



Appeal Decision

Inquiry opened on 15 October 2024, resumed on 4 March 2025 and closed in writing on 28 March 2025.

Accompanied site visit made on 4 March 2025.

Unaccompanied visits made before and during the Inquiry.

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/Y0435/W/24/3344711

Jaipur and Orchard Lounge, 599 Grafton Gate, Central Milton Keynes, Milton Keynes MK9 1AT

- The appeal is made under section 78 of the Town and Country Planning (T&CP) Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Galliford Try Investments (GTI) against the decision of Milton Keynes Council.
 - The application Ref. is 23/01634/FUL.
 - It was common ground that the development proposed is *Demolition of vacant 2-storey building (Class E) and the erection of a 33-storey building comprising commercial floorspace (Class E) on the ground floor and mezzanine level with residential units on upper floors comprising up to 302 dwellings and associated works. EIA development.*
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Decision

1. The appeal is allowed and planning permission is granted for: Demolition of vacant 2-storey building (Class E) and the erection of a 33-storey building comprising commercial floorspace (Class E) on the ground floor and mezzanine level with residential units on upper floors comprising up to 302 dwellings and associated works, at Jaipur and Orchard Lounge, 599 Grafton Gate, Milton Keynes MK9 1AT in accordance with the terms of the application, Ref. 23/01634/FUL, subject to the planning conditions in the attached Schedule.

Preliminary Matters

2. During the Inquiry I asked questions and exchanged notes with the Appellant regarding fire safety. I noted that, in its Advice to the local planning authority, the Health and Safety Executive (HSE) was content with the design *to the extent that it affects land use planning considerations*. It then provided Supplementary Information regarding access, means of escape and layout that it said needed *to demonstrate compliance at later regulatory stages*. I was not satisfied that the HSE is necessarily qualified to assess land use planning considerations or the implications that any redesign might have on other planning concerns. I therefore queried the matters that would require later compliance.

3. Following a number of clarifications, and some redesign, I am now satisfied that the concerns raised by the HSE could be accommodated in the next stage of the regulatory framework under the Building Safety Act 2022 (Gateway 2), and that the design could comply with this without further alteration other than the submitted design options.
4. The National Planning Policy Framework (NPPF) was updated in December 2024. I have reached my Decision based on the latest version. There was no suggestion that the Environmental Statement was less than adequate.
5. An Agreement was submitted under section 106 of the T&CP Act (s106). I deal with this below.
6. On the opening day of the Inquiry, the Council submitted additional viability information as part of the Statement of Common Ground (SoCG). The Appellant objected, arguing that this amounted to new evidence. I ruled that I would accept the evidence and asked the viability witnesses to agree common ground. They were unable to do so on the day and I adjourned the Inquiry until 4 March 2025. Before resuming, the parties did reach agreement, with a revised draft s106, and the Council decided not to defend its evidence, advising that the new planning balance meant that the appeal should be allowed. The Appellant then withdrew its Costs application. In the light of this, there is no need for me to recite my ruling or determine the Costs application.

Main Issues

7. The main issues are the effects of the proposals on:
 - i the objective of promoting Central Milton Keynes as a location for business-related knowledge based activity;
 - ii the provision of parking spaces, including spaces for those with disabilities and for charging electric vehicles;
 - iii the character and appearance of the area with particular regard to the extent of active ground floor frontage;
 - iv the contribution that setting makes to the significance of designated and non-designated heritage assets; and
 - v the living conditions of future residents with regard to external amenity space.

Having assessed these, I will be looking at whether the public benefits, would outweigh any harm that might be identified, and whether the scheme would be consistent with the development plan and Government policies in reaching my overall planning balance.

Reasons

8. The city of Milton Keynes was designated as a New Town in the 1960s and designed around a grid of boulevards. The Central Business District (CBD) has distinctive colonnades and buildings in an unashamedly

modernist style with rectilinear plans and façades. The appeal site lies close to the railway and bus stations on a prominent corner of Avebury Boulevard. The other sides face Grafton Park and the Premier Inn hotel.

9. The proposed tower would more or less fill the site, roughly following the footprint of the existing building. Stylistically, it would be in tune with early CBD buildings with a rectangular framework and grids of fenestration. I find that the scheme would therefore be in keeping with the architectural aesthetic of the CBD. While the height of the tower would dominate the area, this would not be inappropriate on a corner and near public transport nodes.
10. I noted the question from the member of Central Milton Keynes Town Council (CMKTC) asking why it needed to be so tall. The height, façade strategy, aesthetic and other design choices are addressed in detail in the Design and Access Statement. Other than an indirect effect on the matters I address below, there was no evidence that the proposed height would cause any significant harm. Although the CBD was originally low rise, a number of tall buildings have recently been, or are due to be approved. Moreover, although due little weight at its early stage, a significant increase in height also aligns more closely with the Tall Building Strategy in the emerging local plan.
11. I therefore conclude that the proposals would comply with Plan:MK 2016-2031 Policies D3 and G9, adopted in 2019, which set criteria for tall buildings. I have also noted the relevant policies of the older Central Milton Keynes Alliance Plan (CMKAP), adopted in 2015, but find that these are superseded by the adopted local plan, Plan:MK.

Land use

12. The scheme is not for business or employment-related uses. Nor was the previous use. It would not contribute office floorspace, but nor would any be lost. There would be conflict with one criterion of Plan:MK Policy DS3 that which aims to promote the central area as a business hub by retaining and developing existing employment sites and increasing the amount of high quality office floorspace. However, with no loss of business space, I give this conflict little weight.

Parking spaces

13. The scheme has been designed without parking spaces. The justification for this is that there is excellent public transport provision nearby and that there would be ample cycle storage opportunity within the buildings. It was argued that long-term parking nearby would be prohibitively expensive and so there would be very little car ownership. Equally, there would be no new parking spaces provided for those with disabilities or for charging points for electric vehicles.
14. A provision in the s106 would require a Travel Plan with the aim of further reducing use of the private car if necessary. Backed by a Bond,

the Travel Plan would be subject to approval by the Council and, while there is an outline document, the details of targets and how these would be achieved, are not all before me. The Appellant's assumption that there would be no harmful impact on parking or highway safety from an increase in parking is dependent on the Travel Plan being effective. While I consider that this is a matter of concern, it is not sufficient that the scheme should be rejected.

15. For these reasons, I find that the demand for parking, including for those with disabilities or with electric vehicles, should be very low and I give little weight to conflict with Plan:MK Policy CT10, CMKAP Policy T4 or the Parking standards SPD.

Character and appearance – active frontage

16. The ground floor façades would face public spaces on all four sides. The road junction elevations would be onto commercial units and the residential lobby. These offer the chance of active frontages. The façades facing the hotel and footway to Grafton Park would be onto cycle stores and sub stations. This would be inactive.
17. The Council's requirement for public art as part of a planning obligation towards cultural wellbeing contributions was dropped during viability negotiations in favour of a larger sum towards off-site affordable housing. Nevertheless, a condition controlling the otherwise blank ground floor elevation could ensure that this façade might provide a high-quality appearance.
18. I acknowledge that it is difficult to provide active frontages on all four sides when it is also necessary to accommodate service areas. While I am not convinced that some of the uses behind the blank frontages could not have been provided on other floors, overall, I accept that an adequate effort has been made to provide active frontages on the most important façades and that the shortcomings should not amount to a reason for dismissal. There would therefore be limited conflict with Plan:MK policies SD1 and D1, or the New Residential Development Design Guide SPD (2012).

Heritage

19. The relevant heritage assets are the Grade II listed former Bus Station and the non-designated heritage asset (NDHA) of Station Square. The bus station is mostly significant for its innovative design by the Council architects but gains some significance from its setting, which is largely unchanged. Station Square lies beyond this and has been identified as a NDHA for its function, forming a part of the transport node to Milton Keynes, as well as its modernist design, within the formal grid system.
20. The proposals would have an impact on views of the Bus Station, particularly from Station Square, and its appearance would draw the eye slightly and cause some distraction from an appreciation of these assets.

To this extent, I find that it would cause less than substantial harm to both assets, which should be balanced against public benefits, or taken into account as the case may be. I do this below.

External amenity space

21. There would be no balconies or specific outdoor amenity spaces for the flats but there would be two roof terraces. The site backs on to Grafton Park, an attractively landscaped space, while there are recreational outdoor areas a little further afield. Consequently, while there would be some conflict with Plan:MK Policies D1 and D5, and the New Residential Development Design Guide SPD, I give this little weight.

Other Matters

Living conditions – existing and future residents

22. The tower would stand adjacent to the Premier Inn hotel such that facing rooms would be affected. In the tower, the central areas opposite the hotel would be given over to plant, while the flats would also have windows facing out on either side. This layout would allow residents to retain privacy while also giving them a choice of outlook and so make these flats acceptable.
23. With regard to the hotel, here residents are usually temporary, and some hotels even offer rooms without windows. In this context, I find that the arrangement would be acceptable. While there would be a loss of outlook, including from some of the hotel's best views, I also saw that the vacant site is currently an eyesore.

Benefits

24. The Council can demonstrate in excess of 5 years' housing land supply. Nevertheless, boosting the supply of homes on a brownfield site would align with government objectives, particularly in revised NPPF§125c) which expects proposals for homes on brownfield land to be approved unless substantial harm would be caused. Moreover, there is a distinct shortage of affordable housing. While Plan:MK Policy HN2 requires 31% affordable housing, it also allows that an off-site financial contribution will be accepted, subject to a viability assessment. The Council would prefer this as it would allow for family homes. Agreement was reached with regard to viability, and the affordable housing contribution increased significantly as a result. Subject to the s106 Agreement, I find that the contribution would amount to a benefit to which I give substantial weight. There would be additional benefits from construction jobs, which would boost the economy, additional long term employment and biodiversity net gain from the roof terraces.

Conditions

25. The suggested planning conditions, including those put forward by the Premier Inn, were all discussed at the Inquiry and amended where necessary. For the reasons given, they should all be attached.

Planning obligations

26. Subject to a further viability assessment, the s106 Agreement would provide substantial funds towards off-site affordable housing. It was common ground that there would be an acceptable level of Community Infrastructure Levy (CIL) compliant financial contributions. These would include funds towards a Travel Plan (see above), education, play facilities, local parks, health and carbon neutrality. Other contributions, such as public art, were dropped during viability negotiations.

27. Clauses 3.2 and 3.4 provide me with some discretion insofar as if I conclude that any planning obligation is incompatible with one or more of the tests set out at Regulation 122 of the CIL Regulations 2010 (as amended), and attach no weight to it, then the relevant obligation shall cease to have effect. Having reviewed all the contributions and the updated SoCG, and for the reasons given in the CIL statement, I find that all the contributions would comply with the 3 tests in CIL Regulation 122 and that they should all have effect.

Planning balance

28. With regard to heritage policy, in considering the tests in NPPF§215-216, I find that the less than substantial harm to the setting of the listed building would be outweighed by the public benefits. The small degree of harm to the setting of Station Square should be weighed in the balance.

29. As well as heritage concerns, there would be harm from the missed opportunity for business use, a shortage of parking spaces for those with disabilities and for charging electric vehicles, the limited extent of active ground floor frontage and limited outdoor amenity space. However, all these would be outweighed by the provision of funds towards affordable housing and other benefits. The scheme also gains support from NPPF§125c) by providing homes on brownfield land.

30. For these reasons I find that the appeal would comply with the development plan as a whole and has support from the NPPF.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, including the concerns of the Premier Inn and the Town Council, I conclude that the appeal should be allowed subject to the attached Schedule of Planning Conditions.

David Nicholson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Charles Banner KC	instructed by the Appellant
He called:	
James Banks MSc BEng (Hons) AIFire	Innovation Fire Engineering
Colin Pullan BA HONS DIP UD	Pegasus Group
Tom Jagger chartered architect	GSS architecture

FOR THE LOCAL PLANNING AUTHORITY:

Richard Harwood KC	
He called:	instructed by Milton Keynes Council
Joanne Orton MA MRTPI	Milton Keynes Council

INTERESTED PARTY:

Andrew Thomas	Central Milton Keynes Town Council
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INQUIRY DOCUMENTS

INQ1	Council statement for reopening of Inquiry
INQ2	Statement by Andrew Thomas
INQ3	Agreement under s106 of the T&CP Act
INQ4	Appellant's closing statement
INQ5	Ground floor sketch options
INQ6	Drawings submitted during the Inquiry: Mezzanine Level (JAIPUR-GSS-ZZ-M0-DR-A-00003) Spaces on Floors 3 and 4 (JAIPUR-GSS-ZZ-ZZ-DR-A-00004) Apartment Storage (JAIPUR-GSS-ZZ-XX-DR-A-7601 rev P01)

Schedule of Planning Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions, to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances.

2. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990:

JAIPUR-GSS-ZZ-XX-DR-A-0070 Rev P02 - Existing Site Location Plan
JAIPUR-GSS-ZZ-XX-DR-A-0071 Rev P03 - Existing Site Plan
JAIPUR-GSS-ZZ-XX-DR-A-0073 Rev P03 - Existing Building Elevations
JAIPUR-GSS-ZZ-XX-DR-A-0072 Rev P02 - Existing Building Plans
JAIPUR-GSS-ZZ-XX-DR-A-0074 Rev P01 - Existing Site Sections
JAIPUR-GSS-ZZ-00-DR-A-00090 Rev P04 - Proposed Site Block Plan
JAIPUR-GSS-ZZ-ZZ-DR-A-00002 Rev P04 - Proposed 1st -9th Floor
JAIPUR-GSS-ZZ-10-DR-A-00010 Rev P05 - Proposed 10th Floor
JAIPUR-GSS-ZZ-ZZ-DR-A-00011 Rev P05 - Proposed 11th -28th Floor
JAIPUR-GSS-ZZ-29-DR-A-00029 Rev P06 - Proposed 29th Floor
JAIPUR-GSS-ZZ-ZZ-DR-A-00030 Rev P05 - Proposed 30th - 32nd Floors
JAIPUR-GSS-ZZ-RF-DR-A-00033 Rev P04 - Proposed Roof Access Level Plan
JAIPUR-GSS-ZZ-RF-DR-A-00034 Rev P04 - Proposed Roof Plan
JAIPUR-GSS-ZZ-ZZ-DR-A-00040 Rev P03 - Proposed Sections
JAIPUR-GSS-ZZ-ZZ-DR-A-00041 Rev P01 - Avebury Boulevard Proposed Street Section
JAIPUR-GSS-ZZ-ZZ-DR-A-00042 Rev P01 - Grafton Gate Proposed Street Section
JAIPUR-GSS-ZZ-ZZ-DR-A-00050 Rev P09 - Proposed Elevations
JAIPUR-GSS-ZZ-ZZ-DR-A-00051 Rev P03 - Proposed Spot Elevations
JAIPUR-GSS-ZZ-10-DR-A-00052 Rev P03 - Proposed Level 10 Terrace Elevation
JAIPUR-GSS-ZZ-ZZ-DR-A-00053 Rev P02 - Proposed Level 29 Terrace Elevation
JAIPUR-GSS-ZZ-00-DR-A-00054 Rev P03 - Proposed Elevations (Ground Floor Level)
JAIPUR-GSS-ZZ-00-DR-A-00055 Rev P02 - Proposed Elevations (Ground Floor Level)
JAIPUR-GSS-ZZ-ZZ-DR-A-00060 Rev P04 - Proposed Perspective Views
JAIPUR-GSS-ZZ-XX-DR-A-00091 Rev P02 - Existing and Proposed Site Sections
JAIPUR-GSS-ZZ-00-DR-A-00092 Rev P04 - Proposed Site & Ground Floor Levels
JAIPUR-GSS-ZZ-ZZ-DR-A-00095 Rev P03 - Access and Maintenance Plans
JAIPUR-GSS-ZZ-ZZ-DR-A-00096 Rev P03 - Access and Maintenance Elevations
JAIPUR-GSS-ZZ-ZZ-DR-A-7401 Rev P02 - Bathroom types
JAIPUR-GSS-ZZ-ZZ-DR-A-3101 Rev P03 - Window Types
JAIPUR-GSS-ZZ-ZZ-SK-A-0001 - Proposed North East Elevation Ground Floor Level
JAIPUR-GSS-ZZ-00-DR-A-00100 P03 - Potential Expanded Site Plan (13.10.2023)

JAIPUR-GSS-ZZ-M0-DR-A-00003 - Proposed Mezzanine Floor Level
JAIPUR-GSS-ZZ-ZZ-DR-A-00004 - Proposed 1st -9th Floor Option
JAIPUR-GSS-ZZ-XX-DR-A-7601 rev P01 - Apartment Cycle Storage (09.11.2023)

Reason: For the avoidance of doubt and in the interests of securing sustainable development.

3. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment, MAC, Ref: 689-FRA-01-A, Rev: A, dated: July 2023 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance.
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it).
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections).
- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
- f) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems.
- g) Full details of the maintenance/adoption of the surface water drainage system.
- h) Permissions to connect to a receiving watercourse or sewer; and
- i) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

4. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

5. No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Reason: To ensure satisfactory and sustainable surface water drainage to prevent the increased risk of flooding on or off site.

6. Prior to the first occupation of any unit hereby permitted, a Landscape and Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To maintain and enhance local biodiversity and ecology in accordance with Policy NE3 of Plan:MK.

7. 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.

Reason: In order to ensure that there are adequate facilities for the storage and recycling of recoverable materials.

8. a) Prior to, or at the commencement of, development, and following the completion of demolition works, the developer shall carry out a further intrusive assessment of ground conditions to confirm the presence or absence of any ground, groundwater, or gas contamination of the site. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring the site to a condition suitable for its intended use, shall be submitted to and approved by the Local Planning Authority before construction works commence.

b) Any remedial works shall be carried out in accordance with the approved strategy and validated by submission of an appropriate verification report prior to first occupation of the development.

c) Should any unforeseen contamination be encountered the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination will also be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the site is fit for its proposed purposes and any potential risks to human health, property, and the natural and historical environment, are appropriately investigated and minimised.

9. Prior to development taking place a scheme of mitigation measures for the control of dust emanating from the site during the construction period, reflecting the recommendations made in Appendix D Aval Consulting July 2023, and shall be submitted to, and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period following the methodology in the Institute of Air Quality Management (IAQM) guidance 'Guidance on the assessment of dust from demolition and construction' unless otherwise agreed in writing.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers, recognising that initial preparatory works could cause unacceptable impacts.

10. No development of foundations; laying of hard surfaces; subfloor voids; or any other elements which may affect indoor air quality and overheating risk shall commence until information to demonstrate compliance with the sustainability requirements of Parts K.4, K.5. and K.6 of Policy SC1 in Plan:MK, and the guidance contained in the Sustainable Construction SPD (2021), has been submitted to and approved in writing by the Local Planning Authority. Upon their completion, all output reports from the monitoring regime shall be sent to the applicable owners/occupiers of the monitored dwellings, and also to the Council at mkc-co2-calculations@milton-keynes.gov.uk.

Reason: To ensure the building performance of completed dwellings matches their calculated design performance, and that any gaps in performance are identified and reported.

11. Prior to installation of any façade elements, a full materials specification shall be submitted, and mock panels of external façade elements of the development shall be constructed for approval. No external façade elements shall be installed until the full specification of materials and the mock panels have been agreed in writing by the Local Planning Authority. This does not include any supporting structures not seen upon completion. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality and the adjacent listed building.

12. Prior to commencement of works relating to the public realm, details of proposed materials for the public realm shall be submitted to the Local Planning Authority for approval. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure continuity of materials of the existing and proposed public realm.

13. No building or use hereby permitted shall be occupied or the use commenced until the cycle parking provision shown on the approved plans has been completed. Thereafter, the cycle parking provision shall be kept free of obstruction and shall be available for the parking of cycles only.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with Policy CT3 of Plan:MK (2019).

14. The proposed ground floor commercial units shall be used only for the purpose of as falling within use classes E(a), E(b), E(f), E(g)(i), F1(b), F2(b) and F1(e) and for no other purpose whatsoever, including any other purpose in Class E and F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason: This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (General Permitted Development) Order 2015 will be required to be assessed under a different set of criteria.

15. No development shall commence until an updated Sustainability Statement has been submitted to and approved in writing by the Local Planning Authority which demonstrates compliance with Parts D, F, I, L and M of Policy SC1 in Plan:MK, and the guidance contained in the Sustainable Construction SPD (2021). The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the building performance of completed dwellings matches their calculated design performance, and that any gaps in performance are identified and reported.

16. No external lighting, including that which is required for construction, shall be provided or erected on the site unless full details of the type, design and location of the additional lighting, together with a lighting report including details of fixtures and fittings, associated angle, fall, spread and intensity, have first been submitted to and approved in writing by the Local Planning Authority. No additional external lighting shall be erected and installed other than in accordance with the approved details.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers.

17. Prior to the installation of any externally sited plant or equipment, full specifications of the plant or equipment shall be submitted to and approved in

writing by the Local Planning Authority. The specification shall include details of noise levels as predicted at the boundary of the site with any sensitive receptors and include mitigation measures to reduce noise levels at those receptors to acceptable levels. The externally located plant or equipment, along with any mitigation measures required, shall be implemented prior to first use of said plant or equipment and thereafter maintained in accordance with the agreed levels.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers.

18. Notwithstanding any detailing shown on the approved plans, no above ground development shall commence until a scheme for the detail of the blank ground floor elevation is submitted to and approved in writing by the Local Planning Authority in order to produce a visually attractive solution is produced to assist with the visual interest of the northeastern elevation.

Reason: To ensure a positive entry point into Grafton Park from the port cochere over Avebury Boulevard.

19. The development hereby approved shall not be occupied until such time that the parking bays, required to facilitate the service bay shown on the expanded site plan, have been stopped up and the service bay fully implemented.

Reason: In the interests of highway safety and to ensure that the development can be adequately serviced.