
Appeal Decision

Site visit made on 27 August 2025

by Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/Y3940/W/25/3358936

Land at 30-36 Fisherton Street, Salisbury SP2 7RG

- 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 Churchill Living Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/06047.
 - The development proposed is described as the 'Redevelopment for retirement living accommodation for older people comprising 47 retirement apartments including communal facilities, access, car parking, landscaping and 3 commercial/retail units (encompassing use class's E(a) - (e) (with (e) use limited to dental use only)'.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment for retirement living accommodation for older people comprising 47 retirement apartments including communal facilities, access, car parking, landscaping and 3 commercial/retail units (encompassing use class's E(a) - (e) (with (e) use limited to dental use only) at Land at 30-36 Fisherton Street, Salisbury SP2 7RG in accordance with the terms of the application, Ref PL/2024/06047, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issues

2. As a result of ongoing discussions between the parties, the submission of further information, and subject to appropriate conditions and obligations, the Council has confirmed that the refusal reasons have now been overcome, and it no longer wishes to contest the appeal.
3. The appeal site lies within the Salisbury City Conservation Area and is within the setting of a number of listed buildings. Accordingly, in considering whether to grant planning permission, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, and in relation to a listed building, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) it is incumbent upon me as the competent authority to carry out an assessment with regards to the effects of the development upon the protected features of a European site.
4. In light of the above, the main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Salisbury City Conservation Area;

- whether the proposed development would preserve the setting of nearby listed buildings; and
- the effect of the proposed development on European sites.

Reasons

Conservation Area

5. The site is partly within the Salisbury Conservation Area (CA), where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The appellant's Heritage Statement sets out that the significance of the CA derives from its historic development, surviving historic fabric and potential archaeological remains, comprising architecture which predominately dates from the late C17th to the late C19th, with earlier examples dating from the C15th which have been later refronted. It highlights that the streetscape is made up of a mixture of architectural styles, building heights and widths, with a consistent use of materials and limited palette which creates a sense of place. This is not disputed by the Council and given my observations on site, I concur with this assessment.
6. The appeal submissions indicate that the site, which is currently vacant, was previously occupied by a 1970's part 2 storey, part single storey brick and tile building comprising retail units, and a small service yard to the rear. The existing gap in the built form arising from the vacant nature of the site is uncharacteristic of the area. The site, in its current state, therefore, fails to make a positive contribution to the character and appearance of the area or the significance of the CA.
7. The appeal proposal would see the construction of a 4 storey broadly 'L' shaped building including 3 retail units at ground floor level and 47 retirement apartments and associated communal facilities, vehicular access, car parking. Concern is expressed by interested parties regarding the overall height and form of the building, given its position at the junction of Malthouse Lane and Fisherton Street. In addition, the Council and Historic England have raised concerns regarding the detailed design of the development, in particular the absence of architectural detailing and uniform building height, which it is contended would result in a built form comprising uniform and largely unrelieved elevations and roofscape.
8. The proposed development, which is of considerable scale and bulk, would occupy a prominent position in the CA. Nevertheless, the overall height and size of the building, when viewed in the context of the surrounding built form, would not be notably at odds with other buildings nearby or incompatible with the surrounding townscape.
9. The proposed building is of a traditional design, to be constructed using materials which would reflect the surrounding environs. However, despite the inclusion of some decorative elements, including quoins, window surrounds and bays, the detailed design of the building would nonetheless lack any meaningful architectural detailing, particularly to the main façades of the corner of the building fronting Fisherton Street and Malthouse Lane. The absence of such would fail to break up the overall bulk of the building in any tangible way. By virtue of the lack of architectural interest, combined with the continuous roofscape, while the proposal would not be entirely at odds with the character and appearance of the area, the design of the proposed development would nevertheless lack the fine urban grain of

other prevalent buildings within the CA and would therefore erode the significance of the CA as a designated heritage asset.

10. For the foregoing reasons, as a consequence of the deficiencies in the detailed design of the building, the proposal would fail to preserve or enhance the character of the CA. However, as the effects on the CA in this regard would be somewhat limited, given the nature of harm and the localised extent, the harm in this case would be less than substantial in the terms of the Framework and would be at the lower end of the scale.
11. The proposal would fail to accord with aims of Core Policy 57 of the Wiltshire Core Strategy, adopted January 2015 (WCS) which seeks development of a high quality design, which is expected to create a strong sense of place and enhance local distinctiveness by responding to the value of the historic environment and Core Policy 58 of the WCS which sets out that development should protect, conserve and where possible enhance the historic environment.

Setting of listed buildings

12. The appeal site lies within the setting of a number of grade II listed buildings located close to the appeal site. These include the Congregational Church (the church), immediately adjoining the boundary of the site, the General Infirmary, the Bull Public House and 13 Fisherton Street, on the opposite side of Fisherton Street and 38 and 40 Fisherton Street, which lie adjacent to the site on the opposite side of Malthouse Lane.
13. The significance of the General Infirmary and the Bull Public House is informed by their architectural and historic interest, together with their historic functions as an infirmary and public house respectively. The primary special interest of 13 Fisherton Street arises from its age and architectural interest, and the architectural and historic character of 38 and 40 Fisherton Street contribute to the special interest of the buildings, and, as I understand it, the association of the listed buildings with the historic development of Fisherton Street.
14. Due to the position of these listed buildings and relationship with Fisherton Street and Malthouse Lane, the surrounding townscape contributes to their setting. While there is intervisibility between the listed buildings and the appeal site, by virtue of their proximity, they are physically separated from the site by the intervening roads. Moreover, given that views towards the buildings, in which the appeal site would feature do not contribute to the architectural and historic significance of the listed buildings as designated heritage assets, the proposed development would not harm the setting of these buildings.
15. The significance and special interest of the church is partly derived from its architectural and historic interest, in a Gothic revival style, by the architects Tarring and Wilkinson. The church is largely enclosed within the existing townscape. As a landmark building by design and intention, its prominent position fronting the highway, together with longer distance views along Fisherton Street of the tower and spire of the church, contribute to its significance as a designated heritage asset. Given the proximity of the appeal site to the church, it is important to the setting of the listed building.
16. Due to its current vacant nature, the site is an anomalous feature in the otherwise built-up context of Fisherton Street and Malthouse Lane close to the church, the

context of which was previously enclosed by built form. The appellant's Heritage Statement highlights that, while the current situation allows unobstructed views towards the western elevation of the listed building, these views were not purposely designed as such, given the townscape context of the church, nor do they make a meaningful contribution to an appreciation of the architectural interest of the church. Views of the flank elevation of the church, which are currently exposed, are therefore not an important component of its significance. This is not disputed by the Council.

17. Despite the height and siting of the proposed development, it would not disrupt longer distance views of the spire or diminish its landmark function. However, by virtue of the overall height and massing of the building, and considerable bulk, which would be greater than the existing buildings on the opposite side of the church, it would nonetheless represent an unduly dominant component of the immediate townscape, which would appear overbearing when viewed in the context of the listed building. The proposed development would thus diminish the significance of the listed building through harm to its setting. However, the harm would be less than substantial and towards the lower end of any range.
18. Thus, while the proposal would not harm the setting of the nearby listed buildings including the General Infirmary, the Bull Public House, 13 Fisherton Street or 38 and 40 Fisherton Street, for the foregoing reasons, the proposed development would fail to preserve the setting of the church. Accordingly, it would conflict with the combined aims of Core Policies 57 and 58 of the WCS which, among other things, require development to be of a high quality design, that responds to the value of the historic environment, and that designated heritage assets and their settings will be conserved.

Heritage balance

19. The harm to the significance of the CA and the setting of the church would be at the lower end of the spectrum of less than substantial harm. However, it is still of considerable importance and weight. The National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.
20. The delivery of 47 new retirement units would boost housing supply, particularly the delivery of older persons housing. Given the Council can only demonstrate 2.03 years of housing land supply, this would be a substantial benefit. In addition, the proposal would accord with the aims of the Framework, which recognise the need to make efficient use of land and advise that substantial weight should be given to the value of using suitable brownfield sites within settlements for homes. The development would also provide employment during construction, and ongoing social and economic benefits in terms of supporting services and facilities and the health and wellbeing of older residents, in a location whereby future occupiers would benefit from accessibility to a broad range of services and amenities by means other than the private car. I attribute these further benefits moderate weight in reaching my decision.
21. On balance, the weight of the public benefits of the proposed development would outweigh the harm to the significance of the heritage assets in this case. Therefore, the Framework does not indicate that planning permission should be refused.

European sites

22. The site is located within the Zone of Influence (Zol) for recreational disturbance and the catchment of the River Avon Special Area of Conservation (SAC), the Zol for recreational disturbance of the New Forest which comprises the New Forest SAC, New Forest Special Protection Area (SPA) and New Forest Ramsar site (New Forest protected sites) and the Avon Valley SPA and Ramsar sites. The sites are European sites designated under the Regulations which impose a duty on the competent authority to consider, within the framework of an appropriate assessment, whether the development, either alone or in combination with other development, would have a significant effect on the conservation objectives of the sites.

River Avon SAC

23. The qualifying features for the River Avon SAC which fall to be considered include internationally important populations of Atlantic salmon, Brook lamprey, Bullhead, Desmoulin's whorl snail, Sea lamprey and watercourses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion*. The proposal would not give rise to adverse impacts from recreational disturbance, due to factors including the age of future occupiers and the design of the scheme. However, residential development at the site, in combination with other development, has the potential to lead to adverse effects on the integrity of the SAC through pollution to groundwater from an increased level of phosphorus from foul water entering the River Avon catchment, changes in biotic conditions and human induced changes in hydraulic conditions. Increased levels of phosphorus are preventing the conservation objectives from being achieved and causing the river to be in an unfavourable condition.
24. The Council's Strategic Appropriate Assessment¹, agreed with Natural England, explains that the potential adverse effects of increased levels of phosphorus are capable of being mitigated through the Council-led mitigation scheme. This aims to deliver phosphorus neutral development, whereby phosphorus credits are available to purchase by an applicant at a fixed cost per kilogram of phosphorus, either from the Council or an approved third party. A completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 submitted as part of the appeal includes a phosphates contribution to secure the allocation of credits required to mitigate the impact of the development on phosphorus levels in the fluvial catchment area of the River Avon SAC.

New Forest protected sites

25. The qualifying features of the New Forest SAC include alkaline fens, alluvial forests, beech forests, bog woodland, depressions on peat substrates of the *Rhynchosporion*, European dry heaths, molinia meadows on calcareous, peat or clay-silt soil, Northern Atlantic wet heaths, old acidophilous oak woods, oligotrophic to mesotrophic standing water, oligotrophic water with few minerals of sandy plains, transition mires and quaking bogs, great crested newt, southern damselfly and stag beetle. The New Forest SPA is identified for its populations of Dartford warbler, hen harrier, hobby falco, honey-buzzard, nightjar, wood warbler and woodlark. The qualifying features of the New Forest Ramsar site include valley mires and wet heaths, wetland invertebrate assemblage and wetland plant assemblage.

¹ Strategic Appropriate Assessment of Developments in Wiltshire Occurring in the River Avon SAC Catchment

26. Residential development at the site could, in combination with other development, lead to adverse effects on the integrity of the New Forest protected sites through increased disturbance from recreational use associated with additional residents.
27. The Council set out that the effects of recreational pressure are capable of being mitigated through the funding of Strategic Access Management and Monitoring (SAMM) mitigation measures from financial contributions per unit of residential accommodation, in accordance with the Council's Revised New Forest Strategic Access Management and Monitoring Strategy. The submitted planning obligation includes appropriate financial contributions to this based upon the number of dwellings proposed. Recreational effects of the development upon the New Forest protected sites would, therefore, be mitigated.

Avon Valley SPA and Ramsar site

28. The qualifying features of the Avon Valley SPA include Bewick's swan and Gadwall. The Avon Valley Ramsar site is designated for its qualifying features which include wintering Gadwall, mixed floodplain habitats and wetland invertebrate and plant assemblages. While the proposed development could impact water quantity within the Avon Valley SPA and Ramsar sites, this could be avoided through the imposition of a suitable planning condition to restrict water usage by future occupiers, so as to avoid any adverse effects upon the integrity of the sites.

Conclusion on European sites

29. I therefore conclude that, following appropriate assessment under the Regulations, I am satisfied that adverse effects arising from the proposal, either individually or in combination with other development, on the integrity of the River Avon SAC, the New Forest protected sites and the Avon Valley SPA and Ramsar sites will be avoided. Natural England has also confirmed that the proposed measures are sufficient to reduce the impact on the designated sites that are affected by this development.

Other Matters

30. Interested parties suggest that an alternative scheme, for which planning permission was granted by the Council, would offer greater benefits than the appeal proposal in economic and design terms. However, I have determined the appeal based on the planning merits of the scheme before me.
31. While there may be a need for family sized residential units, I am not aware of any specific policy requirement in that regard, or that there is no demand for the elderly persons accommodation as proposed. Nor is there any substantive evidence that the proposed commercial/retail units in this location would not be viable, or that the proposal would harm the viability of other businesses nearby, or that the proposal, by virtue of the age of future occupiers, would have a harmful effect on the nighttime economy in the area.
32. Moreover, there is no compelling evidence to suggest that the appeal proposal would give rise to undue pressure on existing local infrastructure.
33. Any legal rights of access across the site to the neighbouring property to enable future maintenance and parking, are a civil matter that falls outside of the planning regime.

Planning Balance

34. The proposal would lead to less than substantial harm to the CA and the setting of the neighbouring listed building. On this basis, the proposal would conflict with the development plan as a whole.
35. The Council indicates that it cannot demonstrate an adequate supply of housing land. In such instances paragraph 11 of the Framework falls to be considered. In so far as this appeal is concerned, this indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
36. The outcome of my Heritage Balance means that policies in the Framework that protect areas or assets of particular importance do not provide a clear reason for refusing the development proposed. Moreover, as the only material harm, this also means that the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits of doing so. Accordingly, the development benefits from the presumption in favour of sustainable development as set out at paragraph 11 of the Framework. As Government policy, the Framework is a weighty material consideration and, in this case, indicates that a decision should be taken otherwise than in accordance with the development plan and permission should be granted.

Planning obligation

37. In addition to the New Forest SAMM contribution, Phosphates Contribution and associated administration fee, the agreement pursuant to Section 106 of the Town and Country Planning Act 1990 submitted as part of the appeal contains an obligation to secure the payment of a financial contribution towards off-site affordable housing, prior to the occupation of 50% of the dwellings. This obligation accords with Core Policy 43 of the Wiltshire Core Strategy, adopted January 2015, which sets out the requirement for affordable housing provision.

Conditions

38. The conditions set out in the accompanying schedule are based on those agreed by the parties should the appeal be allowed. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the Planning Practice Guidance. In addition to the standard condition controlling the timescale within which the development must commence, a condition is required to specify the relevant plans, in the interests of certainty.
39. Given the archaeological potential of the site, a condition to secure a written scheme of investigation is necessary to safeguard and promote the archaeological interest of the site. This is a pre commencement condition to safeguard such features throughout the development.
40. Conditions relating to the external materials to be used, and the landscaping of the site, including implementation, are necessary in the interests of the character and appearance of the area and heritage assets. Conditions to secure details of works to address the urban realm, including the footpath to the north of the site are necessary

to deliver a consistent approach to the pedestrian realm, in the interests of highway safety, in accordance with Core Policy 57 of the WCS.

41. A condition requiring details of cycle parking is necessary to minimise the reliance on private vehicles and promote sustainable methods of travel.
42. In the interests of safety and the living conditions of the occupiers of nearby properties, a condition requiring a Construction Method Statement is necessary. This is a pre-commencement condition, as the protection measures and mitigation need to be agreed before any works on site take place. As this condition includes details of delivery, demolition and construction working hours, a separate condition to restrict such hours is not necessary.
43. Conditions relating to lighting, and the implementation of measures for the protection of trees, ecological mitigation and enhancement, including the provision of bird and bat boxes, and biodiversity gain are necessary in the interests of local ecology and biodiversity. The conditions relating to the wildlife/habitat protection plan and bird and bat roosting features are pre-commencement conditions because the protection measures and enhancement need to be agreed before any works on site take place.
44. To ensure nutrient neutrality so as to protect the European sites, a condition is necessary to restrict future water usage. A condition to require a risk assessment in relation to the potential for contaminated land is necessary in the interest of public health. This is a pre-commencement condition in order that any issues can be identified in a timely manner. A condition regarding a method statement for any piling, or similar groundworks, should they be necessary, is required, to safeguard groundwater resources.
45. While a preliminary drainage layout is submitted as part of the appellant's Flood Risk Assessment, a condition relating to a detailed drainage scheme, including future maintenance and management, is necessary to ensure the site is adequately drained, in order to ensure that the development would not have any adverse effects in relation to flooding in the locality. The condition is pre-commencement as surface water drainage is an integral part of the development that may affect how it is constructed. Conditions relating to the finished floor levels and to agree a Flood Warning and Evacuation Plan are necessary in the interests of the safety of future occupiers of the development.
46. Conditions relating to non-opening windows and a scheme of ventilation are necessary to secure appropriate acoustic mitigation in the interests of the living conditions of the future occupiers of the development. The requirement for financial contributions towards local infrastructure is based on the premise that the development would provide accommodation for elderly occupiers. As such, I attach a condition to restrict the occupancy of these units to those of an appropriate age.

Conclusion

47. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given, I conclude that the appeal should be allowed.

E Worley

INSPECTOR

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 drawing nos:

Site Location Plan 10131SB PLOC
Site Layout Plan 10131SB PA01
Ground Floor Plan 10131SB PA02A
First Floor Plan 10131SB PA03
Second Floor Plan 10131SB PA04
Third Floor Plan 10131SB PA05A
Roof Plan 10131SB PA06A
Elevation Sheet 1 10131SB PA07A
Elevation Sheet 2 10131SB PA08A
Context Elevations 1 10131SB PA09A
Context Elevations 2 10131SB PA10A
Context Elevations 10131SB PA11A
Tree Protection Plan 24012-3

- 3) No development shall take place until:
 - i) An archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority; and
 - ii) Any necessary safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

The development should be carried out in full accordance with the approved details within the WSI.

- 4) No development above ground level shall take place until details 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 in accordance with the approved details.
- 5) No development above ground level shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land which are to be retained and details of new planting. The development shall be carried out in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Notwithstanding the submitted details, prior to commencement of above ground works, a scheme of works to address the localised urban realm of the development within the site shall be submitted to and approved by the local planning authority. The scheme of works shall illustrate clearly how it would complement or replicate the committed 'Fisherton Gateway' scheme of works and shall address the building curtilage, footways along Malthouse Lane, the junction of Malthouse Lane and the pedestrian crossing of Fisherton Street. Prior to first use of the development hereby permitted, the scheme of works shall be completed in all respects in accordance with the approved details and retained and maintained as such thereafter.
- 8) Prior to the first occupation of the development hereby approved details of 4 secure covered cycle parking shall be submitted to and approved in writing by the local planning authority. The submitted details shall accord with dimensions, access, location, design and security principals laid out in Appendix 4 of Wiltshire's LTP3 Cycling Strategy. These facilities shall thereafter be provided in accordance with the approved details and made available for use prior to the first occupation of the development and shall be retained for use thereafter in perpetuity.
- 9) Prior to commencement of above ground works details of the footway arrangement to the north of the site onto Priory Square comprising either a raised footway or a level footway with bollards shall be submitted to and approved in writing by the local planning authority. The footway shall be installed in accordance with the approved plans prior to first use and shall be retained for the lifetime of the development.
- 10) No development shall take place 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) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays
 - v) facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction and details of drainage during construction.
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - ix) delivery, demolition and construction working hours.

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

- 11) The development shall be carried out in strict accordance with the following documents:
 - Arboricultural Impact Appraisal and Method Statement. Ref: 24012-AIA3-PB.
 - Preliminary Ecological Appraisal. Dated 24 June 2024.

- Biodiversity Net Gain Assessment. Dated 25 June 2024.
 - The Statutory Biodiversity Metric Tool. Completed 6 June 2024.
- 12) Prior to the commencement of the development hereby approved details of a wildlife/habitat protection plan shall be submitted to and approved in writing by the local planning authority. The wildlife/habitat protection plan shall include:
- A plan showing wildlife/habitat protection zones;
 - Details of development and construction methods within the wildlife/habitat protection zones and measures to be taken to minimise the impact of any works;
 - Details of phasing of construction.
- The development shall be implemented in accordance with the approved plan.
- 13) Prior to the installation of any external lighting on the site, full details of lighting including height, design, location, and intensity shall be submitted to and approved in writing by the local planning authority. The lighting shall be carried out in accordance with the approved details and thereafter retained as such for the lifetime of the development.
- 14) Prior to the commencement of any works, including vegetation removal, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. These details should be clearly shown on a site plan and technical elevation drawing. The approved details shall be implemented prior to the first occupation of the development hereby approved and retained as such for the lifetime of the development.
- 15) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of the first occupation of the residential units, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.
- 16) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

- 17) Prior to any piling, investigation boreholes, ground source heating and cooling systems using penetrative methods, a method statement for such works shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved method statement.
- 18) The finished floor level for the commercial use elements of the development shall be set no lower than 47.30mAOD with commercial flood resilience measures installed up to a minimum of 47.60mAOD. Residential use finished floor level shall be set no lower than 47.60m AOD.
- 19) Prior to the first occupation of the development hereby approved a Flood Warning and Evacuation Plan shall be submitted to and agreed in writing by the local planning authority. The approved plan should be adhered to for the lifetime of the development.
- 20) No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The submitted details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The development shall be carried out in accordance with the approved details. The drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 21) The living room windows on the Eastern Elevation of plots 17, 18, 32, 33, 45 and 46 shall be permanently fixed shut.
- 22) No development above ground level shall commence until a scheme of ventilation has been submitted to and approved in writing by the local planning authority. The scheme shall detail measures that will be put in place to provide whole dwelling and extract ventilation for plots 1, 18, 33, 36 and 46 without the need to open windows. Such mechanical ventilation as is agreed and fitted shall be retained in perpetuity.
- 23) The age restricted dwellings hereby permitted shall be occupied only by;
 1. Persons of 60 years or over.
 2. Persons of 55 years or over living as part of a single household who is a spouse or partner of a person of 60 years or over.
 3. A person aged 55 years or older who were living as part of a single household with a person identified in (1) who has since died.

*******end of conditions*******