to the rear part of Russell Hill sites is part of the character of this area. Pedestrian access to Block B would be via a separate path to the side of

⁶ APP/A5270/W/21/3268157

block A. This would be sufficiently obvious from the street, and the lack of shared access for vehicles along this route would not undermine its legibility. Drivers would walk through the communal gardens to reach the entrance of Block B and this route would also be clear. In terms of its appearance, the side elevations would have an appropriately secondary character and there is sufficient interest to the front elevation. Fenestration patterns would be somewhat varied and the footprint would be stepped which is particularly noticeable within a projecting side gable feature. Nevertheless, the range of differing design features is more limited than Block A and overall this results in a suitably consistent appearance to the building, subservient to the frontage building.

15. There are elements of this proposal, particularly the lack of coherence to the secondary elevations of Block A, which do not provide a high standard of design. Consequently they would be harmful to the character and appearance of the area. However, individually the design features do not conflict with local character and I do not find harm with regard to the appearance of the development within the streetscene, nor the character and appearance of Block B. Consequently, although there would be some conflict with the development plan in this regard, the harm to the character and appearance of the area would be limited and highly localised.
16. Nevertheless, the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to Policies DM10 and SP4.1 of the CLP and D3 and D4 of the LP, the aims of which are set out above.

Quality of Accommodation

17. The matter in dispute relates to the proposed ground floor apartments, numbers 19 and 20, in block B. This building is set into the slope of the site, so these units are partially below natural ground level.
18. At unit 20 the three bedrooms would have their main outlook onto a narrow path bounded by a retaining wall, and then a boundary hedge at a higher level. The 2-3 storey side elevation of 24 Oscar Close is beyond. These walls and boundary treatment limit any wider outlook. However, this side garden is part of the curtilage of no 20 and there is scope to add interest through planting or hard landscaping to this view. Furthermore bedrooms 1 and 3 would have an alternative albeit secondary outlook towards the rear garden or along the side path and the main living area would also receive adequate levels of outlook.
19. At unit 19 bedroom 2 would have its outlook across a terrace and then towards a stair. It would have higher level views of part of the unit's garden and then a boundary hedge at a higher level. The terrace is suitably deep, and there is notable set back from the boundary treatment. Furthermore, there is no dispute that bedroom 1 and the living room would have appropriate outlook.
20. My attention is drawn to an appeal decision at 12A Oliver Avenue⁷ where the Inspector dismissed an appeal due to, amongst other things, a lack of outlook to a bedroom in a family unit. I agree that bedrooms may be used during the daytime, for example as a study. However, the windows in this case were proposed to be located just 1.5m from a neighbouring side elevation and the room would not receive good levels of light. Consequently, the living conditions

⁷ APP/L5240/W/22/3298508

of the occupiers of these units would be notably different to those at units 19 and 20. As such this does not alter my conclusions.

21. Further to the amended plans set out above, the appeal scheme would pass the BRE (2022) standards for daylight and sunlight at the majority of the lower ground floor rooms. The main parties agree that this results in the scheme being acceptable in this regard and taking into account the limited extent of the failures, based on the evidence before me, I agree with these conclusions. Detailed information has been submitted which demonstrates that the units with limited side windows, nos 2, 7 and 12 would not suffer from overheating. Suitable private amenity space would also be provided. Consequently, the proposed development would be acceptable in these regards. Nor do I identify overdevelopment for these reasons.
22. As such, overall, the proposed development would provide an acceptable quality of living accommodation for future occupiers. Consequently, in this regard, the proposed development would be in accordance with Policy SP4.1 and SP4.2 of the CLP and Policy D6 of the LP. Together these seek to achieve high quality housing development including with regard to providing dwellings with visual interest through a range of immediate and longer range views as well as ensuring well being. Policies DM10.4 and DM10.5 of the CLP mainly relate to private amenity space. As such the policies set out above are more relevant to this main issue.

Other Matters

Planning Obligation

23. Policy H4 and H6 of the LP and Policy SP2 of the CLP seek that 50% of all new homes should be affordable and where there is agreement between a registered provider a tenure split may be justified. The UU would secure 14 units as affordable housing (6 1-bedroom units, 8 2-bedroom units, 3 of which would be wheelchair accessible.) This represents 50% of the units by habitable room. The appellant has an agreement with a registered provider – Hexagon who have confirmed that their preferred mix is of 1 and 2 bedroom units and shared ownership tenure. Given this agreement the proposed mix would meet the policy requirement. The UU also includes a review mechanism that if the development were not implemented within 2 years a viability review would take place to ascertain if any additional affordable housing units could be provided. This would satisfy the requirements of Policies H4 and H6 of the LP and Policy SP2 of the CLP set out above, and the provision of affordable housing is a significant benefit of the proposed development.
24. The obligation also includes a contribution of £15,000 towards employment and training. This would be used in employment skill and training activities; supporting brokering jobs for residents companies and businesses in the Borough; and the identification, initial pre-employment training and on- going skills development and sustained employment for people working in the Borough and working in construction jobs on the Development; amongst other things. The figure is in line with the amount per unit as justified in the Section 106 Planning Obligations in Croydon and their relationship to the community infrastructure levy review (2019) (SPD). The provision of jobs and skills for local people is a benefit of the proposed development.

25. The UU would secure works to the highway including a new crossover, revision of on-street parking, resurfacing of footways, relocation of footway and remedying damage by means of a S278 agreement. These are directly relevant and proportionate to the development proposed and the UU secures that they would be carried out when appropriate.
26. Policy SP8 and DM29 of the CLP and Policy T4 of the LP seek to promote sustainable travel including walking, cycling and public transport, in part by improving infrastructure and requiring new residential development to contribute towards the provision of car clubs. This would be secured as a sustainable transport contribution of £1,500 per unit, which would be used towards the provision of off-site car clubs with electric vehicle charging points, highway changes such as on street restrictions and pedestrian / cycling improvements, amongst other things. The UU would also secure the provision of one car club place on the site and with one car club membership for each of the residential units for 3 years along with a Travel Plan. As well as a restriction on parking permits for occupiers. Given the accessibility of the site, the parking provision proposed, and the increase in private car use that the proposed development would entail I am satisfied that the contribution and measures are reasonably related in scale and kind to this development.
27. An air quality contribution of £2,400 is also included. This would be towards initiatives within the Air Quality Action Plan to reduce the impact of pollution and raise awareness of air quality matters in the community. The figure is in line with the amount per unit set out in the SPD, and this would ensure the development would have an acceptable effect on air quality.
28. The appeal scheme includes energy efficient design along with the provision of PV panels. However, this would not fully offset the carbon emissions of the proposed development. Policy SI2 of the LP therefore requires that the shortfall should be offset through a contribution towards the borough's carbon offset fund. The UU includes a £42,750 Carbon Offset Contribution. This would satisfy these requirements and prevent an increase in carbon emissions associated with the operation of the proposed development. Monitoring fees are also included, which are broadly in line with the justified approach in the SPD.
29. The highway works, sustainable transport measures, contribution and parking permit restrictions, air quality contribution, carbon offset contribution and monitoring fees are requirements of policy and seek to mitigate any harm from the development proposed, as set out above. As such these are neutral effects of the proposed development.

Housing

30. The proposed development would provide 24 housing units in an accessible location. This would support the government's target to significantly boost the supply of homes and would make a valuable contribution to the supply of housing in Croydon. As set out elsewhere, there have been multiple schemes which have increased the number of housing units on Russell Hill. However, the need for housing remains and as such this is an important and significant benefit.

Economy

31. The development would provide temporary economic benefits during construction, supported by the provisions of the UU in relation to employment and training. There would also be limited economic benefits from the expenditure from future residents, taking into account the scale of the development.

Other Matters

32. Alongside the site specific measures set out in the UU, the scheme would also be required to contribute towards the Borough's Community Infrastructure Levy which would support the delivery of appropriate infrastructure in the area, such as schools. This would mitigate the impacts of the proposed development in this regard.
33. Detailed evidence is provided which shows that suitable visibility splays have been included for the development proposed, and I am satisfied that there would be appropriate highway safety in this regard. A number of measures are secured to promote sustainable transport. Taking these into account, alongside existing on street parking conditions and the maximum parking standards for this development, the development would be unlikely to lead to overspill parking that would be harmful to highway safety or the living conditions of nearby occupiers.
34. The drawings under consideration indicate screening to balconies with side windows to be obscure glazed with high level openings. This would prevent any direct overlooking to neighbours, and such measures could be secured by condition. There is likely to be some noise during construction, however this would be a temporary effect. Furthermore, a construction management plan detailing hours of work and noise mitigation measures could be secured by condition which would mitigate these effects.
35. The proposed development includes the removal of trees as well as replacement planting. Bats and slow worms have been identified on the site. The Ecological report details measures to ensure that there would not be unacceptable harm to biodiversity. Conditions could be included to ensure that the development is implemented in accordance with these requirements as well as securing enhancement. This would ensure that the development did not result in harm to trees or to biodiversity.
36. The development proposes infiltration sustainable urban drainage (SUDs) techniques including green roofs, rain gardens and soakaways. The inclusion of such measures would ensure that the development would not increase flood risk and could be secured by condition.
37. Planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property is not a consideration to which I afford any degree of weight.

Planning Balance

38. As set out above, in terms of character and appearance, the proposed development would be appropriate in the streetscene and includes features that respect the local character. Although, there are elements proposed, in

particular to the side and rear of Block A which fall short of the high standard of design sought. However this harm would be very limited and highly localised. As such whilst there would be conflict with Policies DM10 and SP4.1 of the CLP and D3 and D4 of the LP the harm in this regard would be limited.

39. On the other hand, the proposal would provide 24 new homes including the provision of 14 units of affordable housing on site, an important benefit. This would contribute to the government's target to significantly boost the supply of homes and address the needs of groups with specific housing requirements including affordable housing. Future occupants would be likely to contribute to the local economy and there would be temporary economic benefits of employment and investment during construction. Taking together, the overall benefits of this scheme would be significant.
40. The proposal would not wholly accord with the development plan. However, in this particular case, the considerations set out above outweigh the limited conflict for this specific proposal. In these circumstances this indicates that planning permission should be granted.

Conditions

41. At the hearing the various planning conditions that had been suggested by the Council and agreed by the appellant were discussed. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents.
42. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. Details of materials and detailed drawings of external features are needed in the interests of the character and appearance of the area. Details of hard landscaping, retaining walls, play equipment and details of maintenance are required for the same reason. However, soft landscaping and boundary hedges are shown in the approved drawings, and further detail is not necessary. As such these elements have been removed from this condition. A condition requiring certain windows are obscure glazed, alongside the condition requiring the provision of details of balustrades would ensure the privacy of neighbouring occupiers. Policy DM14 of the CLP requires the inclusion of public art in schemes such as this in order to contribute to the character of the area. This is secured via the condition requiring the provision of public art.
43. A construction logistics plan is needed in the interests of the living conditions of nearby occupiers, as described above, and in order to ensure an acceptable impact on the road network. This condition is required to be pre commencement as the measures are required for the lifetime of the development. Details of car parking spaces allocation and management are also necessary to ensure high quality development.
44. Ecological licences and/or statements are required for the reasons set out above. This condition is required to be pre commencement as the measures are required for the lifetime of the development. A Biodiversity Enhancement Strategy, lighting scheme for biodiversity and compliance with the phase 2 ecological appraisal are also necessary for the same reason. Compliance with the Arboricultural statement and tree protection plan is required in the interests of biodiversity and the character and appearance of the area.

45. Details of a waste management plan are necessary to provide suitable living conditions for future occupiers. The approved drawings show details of the refuse areas and cycle parking and as such further detail of these elements is not needed. A piling method statement must be submitted in order to ensure the protection of underground sewerage utility infrastructure.
46. Compliance with the energy statement is required in the interests of minimising carbon emissions, however the condition requiring details of carbon dioxide emissions reduction has been removed to prevent duplication. Compliance with a water efficiency standard is also needed in order to secure an efficient use of water. Furthermore, compliance with the air quality statement is necessary to ensure the development does not have an adverse impact on air quality. Compliance with the flood risk assessment is also necessary so as not to increase flood risk on site or elsewhere.
47. A condition requiring the provision of wheelchair accessible and adaptable units is required so as to provide accessible units and a suitable mix of housing. Compliance with the health impact assessment must be secured in order to promote healthy and safe communities. Also, compliance with the fire statement is required to ensure the development is safe. However, reference to compliance with building regulations has been removed to avoid duplication of other legislation.
48. There is no indication that contamination is likely on this site. Nor are there any specific concerns about noise for future occupiers in this location. As such it was agreed at the event that the conditions requiring details of soil contamination and remediation and details of internal noise were not necessary and as such they have not been included. Furthermore, the proposed development is for individual residential flats. It was also agreed at the hearing that it would be unreasonable to require a delivery and servicing management plan for this use. As such this condition is not included.

Conclusion

49. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:

Location Plan and Existing Site Topo Plan - 18-099-P001

Existing Floor Plans - 18-099-P002

Existing Elevations - 18-099-P003

Existing Street Elevation - 18-099-P004

Existing Site Sections - 18-099-P005

Proposed Site Plan - 18-099-P010 Rev P

Proposed Block A Floor Plans -1 - 18-099-P011 Rev R

Proposed Block A Floor Plans – 2 - 18-099-P012 Rev T

Proposed Block B Floor Plans - 18-099-P013 Rev R

Proposed Block A Elevations - 18-099-P014 Rev Q

Proposed Block B Elevations - 18-099-P015 Rev P

Proposed Sectional Elevations - 18-099-P016 Rev Q

Proposed Sectional Elevations (with Trees) - 18-099-P017 Rev Q

Proposed Street Elevation - 18-099-P018 Rev M

Proposed Site Section -1 - 18-099-P019 Rev P

Proposed Site Section – 2 - 18-099-P020 Rev P

Proposed Amenity Sections - 18-099-P021 Rev Q

Proposed Overlooking Sections - 18-099-P022 – Rev S

Proposed Contour Plan - 18-099-P023 Rev L

Proposed Overlooking Section 13 - 18-099-P024 Rev L

Proposed Access Plan - 18-099-P072 Rev S

Proposed Car Parking Plan - 18-099-P073 Rev Q

Proposed Cycle Parking Plan – 18-099-P074 Rev Q

Proposed Refuse Collection Plan - 18-099-P075 Rev S

Proposed Emergency Plan - 18-099-P076 Rev L

Proposed Block B Refuse Enclosure and Store - 18-099-P077 Rev L

Proposed Block A Refuse and Cycle Store - 18-099-P078 Rev Q

Proposed Visuals - 18-099-VIS Rev N

Accommodation Schedule - 18-071-AS Rev S

Swept Path Analysis – 20-T046-12.1 Rev A

Swept Path Analysis - 20-T046-12.2 Rev A

Swept Path Analysis - 20-T046-12.3 Rev A
Swept Path Analysis - 20-T046-12.4 Rev A
Swept Path Analysis - 20-T046-14 Rev C
Private Gardens Planting Plan - UA/PP12
Front Planting Plan and Private Gardens – UA/PP13
Hard Landscape Plan – UA/DD11
Hedge Planting Plan – UA/PP11
Playground Plan – UA/DD12
Shared Garden Plan – UA/PP14
Tree Planting Plan – UA/PP15
Proposed Surface Water Drainage Layout – J00290-JYN-XX-ZZ-DR-C-0200 P03

- 3) Prior to the commencement of development (including demolition) a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development:
- i) Hours of construction;
 - ii) Hours of deliveries;
 - iii) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - iv) Facilities for the loading and unloading of plant and materials;
 - v) Details of the storage facilities for any plant and materials;
 - vi) The siting of any site huts and other temporary structures, including site hoardings;
 - vii) Details of the proposed security arrangements for the site;
 - viii) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
 - ix) Details outlining the proposed range of dust control methods and noise mitigation measures;
 - x) details demonstrating compliance with the non road mobile machinery (NRMM) regulations 2015;
 - xi) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

- 4) Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
- i) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity/development to go ahead; or

- ii) a method statement supplied by an individual registered to use a Bat Mitigation (formerly known as Low Impact) Class Licence for Bats; or
- iii) c a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

The development shall be carried out strictly in accordance with the details so approved.

- 5) Prior to the commencement of development a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles shall be submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy shall include the following.

- i) Purpose and conservation objectives for the proposed works.
- ii) Review of site potential and constraints.
- iii) Detailed design(s) and/or working method(s) to achieve stated objectives.
- iv) Identification of an appropriate receptor site and justification for the site selection with reference to Natural England's Guidelines.
- v) Extent and location/area of proposed works on appropriate scale maps and plans.
- vi) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- vii) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- viii) Persons responsible for implementing the works.
- ix) Details of initial aftercare and long-term maintenance of the Receptor area(s).
- x) Details for monitoring and remedial measures.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 6) No piling shall take place until a Piling Method Statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the approved piling method statement.
- 7) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- i) Details of all external facing materials including samples of the proposed external window, door, wall and roof materials;
 - ii) Detailed drawings in plan/elevation and section at 1:5 and 1:20 through all typical external elements/details of the facades including all openings in external walls ;
 - iii) Detailed elevations and sections of balconies including soffit, floor material, and balustrade;

- iv) Detailed elevations/sections/plans of main front entrances;
- v) Details of junctions between materials;
- vi) Detailed elevations/sections/plans of any external plant and machinery;
- vii) Details of any external pipes, vent or flues;
- viii) Details of privacy measures between flats

The development shall be carried out strictly in accordance with the details approved and retained in that manner thereafter.

- 8) Prior to the commencement of above ground works, final details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- i) Hard landscaping materials (including samples);
 - ii) Retaining walls;
 - iii) Details of the communal amenity space, including details of any fixed external furniture;
 - iv) A maintenance/management plan for all aspects of the hard and soft landscaping, including the biodiverse green roof and communal amenity spaces.
 - v) All details of play equipment and accessibility of child play space including:
 - (i) Area calculation/elevation/sections;
 - (ii) Manufacturers' details of equipment as relevant; and
 - (iii) All levels to access playspace.

The development shall achieve a minimum Urban Greening Factor of 0.4. The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 9) Prior to the commencement of above ground works, a Biodiversity Enhancement and Management Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- i) Purpose and conservation objectives for the proposed enhancement measures;
 - ii) detailed designs to achieve stated objectives;
 - iii) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where applicable); and
 - iv) persons responsible for implementing the enhancement measures;

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 10) Prior to the commencement of above ground works a public art brief and competition strategy including details of who will be contacted shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of above ground floor level works, detailed design for the public art including elevations, plans, sections, samples shall be submitted to and approved in writing by the Local Planning Authority. The public art shall be installed in full prior to the occupation of the development hereby permitted, and shall be so retained for the lifetime of the development.
- 11) Prior to the occupation of the development hereby permitted the windows shown as 'Obscure Glazed Flank Windows HL Opening Light' shall have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 12) Prior to the occupation of the development hereby permitted, a lighting scheme for biodiversity, with input from a suitably qualified ecologist to ensure it is sensitive to wildlife, shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and retained thereafter in accordance with the scheme.
- 13) Prior to the occupation of the development hereby permitted a car park management plan detailing the allocation and management of spaces for residents and visitors shall be submitted to and approved in writing by the Local Planning Authority. The operation of the car park shall take place in accordance with the details approved and retained for the lifetime of the development.
- 14) Prior to the occupation of the development hereby permitted, a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in accordance with the details approved and retained for the lifetime of the development.
- 15) Prior to the occupation of the development hereby permitted the CO2 emission reductions and renewable energy technologies as outlined in the Energy Strategy Report ref: 20-7671 shall have been carried out in full.

Details, in the form of a Microgeneration Certification Scheme (MCS) certificate, or other verification process agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development hereby permitted, confirming that the above measures have been met.

- 16) All of the residential units within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable', save for at least 10% of the units which shall comply with either the optional requirement M4(3)(2)(a) 'wheelchair adaptable', or the optional requirement M4(3)(2)(b) 'wheelchair accessible'. Such provision shall be retained for the lifetime of the development.
- 17) All mitigation measures and/or works shall be carried out in accordance with the details and recommendations contained in the Phase 2 Ecological Appraisal (Crossman Associates November 2020).

This includes the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 18) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.
- 19) The development must be carried out in accordance with the provisions of the 30 Russell Hill: Flood Risk Assessment, Ref J00290, Rev01, December 2020, Updated MicroDrainage calculations for Cellular Soakaway SA02, produced by Jonsyn, dated 16th March 2022, Proposed Surface Water Drainage Layout drawing, ref. J00290-JYN-XX-ZZ-DR-C-0200-P03, produced by Jonsyn, dated 16th March 2022.
- 20) The development must be carried out in accordance with the provisions of the Fire Statement (Dated 11/12/2021).
- 21) The development shall be implemented and operate in accordance with the Air Quality Assessment dated January 2021.
- 22) The proposed development including tree protection measures shall only be carried out in accordance with the BS5837:2012 Arboricultural Impact Assessment, Method Statement & Tree Protection Plan. The agreed tree protection measures set out in the report shall be provided prior to commencement of development and shall be retained for the full construction period.
- 23) The development shall be implemented and operate in accordance with the Health Impact Assessment dated January 2021.

APPEARANCES

FOR THE APPELLANT

Sally Furminger – Lichfields

Sarah Howe – Solicitor representing appellant

Colin Pullan – Lambert Smith Hampton

Robert Walton KC – Barrister instructed by Lichfields on behalf of the appellant

FOR THE LOCAL PLANNING AUTHORITY

Victoria Bates – Senior Planner

Ross Gentry – Central Area Team Leader

Sulaiman Quereshi – Place Services