



Appeal Decision

Inquiry held on 18-19 June 2024

Site visit made on 19 June 2024

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th July 2024

Appeal Ref: APP/Y0435/W/24/3338221

Bank House, 171 Midsummer Boulevard, Central Milton Keynes, Milton Keynes MK9 1EB

- 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 Platform MK Sarl against the decision of Milton Keynes City Council.
 - The application Ref 23/00550/FUL, dated 28 February 2023, was refused by notice dated 15 November 2023.
 - The development proposed is the redevelopment of Bank House [including demolition] to provide a mixture of up to 355 residential (Use Class C3) units and flexible uses across ground and upper ground floors for retail and/or restaurant/café and/or office/co-working/flexible workspace (all Use Class E), with access, amenity/landscaping, car and cycle parking spaces and associated site works.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of Bank House [including demolition] to provide a mixture of up to 355 residential (Use Class C3) units and flexible uses across ground and upper ground floors for retail and/or restaurant/café and/or office/co-working/flexible workspace (all Use Class E), with access, amenity/landscaping, car and cycle parking spaces and associated site works at Bank House, 171 Midsummer Boulevard, Central Milton Keynes, Milton Keynes MK9 1EB in accordance with the terms of the application, Ref 23/00550/FUL, dated 28 February 2023, subject to the attached schedule of conditions.

Procedural Matters

2. The application was refused by the Council's Planning Committee, against Officer advice, for three reasons which related to i) the proposals not being an office-led scheme ii) an absence of outstanding economic and social benefits, particularly in respect of affordable housing provisions and iii) an under provision of parking and disabled parking spaces.
3. Following this, the Council reviewed the case and material considerations arising since the refusal of permission. This included legal advice, constructive discussions between the appellant and the Council and the submission of amendments in respect of parking and affordable housing provision which led to the reasons for refusal being withdrawn. This is confirmed in the Council's

Statement of Case.¹ This revised position was also made clear at the Case Management Conference (CMC), held on 8 April 2024. A Statement of Common Ground (SOCG)² between the Council and the appellant was also produced (final version dated 6 June 2024) and sets out detail on this change of position. I am satisfied that there would be no prejudice to any interested parties in light of the above.

4. The Inquiry heard from witnesses for the appellant on design and townscape, parking, use, affordable housing and planning. The Council also provided a witness in respect of planning. This was because of a minor disagreement between the main parties in respect of whether the proposal is contrary to policy. The appellant considers that the proposals are policy compliant when assessed against the development plan as a whole, whereas the Council consider that there is policy conflict, but that material considerations would outweigh that conflict in any case.
5. Central Milton Keynes Town Council (CMKTC) made oral representations at the Inquiry as an interested party. They were also given an opportunity to put questions to the appellant's witnesses.
6. There were no formal written representations made directly to the appeal. However, I have had regard to the original written representations made by CMKTC, as an interested party, as well as to their oral submissions.³ I have also had regard to the other written representations made by interested parties to the original planning application.
7. A completed planning obligation made under Section 106 of the Town and Country Planning Act 1990 was submitted by the appellant. This, along with the planning conditions, were discussed at the Inquiry and subsequently revised and finalised. I will return to the obligation and the conditions later in my decision.

Main Issue

8. In light of the above, the main issue is whether the proposed development complies with the development plan as a whole with particular regard to a) the employment development strategy for Central Milton Keynes (CMK), b) parking and c) affordable housing provision as a tall building proposal.

Reasons

Planning Policy

9. The development plan for the area includes the Local Plan, Plan:MK (2019), and the CMK Alliance Plan (2015). Other material considerations include the Parking Standards Supplementary Planning Document (SPD) (2023), Affordable Housing SPD (2020) and Planning Obligations SPD (2021), as well as the National Planning Policy Framework (the Framework).
10. Plan:MK sets strategic policies for the City Council area, including a housing strategy (Policy DS2), employment development strategy (Policy DS3), and detailed development management policies for the protection of existing employment land and premises (Policy ER2), parking provision (Policy CT10),

¹ CD6.1

² CD7.2

³ A transcript is at INQ3

design of buildings (D3) and affordable housing (Policy HN2), amongst other things.

11. The CMK Alliance Plan is a business neighbourhood development plan for Central Milton Keynes, prepared by an alliance of CMKTC, local businesses and the City Council. This includes a number of policies, but notable in this appeal is Policy G9 relating to the design of buildings.
12. Taken together, these policies are considered to represent the most important policies for the determination of this appeal.

Use

13. The site is located within the central business district of Milton Keynes (known as CMK), and in this area, Policy DS3 of Plan:MK provides for a focus on its continued development and promotion as a business hub and retaining and developing existing employment sites (part B1 and B2). This policy also seeks to increase the amount of high quality office floorspace and encourage the redevelopment of existing office developments which are no longer fit for purpose (part C5 and C6).
14. This strategic framework is supported by the more detailed criteria set out in Policy ER2, with the supporting text at paragraph 6.17 noting that the protection of existing employment land and premises is necessary. This is because employment areas and buildings are vulnerable to changes of use to higher land value uses, such as residential and retail. Underpinning this policy premise is the need to maintain the pattern of employment opportunities and provide a choice and variety of jobs. Accordingly, permission for the change of use from employment land is restricted, unless a number of criteria are met. This includes the requirement for marketing evidence to be submitted to show that the property cannot be used for its existing employment use (part B).
15. Detailed evidence was submitted as part of the planning application. The Council accept that there is no longer a reasonable prospect for the employment use to continue at the site. Evidence was also presented to the Inquiry reporting of the issues with the existing building, marketing, viability, and the Milton Keynes Office market context. I am content that a robust and thorough exercise has been carried out and that, like the Council, I consider that Policy ER2 is complied with.
16. The strategic policies provide the context for the more detailed development management policies, as noted in paragraph 1.5 of Plan:MK. Consequently, as Policy ER2 is met, it follows that there can be no conflict with Policy DS3. This is because it cannot be applied in isolation in the way the Council have sought to do so. Thus, the development accords with Policies DS3 and ER2 of Plan:MK and there would be no harm from the loss of the office use within CMK.

Parking Provision

17. The site is in a highly sustainable location as it is close to the railway and bus station, and a cycle network. It is also located within easy access to services and facilities within the nearby shopping centre, as well as the cultural and recreational offers of the City Centre.

18. In light of this, the development seeks to limit the use of the private car. Following the refusal by Members, the appellant's have amended the proposals in respect of disabled parking provision.
19. Specifically, within the proposed basement area of the building, there would be over 500 secure cycle spaces, which include visitor cycle parking and space for accessibility cycles and cargo cycles. There would also be 11 disabled parking bays, which represents a bay for each wheelchair accessible residential unit, as well as 11 parking spaces, on a charged basis. These would all have electric vehicle charging points. Additionally, there are 57 spaces at Bouverie Square, directly adjacent to the site. These would comprise of 24 allocated spaces, 3 of which would be car club spaces, a delivery bay, and the remainder unallocated. Furthermore, the planning obligation also includes provisions for a Travel Plan to be approved, implemented and monitored.
20. Evidence was also presented to the Inquiry regarding the car parking characteristics in the local vicinity of the site. This shows that there are a significant number of publicly accessible parking spaces around the immediate area.
21. In this regard, the proposals strike an appropriate balance between promoting sustainable transport options, and the resultant benefits in terms of climate change and healthy lifestyles, against the Council's car parking standards for developments. Plan:MK Policy CT10, and indeed the Parking Standards SPD, recognises the need to balance parking provision against sustainability and mitigating circumstances. The development would therefore accord with this policy and the SPD.

Tall Buildings

22. Bank House is located in a prominent position along Midsomer Boulevard, which represents the main 'spine' of CMK. It also has a frontage onto Bouverie Square which is a greenspace with mature trees and planting.
23. Milton Keynes was developed as part of the post-war 'New Towns' project. It has a distinctive linear layout with long tree-lined boulevards, as well as car-free walkways and underpasses creating a grid formation. The architecture of the buildings is generally low-rise buildings with gridded facades, colonnades and porte-cochere canopies as notable features.
24. The proposed development would comprise three blocks of 14, 17 and 20 storeys, stepping up in height from Midsummer Boulevard. The proposed design has sought to address a number of the issues with the current building, including the level difference at the site. It would have a gridded façade, using different materials and recessed windows. The design would also incorporate canopies to the west and north elevations and colonnaded areas. It would also incorporate active frontages to both Midsummer Boulevard for the commercial units and to Bouverie Square with the residential entrance. Accordingly, the overall design would be in keeping with the strong Milton Keynes architectural aesthetic.
25. In terms of the heights of the blocks, they would be taller than the buildings immediately surrounding the site. However, Milton Keynes is evolving and there are a number of tall buildings which have been built in recent years, or have been consented. The proposal would be assimilated comfortably into the

townscape. It would not dominate due to the spaciousness of the surrounding CMK area, including the wide tree-lined streets. The change in levels would also help it integrate successfully in this regard.

26. Policy D3 of Plan:MK sets out detailed design criteria for developments, in respect of scale, massing, materials. Part 9 sets detailed policy principles in terms of Tall Buildings. These would be met by the proposals, representing a positive addition to the existing skyline, townscape and landscape in terms of visual amenity, quality of design, coherence with the wider context and the relationship with existing and proposed buildings of significance in the immediate area.
27. Policy G9 of the Alliance Plan seeks to promote good design which fits into the CMK grid layout. The policy encourages buildings up to eight stories, and for proposals above this, the policy specifies a number of criteria to be met, including offering outstanding economic and social benefits to CMK and Milton Keynes in general (G9, e i.). Based on my analysis above, in pure design terms, the proposal would be acceptable. It would therefore meet with the design criteria in Policy G9. I now go on to examine the matter of affordable housing provision and benefits, as a tall building proposal.

Affordable Housing

28. Policy HN2 of Plan:MK requires 31% affordable housing. Criterion F states that for Build to Rent (BTR) housing, this should be provided entirely as discounted market rent (DMR). An off-site financial contribution will also be accepted, subject to a viability assessment.
29. Detailed viability assessments were provided as part of the application, and further negotiation has taken place following the Council's refusal. Details of the proposals for affordable housing are set out within the proofs of evidence.⁴ Viability evidence has been reviewed by a specialist on behalf of the Council and agreed. The SOCG also contains a detailed statement and briefing note on the matter of affordable housing, within the appendices.
30. Crucially, the viability evidence indicates there would be a deficit at the site. The Council note that the vast majority of BTR scheme put forward in the Council area also have a deficit and typically much less than the 31% figure is negotiated. In addition, for CMK, there are wider issues around affordability even with DMR schemes and the specific affordable housing needs in the area in terms of the size and tenure.
31. However, this is a scheme where, despite the viability, a policy compliant 31% affordable housing would be met through offsite provision, secured via the planning obligation. This is unusual, but it would be appropriate given the specific nature of a BTR scheme in terms of long-term rental gains and profit forecasts. The off-site contribution would also better meet the needs of local residents who require affordable housing, rather than a DMR scheme. The Council have provided evidence as to where the s106 monies would be directed and this would benefit people in housing need.
32. The scheme would thus accord with Plan:MK Policy HN2. Additionally, while outstanding public benefits is not defined anywhere within the Alliance Plan, in light of the viability at the site, I consider that the affordable housing provision

⁴ Including a report on viability by Pascal Levine (Appendix 1 to Mathew Jones Proof of Evidence)

would represent such an outstanding benefit. This would meet the requirements of Policy G9.

Other benefits

33. I have found compliance with all relevant development plan policy, as set out above. I have also found that the affordable housing would represent an outstanding public benefit, for the purposes of Policy G9 of the Alliance Plan. In addition to this, the SOCG sets out other clear economic, environmental and social benefits which are agreed between the parties.
34. At the Inquiry I queried the generation of Council Tax revenue being counted as a public benefit⁵, but even setting this aside, the development would clearly generate compelling benefits. In light of my conclusions, I do not need to undertake a formal planning balance where such benefits would be material considerations. However, as they were before me, they also lend weight to the case for outstanding public benefits as required by Alliance Plan Policy G9.

Conditions

35. Conditions were reviewed at the Inquiry and were redrafted and submitted to reflect those discussions.⁶ These are agreed between the Council and the appellant and supersede those conditions within the SOCG.
36. My consideration has taken account of paragraph 56 of the Framework and advice in the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. I have changed the suggested wording in some cases to ensure consistency and that the conditions are precise, focused, comprehensible and enforceable. I have also reordered these into specific topics, for better legibility.
37. Conditions covering time limits and the approved plans are necessary in the interests of proper planning (conditions 1-2). Conditions relating to landscaping are necessary to protect the character and appearance of the area (conditions 3-4).
38. As discussed, conditions relating to cycling and parking provision are necessary in the interests of sustainable transport (conditions 5-6). I have imposed a condition relating to the Sustainable Drainage System, to protect from the risk of flooding (condition 7). Other environmental sustainability conditions are also necessary, including the provision of EV charging points, solar panels and heat pumps and energy (conditions 8-10). Conditions 11-12 are necessary in order to protect and enhance ecology.
39. Conditions 13-16 relate to design, materials and sample panels and are necessary as part of character and appearance considerations at the site. To maintain sustainability at the site in terms of highways, character and appearance and living conditions it is necessary to remove permitted development rights in terms of use (condition 17).
40. As part of environmental protection and local character, waste management conditions are necessary (conditions 18-19). I have, however, amended condition 19 to remove the proposed clause which related to approval of details

⁵ In accordance with Paragraph: 011 Reference ID: 21b-011-20140612 of the Planning Practice Guidance

⁶ INQ6

should the use at the site change. This would not be necessary as permitted development rights at the site are already limited, and thus any such considerations would be dealt with via a planning application.

41. Condition 20 is necessary to protect the living conditions of future occupants in respect of noise. Conditions relating to demolition and construction are also necessary to protect the living conditions of neighbouring residents and occupants, as well as for highway safety (conditions 21-23). I have, however, also amended condition 23. This condition was overly detailed and also sought to remove permitted development rights. I have included a standard construction method statement condition, including specific criteria.

Planning Obligation

42. The planning obligation makes provision for financial contributions towards the following:
- Affordable housing
 - Health facilities
 - Local parks
 - Local play
 - Primary, secondary and special educational needs
 - Carbon neutrality
 - Monitoring.
43. In addition, it also contains detailed obligations in respect of car club, travel plan and BTR.
44. Having had regard to all these obligations and the evidence underpinning these⁷, I am satisfied that they are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

Conclusion

45. Overall, the development would accord with the development plan and in decision taking, this means approval of such proposals. Accordingly, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

C Searson

INSPECTOR

⁷ As set out in the Councils CIL Compliance Statement

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Edward-Arash Abedian of Counsel

Instructed by Zoe Daniels, Milton Keynes City Council

He called:

Charlotte Ashby	Senior Planning Officer
BSc (Hons), MSc, MRTPI	

FOR THE APPELLANT:

Christopher Katkowski KC and Stephanie Hall of Counsel

Instructed by Spencer Tewis-Allen of Town Legal LLP

They called:

Dipa Joshi	Lead Designer
BA(Hons) Dip Arch RIBA	
Katy Neaves	Managing Director of Neaves Urbanism
CMLI, BA Hons, DipLArch, MAUED, AoU	
Mike Axon	Global Director for Transport at SLR Consulting Ltd
BSc (Hons) FCIHT	
Rob Bray	Founding Director, Bray Fox Smith
BSc (Hons)	
Mathew Jones	Senior Director, Turley Associates
BSc (Hons) DipTP MRTPI	
Pascal Levine	Equity Partner, DS2
Dip Surv MRICS	

INTERESTED PERSONS:

Andrew Thomas	Central Milton Keynes Town Council
BSc (Hons) C.Eng MICE MCIHT	

INQUIRY DOCUMENTS

INQ1:	Opening Submissions on Behalf of the Appellant
INQ2:	Opening Statement by Milton Keynes City Council
INQ3:	Central Milton Keynes Town Council – Transcript
INQ4:	Dipa Joshi Appeal Presentation
INQ5:	Biodiversity Net Gain – Addendum to Landscape Management & Maintenance Plan 10 June 2023
INQ6:	Final Agreed List of planning conditions
INQ7:	Closing Submissions on behalf of Appellant
INQ8:	S106 Planning Obligation dated 2 July 2024

SCHEDULE OF CONDITIONS

General

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1847-FPA-XX-00-DR-A-16301-P01 Ground Floor Plan Demolition, dated 21/02/2023
 - 1847-FPA-XX-01-DR-A-16302-P01 First floor Plan Demolition, dated 21/02/2023
 - 1847-FPA-XX-02-DR-A-16303-P01 Second floor plan demolition, dated 21/02/2023
 - 1847-FPA-XX-RF-DR-A-16304-P01 Roof plan demolition, dated 21/02/2023
 - 1847-FPA-XX-ZZ-DR-A-16401-P01 South elevation demolition, dated 21/02/2023
 - 1847-FPA-XX-ZZ-DR-A-16402-P01 East elevation demolition, dated 21/02/2023
 - 1847-FPA-XX-ZZ-DR-A-16403-P01 West elevation demolition, dated 21/02/2023
 - 1847-FPA-XX-ZZ-DR-A-16404-P01 North elevation demolition, dated 21/02/2023
 - 1847-FPA-XX-ZZ-DR-A-16501-P01 Section 01 demolition, dated 21/02/2023
 - 1847-FPA-XX-ZZ-DR-A-16502-P01 Section 02 demolition, dated 21/02/2023
 - 1847-FPA-XX-XX-DR-A-16000- P01 Location plan, dated 21/02/2023
 - 1847-FPA-XX-XX-DR-A-16601-P01 Site plan, dated 21/02/2023
 - 1847-FPA-XX-XX-DR-A-16602-P01 Block plan, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16701 P01 South Elevation Proposed, dated 21/02/2022
 - 1847-FPA-XX-RF-ZZ-A-16702 P01 East Elevation Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16703 P01 West Elevation Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16704 P01 North Elevation Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16801 P01 Section 01 Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16802 P01 Section 02 Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16803 P01 Section 03 Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16804 P01 Section 04 Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16805 P01 Section 05 Proposed, dated 21/02/2023
 - 1847-FPA-XX-RF-ZZ-A-16806 P01 Section 06 Proposed, dated 21/02/2023
 - 1847-FPA-XX-01-DR-A-16606 P01 First Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-02-DR-A-16607 P01 Second Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-03-DR-A-16608 P01 Third Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-04-DR-A-16609 P01 Fourth Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-05-DR-A-16610 P01 Fifth Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-06-DR-A-16611 P01 Sixth Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-07-DR-A-16612 P01 Seventh Floor Plan Proposed, dated 21/02/2023
 - 1847-FPA-XX-08-DR-A-16613 P01 Eighth Floor Plan Proposed, dated 21/02/2023

- 1847-FPA-XX-09-DR-A-16614 P01 Ninth Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-10-DR-A-16615 P01 Tenth Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-11-DR-A-16616 P01 11th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-12-DR-A-16617 P01 12th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-13-DR-A-16618 P01 13th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-14-DR-A-16619 P01 14th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-15-DR-A-16620 P01 15th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-16-DR-A-16621 P01 16th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-17-DR-A-16622 P01 17th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-18-DR-A-16623 P01 18th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-19-DR-A-16624 P01 19th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-20-DR-A-16625 P01 20th Floor Plan Proposed, dated 21/02/2023
- 1847-FPA-XX-RF-DR-A-16626 P01 Roof Plan, dated 21/02/2023
- 1847-FPA-XX-RF-ZZ-A-16810 P01 Bay Study 01 Proposed, dated 21/02/2023
- 1847-FPA-XX-RF-ZZ-A-16811 P01 Bay Study 02 Proposed, dated 21/02/2023
- 1847-FPA-XX-RF-ZZ-A-16812 P01 Bay Study 03 Proposed, dated 21/02/2023
- 2246-EXA-ZZ-01-DR-L-00101 P01 General Arrangement Plan, Podium Level, dated 28/02/2023
- 2246-EXA-ZZ-14-DR-L-00102 P01 General Arrangement Plan, Level 14th, dated 28/02/2023
- 2246-EXA-ZZ-17-DR-L-00103 P01 General Arrangement Plan, Level 17th, dated 28/02/2023
- 1847-FPA-XX-MZ-DR-A-16605 P02 Upper Ground Floor Plan Proposed, dated 11/07/2023
- 2246-EXA-ZZ-GR-DR-L-00100-P03 General Arrangement Plan Combined Ground Floor Proposed, dated 04/08/2023
- 1847-FPA-XX-00-DR-A-16604 P03 Ground Floor Plan Proposed, dated 26/01/2024
- 1847-FPA-XX-B1-DR-A-16603 P03 Basement Plan Proposed, dated 26/01/2024

Landscaping

- 3) Notwithstanding the approved drawings, no development shall take place above slab level until full details of both hard and soft landscape works, inclusive of food growing and full details of replacement tree planting in accordance with BS 8545: 2014, have been submitted to and approved in writing by the local planning authority.

Soft landscape works shall include planting plans with schedules of plants, noting species, supply sizes, numbers of plants and proposed densities; and a tree planting details drawing. The planting plans shall include existing trees to be retained and/or removed accurately shown with root protection areas; existing and proposed finished levels and contours; visibility splays; proximity between lighting and tree planting; proposed and existing functional services above and below ground. All

replacement tree planting shall include full details of tree sizes, species, planting locations, planting spacings, preplanting ground preparations, planting method and long-term maintenance. Where appropriate, details of root deflection barriers and permanent protective measures against soil compaction, vehicle impact, de-icing salt etc. shall be submitted.

All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the first occupation of the building(s) or the completion of the development whichever is sooner. Any plant which within a period of five years from the date of the planting (ten years in the case of any tree) is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, it shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity and thereafter retained for at least the same period.

- 4) All existing trees to be retained are to be protected according to provisions of BS 5837:2012 'Trees in relation to design, demolition and construction- Recommendations' and the submitted Arboricultural Method Statement of February 2023 by Plowman Craven.

All protective measures especially the fencing, hoarding and any ground protection must be put in place first, prior to any other work commencing on the site (this includes vegetation clearance, ground works, vehicle movements, machinery/materials delivery etc) and shall thereafter be maintained in place in good functional condition until the project is entirely complete and until, with the exception of soft landscaping works, all contractors, equipment and materials have left site. Once erected, the Local Authority Tree Officer shall be notified so the fencing can be inspected and approved.

The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials, for the duration of the construction phase.

If construction-facilitation pruning of the trees is required, this should be carried out by a competent, qualified and experienced tree surgeon according to the provisions of BS 3998:2010 and current arboriculture industry best practice. The Local Authority Arboriculture Officer shall be given 5 working days' notice before the works are carried out so they have the opportunity to attend on site and agree the exact extent of the works with the tree surgery contractor.

Highways

- 5) Prior to the first occupation of the development hereby approved, the proposed cycle storage as shown on 1847-FPA-XX-B1-DR-A-16603 P03, 1847-FPA-XX-00-DR-A- 16604 P03 and 1847-FPA-XX-MZ-DR-A-16605 P02 shall be completed and made available for resident use and shall thereafter be retained for those purposes.
- 6) Prior to the first occupation of the development hereby approved, the proposed dedicated vehicle parking spaces shown on 1847-FPA-XX-B1-DR-A-16603 P03, 1847-FPAXX-00-DR-A-16604 P03 and 1847-FPA-XX-XX-DR-A-16601 P01 shall be permanently marked out and made available for residential use by occupiers of the development.

The dedicated parking spaces shall thereafter be retained for the life of the development and shall be used for no other purpose than vehicle parking and manoeuvring in association with the development hereby approved.

Drainage

- 7) No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Sustainable Drainage System Strategy prepared by Whitby Wood (Ref: P450933-WW-XXXX-RP-C-001) dated April 2023 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details to avoid additional surface water run-off from the site during the construction works and details of the long term maintenance arrangements including access that is required to each surface water management component for maintenance purposes.

The approved measures and systems for additional surface water run off shall be brought into operation before works to create buildings or hard surfaces commences, and the overall surface water drainage scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling and the maintenance plan shall be carried out in full thereafter.

Sustainability

- 8) Prior to development above slab level, details and locations of the proposed solar POV panels and air source heat pumps shall be submitted to and approved by the LPA.

The development shall proceed in accordance with the approved details and remain in perpetuity.

- 9) Prior to first occupation of the development, details of Electric Vehicle (EV) charging arrangements shall be submitted to and approved in writing by the LPA. These details shall cover both active and passive EV charging, as well as a timetable for the provision of these arrangements (in stages if required).

The EV charging arrangements shall be installed in accordance with the approved arrangements and timetable and retained thereafter.

- 10) Prior to commencement of development, except for demolition works, details shall be submitted regarding the proposed indoor air quality and overheating risk of the development, and proposed construction quality and in-use monitoring regimes. The development will be carried out in accordance with the approved details and in full accordance with measures as set out in the Sustainability Energy Strategy revision 02 dated 3rd August 2023.

Ecology

- 11) No development hereby permitted shall proceed except in accordance with the recommendations detailed within Table 2 of the submitted Ecological Impact Assessment (Plowman Craven April 2023), the Landscape Maintenance and Management Plan (Exterior Architecture Ltd June 2023 Rev P02), the Biodiversity Net Gain (BNG) – Addendum to

Landscape Management and Maintenance Plan (Plowman Craven June 2023) and the Biodiversity Net Gain (BNG) reporting file note (Plowman Craven August 2023). A compliance report completed by a suitably qualified ecologist shall be submitted to the LPA prior to final occupation of the development.

- 12) Prior to commencement of the development above slab level, an Ecological Enhancement Plan detailing the location and specification of faunal enhancements detailed within Table 2 of the submitted Ecological Impact Assessment (Plowman Craven April 2023) should be submitted to and approved by the LPA. The development shall thereafter be carried out in full accordance with the approved details.

Character and appearance

- 13) The existing raised and flush kerbs and edging shall be retained in accordance with 2246- EXA-ZZ-GF-DR-L-00100 rev P03 and damaged ones replaced with exact replacements including material type.
- 14) Prior to works above slab level, samples of external materials including external floor finishes at ground level shall be submitted to and approved in writing by the LPA.

The development shall thereafter be carried out in full accordance with the approved details.

- 15) Prior to the installation of the façades, replica panel (s) shall be made available on site for inspection and agreed in writing by the Local Planning Authority for each massing element. The respective panel(s) will be available on site from the commencement of the installation of the façade on the associated building until all instances of that façade type in the development have been installed.

The development shall thereafter be carried out in full accordance with the approved details.

- 16) Prior to the commencement of the ground floor west elevation abutting Upper Second Street, detail of the design and pattern of the brick detailing shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the approved details.

Use

- 17) Notwithstanding the provision of the Town and Country Planning (General Permitted Development Order 2015 (or any Order Revoking and/or re-enacting that Order with or without modification) the commercial units shall only be used for the purposes specified in the Application (under Class E(a), (b) and (g)(i)) and for no other purpose (including any other purpose in Use Class E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

Waste Management

- 18) No building or use hereby permitted shall be occupied or the use commenced until the refuse stores and areas/facilities allocated for

storing of recyclable materials, as shown on the approved plans, have been completed for that building in accordance with the approved plans. Thereafter, all refuse and recyclable materials associated with the development shall be stored within these dedicated stores/areas.

- 19) Prior to the first use of the commercial units hereby permitted, details of the Waste Collection Service for the use of each of the units shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented.

Noise

- 20) Prior to the first occupation of the development, the noise control measures as presented within the Noise Assessment (Platform_ February 2023) shall be implemented and maintained for the lifetime of the development.

Demolition and Construction

- 21) No development, except for demolition or site clearance works in accordance with 23/01050/PRIOR, shall take place until a Site Waste Management Plan (SWMP) for the construction period has been submitted to and approved in writing by the Local Planning Authority.

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

- 22) No development, including any works of demolition, shall take place until a Demolition Method Statement (DMS) and restoration strategy has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in full accordance with the approved DMS and restoration strategy.

- 23) No development shall take place, including preparatory works (except for demolition works) until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) the routing of construction traffic;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) the location, internal layout, boundary treatments and lighting for a secure compound on or adjacent to the site and details for removal and restoration, post development;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) communication details with relevant stakeholder;
- ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.