



Appeal Decision

Hearing held on 12 September 2023

Site visit made on 12 September 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/D1265/W/23/3320357

184 Ringwood Road, St Leonards and St Ives, Ringwood BH24 2NR

- 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 Harbourwood Homes Ltd against the decision of Dorset Council.
 - The application Ref 3/21/1115/FUL, dated 27 May 2021, was refused by notice dated 8 March 2023.
 - The development proposed is described on the application form as 'Demolish existing residential buildings and erect a block of 15 apartments with parking, bin and cycle stores.'
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Decision

1. The appeal is allowed and planning permission is granted to Demolish existing residential buildings and erect block of 15 apartments with parking, bin and cycle stores at 184 Ringwood Road, St Leonards and St Ives, Ringwood BH24 2NR in accordance with the terms of the application, Ref 3/21/1115/FUL, dated 27 May 2021, and the plans submitted with it, subject to the conditions set out in schedule attached to this decision.

Preliminary Matters

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and officially replaces the previous version published in July 2021. At the Hearing it was agreed that policies material to the appeal have not fundamentally changed. I have had regard to the latest version of it in reaching my decision.
3. Since determination of the application, the Council has confirmed it can no longer demonstrate it has a 5-year housing land supply. For East Dorset the figure is now reduced to 4.15 years.
4. The Council has confirmed that the emerging Dorset Council Local Plan (the emerging Local Plan) is at Regulation 18 stage, with adoption anticipated for Spring 2026. In light of its stage of preparation I give this plan very little weight.
5. At the Hearing the parties were unable to agree to all of the content of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (the S106), hence there was no signed and dated S106. However, the parties agreed to work together after the Hearing to find consensus for the terms of the late stage review clauses. A duly signed and dated Unilateral Undertaking (the UU), agreed with the Council, has now been submitted. The Hearing was subsequently closed in writing.

6. The proposal was originally submitted for the erection of an apartment block of 15 units comprising 10 x 2-bed and 5 x 1-bed units. During determination of the application, the scheme was amended to address design and residents' concerns about overlooking. Consequently, the design of the building was revised to comprise 9 x 2-bed and 6 x 1-bed units. I have assessed the appeal on this basis.

Main Issues

7. Based on the officer reports to the Planning Committees, minutes of the Council's Planning Committees, the reasons for refusal, the evidence before me and what I heard at the Hearing, the main issues in this appeal are:
- Whether the proposal would make appropriate provision for affordable housing;
 - The effect of the proposed development on the character and appearance of the area, and
 - The effect of the proposal on neighbouring occupiers with regard to overlooking.

Reasons

Affordable housing

8. In order to maximise affordable housing provision Policy LN3 of the Christchurch and East Dorset Local Plan (the Local Plan) requires housing development on non-greenfield sites to provide 40% affordable housing. Any application which proposes a lower level of affordable housing on viability grounds must be accompanied by clear and robust evidence that will be subject to verification. Conditions or legal obligations will be used to ensure that affordable housing is secured for those in housing need. The Policy goes on to state that on sites resulting in a net increase of 5-14 dwellings the Council will require on-site affordable housing provision. Where this is not possible, or at the Council's discretion, a financial contribution in lieu of the on-site affordable housing provision will be acceptable, calculated in accordance with the Commuted Sum Methodology.
9. Paragraph 58 of the Framework states that where up to date policies have set out contributions expected from development, planning applications that comply are assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any changes in site circumstances since the plan was brought into force. All viability assessments should reflect the recommended approach in national planning guidance. The national Planning Practice Guidance (the PPG) provides further assistance on viability and examples of changes in circumstances, such as where a recession or similar significant economic changes have occurred since the plan was brought into force.

10. The appellant submitted an Economic Viability Assessment¹ (the EVA) with the application to justify why 40% affordable housing could not be provided on site. This included key valuation data such as the Benchmark Land Value based on the Existing Use Value and premiums paid to the landowner, construction or build costs, professional fees, sales rates, profit, and residual values. The EVA concluded that the proposal was unable to support any affordable housing on site or any affordable housing financial contribution through a S106, and cited factors such as Brexit and Covid as other circumstances that have played a part in the increase in costs to justify the need for an EVA. The appellant would, however, pay the necessary CIL² charge.
11. The District Valuer independently verified the appellant's submitted EVA and agreed with the appellant that the scheme was not viable if it provided 40% affordable housing on site. Despite some variances in data values, including that the EUV was too high, the District Valuer's initial Viability Report³ (VR) agreed with the appellant that a policy-compliant scheme, i.e. one that provides 40% affordable housing on site, was not viable. However, he reached a significantly different conclusion with regards S106 contributions and found the scheme would be viable to pay a financial contribution of £102,223 for off-site affordable housing plus the CIL charge.
12. Despite disputing some of the District Valuer's adjustments, the appellant submitted an updated EVA in April 2022 that included updated build cost rates and indexed sales revenue. The appellant also noted there had been two rises in the base interest rate, and that professional fees had increased. The appellant still concluded that there would be a negative residual valuation showing the scheme could not support any S106 contributions towards affordable housing.
13. The District Valuer produced a revised VR⁴, having corrected some of the appellant's date-related issues. The revised VR concluded that on-site provision of affordable housing was still not viable, but that a lower financial contribution of £58,147 in lieu of one affordable unit was viable, together with the CIL charge.
14. Although not fully in agreement with the findings of the District Valuer's revised VR, the appellant agreed to the contributions and to proceed with the application. This informed the officer report to the Planning Committee in January 2023 and the recommendation to approve the scheme. However, the application was deferred by members who questioned the low financial contribution and the weight that should be attached to the appellant's EVA in light of paragraph 58 of the Framework.
15. The Council then explored the EVA and the Local Plan Evidence Base⁵ (the Evidence Base) in more depth, including the data values. The Council concluded the appellant's EVA should have referenced the Evidence Base, which it regards as meaningful and relevant as the most recent viability evidence that used the most current data available at the time, and which has

¹ Submitted by Tangent Chartered Surveyors dated 17 May 2021, who later merged with Sturt & Company in October 2021, and who then provided subsequent economic viability information.

² Community Infrastructure Levy

³ DVS viability report dated 14 February 2022

⁴ DVA viability report dated 12 July 2022

⁵ Peter Brett reports 'Community infrastructure Levy Viability Testing' dated June 2013 and 'Viability Testing at 35% & 40% Affordable Housing C2/C3 Uses' dated December 2014.

in-built buffers to deal with certain changes, such as rises in build costs. As the appellant's EVA did not use the Evidence Base and, according to the Council, did not start in the right place, the Council considers that limited weight should be given to the EVA under paragraph 58. As a result, the Council subsequently recommended the application for refusal at the March Planning Committee.

16. The main area of dispute between the parties is, therefore, whether the appellant's EVA should have referred to the Evidence Base, whether the Evidence Base is up to date to use, and the effect this would have on the outcome of the EVA and the viability of the site.
17. I heard that the assumptions and methods used in the EVA differ to those used in the Evidence Base. For example, the Evidence Base assumes a 20% profit of development costs, whereas the EVA assumes 15% on market development value. The Council considers that the Existing Use Value, that inputs into the appellant's EVA, should be what it is now, not what it was five years ago. The Council is of the view that using the Evidence Base as a starting point, and hence taking a different approach, and the cumulative effect of lots of small adjustments would all add up and affect the outcome that could make more money available for affordable housing. The Council acknowledges that build costs have increased, which the buffer in the Evidence Base takes into account, but that property prices have not significantly increased such that there is no significant negative impact on development viability.
18. However, the Council has not provided any re-calculated viability assessment to show what effect these various changes and using the Evidence Base would have on the EVA and the outcome of the financial contribution. There was some discussion of viability and affordable housing provision on other housing schemes, but both parties confirmed they were of a very different scale of development (over 100 properties) as to not be relevant or comparable to the appeal scheme.
19. The Statement of Common Ground confirms the District Valuer did not refer back to the Evidence Base. I did not hear evidence to suggest that the Council has refused other housing schemes because applicants did not use the Evidence Base in their viability assessments or that it has raised the Evidence Base issue with the District Valuer regarding the approach to be taken in other viability cases.
20. The Evidence Base is based on development appraisals of hypothetical schemes and does include a scenario of 15 flats. However, I heard that the appellant's EVA has used accurate inputs for costs and revenue and uses the RICS⁶ data base from real projects to produce an index of build rates. Information from the Land Registry also informs the house price index. Land values were agreed with the District Valuer, as was the 15% landowner premium as an incentive to sell the site. I was told the site is unique attracting limited sales revenue due to its location beside the busy A31.
21. The difference to the figures used within the Evidence Base can be explained largely by the passage of time and inflation. The market has also changed in the intervening years. Even if the Evidence Base was used to inform the Local Plan, which was found to be sound, that occurred almost 10 years ago and there have been significant changes in circumstance since, such as Covid and

⁶ Royal Institution of Chartered Surveyors

Brexit, which have affected values such as build costs. Furthermore, the EVA has been independently assessed by the District Valuer and who has also concluded that the site could not viably provide affordable housing on site based on the figures used, to which the District Valuer proffers no significant challenge in the revised version.

22. Although the Council insists that the specific impacts from Covid or Brexit have not been identified in the EVA, the events are of the type of circumstance that would fall under the PPG guidance of 'a recession or similar significant economic change'. The Council accepted the District Valuer's values and findings and does not question the integrity of the District Valuer, but comments that he is only considering the scheme on its own and not making comparison. That said, and as reported above, the District Valuer used current values for land and property to input into his calculations. This, to my mind, provides a realistic up to date assessment of the viability of the proposal, and hence implicitly reflects the effects of Covid and Brexit.
23. Local Plan Policy LN3 allows for the provision of a lower level of affordable housing on financial viability grounds as long as it is accompanied by "clear and robust evidence that will be subject to verification". Framework paragraph 58 also requires applicants to justify the need for a viability assessment. I have found that to be the case in this appeal.
24. Drawing all the above points together, I am more persuaded by the appellant's argument that the Local Plan Evidence Base, being almost 10 years old, is out of date, especially given the economic uncertainties and challenges provided by Covid and Brexit that have had an impact on the housing market and construction costs since the production of the local plan evidence. Consequently, I attach great weight to the appellant's EVA, independently verified by the District Valuer, that demonstrates that the proposal is not viable to provide 40% on-site affordable housing but can, however, provide a financial contribution for one off-site affordable dwelling.
25. Therefore for the reasons above I conclude that the proposal makes appropriate provision for affordable housing. Accordingly, the proposal accords with Local Plan Policy LN3. It also accords with the Framework and the PPG on this matter.

Character and appearance

26. The appeal site comprises a detached hipped-roof bungalow with accommodation in the roof, and a number of single storey outbuildings and a large concrete pond in the garden. The site is bound by close boarded timber fencing and mature trees, mostly pine trees. The site is accessed directly off the A31, which I saw was a busy dual carriageway, and is close to a roundabout.
27. The site is on the edge of a residential area, with a mix of house types and designs, most of which are set back from the road. I saw a number of two-storey dwellings on Woolsbridge Road, Braeside Road and Garden Lane, which wraps around the back of the site. However, most properties in the immediate area were single storey.
28. There are only a few properties that front the A31 in the vicinity of the site. The nearby dwellings 186 and 190 Ringwood Road (No.186 and No.190) are

both single storey. These and the appeal site are well screened behind tall fencing and mature vegetation, such that views into the appeal site and the adjacent properties are glimpsed when passing along the A31, mainly in the car. Garden Lane, which runs along the site's western and north-western boundary, serves to further visually and physically separate the site from the neighbouring residential properties.

29. To the other side of the appeal site is a filling station and associated convenience store, whose buildings are flat-roofed single storey structures, which are visually prominent on the open site. Next to the filling station is a park home site 'Rest-a-While' that is set well back from the road with an access drive such that it has very little visual relationship to the immediate area. Nearby at the roundabout there is a two-storey Travelodge and car park. Opposite the site on the other side of the dual carriageway is 'The St Leonards', a two-storey hipped-roof public house occupying an open and prominent location, set back from the road behind its car park. I saw other examples of a variety of development adjacent to other filling stations at various intervals along the A31 in both directions.
30. From my observations, the appeal site has a greater visual and physical relationship to the adjacent commercial filling station premises, The St Leonards opposite and the A31, than it does to the nearby housing or indeed the housing developments along Braeside Road, Laurel Lane and Woolsbridge Road. Furthermore, there was no strong urban grain or street scene to inform or influence designs or development forms for the site.
31. The proposed apartment block would continue to be set back from the road using the existing access, which would be widened. Apart from the proposed three-storey central gable section on the southeast (front) elevation the building would be predominantly two-storey to eaves with a third floor of accommodation in the roof served by dormer windows and rooflights. The apartment block would be constructed of brick and render with a tile roof, such that the materials would be broadly in keeping with the variety of building materials I saw used on properties in the area. The design was also amended to remove some of the gable features and introduce more hipped roofs, in order to reduce the bulk and massing of the building. Whilst the proposed building would be taller than the existing dwelling and have a greater footprint, the elevations would be articulated with hipped and gable features and a suitable palette of materials. The roof would also vary in height and form. As a result, the building would have appropriate massing and visual variety and would not be unduly out of keeping with the area.
32. Furthermore, many of the mature trees along the roadside frontage would be retained, maintaining the site's existing screening from the A31. A new boundary treatment would also be required as I saw the existing tall fence was falling over in places, but the design and materials of this could be controlled by way of a planning condition. Other neighbouring properties and Garden Lane have mature trees such that longer range views of the building would be filtered and limited, including from nearby roads. The development would have limited visibility in the context of the A31 and wider area. The separation from nearby properties by Green Lane, substantial screening, and proximity to adjacent commercial premises would mean the scale of the 2-2.5 storey development would not be unduly incongruous in the area.

33. Taking all of these factors into account, I am satisfied that the proposed development would not harm the character and appearance of the area. Accordingly, there would be no conflict with Local Plan Policy HE2, which seeks, amongst other things, to ensure that development reflects and is compatible with its surroundings, including in terms of scale, bulk, height, materials and visual impact.

Living conditions

34. The nearest properties to the appeal site are those situated along Garden Lane which wraps around the site, and No.186 that sits to the west on the other side of Garden Lane fronting the A31. No.186 is a single storey dwelling with that presents a garage closest to its own boundary fence along Garden Lane and hence towards the site's western boundary, and there are also patio doors, presumably to a habitable room. Some of the trees will be removed along the site's northern and western boundaries, which will open up views into and out of the site to some extent, but existing trees and shrubs along Green Lane would remain.
35. The proposal would place a taller building closer to No.186. However, following amendments and resulting internal re-arrangement of the flats, a large dormer window in the roof and a large first floor window facing towards No.186 were removed. At first floor level, facing towards No.186, there would now be small windows for an en-suite bathroom and a cloakroom toilet and a small window above the kitchen sink in one of the flats, which would be a secondary window to an open plan living/dining/kitchen area. These windows could be conditioned to be fitted with obscure glazing to further enhance privacy. On the third floor of accommodation in the roof space the originally proposed large window has been replaced by a small rooflight that would now serve a bathroom. These changes have reduced the opportunity for overlooking of No.186. Furthermore, there is over 18m separation distance between the proposed building and No.186, with Garden Lane and existing trees in between. I am therefore satisfied that the proposed development would not have a harmful effect on the living conditions of occupiers of No.186 with regard to overlooking and privacy.
36. With regards the other properties in Garden Lane these are further away than No.186. Furthermore, most viewing angles from windows towards the existing properties would be oblique, affording less direct intervisibility between habitable rooms. The proposed windows would also look mainly over the proposed residents' car park and garden area, before looking towards the front gardens/driveways of the neighbouring properties - not private rear gardens. I am satisfied there would be no material overlooking of these properties.
37. Other residents living elsewhere, such as Laurel Lane, Hazelmere Drive and Woolsbridge Road, have expressed concerns about being overlooked. Based on my observations of the site and surrounding area and on my aforementioned findings regarding properties located closer to the appeal site, I am satisfied there would be no material overlooking and harm to other residents living further away.
38. In conclusion, whilst the proposed building may create a perception of overlooking this would have no basis in fact as described above. I find there would be no overlooking that would cause material harm to the living conditions of occupiers of neighbouring properties. Accordingly, the proposal would not conflict with Local Plan Policy HE2 which seeks, amongst other

things, to ensure new development is compatible with its surroundings in its relationship to nearby properties, including minimising disturbance to amenity.

Other Matters

The Dorset Heathlands

39. The site lies beyond 400m but within 5kms of the Dorset Heathland, an extensive network of lowland heath in southeast Dorset recognised for its national and international importance for nature conservation. It is a designated European Ramsar site, a Special Protection Area (SPA), a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).
40. The proposed development will see a net increase of 14 dwellings which would increase the local population. This would add to the recreational pressure on the protected Heathland, including pressure from domestic pets and increased air pollution from additional vehicle usage. This has the potential, without mitigation measures, to have a significant adverse effect on the integrity of the Heathland. Accordingly, as the competent authority I have carried out an Appropriate Assessment including consultation with Natural England, who advised on the initial preparation of the Council's Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document" (hereafter the 'Heathlands SPD').
41. The Heathlands SPD sets out measures to avoid or mitigate harm arising from increased urban-related pressures on the Dorset Heathlands. It includes Strategic Access Management and Monitoring (SAMM). Contributions towards SAMMs, collected through CIL charging, would help secure the day-to-day costs of helping local people alter harmful behaviour with a range of measures, including employing wardens to manage visitor pressure on the heathlands, education programmes and also pays for ongoing monitoring.
42. In my view, if such mitigation set out in the Heathlands SPD were provided then the significant adverse effect caused to the SPA would be appropriately mitigated. I am therefore satisfied that the development would not adversely affect the integrity of the Dorset Heathlands SPA.

Residents' concerns

43. I am aware of opposition to, and various concerns about, the proposed development from local residents and the Parish Council who wrote to the Council. The issues raised were summarised in the Council's Committee Reports, as well as comments from statutory consultees. Following consultation with the various statutory bodies, no objections were raised to technical matters such as highways, noise, flood risk, drainage, light pollution, trees, biodiversity, or to the principle of residential development per se on the site. These are all important matters. However, from the evidence before me I have no reason to take a different view to the Council and the various agencies and bodies. Hence these are not matters that have been critical to my decision.
44. At the Hearing I heard from two residents. One was concerned about the amount of traffic on the A31, parking concerns and construction traffic, a view also shared by a number of other residents and the Parish Council who had submitted written comments to the Council. I saw for myself that the A31 was a busy road and I saw that a number of accesses and features were in close

proximity to the site and each other, such as the junction with Braeside Road, a bus stop, a post box, the slip-road entrance to the filling station, and an access to the 'Rest-A-While' park home site.

45. However, the access arrangements were considered by the appropriate statutory bodies. The appellant submitted a Transport Statement which identified there would be an additional 29 two-way trips daily. National Highways acknowledged that this would be an intensification of the use of the existing access, but that the increase in vehicles could be accommodated on the highway network. Following requests for, and receipt of, a revised design of the access including its widening, the National Highways accepted the proposal subject to the imposition of a number of conditions. From the evidence before me I have no reason to disagree.
46. The parking provision of 13 allocated and 2 unallocated parking spaces for 9 x 2-bed and 6 x 1-bed units accords with the Council's parking standards. There is also a bus stop directly outside the site that would offer future residents opportunities to use public transport. Nonetheless, there would be nothing to prevent future occupiers owning more than one car and some residents might park on nearby roads, such as Laurel Lane and Braeside Road. On my site visits, albeit a snapshot in time, I saw the roads had unrestricted parking and that most properties had their own on-site parking. There did not appear to be significant pressure for on-street parking. The Highway Authority did not raise any objections. I am satisfied from what I saw and the evidence provided that some on-street parking could be accommodated without undue detriment to highway safety or the amenity of existing residents.
47. The other resident in attendance expressed concern about flooding, as in the past Garden Lane and Laurel Lane have been susceptible. The appellant and the Council were able to explain about the submitted drainage report and that Wessex Water had not raised any issues.
48. In terms of setting a precedent, the Planning Act requires development to be considered against the development plan and any other material considerations. This means that each new planning application would have to be treated on its own merits, and each proposal would have its own site-specific issues and characteristics. Therefore, allowing the appeal would not set a precedent.
49. A number of residents refer to loss of value in their property. However, this is not a land use matter that can be taken into account in the planning considerations.

Behaviour of the parties

50. I acknowledge both parties' concerns regarding each other's conduct during the determination of the application, particularly regards the alleged lack of communication or responses. However, in reaching my decision I have been concerned only with the planning merits of the case.

Planning Obligation

51. A commuted sum of £58,147 is required in lieu of on-site affordable housing, under Local Plan Policy LN3. This financial contribution is in line with the District Valuer's findings.

52. At the Hearing the parties disagreed with various definitions, formula and details of a review clause and hence there was no signed S106. However, both parties have since worked together and have now confirmed their agreement to the revised details in the signed UU, dated 27 September 2023, that has since been submitted.
53. I am satisfied that the planning obligation meets the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010) as amended as it would be necessary to the development and acceptable in planning terms; directly related to the development, and fairly and reasonably related in scale and kind to the development.

Conditions

54. It will be necessary to impose a number of planning conditions. The Council listed these in its officer report to the Planning Committee in January 2023, and which the appellant is familiar with. These were discussed at the Hearing, including the suggested pre-commencement conditions. I have considered the conditions against the advice and tests in the Framework and the PPG. Where necessary and in the interests of clarity and precision I have amended or combined conditions. Following the advice in the PPG I have also listed the conditions in the order that they need to be satisfied.
55. I have included the standard conditions limiting the lifespan of the planning permission and specifying the relevant drawings to provide certainty in the interests of proper planning.
56. To safeguard the character and appearance of the area and ensure a satisfactory appearance of the development, conditions requiring details of external materials and soft and hard landscaping, including boundary treatments, are necessary. To safeguard and promote biodiversity and the environment I shall also impose a condition requiring biodiversity mitigation measures, as well as measures to ensure trees are protected during construction, and that energy and water efficiency measures are put in place.
57. In the interests of the living conditions of nearby residents, the submission and approval of a Construction Management Plan prior to any demolition or construction work is necessary and should include construction hours. As discussed at the Hearing, I shall require certain first floor windows to be made obscure glazed and top-hung to reduce overlooking. To protect future occupiers, details of noise levels of the lift and plant will be required, as well as refuse management details.
58. In the interests of highway safety and promoting sustainable transport choices, I have imposed conditions for the alterations required to the site access, the laying out of the parking and provision of cycle parking. The submission of a Construction Traffic Management Plan would also be necessary for reasons of both highway safety and living conditions of nearby residents. To prevent flooding and pollution I have imposed conditions relating to surface water drainage. As a precautionary measure I have imposed a condition to remediate against any unexpected land contamination and undertake any subsequent investigations to address any unexpected issues.

Conclusion

59. For the reasons given above the appeal accords with the development plans as a whole and should be allowed.

K Stephens
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Giles Moir	CL Planning
Steve Courtney	Director Harbourwood Homes Ltd
Dean Gaffikin	Harbourwood Homes Ltd
John Newman	Director Sturt & Company Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ursula Fay	Lead Project Officer
Claire Hicks	Planning Officer
Peter Walters	Senior Planning Officer

INTERESTED PERSONS:

Norman Drake	Local resident
Lynda Drake	Local resident

Documents submitted at the Hearing

1. Details of flats for sale at Sycamore House, Verwood (Penny Farthing Homes).
2. Written copy of oral submission - Norman Drake
3. Unilateral Undertaking submitted by appellant dated 19 September 2023.

Documents submitted by agreement after the Hearing

1. Unilateral Undertaking signed and dated 27 September 2023, submitted by the appellant and agreed by the Local Planning Authority.

SCHEDULE OF CONDITIONS

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 9457/100 Rev J Block Plan
 - 9457/101 Rev B Floor Plans
 - 9457/102 Rev B Elevations
 - 9457/103 Rev D Elevations
 - 9457/105 Rev C SUDS Plan
 - 9457/104 Rev A Bin & Cycle Store
 - 9457/107 Rev A Site Section
 - 800.0032.006 Rev B Access Arrangements
- 3) No development shall take place until a Construction Traffic Management Plan (CTMP), Construction Method Statement (CMS) and Construction Environmental Management Plan (CEMP) have been submitted to and approved in writing by the Local Planning Authority. The CTMP, CMS & CEMP must include:
 - a) construction vehicle movements.
 - b) construction operation hours.
 - c) construction delivery hours.
 - d) expected number of construction vehicles per day.
 - e) car parking for contractors' vehicles.
 - f) arrangements for on-site off-loading and storage of construction plant and materials as no parking or off-loading will be permitted from the A31.
 - g) the provision of adequate turning space on site to ensure vehicles can enter and exit the A31 in a forward gear.
 - h) storage of plant and materials used in constructing the development.
 - i) the use of plant and machinery.
 - j) wheel washing and vehicle wash-down and disposal of resultant dirty water - oils/chemicals and materials.
 - k) the location and form of work and storage areas and compounds.
 - l) the control and removal of spoil and wastes.The approved CMS, CTMP & CEMP shall be adhered to throughout the construction period of the development.
- 4) No development shall take place until a boundary treatment/landscaping plan has been submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). The plan shall include details of any fencing or planting, its location with reference to the National Highways boundary, and a maintenance schedule. The boundary treatments shall be implemented in accordance with the agreed plan before the development is occupied and maintained as such thereafter.
- 5) Prior to the removal of any trees in proximity to the boundary with the A31 trunk road, a method of works shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The method statement shall include consideration of traffic management

requirements to protect users of the A31 trunk road and associated public footpath. The works shall be undertaken in accordance with the agreed method statement by a suitably qualified contractor.

- 6) No development shall take place until a scheme for the method of surface water drainage for the development has been submitted to and approved in writing with the Local Planning Authority. The scheme shall be designed, implemented and maintained to ensure no surface water run-off arising from the development site shall enter the trunk road or highways drainage systems. The approved scheme shall be implemented before the development is first occupied.
- 7) No development, including demolition and site clearance, shall take place until the arboricultural supervision statement, to be first agreed at a pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority. The protection of the trees shall be carried out in accordance with the arboricultural supervision statement, the Arboricultural Impact Assessment and Tree Protection Plan Ref: RNapc/168/TPP/1.
- 8) No development shall take place until samples of the cellular confinement system to be used for the trees, including the samples of the cell infill aggregate, which shall not be of a calcareous nature but a 4-20mm clean angular granite or flint shall be submitted and approved in writing by the Local Planning Authority. The approved system shall be implemented in accordance with a time scale to be first agreed with the Local Planning Authority.
- 9) No development shall take place until the following information has been submitted to and agreed in writing by the Local Planning Authority:
 - a) a 'desk study' report documenting the site history.
 - b) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages and incorporating risk assessment.
 - c) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
 - d) a detailed phasing scheme for the development and remedial works (including a time scale).
 - e) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time.

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted is first occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.

- 10) No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development including clarification of how drainage is to be managed during construction, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the maintenance and management of the surface water drainage scheme, a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the

operation of the surface water drainage scheme throughout its lifetime. The approved surface water scheme shall be implemented before the development is occupied, and thereafter managed, maintained and retained.

- 11) No development above damp-proof course shall take place until details and samples of all external facing and roofing materials have first been provided on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.
- 12) No development above damp-proof course shall take place until details of hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority. These details shall include full details of structural tree pits (tree Bunker or Silvacell or similar); details of boundary planting; and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All approved hard and soft landscaping shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development.

Any planting found damaged, dead or dying in the first five years following their planting shall be duly replaced with appropriate species.

- 13) No development above damp-proof course shall take place until details have been submitted to and approved in writing by the Local Planning Authority that cover the following matters:
 - a) how the development shall achieve at least 10% of the total regulated energy (used for space heating, hot water provision, fixed lighting and ventilation) used in the apartments from renewable sources, unless otherwise agreed in writing with the local planning authority;
 - b) that options for district heating, and/or power facilities to serve the development have been investigated;
 - c) where it is possible to do so the development should be connected to a district heating and/or power facility in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.The agreed details shall be implemented before the development is first occupied.

- 14) No development above damp-proof course shall take place until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that a standard of a maximum of 110 litres per person per day has been applied for all residential development. The approved scheme shall be implemented before the development is first occupied.
- 15) The development shall not be occupied until the cycle parking facilities shown on Drawing Numbers 9457/100 Rev J and 9457/104 Rev A have been constructed. Thereafter, these facilities must be maintained, kept free from obstruction and available for the purposes specified.
- 16) The development shall not be occupied until the access, geometric highway layout, turning and parking areas shown on Drawing Number 9457/100 Rev J

have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

- 17) The development shall not be occupied until the scheme of works for the improvement of the access onto the A31 trunk road has been completed and available for use. The works shall be implemented in accordance with the drawing 800-0032-006 Rev B, subject to any necessary changes identified during the detailed design and Road Safety Audit process, unless otherwise agreed in writing by the local planning authority (in consultation with National Highways).
- 18) The development shall not be occupied until the protected species mitigation measures as detailed in the approved mitigation plan dated 20/05/2022 and NET Certificate of 11/7/22 have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.
- 19) Before installation of plant or similar equipment for the proposed lift, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the Local Planning Authority. The written report shall follow the BS4142 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report should predict the likely impact upon sensitive receptors in the area and all calculations, assumptions and standards applied should be clearly shown. Where appropriate, the report should set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measures shall be fully implemented prior to the occupation of the first and second floor flats, and thereafter permanently retained.
- 20) The development shall not be occupied until a Refuse Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the management company to be set up; that bins will not be stored in the open or at the collection point apart from on the day of collection; and measures to be taken to prevent parking on areas required for refuse vehicle turning. Prior to occupation of the development, the refuse management plan shall be implemented and subsequently carried out for the lifetime of the development in accordance with the approved details.
- 21) Notwithstanding the details on the submitted plans, the first-floor windows on the southwest elevation, shown on drawing 9457/102 Rev B, shall be fitted with obscured glazing, and any opening windows shall be top-hung, before those flats are first occupied. Prior to their installation, details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority. Once installed the obscured glazing and top-hung windows shall be retained thereafter.

End of Conditions