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# Appeal Decision

Site Visit made on 12 October 2021

**by Martin Small BA(Hons) BPI DipCM MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> December 2021**

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**Appeal Ref: APP/X1735/W/21/3272259**

**162 Stakes Hill Road, Waterloo, PO7 7BS**

- 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 Mr M Wright of Cloud Lifestyle Holdings Limited against the decision of Havant Borough Council.
  - The application Ref APP/20/00696, dated 12 August 2020, was refused by notice dated 22 January 2021.
  - The development proposed is refurbishment and sub-division of existing house to form one two bedroom and two one bedroom apartments and erection of a two storey side extension to form two two bedroom apartments.
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## Decision

1. The appeal is allowed and planning permission is granted for the sub-division of existing house to form 1No. 2bed and 2No. 1bed apartments and erection of a two storey side extension to form 2No. 2bed apartments with provision of car and cycle parking and bin storage at 162 Stakes Hill Road, Waterloo, PO7 7BS in accordance with the terms of the application Ref APP/20/00696, dated 12 August 2020, subject to the conditions set out in the attached schedule.

## Procedural Matters

2. The description of the proposed development in the banner heading above is taken from the application form. However, I have used the description from the decision notice and appeal form in my formal decision as more precisely describing the development proposed.
3. The proposals would result in a net increase in dwellings within 5.6 km of the Chichester and Langstone Harbours Special Protection Area, one of the Solent designated habitats sites (the Solent sites)<sup>1</sup>. The Council's second reason for refusal related to the absence of a suitable agreement to secure appropriate mitigation measures in respect of water quality issues in the sites.
4. However, during the course of the appeal the appellant submitted a Unilateral Undertaking (UU) with an obligation for the payment towards measures to mitigate the water quality impacts of the proposed development on the Solent sites. The Council has indicated that the mitigation payment was subsequently paid and confirmed that the second reason for refusal is withdrawn. I return to this matter below.

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<sup>1</sup> Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site, Solent and Dorset Coast SPA, Solent and Isle of Wight Lagoons Special Area of Conservation and Solent Maritime Special Area of Conservation.

5. That reason for refusal refers to emerging Policies E16 and EX1 of the Pre-Submission Havant Borough Local Plan 2036. The Plan was submitted for examination on 12 February 2021 and thus the Pre-Submission version has been superseded by the Submission Havant Borough Local Plan 2036. From the copy of this Plan supplied by the appellant both Policies E16 and EX1 have been retained in the Submission version. The Council also refers in its evidence to Policy E1 of the Submission Local Plan and has provided a copy.
6. I have therefore had regard to these particular policies of the Submission Local Plan in my determination of this appeal. However, the Council has confirmed that it has received an Interim Findings Report from the Inspectors conducting the examination expressing a number of concerns with the Plan<sup>2</sup>. The Plan is thus still at examination with no certainty that it will be found sound in its current form. Therefore, having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I have accorded these policies of the Submission Local Plan limited weight in my determination.
7. In light of the Inspectors' concerns with the Submission Local Plan the Council has published a "Five Year Housing Land Supply Update November 2021" and provided me with a copy. I return to the matter of the housing land supply below.

## **Main Issues**

8. The main issues are the effect of the proposed development on the:
  - i) character and appearance of the site and area; and
  - ii) the integrity of the Solent designated habitats sites.

## **Reasons**

### *Character and appearance*

9. The appeal site is within an established primarily residential area with some community and commercial uses, including a public house immediately to the north of the site. Dwellings in the locality are a variety of ages, designs and forms, with detached, semi-detached and terraced properties. From the plan submitted with the Council's evidence and my observations during my site visit, plot sizes and the density of development in the locality vary.
10. The appeal site is on the corner of Durham Gardens and a spur of Stakes Hill Road, from which there is a footway / cycleway to the north. The site is at a point of transition between the principally older dwellings of differing designs along Stakes Hill Road, including the spur, and the mainly more recent dwellings of Durham Gardens with their more consistent appearance.
11. The appeal site hosts an older chalet style bungalow with extensions to the sides and a single storey garage. Following the previous development of the rear garden to the property the main garden is to the east of the dwelling and includes two substantial trees protected by a Tree Preservation Order (TPO). The site is bounded by mature hedges to the eastern and southern boundaries with close boarded fencing to the north and west. A line of young trees provides some screening of the public house to the north.

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<sup>2</sup> Examination Library Ref CR18 attached to email from the Council dated 9 November 2021.

12. The proposals have been revised following the withdrawal of a previous proposal for the demolition of the existing dwelling and the erection of a 2.5 storey block of 7 apartments<sup>3</sup>. The revised scheme retains and extends the existing dwelling to form 5 apartments. The scheme includes parking for 7 vehicles, storage for cycles and refuse bins with access via the existing driveway off the end of the spur of Stakes Hill Road. Areas of the garden would be retained for communal use.
13. The proposed extension and parking / turning area would occupy a significantly greater proportion of the plot than the existing bungalow and driveway. Whilst the loss of lawns to excessive areas of hardstanding can change the character of an area, the openness of the existing garden makes only a moderate contribution to the character and appearance of the area. The most significant contribution is from the protected trees and the hedges to the eastern and southern boundaries, which would be retained and largely retained respectively. The trees and hedges could be protected by conditions were planning permission to be granted thus maintaining the contribution of these local landscape features to the character and appearance of the area.
14. The extension would be the same height as the existing dwelling. Whilst it would not be subservient to the host dwelling, it would thus be comparable in height to other dwellings in the vicinity and significantly lower than the ridge line of the public house to the north. Although close to the northern boundary of the site, the staggered form of the northern elevation of the proposed development would allow the retention of reasonable gaps to the boundary. It would therefore not appear unacceptably cramped.
15. The staggered form of the proposed development would help break up its apparent bulk as seen from Durham Gardens and Stakes Hill Road. The proposed extension would be set back from these roads, not projecting beyond either the front elevation of the public house or the side elevation of the existing bungalow to Durham Gardens. The scheme's medium density of 56 dwellings per hectare would be appropriate having regard to the character of the area. The scale and bulk of the built form would therefore be acceptable and it would not represent a harmful urbanisation of that built form.
16. There are examples of linear building forms with terraced dwellings in the wider area. The detailing of the proposed extension would reflect that of the existing dwelling with barge boards and quoins. Although the parking area would be visible through the enlarged access when passing, it would be largely screened by the existing boundary hedges. Furthermore, frontage parking is an established feature of and prominent along both Durham Gardens and the spur of Stakes Hill Road as I saw during my site visit.
17. Given these considerations together with the set back of the proposed built form, the variety of properties in the vicinity and the transitional corner position of the appeal site, the proposed development would not be incongruous or unacceptably harmful to the street scene.
18. Overall the proposed development would generally conform with the Borough Design Guide Supplementary Planning Document which sets out guidance on high quality design in developments. Furthermore, being at the entrance to Durham Gardens with access to Stakes Hill Road in the other direction, the

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<sup>3</sup> APP/119/01190

activity that would be associated with the proposed development would not be harm to the quiet, secluded character of the cul-de-sac of Durham Gardens.

19. I therefore conclude that the proposed development would not be harmful to the character and appearance of the site or the area. Accordingly, in this respect, the proposals would conform with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 (the Core Strategy) and Policy E1 of the Submission Local Plan. These policies seek a high standard of design that draws inspiration from and respects local context, including the characteristics of the locality.
20. The development would also accord in this respect with Policies CS9, DM6 and DM8 of the Core Strategy and Policy H3 of the Submission Local Plan to which the appellant draws my attention. These policies concern the density of development, the conservation, protection and enhancement of existing natural features and the coordination of development.

*The Solent designated habitats sites*

21. The mudflats, shingle and saltmarshes of the Solent sites provide essential feeding and roosting grounds for an assemblage of internationally important numbers of water birds which together comprise the qualifying features of the sites. The conservation objectives for each of the sites are to ensure that the integrity of the site is maintained and restored in order to protect the habitats and the birds that depend on them.
22. Research undertaken during 2009-2013 predicted that new housing around the Solent would lead to more people visiting the coast for leisure, the majority from within a 5.6 km straight line distance of the designated sites<sup>4</sup>. This increased recreation has the potential to cause disturbance to the birds and threaten their survival.
23. Furthermore, Natural England (NE) has highlighted that there are high levels of nitrogen input into the water environment of the Solent sites. This is causing eutrophication which impacts on their important bird species. The Partnership for Urban South Hampshire (PUSH) Integrated Water Management Study has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites.
24. The proposal would result in a net increase of 4 dwellings, the occupiers of which would be likely to give rise to additional recreational activity and wastewater. As the appeal property is within 5.6 km of the Solent sites, the proposed development would give rise to a likely significant effect on the integrity of the designated sites from additional recreational activity.
25. Moreover, as none of the designated sites are fully favourable and many are not recovering, any further deterioration of water quality at those sites is likely to cause a significant effect on their integrity. The Council's Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) (Position Statement) sets out that it has been confirmed that development draining to the two Wastewater Treatment Works (WTW) serving the Borough at Budds Farm and Thornham would be likely to lead to a significant effect on the Solent sites.

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<sup>4</sup> Liley D and Tyldesley D (2013) Solent Disturbance and Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy.

26. The appellant submitted a nutrient budget with the application which demonstrates that the proposal would lead to additional nitrogen. The proposed development would therefore also have a likely significant effect on the integrity of the Solent sites from additional nutrients.
27. It is therefore necessary for me, as the competent authority, to undertake an appropriate assessment (AA) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). In doing so I can consider whether or not mitigation could reduce any adverse effects on the designated sites.
28. The Solent Recreation Mitigation Strategy (2017) (SRMS) provides a strategic solution to ensure that the in-combination effects of increased recreational pressure on the Solent sites arising from new residential development are met through mitigation measures. The Strategic Access Management and Monitoring mitigation measures in the SRMS include a team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance.
29. As the SRMS has been endorsed by NE, I am satisfied that these measures would provide adequate mitigation for any recreational impacts associated with the proposed development. The measures are funded by contributions from all new residential dwellings within 5.6 km of the designated sites, usually secured through a legal agreement.
30. The appellant has submitted a UU in respect of the requisite contribution to the mitigation measures and confirmation of subsequent payment of the contribution. I am satisfied that this planning obligation meets the tests of Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) and of paragraph 57 of the Framework. Accordingly, I am satisfied that the recreational effects of the proposed development would be adequately mitigated.
31. As regards nutrients, the Position Statement sets out that developments on non-agricultural land will not be able to provide mitigation on site and so development will need to contribute towards the Council's scheme at Warblington Farm. This scheme involves the change of use of the land at the Farm in a phased manner from a dairy farm to a nature reserve, thus reducing its nutrient output.
32. The scheme is wholly funded by developers with legal agreements ensuring that effective mitigation is delivered for the lifetime of the development. NE has reviewed the Position Statement and Mitigation Plan and concurs that the scheme will deliver effective mitigation for developments draining to the two WTWs serving the Borough. I am satisfied therefore that the Warblington Farm scheme is appropriate for mitigating the impact of the proposed development on the Solent sites in respect of nutrient discharge.
33. The UU submitted by the appellant during the course of the appeal undertakes to make the requisite contribution towards mitigation. The appellant has also submitted confirmation of the payment of this contribution. I am satisfied that this planning obligation meets the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended) and of paragraph 57 of the Framework.

34. I note that the Council has confirmed that the Warblington Farm scheme has sufficient capacity for the proposed development. I am therefore satisfied that the mitigation would be delivered in a timely fashion relative to the likely occupation of the proposed apartments. Accordingly, in conjunction with conditions restricting water usage were planning permission to be granted I am satisfied that the nutrient effects of the proposed development on the Solent sites would be adequately mitigated.
35. I therefore conclude that the proposed development would not adversely affect the integrity of the Solent designated habitats sites. This is also the conclusion of both the Council's original AA and subsequent AA following the submission of the UU with an obligation for the payment towards measures to mitigate the water quality impacts of the proposed development. NE concurs with the conclusions of the original AA and has confirmed that its comments on the proposal of 23 November 2020 still apply<sup>5</sup>.
36. Accordingly, in this respect, the proposed development would comply with the Habitats Regulations and Policies CS11 and CS21 of the Core Strategy, Policy DM24 of the Havant Borough Local Plan (Allocations) (2014) and Policies E16 and EX1 of the Submission Havant Borough Local Plan 2036. Amongst other things these policies protect the Borough's designated habitats sites and require contributions to green infrastructure through planning obligations, including the SRMS and the Council's strategic mitigation package for nutrients.

## **Other Matters**

### *Garden area*

37. Although not a specific reason for refusal the Council's evidence indicates that it has a concern over the adequacy of the communal garden, a matter also raised by local residents. The retained garden areas in the scheme would not incorporate separate private areas for each of the proposed apartments nor would the first floor apartments have balconies. However, the garden areas would be reasonably sized areas of private, secluded and useable communal garden with safe and convenient access. Such gardens are not an unusual feature of apartments where a degree of communality and overlooking is to be expected. The areas would therefore be adequate for occupiers of the proposed apartments.

### *Other considerations*

38. The appeal site is within Waterlooville and so the principle of the development is acceptable in accordance with Policy CS17 of the Core Strategy and Policy AL2 of the Havant Borough Local Plan (Allocations)) to which the appellant refers. Nevertheless, I note the objections raised by local residents.
39. Many of these representations refer to the character and appearance of the area which I have considered above. The development would result in an intensification of the use of the existing access / egress at the point at which the footway / cycleway leads off the spur of Stakes Hill Road. However, I am not persuaded that this would be unacceptably harmful to the safe use of the footway / cycleway given the ability for vehicles to turn on site and exit in forward gear, the provision of an adequate visibility splay, and the likely slow speeds of vehicles using this access / egress.

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<sup>5</sup> Email dated 9 December 2021

40. I accept that there may be an issue with parking on Durham Gardens and elsewhere, particularly at school drop off and collection times, as I observed as part of my site visit. However, the proposed parking provision in the scheme would meet the Council's adopted standards as set out in the Parking Supplementary Planning Document. Therefore, concern over increased on-street parking does not justify withholding planning permission in this case.
41. The Framework advises that development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be severe. Notwithstanding the concerns about existing traffic congestion, I have no evidence that the proposed net increase in dwellings would lead to severe impacts on the road network. I note that the highway authority had no objections with the proposals subject to conditions were planning permission to be granted.
42. Potential noise disturbance from the adjacent public house could be mitigated by noise insulation measures in accordance with the appellant's Noise Impact Assessment Report secured by a condition were planning permission to be granted. I have no evidence that the use of the public house and its garden would otherwise have an unacceptable effect on the living conditions of the future occupiers of the proposed apartments or that the future occupation of the apartments would threaten the public house business.
43. The appeal property is some distance from the dwellings to the south, the existing first floor windows in the western elevation look onto the front driveways of the neighbouring dwellings, and the proposed development would be no more than 2 storeys. Therefore the development would not have an unacceptably adverse effect on the living conditions of the occupiers of these existing dwellings through loss of privacy, outlook or sunlight / daylight. The first floor windows in the north elevation of the proposed development would face towards the side elevation of the public house and its garden. There would therefore be no unacceptable overlooking of private residential garden areas from these windows.
44. Provision for refuse and recycling is made within the scheme and can be secured through a condition were planning permission to be granted. Disturbance during construction would be inevitable but could be mitigated by a Construction Environment Management Plan, also secured by a condition. None of the other concerns raised, including flooding, pollution, security, the adequacy of existing access for emergency vehicles to enter Durham Gardens or the capacity of local water and drainage infrastructure have been determinative in this appeal.
45. Both Planning Policy Statement 1 and Planning Policy Guidance 13, to which interested parties refer, have been replaced by the Framework which I consider further below. I find no conflict with Policies CS19, CS20, DM13 and DM14 of the Core Strategy to which interested parties also refer.

### **Planning Balance**

46. The Council's "Five Year Housing Land Supply Update November 2021" confirms that the Council can only demonstrate a 3.9 year supply of deliverable housing land with a 20% buffer. This Update post-dates the Statement of Common Ground in respect of another appeal to which the appellant draws my

attention in which the Council contended 4.1 years' supply<sup>6</sup>. This shortfall is significant. In addition to this shortfall, the Council's Housing Delivery Test 2020 measurement of 72% shows that the delivery of housing in the Borough is substantially below its housing requirement.

47. Paragraph 11 d) of the Framework is therefore engaged and the policies of the Core Strategy are deemed to be out of date. Nevertheless, Policies CS16, CS11 and CS21 are broadly consistent with the Framework's approach to character and biodiversity and therefore, in accordance with paragraph 219 of the Framework, I accord them significant weight in my determination.
48. I have found above that the proposals would not have an adverse effect on the integrity of the Solent designated habitats sites. I have no evidence that the proposal would affect other areas or assets of particular importance. The application of policies that protect such areas and assets therefore does not provide a clear reason for refusing the development proposed. Consequently, planning 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 in accordance with paragraph 11 d) ii) of the Framework.
49. The Framework promotes good design and requires planning decisions to have regard to local character. For the reasons given above, I find no conflict between the proposals and the policies of the Framework in these respects, nor with the National Design Guide. Neither do I find any conflict with the Framework's policies on other considerations, including parking, traffic, highway safety or the standard of amenity for existing and future users.
50. On the other hand, the Framework sets out the Government's objective of significantly boosting the supply of homes. The site is within Waterlooville and great weight should be given to the benefits of using suitable sites within settlements for homes. The Framework recognises that small sites can make an important contribution to meeting the housing requirements for an area. The proposal would result in social and economic benefits from a net gain of 4 dwellings to the Borough's housing stock and from expenditure by future occupiers.
51. I therefore conclude that there are no adverse impacts of the proposal that would significantly and demonstrably outweigh the benefits of the additional dwellings when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development therefore applies in this case and permission should be granted.

### **Conditions**

52. In addition to the standard time limit for commencement, the Council has suggested several conditions were planning permission to be granted. I have assessed these against the tests in paragraph 56 of the Framework. I have amended them slightly for consistency and concision and reordered them in accordance with the Planning Practice Guidance.
53. I have found above that there would be no unacceptable overlooking of private residential properties from first floor windows in the northern elevation of the proposed development. I have therefore not imposed a condition regarding the

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<sup>6</sup> APP/X1735/W/20/3259067

obscure glazing of these windows as suggested by the Council as I do not find this necessary to make the development acceptable. However, I do consider it necessary for provision for refuse and recycling to be retained in the interests of the character and appearance of the area and the living conditions of the occupiers of neighbouring dwellings. I have therefore imposed a condition in this regard.

54. A condition regarding the approved plans, with reference to the amended plans submitted during the course of the application, is necessary in the interests of certainty. A Construction Environmental Management Plan is necessary to minimise disturbance to the occupiers of neighbouring dwellings. Tree protection during construction and further details of utilities and services are necessary to protect the trees in the interests of the character and appearance of the area.
55. Drainage details are required to ensure that all drainage provision is constructed to an appropriate standard and I have combined the Council's two suggested drainage conditions into one for concision. A condition regarding piling is necessary to avoid potential damage to water supplies. Conditions 3, 4, 5, 6 and 7 need to be pre-commencement conditions to ensure that all construction works, including deliveries, are undertaken in a satisfactory manner. The appellant has confirmed agreement to these conditions<sup>7</sup>.
56. A contamination condition is necessary to avoid potential harm to the health of site groundworks staff and future occupiers of the proposed development. The approval of the proposed materials and landscaping and retention of the boundary hedges are necessary in the interests of the character and appearance of the area. I have added an implementation and replacement clause to condition 10.
57. Bat and bird boxes are necessary to secure biodiversity net gain. Visibility splays, the treatment of the access to the highway and car parking arrangements are necessary in the interests of highway safety. A cycle shelter is necessary to facilitate means of travel other than by the private car and details of the Electric Vehicle Charging points are necessary to ensure that their appearance is acceptable. Acoustic measures are required to ensure satisfactory living conditions for future occupiers of the proposed development. Conditions restricting water usage are necessary to avoid a potential adverse impact on the Solent designated habitats sites.

## **Conclusion**

58. The scheme would be a modest development in a location with good access to facilities and services that would maintain the character and appearance of the area whilst making effective and efficient use of land. I have found that the proposals comply with the policies of the development plan. There are no considerations that indicate a decision other than in accordance with the development plan. For this reason, and having had regard to the other matters raised, the appeal is allowed and planning permission granted.

*Martin Small* INSPECTOR

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<sup>7</sup> Letter dated 24 November 2021

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Plan 16014 – PL L03A  
Block Plan 16014 – PL L04B  
Proposed Site Plan 16014– PL 401G  
Ground Floor Plan 16014 – PL 402  
First Floor Plan 16014 – PL 403  
Roof Plan 16014 – PL 404 Rev. A  
Street Elevation to Stakes Hill Road 16014 – PL 405  
Front Elevation (S) 16014 – PL 406  
Rear Elevation (N) 16014 – PL 407 rev A  
Side Elevation (E)- 16014 – PL 408  
Side Elevation (W) 16014 - PL 409 rev. A  
Pedestrian Entrance from Durham Gardens 16014 PL 411

Arboricultural Method Statement by Bernie Harverson July 2020  
Ecological & Bat Potential Assessment by Sylvatica Ecology June 2019  
Environmental Noise Survey & Noise Impact Assessment Report by  
Hann Tucker Associates June 2019  
Transport Statement by RGP July 2020  
Design & Access Statement August 2020

3. No development hereby permitted shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
  - Procedures for maintaining good public relations including complaint management, public consultation and liaison.
  - Arrangements for liaison with the Council's Pollution Control Team.
  - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between 08.00 and 18.00 on Mondays to Fridays and 08.00 and 13.00 on Saturdays and at no time on Sundays and Public/Bank Holidays.
  - Deliveries to the site and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
  - Mitigation measures as defined in BS 5528: Parts 1 and Part 2 2009 and A1:2014 – Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.

- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development.

4. No development hereby permitted, including demolition, construction or groundwork, shall commence until tree protection measures, including fencing and ground protection, as shown on the Arboricultural Method Statement and Tree Protection Plan by Bernie Harverson dated July 2020 and as agreed at a pre-commencement meeting with the Council's Arboricultural Officer, have been installed in accordance with the agreed details. The protection measures shall thereafter be retained throughout the construction period for the development and the development shall be carried out strictly in accordance with the agreed details. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.
5. No development hereby permitted shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - (i) Details of the proposed utilities and services on the land with a separate method statement detailing how these works will be undertaken without detriment to protected trees; and
  - (ii) A staged workplan for all operations requiring Arboricultural supervision and sign off to ensure a workplan in relation to trees is achieved.

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

6. No development hereby permitted shall commence until plans and particulars specifying the layout, depth and capacity of all foul and surface water drains, SuDs features and sewers proposed to serve the same, details of any other proposed ancillary drainage works/plant (e.g. pumping stations) and details of consent from the Sewerage Authority for a connection to the public sewer for the development have been submitted to and approved in writing by the Local Planning Authority.

Unless agreed otherwise in writing by the Local Planning Authority, the development hereby permitted shall not be brought into use prior to the completion of the implementation of all such drainage provision in full accordance with such plans and particulars as are thus approved by the Authority.

7. In the event that piling is to be carried out on the site, prior to the development hereby permitted commencing, a piling risk assessment and

method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The piling shall be carried out in accordance with the approved scheme.

8. In the event that suspected contamination is encountered during groundwork (e.g. obviously contaminated soil / groundwater, or any buried waste materials not assuredly comprising non-harmful construction materials) works in affected areas of the site shall cease until the Local Planning Authority has been notified of the discovery, and a scheme to deal with the risks associated with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme may take a proportionate approach to the degree of formality adopted, and may comprise separate results / reports / statements as appropriate, but unless specifically excluded by agreement shall include;
  - 1) Reasonable investigation in the vicinity of suspected contamination, sufficient to characterise its nature, likely extent & mobility;
  - 2) An appropriate assessment of the risks to all receptors that may be affected, based upon 1), and;
  - 3) Where potentially unacceptable risks are identified by 2), a Remediation Strategy that includes appropriately considered remedial objectives and clearly defined proposals for achieving these, having due regard to sustainability.

All investigation, assessments and other actions required by 1) - 3) above (and B, below) shall be undertaken by competent persons, and the findings presented as a written report. The scheme shall be implemented as approved.

Prior to the occupation of any relevant part of the permitted development, EITHER of the following shall be submitted to the Local Planning Authority;

- A. A statement confirming that no suspected contamination was identified during development, OR;
  - B. Documentation in accordance with 1) - 3) above; together with a Verification Report (where appropriate) demonstrating that remediation objectives have been met.
9. Notwithstanding condition 2 and any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

10. Notwithstanding condition 2 and any description of landscaping shown on the Proposed Site Layout Plan no above ground construction works shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The information shall include:

- A soft landscape scheme with fully annotated plans at sufficient scale to identify species of individually planted trees, shrubs, hedges, marginal, bulbs and any areas of turfing / seeding. Planting areas should show the locations of different single species groups in relation to one another, and the locations of any individual specimen shrubs. Other information shall include plant specification schedules, comprising plant size, number and density.
- Hard landscape details with fully annotated plans at sufficient scale that comprise the proposed range of coloured and textured surfacing treatments, which identify:
  - hard surfacing material type / product reference and colour
  - laying bond
  - edging or kerb detail / type.
- Boundary details with fully annotated plans at sufficient scale showing the locations of existing, retained and proposed new boundary treatments, with scaled elevation drawings to show height, design, materials, type and colour of proposed new boundary treatment.
- Timing provisions for the carrying out of all hard and soft landscaping works.

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.

11. The existing hedges along the south and east boundaries as shown on the Proposed Layout Plan shall be retained and maintained at a minimum height of 2 metres.
12. Prior to the first occupation of the development hereby permitted, details of bat and bird boxes to be installed on all of the apartments shall be submitted to and approved in writing by the Local Planning Authority. The approved bat and bird boxes shall be installed in full accordance with the approved details before the occupation of the development hereby permitted and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to the first occupation of the development hereby permitted, visibility splays of 2.4 metres x 15 metres shall be provided to the north and west of the vehicular access by:

- (a) in the case of the west, by the clearance of existing material between 0.6 metres and 2 metres above the adjacent carriageway level; and
- (b) in the case of the north, by the clearance of existing material between 0.6 metres and 2 metres above the adjacent shared use (foot/cycleway level).

These visibility splays shall be maintained at all times thereafter.

- 14. Prior to the first occupation of the development hereby permitted at least the first 6 metres of the access measured from the nearside edge of the carriageway of the adjacent highway shall be surfaced in non-migratory material. This area shall be maintained in this condition thereafter.
- 15. Prior to the first occupation of the development hereby permitted the car parking and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use and shall be retained thereafter for their intended purpose.
- 16. Prior to the first occupation of the development hereby permitted details of the cycle shelter shall be submitted in writing to the Local Planning Authority for approval. The approved shelter shall be installed before occupation in accordance with the approved details and shall be retained thereafter for its intended purpose.
- 17. Prior to the first occupation of the development hereby permitted the Electrical Vehicle Charging points, as shown on approved plan 16014 – PL 401G, shall be installed in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.
- 18. Prior to the first occupation of the development hereby permitted provision for refuse and recycling storage shall be made in accordance with details previously submitted to and approved in writing by the Local Planning Authority. This provision shall thereafter be retained for this purpose.
- 19. Prior to the first occupation of the development hereby permitted the acoustic measures in terms of double glazing and incorporation of trickle vents shall be fully implemented in accordance with the Environmental Noise Survey & Noise Impact Assessment Report by Hann Tucker Associates June 2019 and thereafter retained as such.
- 20. Prior to the first occupation of the development hereby permitted;
  - (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings shall be undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and

(b) All measures necessary to meet the approved water efficiency calculation have been installed.

21. At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

End of Schedule