



Appeal Decision

Hearing held on 25 April 2024

Site visit made on 25 April 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2024

Appeal Ref: APP/E0345/W/23/3335887

Land Adjacent to 300 Kings Road, Reading RG1 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Titan Property Developments against the decision of Reading Borough Council.
 - The application Ref is 221162.
 - The development proposed is construction of a part five part three storey building of 14 residential apartments (C3) and associated undercroft car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a part five part three storey building of 14 residential apartments (C3) and associated undercroft car parking at land adjacent to 300 Kings Road, Reading, RG1 4HP in accordance with the terms of the application, Ref 221162, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant submitted an updated Viability Study (November 2023) and Energy Statement (December 2023) at the outset of the appeal. The Council raised concerns as to whether the updated viability evidence should be accepted as part of the appeal. However, it is relevant in that it directly responds to matters raised within the Council's decision on the planning application.
3. The proposed development has not materially changed as a result of the updated evidence. Furthermore, there was sufficient opportunity for the Council, or any interested parties, to consider and respond to the updated evidence. Indeed, the Council provided comments on the updated viability evidence as part of its initial appeal statement and had the opportunity to further discuss matters during the hearing. As such, and having regard to case law¹, no parties are deemed to have been prejudiced through my acceptance of the updated evidence. I have therefore taken these documents into consideration in my determination of the appeal.
4. A draft Section 106 Legal Agreement (S.106) was provided in advance of the hearing. A completed S.106 has duly been received and therefore has been considered in the determination of the appeal.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37] and Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

Main Issues

5. The main issues are:

- Whether the proposed development would make adequate provision for affordable housing;
- Whether the proposed development would make adequate provision towards social and economic infrastructure;
- Whether the proposed development would make adequate provision towards carbon off-setting measures; and
- Whether the proposed development would provide an appropriate mix of housing to meet identified needs.

Reasons

Affordable Housing

6. From the evidence before me, despite the Council being able to demonstrate a five-year housing land supply, there is clearly pressing affordable housing needs within the Borough. Additionally, the Borough faces particular challenges in addressing these needs due to local contextual and geographic constraints. This has been exemplified, amongst other matters, by the findings of the Berkshire (including South Bucks) Strategic Housing Market Assessment (2016) and various appeal decisions presented by the Council. Indeed, the Council's affordable housing needs have not been challenged by the appellant.
7. Local Plan Policy H3 requires that on sites of 10 or more dwellings, 30% of the total dwellings will be in the form of affordable housing. The policy further establishes that where proposals fall short of the policy target due to viability considerations, an open-book approach will be taken and the onus will be on the developer to clearly demonstrate the circumstances justifying a lower affordable housing contribution.
8. The appellant has engaged in an open-book approach with the Council and its viability consultant during the initial application and this appeal. Through discussions at the hearing the main parties agreed that the consideration of viability under Local Plan Policy H3 was not limited to exceptional or site-specific circumstances. Consequently, there is no reason for me to discount the appellant's viability arguments due to the factors affecting the scheme's viability relating to economic conditions that may be widespread across the building industry.
9. The appellant's viability study (November 2023) provides a detailed residual development appraisal for a scheme with a policy compliant level of affordable housing, as well as a scheme with no affordable housing provision. The analysis suggest that even when no affordable housing provision is made, the appeal scheme technically remains non-viable with an approximate deficit of £490,000. This deficit significantly worsens when a policy compliant provision of affordable housing is included. The appellant therefore claims that the proposed development cannot make an affordable housing contribution.
10. At the hearing the Council also accepted that the findings of the appellant's updated viability study (November 2023), with the Council's viability expert indicating that the updated evidence overcame previously held concerns.

Notably, in relation to the proposal's build costs, sensitivity testing, and how the viability analysis had been prepared against the assumptions made against the BPS Viability Assessment² (BPS Assessment) that informed the adopted Local Plan As such, the Council agreed that the appeal scheme was currently insufficiently viable to provide affordable housing. From the available evidence, I have no reason to conclude otherwise.

11. Main parties also agreed at the hearing that there is no policy requirement to demonstrate the deliverability of the proposed scheme. Additionally, I accept that there are legitimate reasons why a developer may make a commercial decision to proceed with a development even if the scheme's viability is shown to be in deficit.
12. However, the viability evidence is based upon a particular point in time. As such, market conditions may improve leading to the proposed scheme becoming viable to provide a contribution towards affordable housing in the future. Indeed, in examining the scheme's viability the appellant has undertaken sensitivity testing. This illustrates scenarios whereby relatively small adjustments to the appeal scheme's costs/revenue may result in the proposed development producing a surplus. Main parties have therefore agreed to a late-stage review mechanism (LSR) to ensure that if there was any value or uplift from the scheme to contribute towards affordable housing then a deferred contribution could be captured. This is an approach endorsed by the Council's Affordable Housing Supplementary Planning Document (adopted 2021) (Affordable Housing SPD).
13. The completed S.106 would secure an obligation for a LSR and, pending its outcome, the need for the developer to provide a deferred contribution towards the provision of affordable housing within the Borough. The obligation put forward conforms to a 'profit share' approach that is set out within the adopted Affordable Housing SPD. In essence, it would involve the owner submitting an updated viability appraisal once 75% of the residential units have been practically complete. Should this updated viability evidence identify the development delivering a surplus, then a relevant (capped) financial contribution is to be made to the Council towards delivery of affordable housing.
14. Given the considerable need for affordable housing within the Borough and the advice of the Affordable Housing SPD, I am satisfied that the obligation is necessary to make the development acceptable in planning terms. The obligation is also directly related to the development and fairly and reasonably related in scale and kind to it. It therefore conforms to the statutory tests contained in Regulation 122 of the Community Infrastructure Levy Regulation 2010 (the CIL Regs) as detailed at paragraph 57 of the Framework.
15. Accordingly, with the S.106, the proposed development makes appropriate provision for affordable housing. It therefore accords with Local Plan Policy H3 and the aims of the Council's Affordable Housing SPD. It would also accord with Local Plan Policy CC9, which seeks to secure infrastructure, and the provisions of the Council's Planning Obligations under Section 106 Supplementary Planning Document (the Planning Obligations SPD) (adopted 2015), which sets

² Affordable Housing Reading Borough Council Viability Testing Report (2018) – prepared by BPS Chartered Surveyors.

out the Council' approach towards seeking planning obligations.

Social and Economic Infrastructure

16. Core Strategy Policy CC9 relates to the securing of infrastructure. The policy details, amongst other matters, that development proposals should contribute towards economic development services with employment, skills, and training development initiatives amongst its highest priorities.
17. The Council's Employment Skills and Training Supplementary Planning Document 2013 (Employment Skills and Training SPD) meanwhile seeks for proposals comprising 10 or more homes to deliver an Employment and Skill Plan (ESP) as part of the development. The ESP is intended to help promote employment and learning opportunities among local people during the construction phase of the development and should be secured through appropriate planning obligations. Where a developer chooses not to advance and implement its own ESP, the Employment Skills and Training SPD includes a formula for calculating an equivalent financial contribution that should be secured and used to fund relevant local employment, skills, and training outcomes.
18. The Council refused the application on the grounds that there was no appropriate mechanism to secure an ESP or equivalent financial contribution. As previously detailed, a certified and completed S.106 has now been provided. Amongst other matters, this would adequately secure a relevant financial contribution to be used to fund an appropriate range of employment, skills, and training measures. This financial contribution aligns with the figure that is sought under the Employment Skills and Training SPD.
19. Given the above planning policy context, and having regard to the CIL Regs and paragraph 57 of the Framework, I am satisfied that the financial contribution towards employment, skills and training initiatives is necessary to make the development acceptable in planning terms. I am also satisfied that the obligation is directly related to the development and fairly and reasonably related in scale and kind to it.
20. Accordingly, I find that the proposed development would make adequate provision towards social and economic infrastructure and would accord with the aims of Core Strategy CC9. It would also accord with the provisions of the Council's Employment Skills and Training SPD and the Planning Obligations SPD.

Carbon Off-Setting

21. Local Plan Policy H5 sets out standards for new build housing within the Borough. Amongst other matters, it requires all major new build residential developments (comprising 10 or more dwellings) to achieve zero carbon home status, unless it would render the development unviable.
22. The supporting text at paragraph 4.4.46 highlights that where homes are not designed to be carbon neutral, as a minimum, there will be a requirement for dwellings to achieve a 35% improvement in the dwelling's emission rate over the target emission rates in the 2013 Building Regulations. Furthermore, the need to provide a planning contribution towards relevant carbon off-setting

within Reading, for any deficit where zero carbon status cannot be achieved, is also outlined.

23. Additional details in relation to carbon off-setting are set out within the Council's revised Sustainable Design and Construction Supplementary Planning Document (adopted in 2019). This includes how carbon emissions will be assessed as part of the application process, as well as how financial contributions towards carbon off-setting will be calculated, secured, and potentially used (where zero carbon status cannot be achieved).
24. The appeal scheme would not achieve zero carbon status, which the appellant highlights is due to viability constraints. Nonetheless, the appeal scheme would incorporate a variety of energy efficient measures including its building fabric, the proposed use of photovoltaic panels at roof level, and the use of air source heat pumps. An updated energy statement submitted alongside the appeal indicates that through using an alternative air source heat pump model, the appeal scheme would permanently reduce regulated emissions by approximately 45% and the proposed energy demand by approximately 65%. Therefore, it would achieve a greater than 35% carbon reduction against the target emissions set out under the Building Regulations.
25. These above matters, including the lack of viability to achieve zero carbon status, have not been contested by the Council. From the available evidence, I also have no reason to reach an alternative view.
26. The completed S.106 includes an obligation that following completion of the development each residential unit shall have a standard assessment procedure review (SAP review) undertaken by an independent credited assessor. The reviews must be submitted to the Council to demonstrate that each residential unit achieves the minimum 35% improvement in regulated emissions over the target emission rate in the 2013 Building regulations. It also includes the requirement to pay a carbon offsetting contribution towards the residual carbon emissions where the residential units do not meet the zero-carbon target set out under Local Plan Policy H5. The level of financial contribution accords with that detailed under the supporting text to Local Plan Policy H5 and as set out in the Sustainable Design and Construction SPD.
27. Again, given the above planning policy context, I am satisfied that the financial contribution towards carbon off-setting measures is necessary to make the development acceptable in planning terms. The obligation is also directly related to the development and fairly and reasonably related in scale and kind to it.
28. Consequently, I find that the proposed development would make adequate provision towards carbon off-setting measures and would comply with the requirements of Local Plan Policies CC3, CC9 and H5. Together amongst other matters, these policies seek for development to incorporate measures to adapt to climate change, including promoting carbon neutral developments and environmental infrastructure. The proposal would also accord with the aims of the Council's Sustainable Design and Construction SPD, as well as its Planning Obligations SPD.

Housing Mix

29. Local Plan Policy H2 sets out detailed considerations in relation to the density and mix of residential developments, with the aim of making efficient use of land and addressing identified housing needs. In respect of housing mix the policy states that:

'Wherever possible, residential development should contribute towards meeting the needs for the mix of housing set out in figure 4.6, in particular for family homes of three or more bedrooms. As a minimum, on new developments for 10 or more dwellings outside the central area and defined district and local centres, planning decisions will ensure that over 50% of dwellings will be of 3 bedrooms or more, having regard to all other material considerations'. (My emphasis added).

30. The proposed development includes seven x 1-bedroom apartments (50%), five x two-bedroom apartments (approx. 36%), and two x 3-bedroom apartments (approx. 14%). The proposed mix does not conform with that sought under Local Plan Policy H2.
31. However, during the hearing both main parties agreed that the inclusion of 'Wherever possible' at the start of the policy text provides recognition that there is some flexibility to the stated housing mix. The fact that the policy text also specifically highlights the need to have regard to all other material considerations, also supports the need for some flexibility in relation to the provision of 3-bedroom units.
32. Main parties also agreed at the hearing that viability is an example of a circumstance whereby flexibility on the precise mix of units within a development scheme could be justified.
33. The appellant has undertaken a sensitivity testing exercise whereby the viability of a notional scheme that would closely align with the mix of units sought under Policy H2 has been undertaken. The sensitivity testing demonstrates that the notional scheme would have a significantly worse viability deficit compared to the appeal proposal. The Council at the hearing did not dispute the findings of the sensitivity testing, while there are no robust reasons for me to reject the findings. I therefore deem the notional scheme to be non-viable and given the extent of deficit identified, I consider that it would be unlikely to be delivered.
34. Whilst sensitivity testing to consider the viability of other notional alternative schemes has not been undertaken, for example the delivery of non-flatted development/family homes, the appellant has put forward compelling reasons why the characteristics of the site and its surroundings lends itself to an apartment scheme. This includes matters of access and urban design including promoting appropriate densities.
35. Overall, although the proposal would not provide the specific unit mix that is sought under Local Plan Policy H2, it remains that the policy allows for some flexibility and that there is suitable justification for the unit mix proposed. The proposal would also provide some limited provision of 3-bedroom homes whilst still contributing towards wider housing need for one and 2-bedroom homes. Accordingly, I find the proposed development to provide an appropriate mix of

housing to meet identified housing needs and to be in compliance with Local Plan Policy H2.

Conditions

36. I have assessed the suggested conditions against the relevant tests set out in the Framework and the advice of the Planning Practice Guidance (PPG). Where necessary, I have made amendments to the wording of the conditions, which followed discussions at the hearing.
37. As well as a standard time limit condition, a condition specifying the approved plans/drawings is necessary in the interest of clarity and certainty.
38. A pre-commencement condition requiring approval of a construction method statement is necessary in the interests of protecting the living conditions of neighbouring residents and on highway safety grounds. Likewise, restrictions on the hours of construction/demolition and deliveries to the site, the burning of materials and preventing the use of the roof of the building for amenity purposes are also needed to protect the living conditions of neighbouring residents. Given the proximity of neighbouring residential properties and the potential for disturbance to occur, I have removed the suggested tailpieces that had been included on the conditions relating to the construction method statement, operational hours and the use of the building's roof.
39. A pre-commencement condition requiring the approval and subsequent implementation of a sustainable drainage strategy for the site is necessary to ensure the development does not increase flood risk on or off site.
40. A pre-commencement condition to secure the provision and implementation of a scheme of archaeological work is reasonable and necessary given the site's potential to contain archaeological remains that could be disturbed by development works.
41. I have attached four conditions (including pre-commencement conditions) relating to contamination and a remediation scheme for the site. These are needed to minimise the risks associated with contaminated land and to protect human health. I have amended the wording of the suggested condition that relates to the preparation of a remediation scheme, to clarify that it is linked to the outcomes of the separately conditioned contamination assessment. Additionally, for clarity and certainty, I have made minor amendments to the condition that sets out relevant actions should unidentified contamination be encountered during construction of the development.
42. Conditions relating to the use of external materials, hard and soft landscaping arrangements and details of boundary treatments are reasonable and necessary in the interests of the character and appearance of the proposed development and surrounding area. To ensure that appropriate planning processes are followed, I have removed a discretionary tailpiece that had been included in the external materials condition suggested by the main parties.
43. A condition requiring the approval of details of the proposed photovoltaics, and their subsequent implementation, is similarly needed in the interest of sustainability. I have revised the trigger points for the details to be submitted to the LPA and the subsequent installation of the photovoltaics, in line with discussions at the hearing.

44. A habitat enhancement scheme is necessary to ensure the avoidance of harm to habitats and species whilst securing biodiversity enhancements. As agreed at the hearing, I have amended the precise wording so that it relates to the whole site as opposed to only the building.
45. A pre-occupation condition relating to a written scheme of verification for carbon emissions and water efficiency standards is reasonable and necessary in the interests of sustainability. This condition is needed in addition to the S.106 which would secure contributions for any carbon offsetting due to deficits against the emission targets. This is because the obligation relating to carbon off-setting measures in the S.106 does not include any restriction on the occupancy of the units before written verification of their energy efficiency or offsetting measures has taken place. Meanwhile, the condition also addresses water efficiency matters that are not picked up by the S.106.
46. A condition to ensure that the glazing and ventilation is installed and retained in accordance with submitted details is necessary to safeguard the living conditions of future occupiers.
47. The provision of refuse and recycling storage areas prior to occupation of the proposed dwellings is necessary to ensure future occupiers have access to these facilities, as well as to maintain highway safety.
48. A condition requiring the provision of the proposed vehicle parking spaces prior to the occupation of the development is necessary in the interest of highway safety. While conditions relating to the provision of bicycle storage and electrical vehicle charging points are both reasonable and necessary to promote sustainable travel.
49. I have not found it necessary to attach a condition agreed between the main parties which related to the need to notify any prospective occupier/transferee of the residential development that they will not be automatically entitled to a car parking permit. The proposed condition was neither precise nor enforceable and so did not meet the relevant tests of a condition set out in the Framework and the PPG. I also do not consider such a condition to be necessary on highway safety grounds, given that the highway authority will ultimately still be in control of whether or not to issue residential parking permits and enforce traffic regulation orders within the surrounding area.
50. Likewise, I have also not found it necessary to attach a condition requiring that the development is not occupied until the LPA has been notified of the full postal address of the approved units. I recognise that such a condition may make it easier for the highway authority to update its records and monitor the issuing of parking permits in the local area. However, the scheme would remain acceptable should the condition not be attached, it is therefore not necessary. Notably, the appeal scheme is in a highly sustainable location and includes some on-site parking provision, whilst again the highway authority will ultimately still maintain control of whether or not to issue parking permits to future residents of the development.

Conclusion

51. For the reasons outlined above, the proposal would accord with the development plan. There are no material considerations indicating that a

decision should be taken other than in accordance with the development plan.
Consequently, the appeal is allowed.

Lewis Condé

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mark Bassett	(Freeths LLP – Planning Agent)
Beth Evans	(Freeths LLP – Planning Agent)
Nicholas Bignall	(Turner & Morum LLP – Viability Consultant)

FOR THE LOCAL PLANNING AUTHORITY:

Anthony Scholes	(Reading Borough Council)
Marcie Rejwerska	(Reading Borough Council)
Andrew Jones	(BPS Chartered Surveyors – Viability Consultant)
Emma Cox	(BPS Chartered Surveyors – Viability Consultant)

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

1. Section 106 Legal Agreement – signed and dated 1 May 2024.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing Location and Block Plans (Drawing No. PL-01);
Proposed Apartment Plans – All Floors (Drawing No. PL-04);
Proposed Elevations (Drawing No. PL-05);
Proposed Site and Levels Plan (Drawing No. PL-06);
Proposed Section (Drawing No. PL-08);
Proposed Materials (Drawing No. PL-09); and
Drainage Site Plan (Drawing No. C/01 Rev. P1)
- 3) No development shall commence on site, including any works of demolition, until a site-specific Construction Method Statement has been submitted to and been approved in writing by the local planning authority. The Statement shall provide for:
 - a) Space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided;
 - b) Location on site for storage of plant and materials used in constructing the development;
 - c) The erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site;
 - d) Identification of any footpath closures or road closures needed during construction;
 - e) Required wheel washing facilities on site;
 - f) A scheme for recycling waste resulting from the construction works;
 - g) Measures for controlling the use of site lighting whether required for safe working or for security purposes;
 - h) Required measures to control the emission of dust, dirt and other airborne pollutants during demolition and construction;
 - i) Provisions to be made for the control of noise coming from the site during demolition and construction.

The measures within the approved Construction Method Statement shall be adhered to throughout the demolition and construction of the development.
- 4) No development shall commence on site until a Sustainable Drainage Strategy and associated detailed design, management, and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the local planning authority. The plan shall include:
 - i. A timetable for its implementation; and

- ii. a management and annual maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 5) No development shall commence on site until a comprehensive scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority. These details shall include:
 - a) Proposed finished ground and floor levels or contours, car parking layouts, other vehicle and pedestrian access and circulation areas;
 - b) Hard surfacing materials and any minor artefacts or other ancillary structures;
 - c) Soft landscaping details shall include a planting plan, specification (including cultivation and other operations associated with plant and grass establishment), tree pit specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate, and implementation timetable;
 - d) A maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting;

The hard and soft landscaping scheme shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with a timetable approved in writing by the local planning authority.

Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, to be agreed in writing by the local planning authority.

- 6) No development shall commence on site until the applicant, their agents or successors in title have secured and implemented a programme of archaeological field evaluation in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority. The results of the evaluation will inform the preparation of a subsequent mitigation strategy which will be submitted by the applicant and approved in writing by the local planning authority prior to the commencement of the development. The mitigation strategy will provide for:
 - i) A programme of site investigation and recording, or alternative appropriate mitigation, within the area of archaeological interest. Development will not commence within the application site until the site investigation has been satisfactorily completed.
 - ii) A programme of post investigation assessment, analysis, publication, dissemination and archiving. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the programme set out in the Written Scheme of Investigation or unless otherwise agreed in writing by the local planning authority.
- 7) No development shall commence on site including demolition and any preparatory works until an assessment of the nature and extent of

contamination has been submitted to and been approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, and shall assess any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- 8) No development shall take place where (following the risk assessment outlined under condition no. 7) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and been approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 9) The approved remediation scheme under Condition no. 8 shall be implemented in accordance with the approved timetable of works. A validation report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to and approved in writing by the local planning authority before construction above foundation level.
- 10) In the event that any contamination is found when carrying out the approved development that was not previously identified, development shall halted immediately on the part of the site the contamination is found to affect and the contamination shall be reported in writing to the local planning authority.

An assessment of the nature and extent of the contamination shall be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, shall be submitted in writing to the local planning authority for its written approval.

The measures in the approved remediation scheme shall be implemented in accordance with the approved timetable. Halted works shall not be recommenced until the measures identified in the approved remediation scheme have been completed and a validation report has been submitted to and been approved in writing by the local planning authority.

- 11) No development shall commence above foundation level until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter maintained in accordance with the details approved.
- 12) No development shall commence above foundation level until full details of the proposed roof mounted Photovoltaics have been submitted to and approved in writing by the local planning authority. These details shall include a roof plan showing the location and position of the Photovoltaics, their dimensions, manufactures specification, and ongoing maintenance arrangements. The approved Photovoltaics shall be installed prior to the first occupation of the development in accordance with the approved details and thereafter be maintained in working order.
- 13) No development shall commence above foundation level until details of a habitat enhancement scheme for the proposed development has been submitted to and approved in writing by the local planning authority. The scheme is to include a programme for implementation and ongoing maintenance. The habitat enhancement scheme shall thereafter be implemented and adhered to in accordance with the agreed programme.
- 14) The development hereby permitted shall not be occupied until written verification has been submitted to and approved in writing by the local planning authority demonstrating that all of the dwellings hereby permitted have achieved a minimum of a 35% improvement in the dwelling emission rate over the target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition) and that it has been built to the higher water efficiency standard under Building Regulation 36 (3). Such evidence shall be in the form of an 'As Built' Standard Assessment Procedure (SAP) assessment, produced by an accredited energy assessor.
- 15) The development hereby permitted shall not be occupied until a plan indicating the positions, design, materials and type of boundary treatments to be erected, is submitted to and approved in writing by the local planning authority. The boundary treatments shall be implemented in accordance with the approved plan before the development is occupied or otherwise in accordance with a timescale agreed in writing by the local planning authority and thereafter retained.
- 16) The development hereby permitted shall not be occupied until glazing and ventilation has been installed in accordance with the approved specifications set out in the Clear Acoustic Design Report dated 22 July 2022 received by the local planning authority on 5 August 2022. The approved glazing and ventilation measures shall be retained thereafter.
- 17) The development hereby permitted shall not be occupied until all vehicle parking spaces have been provided in accordance with the approved site plan (Drawing No. PL-06). The spaces shall be kept available for parking at all times thereafter.
- 18) The development hereby permitted shall not be occupied until cycle storage facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning

authority. The cycle storage facilities shall thereafter be retained and kept free for this purpose.

- 19) The development hereby permitted shall not be occupied until refuse and recycling storage has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The storage areas shall thereafter be retained and maintained as such, and shall not be used for any purposes other than the storage (prior to disposal) or the collection of refuse and recycling.
- 20) The development hereby permitted shall not be occupied until details of an electric vehicle (EV) charging scheme comprising a layout plan and detailed specification for a minimum of ten percent of all vehicle parking spaces to be provided with electric vehicle charging points has been submitted to and approved in writing by the local planning authority.

No dwelling shall be first occupied until the EV charging scheme has been fully provided in accordance with the approved details. The spaces shall be maintained for vehicle charging in accordance with the approved Scheme at all times thereafter.
- 21) No materials or green waste produced as a result of the clearance of the site, demolition works, or construction works associated with the development hereby approved shall be burnt on site.
- 22) No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0800hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays.
- 23) The roof areas of the development hereby permitted, as shown on approved drawing 'Proposed Apartment Plans – All Floors' Ref: PL-04, shall not be used as a balcony, roof garden, or similar amenity areas.