



Appeal Decision

Inquiry held on 4 to 7 and 11 September 2012

Site visit made on 11 September 2012

by John Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 October 2012

Appeal Ref: APP/X5210/A/12/2173598

Land north of St Edmund's Terrace, London NW8 7QU

- 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 Regents Park Estates (GP) Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2011/5977/P, dated 14 November 2011, was refused by notice dated 24 February 2012.
 - The development proposed is erection of three blocks of flats (two 6-storey blocks and one 5-storey block) with basement to provide 36 private tenure residential units (Use Class C3) and erection of 2 storey dwelling with basement (Use Class C3) following demolition of existing 8 flats and 2 houses.
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Decision

1. I allow the appeal and grant planning permission for erection of three blocks of flats (two 6-storey blocks and one 5-storey block) with basement to provide 36 private tenure residential units (Use Class C3) and erection of 2 storey dwelling with basement (Use Class C3) following demolition of existing 8 flats and 2 houses at Land north of St Edmund's Terrace, London NW8 7QU in accordance with the terms of the application, Ref 2011/5977/P, dated 14 November 2011, subject to Conditions 1) to 22) on the attached Annex 3.

Main Issues

2. The Council's reasons for refusal included a number of matters which are agreed to have been overcome by the submission of a completed Unilateral Undertaking, although the method of securing two of the measures were raised in evidence and are in dispute between the parties. The main issues in the appeal are therefore;
 - Whether the maximum reasonable amount of affordable housing has been proposed and should on-site provision be made.
 - Whether the development should be subject to a Deferred Viability Assessment.
 - Whether particular mitigation measures should be secured by condition or obligation.

Inspector's Reasons

Generally

3. A previous application and grant of planning permission (Ref; 2011/0919/P dated 3 October 2011) had settled a number of issues regarding the acceptability of the development now proposed, and included affordable housing. The Primrose Hill Conservation Area Advisory Committee in their presentation to this appeal express their satisfaction with that provision of affordable housing albeit they state that they were not fully satisfied with the architectural massing of the scheme. They therefore are opposed to what they see as the loss of affordable housing now proposed. However, that scheme has not been proceeded with and the appellant states that the earlier application was in order to 'crystallize' a planning permission, and that the provision of that level of affordable housing is not viable.
4. The appeal site is presently underused and unattractive in this prominent park-side location and the proposals would provide housing and improve the character and appearance of the surrounding area. Whilst clearly providing high-value housing, weight attaches to this provision in the wider market, adding to modern housing stock in Camden. In addition, construction activity furthers the Government's aims of planning for growth and aims stated in the National Planning Policy Framework on the three dimensions to sustainable development, economic, social and environmental. Although not at issue in this appeal, these benefits of the scheme are accorded weight.
5. The London Plan 2011 seeks at Policy 3.12 the maximum reasonable amount of affordable housing, having regard to, among other things, the need to encourage rather than restrain residential development, with negotiations taking account of development viability. Boroughs should take a reasonable and flexible approach to securing affordable housing on a site by site basis. In exceptional circumstances it may be provided off-site or through a cash-in-lieu contribution ring fenced, and if appropriate 'pooled', to secure efficient delivery of new affordable housing on identified sites elsewhere. The Camden Core Strategy Policy CS6 states that the Council will aim to secure high quality affordable housing for Camden households that are unable to access market housing. Development Policy DP3 sets out the detail for affordable housing provision with a sliding scale from 10% to 50% for progressively larger developments and the comprehensive assessment of adjacent and related sites. The site is identified as a residential site in the schedule to Unitary Development Plan Policy LU1 and is expected to deliver affordable housing. The emerging Local Development Framework Site Allocations document seeks to maximise the potential of the site to provide new housing (including affordable housing).

The Amount and Location of Affordable Housing

6. The Statement of Common Ground records agreement on a number of assumptions that were fed into the Toolkit calculation. It is a fact that this site requires a high level of up-front costs to be expended as a result of the Thames Water works, and that even then there would be a sterilisation of parts of the site, reducing the developable area. What was not agreed was the benchmark value for the site, and the effect of the need for pre-sales at a discount on the

residual land value and these considerations will be addressed, followed by consideration of the resulting viability of providing affordable housing now.

7. **The benchmark value** of the site is required in order to judge the viability of the appeal proposals. The alternative use value as a benchmark is a traditional method and the appellant has undertaken work on that basis. It is supposed that the site can be split into three, based on the centre section being that presently occupied by the block of flats. That appears feasible on the ground, the location of the flats provides for reasonably sized sites on either side. The flats would be refurbished and that would not attract a policy requirement for affordable housing. The western site presently has the semi-detached pair of houses and the eastern site is vacant, although affected by underground water works. The Council argue that the two outer sites should be treated as one and hence, on the sliding scale of Policy DP3, 22% affordable housing should be assumed for the calculation. The appellant considered the two sites as being separate, and hence separately assessed on the sliding scale, resulting in the western site, having regard to the removal of the existing 2 dwellings, not needing to yield affordable housing and the eastern site would be assumed to yield 13%.
8. The concern in Policy DP3 of grouping adjacent and related sites together is to avoid multiple sites being developed each taking advantage of the lower levels of the sliding scale where together the higher levels would be result. However, what was described as being an 'economy of scale' would operate in the case of the larger site, with a larger development taking advantage of a single access, open space provision and the like, and being more able to cover infrastructure costs. Two smaller sites aggregating to the same developable area but having to bear their own costs of access, open space provision, and infrastructure costs, among other things, would be a less economic proposition. That provides a logic for the sliding scale, in recognition of these economies. Where sites are adjacent, there is the opportunity of amalgamating them for these purposes, but where they are not, as in the case of the outer appeal sites, it would not be appropriate to assess them on the basis of enjoying economies of scale that are not available to them. That appears on the appellant's submissions to give a likely alternative use value of £11m.
9. The RICS published guidance in 2012 '*Financial Viability in Planning*' and suggests that the market should be taken into account. Paragraph 3.4.7 goes to some lengths to state the difficulties of using the sales prices of comparable development sites, but concludes that the importance of comparable evidence cannot be over-stated. This is a reasonable approach and in this case there are some comparable development sites in the vicinity to provide the information. These are a range of sites, in a range of locations, with a range of proposals, and therefore supply a range of possible market values expressed as a price per unit of area. That work has been augmented by enquiries of other developers over the level of interest in purchasing the outer sites, although the precise nature of the enquiry, whether a guide price was stated and the planning assumptions made are in doubt. Doubts were also expressed over the various calculations leading to the appellant's £14.25m figure, and there are some permutations of including the Thames Water sterilised land, and the costs associated with the Thames Water works. Within the various figures it appears reasonable to consider the eastern plot as the more valuable due to its relationship with the Primrose Hill open space.

10. In conclusion on this part, an alternative use value figure of £11m is justified and a higher figure, if not to the full £14.25m claimed by the appellant, would be a reasonable assumption as to the market value.
11. **Pre-sales** are a requirement of the funders to reduce their risk, and it does not appear reasonable to assume that the risk goes away as a result, rather that it is shouldered by someone else. Those pre-sales have been attracted by the use of discounts, and purchasers are taking a view as to the out-turn value on completion weighed against the discount offered now. They secure their interest by placing a 10% deposit on the property. The Council are of the view that these deposits are available to the developer to reduce the reliance on funding and that this should be factored into the calculation. However, purchasers are taking a certain risk and view of the future in any event by buying off-plan, and it does not appear reasonable that they take a further risk of having their money unsecured in the hands of a developer. There was evidence of former arrangements whereby interest was paid, a payment for risk, or that insurance would be available to reduce or negate the risk. Both of these would have had costs associated which are not taken account of. In the event neither form of risk reduction is available now and it is said that the level of discount is such as to attract pre-sales but on the basis of the deposit being in an escrow account and secure. It does not appear reasonable to apportion much, if any, of this money as the Council contend.
12. Secondly, the Council consider that the existence of pre-sales reduces the risk to the developer and that this should be reflected in a reduced level of profit. It may well be the case that having secured a 30% level of pre-sales, that is 30% not needing to be worried about selling later, but this comes at a cost of the discount, and could limit the ability to take action later in the project to respond to changes in the market, both in sales prices and expectations, on those 30% of the properties. Furthermore, any reduction in risk later-on should be balanced against an increased risk and pressure early-on, to achieve the pre-sales by a funding deadline, with the attendant risk of needing to increase the discount as that deadline approaches. It does not appear reasonable to factor-in a lower level of return now when those risks are still at large, as that would require assumptions that cannot safely be made.
13. There is weight to be attached to the appellant's comment that if pre-sales were such an advantage, all developers would be seeking them rather than having to accept them as the price of funding. There is clearly a difference between these pre-sales at this stage of the project and the concept of pre-sales and pre-lets in referred to in paragraph D3.1 of the RICS guidance. The pre-sales are a pre-condition of the funding being released and costs cannot be fixed. The guidance goes on to state that it is rarely possible to achieve the objectives and that there is a price to be paid.
14. In conclusion on this part, the value of pre-sales, imposed by the funders, are most unlikely to result in a reduction in return or borrowing to be factored into the calculation.
15. **The Residual Land Value** is compared with the benchmark, the former is the result of the conclusions directly above on the effect of the pre-sales and the latter the earlier conclusions on the site value. To show a viable development, the residual land value needs to be above the site value. Allowing very little or no increase in residual land value as a result of the pre-sales, and taking the appellant's £14.25m site value, or even a reduction in this for the uncertainties

discussed, but not below the £11m figure of the alternative use value, gives a negative figure, and by a significant margin. This is not the marginal situation that would allow the £1.5m offer to be viable in whole or in part.

16. **Affordable housing provision** now is therefore not viable. The provision of a nil level of affordable housing would accord with the policy requirement to provide the maximum reasonable amount of affordable housing having regard to viability. The question of whether affordable housing should be on-site or off-site does not arise. These conclusions confirm incidentally the likelihood of the consented (October 2011) scheme not being developed. This shows that the aim of encouraging rather than restraining residential development as sought by the London Plan Policy 3.12 is not likely to be met were there to be an insistence on any affordable housing from this development. The appellant addresses the reasons why even at the large negative value indicated, a developer may proceed, but a decision to proceed does not justify a requirement for affordable housing provision. The £1.5 affordable housing contribution in the Second Schedule of the Undertaking is not necessary to make the development acceptable.

Deferred Viability Assessment

17. Having concluded that the provision of affordable housing now is not viable, there is the possibility put forward that this might not be the case if there was to be a re-assessment at some future time were there to be an uplift in the market. During the course of the Inquiry the nature of the re-assessment sought by the Council was further discussed and, subject to the an overall finding that this would be acceptable in policy terms and in relation to this development, the formula now proposed would appear to be realistic sharing of any upturn in sales values.
18. The London Plan Policy 3.12 section B does refer to phased schemes, and in the accompanying paragraph 3.75 states that Boroughs should consider whether it is appropriate to put in place provisions for re-appraising the viability of schemes prior to implementation. The passage further states that to take account of economic uncertainties and in respect of schemes presently anticipated to deliver low levels of affordable housing, these provisions may be used to ensure that maximum public benefit is secured over the period of the development. The reference to there being a period of development may indicate a phased form of build-out, but not exclusively so. The Mayor's Draft Supplementary Planning Guidance '*Housing*' provides for reappraisal in times of economic uncertainty regardless of build-out time or phasing, and although as a draft this can be afforded only limited weight, these are times of economic uncertainty.
19. The RICS guidance addresses viability reviews at section 3.6.4 advising that the approach is generally suited to phased schemes over the longer term rather than single phased schemes to be implemented immediately, which require certainty. The guidance goes on to look at the possibility of long-life permissions (five years or more) where re-appraisal may also be appropriate. It is reasonable therefore to consider the converse; a short-life permission, of say 18 months, as offered by the appellant with no need for a reappraisal. Such a short-life permission would be close to the immediacy of implementation referred to in the guidance.

20. As an alternative, with a three year implementation date, the appellant has completed a unilateral undertaking making provision for a reappraisal, if after 20 months implementation and the completion of the Thames Water works have not taken place. That part of the undertaking is subject to the conclusion in this Decision that it meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010. This still allows for the immediacy of implementation without reappraisal, but failing that, provides a mechanism to ensure that the scheme demonstrates continuing accord with the policy requirement to provide the maximum reasonable amount of affordable housing having regard to viability. Such a reappraisal then would be in the knowledge of the out-turn costs of the Thames Water works which are only budget estimates now. The works require a large capital outlay early-on, but have not been considered as a separate phase in coming to the conclusions in this issue.
21. Whilst on the findings in the first main issue it appears that there would need to be a significant upturn in the sales value to overcome the deficit, and some previous predictions of growth have proved to be unduly optimistic, a reappraisal would settle the matter. The result might still be nil provision, but would have been proved at an appropriate time, as a reasonable balance between public interest and that of the developer. A satisfactory undertaking and mechanism has been agreed between the parties and schemes of this type require constant internal financial reappraisal in any event, so that the agreement of the reappraisal should not be unduly onerous. Having previously concluded that no affordable housing is presently justified, this possible opportunity to secure affordable housing would accord with policy aims and permission should not be granted in its absence. The Third Schedule of the Undertaking with provision for the Contingent Viability Assessment satisfies the tests in Regulation 122 of the CIL Regulations, being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Mitigation Measures

22. The two areas of concern are the Demolition and Construction Management Plan, and the Travel Plan;
23. **Demolition and Construction Management Plan.** There is no argument over whether this is required, and that view if concurred with now. The details of the Plan are set out in the fourth and fifth schedules to the Undertaking and the latter in particular contains highway measures that affect activities outside the site boundary and on the public highway, such as swept path diagrams for tight corners and routes to the Transport for London Road Network. Whilst a condition requiring a scheme could result in a Plan containing these measures there is concern as to their enforceability off-site. Clearly the Seven Dials Appeal Decision cited related to a site where there was little option than to use the highway for unloading, but in the present instance it would be good practice to have the requirement within the Undertaking rather than a condition where doubts remain as to whether one of the tests, enforceability, can be met.
24. **Travel Plan.** Again, there is no argument as to the requirement. The plan would seek to mitigate the effects of additional travel needs occasioned by the increased number of dwellings on the site and unlike the Demolition and Construction Management Plan does not seek to have any direct control over

land outside the site boundary, only over future occupier's actions which can be influenced. However, part of the provisions of the Undertaking is the monitoring contribution of £2,780 and if this is justified, an Undertaking is the correct place for the requirement to be secured. Similarly, there is no doubt that monitoring would be required. The Council will have statutory duties in respect of transport and travel, and no contribution should be expected to cover such duties that should be carried out in any event. However, this is mitigation of the effects of an increased occupancy and would result in additional work to monitor the outcomes. On the evidence it is reasonable that a monitoring contribution should be made and that the Travel Plan and the contribution should be secured through an Undertaking.

25. The provision of the Demolition and Construction Management Plan and the Travel Plan and its monitoring by way of the undertaking satisfies the requirements of the CIL Regulations and full weight attaches to these parts of the Undertaking in the granting of planning permission.

Conditions and Undertaking

26. A series of conditions was presented to the Inquiry as agreed in the Statement of Common Ground and these were discussed. For the reasons detailed above, the implementation time should be three years from the date of this Decision, coupled with the provisions of the Undertaking with regard to the possibility of re-assessment. There was discussion as to whether Condition 2) should be triggered by the start of any work, to achieve an holistic design but the argument that parts of the detailed design is done by sub-contractors and suppliers later-on is accepted. With some minor alteration to wording to aid clarity and to avoid doubt as to what would be acceptable, conditions controlling the following matters are necessary; materials, lights and other fixtures, landscaping, protection of trees, noise emissions, parking and vehicular servicing, provision and maintenance of the green roof, privacy, the provision of lifetimes homes, refuse and recycling storage, sustainable urban drainage, the protection of ecology and biodiversity, the provision of highway works including street trees, and levels at the site boundary.
27. The Council put forward a suggested further condition regarding CO₂ emissions from the combined heat and power unit. It was agreed that with a suitable alteration to the Code for Sustainable Homes condition this concern can be addressed. A requirement for an engineer to be employed to oversee basement works appears necessary having mind to items seen on the site inspection with the proximity of the water works and the nature of the ground. All of the resulting conditions accord with the six tests Circular 11/95 '*The Use of Conditions in Planning Permissions*'.
28. Turning to the Undertaking, the matters of the Demolition and Construction Management Plan, the Travel Plan, the Affordable Housing Contribution and the Contingent Viability Assessment have been addressed as part of the main issues. As stated earlier, there were other reasons for refusal that were not contested at the Inquiry as they were agreed to have been addressed by the Undertaking. These matters are; a local procurement code; local employment; provisions to prevent occupiers being entitled to a parking permit; and contributions to community facilities, education, environmental matters, public open space, and trees. The provisions of the Undertaking are in accordance with the requirements of Regulation 122 of the CIL Regulations previously detailed.

Conclusions

29. The development is acceptable in its effect on the character and appearance of the area and provides the benefits of good design and the provision of housing in this sensitive location adjoining the public open space of Primrose Hill. The proposals would address the run-down and under-utilised nature of the present site. It would therefore further aims of policy at all levels. There are particular costs associated with the development of the site with regard to the Thames Water works, and the balance of the evidence indicates that the provision of affordable housing, whether on-site or off, should not be required now. That finding accords with policy that seeks the maximum reasonable amount of affordable housing, having regard to the need to encourage rather than restrain residential development, and taking account of development viability.
30. However, it is reasonable to re-assess that position if the development is not started soon, and the contingent viability assessment contained in the Undertaking is a reasonable balance between the public interest and that of the developer.
31. All other matters between the parties are properly addressed in the Undertaking to which full weight is attached, including the provision of the Demolition and Construction Management Plan, and the Travel Plan including a monitoring contribution. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

ANNEX 1

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Neil Cameron	of Queens Counsel instructed by Andrew Maughan, Head of Legal Services, London Borough of Camden
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He called;

Michael Jennings PGDip MRICS	Partner BPS Chartered Surveyors
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Jonathan Rogers BSc(Hons) MRICS	Valuation Department Copping Joyce
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Gavin Sexton BEng MA	Principal Planning Officer London Borough of Camden
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FOR THE APPELLANT:

Russell Harris	of Queens Counsel instructed by Geoffrey Searle Planning Solicitors
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He called;

Clive Riding FRICS	Consultant Montagu Evans LLP
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Ian Stuart BA(Hons)	Housing and Economic Development Consultancy
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Nicholas Sharpe BA(Hons) DipTP MCD MRTPI	Partner Montague Evans LLP
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THIRD PARTY:

Richard Simpson FSA	Chair Primrose Hill Conservation Area Advisory Committee
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ANNEX 2

DOCUMENTS

Submitted by Council;

Document	C1	Council's Opening Statement
Document	C2	Changes to Jennings Proof of evidence
Document	C3	Changes to Rogers Proof of Evidence
Document	C4	Transport for London, ' <i>Transport Assessment Best Practice Guidance Document</i> '
Document	C5	Condition additional to SOCG
Document	C6	Replacement Jennings Proof of Evidence
Document	C7	Replacement Jennings Toolkit Option 2
Document	C8	Replacement Jennings Toolkit Option 4
Document	C9	BPS June 2011 appraisal
Document	C10	Letter Montagu Evans to Appellant 13 July 2011
Document	C11	Council's Closing Statement

Submitted by Appellant;

Document	A1	Appellant's Opening Statement
Document	A2	Statement of Common Ground
Document	A3	e-mail Taylor Wimpey to Montagu Evans 15 August 2012
Document	A4	Letter Davenport Lyons to CIT Group 4 September 2012
Document	A5	Revision of Montagu Evans ' <i>15% to show 0% on western site</i> '
Document	A6	<i>'Comparator with Mike Jennings 24% affordable housing assuming 2 sites treated as one'</i>
Document	A7	<i>'Supplementary information for Development Control Committee'</i> 15 December 2011
Document	A8	Core Strategy ' <i>Strategic Objectives</i> '
Document	A9	Savills ' <i>Prime London Residential Markets</i> '
Document	A10	Additional Note for Inspector 7 September 2012 Clive Riding
Document	A11	Additional Note for Inspector 10 September 2012 Clive Riding
Document	A12	Unilateral Undertaking Dated 21 September 2012
Document	A13	Appellant's Closing Statement

Submitted by Primrose Hill Conservation Area Advisory Committee;

Document	3/1	Appeal Statement read at Inquiry
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ANNEX 3

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Detailed drawings and/or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Local Planning Authority before the relevant part of the work is begun:
 - a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.
 - b) Typical details of new railings and balustrade at a scale of 1:10, with finials at 1:1, including method of fixing.
 - c) Samples and manufacturer's details of new facing materials including windows and door frames, glazing, balconies, balustrades, natural stone and metal cladding with a full scale sample panel of all stone facing finishes of no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond and pointing.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

- 3) No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior written approval of the Local Planning Authority.
- 4) A sample panel of all facing materials should be erected on-site and approved by the Local Planning Authority before the relevant parts of the work are commenced. The development shall not be carried out otherwise than in accordance with details thus approved and the sample panel shall be retained on site until the work has been completed.
- 5) No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built-upon open areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.
- 6) All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting 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 as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 7) All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 '*Trees in Relation to Design, Demolition and Construction*'. Details shall be submitted to and

approved in writing by the Local Planning Authority before works commence on site to demonstrate how trees to be retained shall be protected during construction work: such details shall follow guidelines and standards set out in BS5837.

- 8) Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive facade shall be at least 10dB(A) below the LA90, expressed in dB(A).
- 9) Before the use commences, an acoustic report, prepared by a suitably qualified professional, detailing any plant with an external breakout and demonstrating how the Local Planning Authority's noise requirements (as set out in condition 8) will be met, shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be provided with the necessary acoustic isolation and sound attenuation as recommended in the acoustic report and shall be maintained in accordance with the manufacturer's specifications. The acoustic isolation shall thereafter be maintained in effective order.
- 10) Prior to commencement on the relevant part of the development hereby approved details of all external lighting to include location, design, specification, fittings and fixtures (including means of reducing light spillage) shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the relevant approved details have been implemented. These works shall be permanently retained and maintained thereafter.
- 11) Prior to first occupation of the development a management scheme for ensuring that the front driveways shall be used for the purposes of servicing and drop-off/ pick-up only and shall be maintained free of parked vehicles or other obstruction, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be occupied other than in complete accordance with the measures contained in the approved scheme.
- 12) The development hereby permitted shall be carried out in accordance with the approved plans set out in Annex 4 attached to this Decision.
- 13) Prior to commencement of the relevant part of the development a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the Local Planning Authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.
- 14) The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both the permanent and temporary basement

construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. The appointment shall be confirmed in writing to the Local Planning Authority prior to the commencement of development and any subsequent change shall be confirmed forthwith for the duration of the construction works.

- 15) Prior to occupation of the relevant units, all glazing to bathrooms on the East elevation of Block 1, East and West elevations of Block 2 and West elevation of Block 3 shall be fitted with obscure glazing and fixed shut to a height of 1.8 metres. Such measures shall be retained thereafter.
- 16) The lifetime homes features and facilities and 10% wheelchair units, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units and shall be retained thereafter.
- 17) Prior to occupation of the development the refuse and recycling storage and cycle parking facilities shown on the drawings hereby approved shall be provided. All refuse and recycling storage and cycle parking facilities shall be retained thereafter.
- 18) Prior to commencement of development details of a sustainable urban drainage system (to show 50% attenuation of all runoff) shall be submitted to and approved in writing by the Local Planning Authority and such system shall be implemented as part of the development and thereafter retained and maintained.
- 19) Prior to occupation of the development, the recommendations and measures to protect and enhance biodiversity and ecology on the site as set out in the two ecology reports hereby approved, shall be implemented and thereafter retained.
- 20) The development shall achieve Level 4 of the Code for Sustainable Homes including 50% of the targets in the Water, Materials and Energy categories. The development shall not be occupied until evidence of a final Code Certificate (or any such equivalent national measure of sustainability for home design which replaces that scheme) certifying that Code Level 4 has been achieved has been issued, including evidence on emissions.
- 21) No development shall commence before a contract has been entered into with the Local Highway Authority to secure the following works:
 - a) The retention and repaving of the existing crossover at the eastern end of the southern Property boundary;
 - b) The creation of a new vehicular crossover to the western end of the southern Property boundary;
 - c) The repaving of the footway adjacent to the Property on St Edmund's Terrace.
 - d) The replacement of two street trees.

The development shall not be occupied until the works that are the subject of that contract have been completed.

- 22) No development shall commence until plans demonstrating the levels at the interface of the Development, the boundary of the Property and the Public Highway have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out to the levels approved.

ANNEX 4

Schedule of drawings and documents referred to in Condition 12)

Existing Plan (1:1250 @ A3)

P_00_G100_003A Location Plan for Site (section1.2)

Existing Plan (1:500 @ A1)

P_00_JA12_001A Existing Site Plan Ground Level

Existing Plan (1:250 @ A1)

P_00_JA12_002A Existing Site Plan Ground Level

Existing Elevations (1:500 @ A1)

E_S_G100_001A Existing South Elevation

E_N_G100_001A Existing North Elevation

E_E_G100_001A Existing East Elevation

E_W_G100_001A Existing West Elevation

Existing Elevations (1:250 @ A1)

E_S_G100_002A Existing South Elevation

E_N_G100_002A Existing North Elevation

E_E_G100_002A Existing East Elevation

E_W_G100_002A Existing West Elevation

Existing Sections (1:500 @ A1)

S_AA_G100_001A Existing Section AA

S_BB_G100_001A Existing Section BB

Existing Sections (1:250 @ A1)

S_AA_G100_002A Existing Section AA

S_BB_G100_002A Existing Section BB

Proposed Plans (1:500 @ A1)

P_00_G200_001A Proposed Ground Floor Plan

P_01_G200_001A Proposed First Floor Plan

P_02_G200_001A Proposed Second Floor Plan

P_03_G200_001A Proposed Third Floor Plan

P_04_G200_001A Proposed Fourth Floor Plan

P_05_G200_001A Proposed Fifth Floor Plan

P_RF_G200_001A Proposed Roof Level Plan

P_B1_G200_001A Proposed Basement -1 Plan

P_B2_G200_001A Proposed Basement -2 Plan

Proposed Plans (1:250 @ A1)

P_00_G200_002A Proposed Ground Floor Plan

P_01_G200_002A Proposed First Floor Plan

P_02_G200_002A Proposed Second Floor Plan

P_03_G200_002A Proposed Third Floor Plan

P_04_G200_002A Proposed Fourth Floor Plan

P_05_G200_002A Proposed Fifth Floor Plan

P_RF_G200_002A Proposed Roof Level Plan

P_B1_G200_002A Proposed Basement -1 Plan

P_B2_G200_002A Proposed Basement -2 Plan

P_B1_G200_003A Proposed Basement -1 Cycle Storage

Proposed Elevations (1:500 @ A1)

E_S_G200_001C Proposed South Elevation

E_N_G200_001B Proposed North Elevation

E_E_G200_001B Proposed East Elevation

E_W_G200_001A Proposed West Elevation

Proposed Elevations (1:250 @ A1)

E_S_G200_002C Proposed South Elevation

E_N_G200_002B Proposed North Elevation

E_E_G200_002B Proposed East Elevation

E_W_G200_002A Proposed West Elevation

Proposed Sections (1:500 @ A1)

S_AA_G200_001A Proposed Section AA

S_BB_G200_001A Proposed Section BB

S_CC_G200_001A Proposed Section CC

S_DD_G200_001A Proposed Section DD

Proposed Sections (1:250 @ A1)

S_AA_G200_002A Proposed Section AA

S_BB_G200_002A Proposed Section BB

S_CC_G200_002A Proposed Section CC

S_DD_G200_002A Proposed Section DD

S_EE_G200_002A Proposed Section EE

S_FF_G200_002A Proposed Section FF

Proposed Area Block Plans (1:100 @ A1)

B1_P_00_G200_001B Block 1 Proposed Ground Floor Plan

B1_P_01_G200_001B Block 1 Proposed First Floor Plan

B1_P_02_G200_001B Block 1 Proposed Second & Third Floor Plan

B1_P_04_G200_001A Block 1 Proposed Fourth Floor Plan

B1_P_05_G200_001A Block 1 Proposed Fifth Floor Plan

B2_P_00_G200_001A Block 2 Proposed Ground Floor Plan

B2_P_01_G200_001A Block 2 Proposed First Floor Plan

B2_P_02_G200_001A Block 2 Proposed Second & Third Floor Plan

B2_P_04_G200_001A Block 2 Proposed Fourth Floor Plan

B2_P_05_G200_001A Block 2 Proposed Fifth Floor Plan

B3_P_B1_G200_001A Block 3 Proposed Basement Plan

B3_P_00_G200_001A Block 3 Proposed Ground Floor Plan

B3_P_01_G200_001A Block 3 Proposed First Floor Plan

B3_P_02_G200_001A Block 3 Proposed Second Floor Plan

B3_P_03_G200_001A Block 3 Proposed Third Floor Plan

B3_P_04_G200_001A Block 3 Proposed Fourth Floor Plan

Proposed Block Elevations (1:100 @ A1)

B1_E_S_G200_001B Block 1 Proposed South Elevation

B1_E_N_G200_001A Block 1 Proposed North Elevation

B1_E_E_G200_001B Block 1 Proposed East Elevation

B1_E_W_G200_001A Block 1 Proposed West Elevation

B2_E_S_G200_001A Block 2 Proposed South Elevation

B2_E_N_G200_001A Block 2 Proposed North Elevation

B2_E_E_G200_001A Block 2 Proposed East Elevation

B2_E_W_G200_001A Block 2 Proposed West Elevation

B3_E_S_G200_001B Block 3 Proposed South Elevation

B3_E_N_G200_001B Block 3 Proposed North Elevation

B3_E_E_G200_001B Block 3 Proposed East Elevation

B3_E_W_G200_001B Block 3 Proposed West Elevation

Proposed Detailed Drawings (1:50 @ A1)

TH_P_B1_G200_001A Town House Proposed Basement Plan

TH_P_00_G200_001A Town House Proposed Ground Floor Plan

TH_P_01_G200_001A Town House Proposed First Floor Plan

TH_E_AL_G200_001A Town House Proposed Elevations

D_AL_G251_001A Proposed Bay Detail

Proposed Flat Type Plan (1:400 @ A1)

P_AL_D811_001A Proposed Flat Type Plan

Proposed Accessible Flat Layout Plans (1:50 @ A1)

B2_P_00_D811_01_001A Block 2 Proposed 1 Bed Apartment

B2_P_01_D811_02_001A Block 2 Proposed 2 Bed Apartment

B1_P_03_D811_03_001A Block 1 Proposed 3 Bed Apartment

B3_P_02_D811_04_001A Block 3 Proposed 4 Bed Apartment

Design & Access Statement Volume I incorporating planning statement and access statement;

Addendum Planning Statement Nov 2011 by Montagu Evans;

Construction Management Plan by Knight Harwood (undated);

Structural Concept report by Fluid Structures Oct 2011;

Energy Strategy Report by RES 01/11/11;

Code for Sustainable Homes pre-assessment report by RES 01/11/2011;

Transport Statement by TPP Consulting November 2011;

Historic Environment Assessment Nov 2011;

Noise Survey & Plant Information by Sandy Brown LLP 1 Nov 2011;

Daylight and Sunlight report by GIA Nov 2011;

Report on Soil Investigation by ESG November 2011;

Air Quality Assessment WSP Nov 2011;

Arboricultural Report by DPA Nov 2011;

Ecology Report by URS Issue 1 Nov 2011;

Bat Survey Report by URS Issue 29th Oct 2010;

Code for Sustainable Homes Ecology Report Issue Nov 2011;

Landscape Design Statement by SCAPE 01-11- 2011 including Landscape

Masterplan 230-SK-101;

Response to BIA Screening Flowcharts by Fluid Structures April 2011;