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## Appeal Decision

Inquiry held on 28 June to 1 July and 5 July 2016

Site visits made on 27 June and 4 July 2016

**by Richard Schofield BA(Hons) MA MRTPI**

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

**Decision date: 8 August 2016**

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**Appeal Ref: APP/N5090/W/15/3132049**

**Granville Road Estate, Granville Road, Childs Hill, City of London NW2 2LD**

- 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 New Granville LLP against the decision of the Council of the London Borough of Barnet.
  - The application Ref F/04474/14, dated 14 August 2014, was refused by notice dated 26 March 2015.
  - The development proposed is demolition of Beech Court, garages and other ancillary buildings and the erection of new buildings (including an extension to Nant Court) between two and six storeys in height (with additional basement levels in places) to provide 132 new dwellings in total (all use class C3), comprising 74 flats and 58 houses, together with associated reconfiguration of the site access arrangements and alterations to parking, landscaping, refuse, recycling and other storage facilities and the provision of new play and communal amenity space.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of Beech Court, garages and other ancillary buildings and the erection of new buildings (including an extension to Nant Court) between two and six storeys in height (with additional basement levels in places) to provide 132 new dwellings in total (all use class C3), comprising 74 flats and 58 houses, together with associated reconfiguration of the site access arrangements and alterations to parking, landscaping, refuse, recycling and other storage facilities and the provision of new play and communal amenity space, at Granville Road Estate, Granville Road, Childs Hill, City of London NW2 2LD, in accordance with the terms of the application Ref F/04474/14, dated 14 August 2014, subject to the conditions contained in the Schedule to this decision.

### Preliminary Matters

2. Granville Estate Residents' Association (GERA) and Crewys, Llanvanor and Nant Road Residents' Association (CLAN) were represented jointly at the Inquiry. Before the Inquiry opened, GERA/CLAN withdrew their objections to the appeal scheme with regard to flood risk; its effect upon the living conditions of the occupiers of neighbouring properties (with regard to daylight/sunlight); and its effect upon highway safety and efficiency.
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3. The Council's decision notice makes reference to Barnet Local Plan Core Strategy DPD (the Core Strategy) policy CS NPPF. It was agreed between the main parties at the Inquiry that this was a general 'sustainability' policy, which merely echoed the requirements of the National Planning Policy Framework (the Framework). It was further agreed that, this being so, if I were to find that the appeal scheme complied with the other policies cited by the Council, it would be in *de facto* accordance with CS NPPF. Based upon my reading of CS NPPF I agree and have not, therefore, addressed it specifically in relation to every consideration below.

### **Main Issue**

4. The main issue is whether the proposed development makes appropriate provision for open space, affordable housing and community facilities. To provide clarity for the reader I have addressed each matter separately.

### **Reasons**

#### *Background*

5. Granville Road Estate (the Estate) is around 3.7 hectares in size and was constructed in the 1960s. It is dominated by three fifteen storey blocks of flats. Three 3 to 5 storey courts are situated around them, along with a number of ancillary buildings. Together they provide 257 dwellings.
6. In 2008 the Council produced a development brief for the Estate. This was consulted upon for six weeks and subsequently adopted by the Council. The brief was predicated on the need to secure funding, through development of part of the estate, for the renovation of the three tower blocks. This funding was subsequently secured from the London Development Agency. Nonetheless, the Council determined to pursue redevelopment of the site and a formal tender process was instigated in November 2010.
7. The submission by the appellant's constituent partners was successful and they were awarded the tender in November 2012. A formal development agreement between the Council and the appellant was entered into.
8. Policy CS3 of the Core Strategy promotes the regeneration of the Estate as a 'priority housing estate' and, in effect, allocates it for 140 new homes (to be achieved by 2015/16). Indeed, the Estate is formally identified as an 'allocation' in the Council's five year housing land supply assessment<sup>1</sup>, with an expectation of 126 new units being completed upon it by 2019/20.
9. In addition, the Estate is highlighted as a Priority Estate on the Core Strategy's Key Diagram with the Priority Housing Estates *en masse* providing a key source of housing in the Council's development pipeline to 2025/26<sup>2</sup>.
10. Paragraph 7.2.12 of the Core Strategy's supporting text, although not of itself policy, nonetheless gives important contextual support to policy CS3. It states that some surplus lands within the Estate offer the opportunity for some additional homes for private sale and intermediate housing for sale, thus creating a mixed tenure community. It goes on to state that it is expected that between 130 to 140 new homes will be built upon it by 2016.

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<sup>1</sup> Appx 8 of Mr Blythin's proof

<sup>2</sup> Core Strategy Table 3 p43

11. Thus, the appeal proposal, for 132 new dwellings (gross), draws a significant weight of in principle policy support from the adopted development plan.
12. There was some debate at the Inquiry as to whether Core Strategy policy CS3 was a 'dominant'<sup>3</sup> policy within the development plan. To a large extent, this is moot as I have not found conflict with development plan policy or, indeed, the development plan as a whole. However, in my judgment, this policy, being site specific and setting a clear strategic aim for the Estate, is, in these circumstances, dominant over the more general policies referred to in the Council's decision notice.

### *Open Space*

13. The open space on the Estate, consisting of public and communal areas, totals around 12,046 sqm. The public areas are comprised of verges and areas of undulating grass. There are a large number of mature trees upon them. The communal areas are typically small, fenced off areas at the base of each of the three tower blocks. There is no children's play equipment or formal play space and no apparent seating provision on the Estate.
14. With the exception of the Mortimer Close Open Space, being 255 sqm at the Estate's southern end, the open space has no formal designation/protection within the Core Strategy or the Barnet Local Plan Development Management Policies DPD (the DMDPD).
15. It is common ground between all parties that the proposed scheme would provide open space and amenity space in excess of the minimum requirements of the Council's Sustainable Design and Construction Supplementary Planning Document (SPD). Even so, the scheme would result in the loss of c.6,900 sqm of public and communal open space. This is a very significant proportion of the space currently on the site and I am acutely aware of the strength of local feeling in relation to its proposed loss.
16. GERA/CLAN representatives spoke eloquently and at length about the role of the open space in relation to the day-to-day lives of residents. There was a particular focus on its visual benefits, its proximity and the degree to which it is overlooked from the extant flats, enabling parents to feel that their children can play safely. It was also emphasised that the use of the open space by a range of residents encourages interaction and contributes to the wider social cohesion of the area.
17. In addition, the proposed development would feature a number of private houses, which would have their own private gardens. GERA/CLAN suggested that this would risk undermining the strong sense of community which currently characterises the Estate and which has been created, at least in part, due to the shared open space.
18. The appeal scheme would, inevitably, result in the loss of some of the Estate's open character and 'green feel'. This would be the case (albeit to varying degrees) whatever the quantum of development upon it; development that is supported by the Core Strategy. In my judgment, however, this would not be significantly to the Estate's detriment. The scheme would result in the planting of a very substantial number of additional trees<sup>4</sup>; the provision of varied,

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<sup>3</sup> As per R (Cummins) v Camden LBC [2001] EWHC Admin 116

<sup>4</sup> Replacing those to be removed and resulting in a greater number than are currently present on site.

landscaped public and communal spaces; and numerous areas of children's play space, which would be well-overlooked. The open space would be more structured, but it would provide an attractive setting to the buildings, making passage through and outlook from the Estate a pleasant experience, visually and psychologically; allowing younger children to exercise and play imaginatively; and providing greater and, arguably, improved opportunities for social interaction.

19. It may be that the new open spaces, as shown on the submitted images, would not lend themselves to 'serious' exercise, such as running or informal games of football. However, the precise design of such spaces has yet to be confirmed, and a space suitable for ball games could be provided. Childs Hill Park is also extremely close. The proposed improvements to the footway network on and around the site, and improved connectivity with the surrounding area, would facilitate running and cycling opportunities.
20. The main linear park would be around 10 metres wide and surrounded by road. Other play spaces would similarly be close to roads. Nonetheless, I share the appellant's view that it is highly likely that vehicles would move slowly and infrequently around what would be 'home zone' style streets, such that highway safety, perceived or actual, would not be an issue. Nor am I persuaded that vehicles would be present in such numbers or frequency that the linear park, or indeed other proposed open spaces, would be an unattractive proposition for play or recreation due to vehicular noise and/or smell.
21. The appellant agreed that there could, in principle, be other ways of developing the site for 140 dwellings, such that there might be a reduction in loss of open space. Nonetheless, there can be no certainty that this could be achieved without giving rise to different issues (e.g. impacts upon living conditions). In any case, there are no alternative proposals before me and it is not for me to judge a 'beauty contest' of potential options but to consider the proposed scheme on its individual merits.
22. Much was made of the Estate's location in an area of 'open space deficiency'. When this is unpicked, however, its implications are minimal. The Estate lies wholly within the catchment of Childs Hill Park, which is the nearest Local Park. This is assessed as a high quality/high value park in the Council's draft Open Spaces Strategy 2016-2026. Parts of the Estate also lie within the catchment of Basing Hill Park and Elm Park. Thus, the Estate is not within an area of Local Park deficiency.
23. It is, however, 100 metres beyond the Council's maximum distance standard applied for proximity to District Parks, being 1.3km away from Hampstead Heath Extension (HHE). In real terms this is, in my judgment, a marginal infringement of the standard and in order to reach HHE from the Estate one has, realistically, to walk either through the large Golders Hill Park (another high quality/high value park with formal and informal play areas) or part of Hampstead Heath itself, which is one of the most expansive areas of open space in London.
24. It was asserted that in spite of its quality and proximity, Childs Hill Park could not be seen as mitigation for the loss of the quantum of open space that would arise as a result of the proposed development. This, it was argued, was due to capacity issues at Childs Hill Park at busy times. It was apparent from my site

visits, and the survey evidence submitted by the appellant, that Childs Hill Park is popular. There is not, however, any evidence before me to demonstrate how the capacity issues are manifested, beyond the assertion that children sometimes have to wait their turn to use certain bits of play equipment. This does not seem to me to be either an unusual or unexpected feature of a popular park and is certainly not, in my judgment, evidence of a lack of capacity or over use. In addition, a S106 contribution is proposed that would enable further improvements to Childs Hill Park, potentially bringing more of it, such as the currently disused and closed off bowling green, into use.

25. I conclude, therefore, that the appeal scheme would make appropriate provision for open space. It would not conflict with Core Strategy policy CS7, which seeks, among other things, to enhance open space and meet increased demand by securing improvements to open spaces including provision of children's play. Nor would it conflict with DMDPD policies DM01 and DM15, which seek, among other things, to ensure that where open space is lost it is replaced by equivalent or better quality provision, does not create further public open space deficiency and has no significant impact upon biodiversity; and to retain outdoor amenity space having regard to a development's character.
26. London Plan policy 3.5 seeks, among other things, to ensure that new housing developments enhance the quality of local places, taking into account provision of public, communal and open spaces. The appeal scheme would accord with this policy. Reference is also made to London Plan policy 7.18, which refers to loss of protected open spaces. As the vast majority of open space on the Estate is not 'protected', and that which is protected is to be retained, this policy does not appear to be directly relevant to the appeal scheme. Notwithstanding this, however, the policy would be satisfied by the appeal scheme meeting its requirement for better quality provision.
27. GERA/CLAN highlighted Core Strategy policy CS11, which seeks to improve health and well-being in Barnet, notably the wording that the Council would target unhealthy lifestyles such as smoking and those which cause obesity. It also drew my attention to London Plan policy 3.2, which indicates that new development should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities. There is no substantive evidence before me to support the view that the appeal scheme would conflict with these policy requirements and I am not persuaded by the suggestion that it would result in some children having to spend more time indoors due to insufficiently overlooked play space on the Estate.
28. Reference was also made to paragraph 74 of the Framework, which states that existing open space should not be built on unless it would be replaced by equivalent or better provision in terms of quantity *and* quality. Clearly, the proposal would not provide an increase in open space quantity. Even so, this needs to be seen in the context of Core Strategy policy CS3, adopted post-Framework, which envisages development of the Estate for up to 140 houses for regenerative purposes, and the Framework's emphasis on a plan-led system. As such, I do not consider that paragraph 74's wider scope weighs heavily against the appeal proposal in these circumstances.

### *Affordable Housing*

29. Of the 257 dwellings on the Estate, 178 (69%) are social rented units and 79 (31%) are private leasehold units. The appeal scheme would result in the loss of 16 social rented units and provide 46 intermediate housing units. Around 33% of the proposed intermediate units would, by virtue of the development agreement between the Council and the appellant, be available to those with a household income of less than £30,000 and 45% would be available to those with a household income of between £30,001 and £45,000.
30. There was some debate at the Inquiry about the overall amount of affordable housing to be provided by the scheme. Both the Council and GERA/CLAN nonetheless accepted that there was no evidence to gainsay the appellant's position (previously agreed with the Council on the basis of viability information) that the scheme was providing the maximum number of affordable housing units that it could.
31. This being so, it was agreed that the reference to DMDPD policy DM10 in the Council's decision letter, which seeks to secure the maximum reasonable amount of affordable housing on site, subject to viability, was erroneous. The issue in dispute is whether the scheme, which would deliver 100% of its affordable housing as intermediate housing, provides an appropriate mix of affordable housing.
32. Consequently, I do not consider that the appeal proposal conflicts with the headline ambition of policies 3.12 and 3.13 of the London Plan either, which also seek to ensure that the maximum amount of affordable housing should be sought when negotiating on individual private residential schemes, where a site has capacity to provide 10 or more homes.
33. Core Strategy policy CS4, which echoes the aims of London Plan policy 3.11, states that the Council will seek, '*an appropriate mix of affordable housing of 60% social rented and 40% intermediate **for Barnet** [my emphasis]...*'. On its face this policy does not, in my judgment, require every development site in the Borough to provide an affordable housing mix of 60% social rented and 40% intermediate. I consider it to be a Borough wide target, which necessarily affords the Council flexibility to address affordable housing needs in their local context and to take account of factors such as scheme viability.
34. It is also reasonable to consider that if policy CS4 meant to apply a firm 60/40 split to the affordable housing provision on every residential development scheme it would be written in those terms. Instead, the policy seeks:

*to ensure a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.*
35. Likewise, London Plan policy 3.12 highlights '*the need to promote mixed and balanced communities*' and to consider '*the specific circumstances of individual sites*'.
36. The scheme would result in the loss of 16 social rented units from the Estate. The supporting text to DMDPD policy DM07, which echoes wording in the Council's Affordable Housing SPD, notes that the loss from the current dwelling stock of residential units of a type which are in short supply or serving a special housing need, including affordable housing, will normally be resisted.

Notwithstanding the use of 'normally', it does not, however, seek to distinguish between different types of affordable housing and, overall, the scheme will provide an increase in affordable housing on the site.

37. In addition, paragraph 7.2.12 of the Core Strategy states that the Estate provides the opportunity to deliver intermediate housing for sale. It makes no mention of social rented units. Given this wider context, and the thrust of policy, I do not consider that there can be an in principle objection to the provision of 100% of the scheme's affordable housing as intermediate.
38. London Plan Housing Supplementary Planning Guidance (SPG) states (para 5.1.15) that:
- Replacement of social/affordable rented units by intermediate provision is acceptable where it can be robustly demonstrated that this would achieve a more appropriate range of housing provision in a neighbourhood or borough and contribute to achieving a more mixed and balanced community.*
39. GERA/CLAN were of the view that the Childs Hill community as they saw it, being geographically extensive, was already mixed and balanced in relation to a range of factors, which was a key part of its attraction for local residents. It had not been robustly demonstrated that the loss of the 16 social rented units would contribute anything to this.
40. Nonetheless, the Estate itself arguably forms a distinct neighbourhood, in design and tenure terms, within the wider Childs Hill community and is clearly dominated by social rented housing. I am not persuaded that the loss of 16 social rented units from an estate of 178 such units, or from a wider area<sup>5</sup> where social rent remains the predominant affordable housing tenure, would be harmful.
41. Indeed, given the local context, in my judgment the addition of a number of intermediate units, which are currently present in insignificant numbers, would certainly achieve a more appropriate range of housing provision in the neighbourhood of the Estate. The units would also provide the opportunity to create a more mixed and balanced community by attracting to the area those who aspire to own their own home but may not be able to afford to do so on the open market or by affording this opportunity to those already in the area but currently in social rented accommodation or living with relatives<sup>6</sup>.
42. In addition, policy 3.9 of the London Plan is clear that '*communities mixed and balanced by tenure and household income should be promoted across London...*' and that '*a more balanced mix of tenures should be sought in all parts of London...*'. It may be that a particular aim of this policy, by inference from the supporting text, is to address mono-tenure estates, but it is not applied solely in those terms and sets general principles for new residential development across London.
43. I am also mindful that the Council's Housing team, which it is reasonable to consider is well-placed to take an overview of affordable housing need and tenure in the Borough, responded to the appeal proposals by saying that they '*deliver the Council's vision for the estate*' and '*will be addressing tenure needs*'

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<sup>5</sup> E.g. the Lower Layer Super Output Area

<sup>6</sup> Mrs Berry's evidence to the Inquiry

*that have not been available previously with 46 of the homes being for shared ownership*'.<sup>7</sup>

44. I conclude, therefore, that the appeal scheme would make appropriate provision for affordable housing. It would not conflict with Core Strategy policies CS4 and CS15 or London Plan policies 3.12 and 3.13, which are addressed above. Nor would it offend the guidance set out in the Council's Affordable Housing SPD or the London Plan Housing SPG, also addressed above.
45. Reference is made in the Council's decision notice to its Planning Obligations SPD. This delegates matters of affordable housing to the Affordable Housing SPD, so its relevance in relation to this reason for refusal is unclear.

#### *Community Facilities*

46. The appeal scheme makes no provision for on-site community facilities. Both the Council and GERA/CLAN allege that the scheme should provide a community hall.
47. The Council's decision notice makes reference to DMDPD policy DM13. As this seeks to prevent the loss of community uses, it is clearly not relevant to the appeal before me as no community uses will be lost.
48. Core Strategy policy CS10 sets out how community facilities<sup>8</sup> will be provided. Most relevant is bullet point 4, which states that the Council will:

*expect development that increases the demand for community facilities and services to make appropriate contributions towards new and accessible facilities, particularly within the regeneration and development areas of the Borough... .*

There is no policy requirement to provide on-site community facilities, albeit that this could be an option if it were to be considered appropriate and justified.

49. There was once a community hall on the site, before it burned down around eight years ago, and there do not appear to be any alternative venues nearby that offer large meeting rooms readily available to the public as a matter of course. Thus, it may be that a new community hall on the site is desirable.
50. There is not, however, any substantive evidence before me to support the view that a community hall is necessary over and above any other form of community facility; that it would be financially viable as an on-going enterprise; or that it could be delivered as part of a viable and appropriately designed residential scheme. Nor was it disputed that the Council's preference, as set out in Core Strategy policy CS10 and its supporting text, is a move towards 'community hubs' as a means of delivering integrated community facilities, rather than standalone facilities.
51. It was not disputed that an increase in housing on the Estate would increase pressure on community infrastructure in the area, which has declined of late. However, the appeal scheme will make a contribution through the Council's

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<sup>7</sup> Email with an attached statement from the Council's Affordable Housing Liaison Officer, 5 January 2015

<sup>8</sup> Defined as including schools, libraries, leisure centres and pools, places of worship, arts and cultural facilities, community meeting places and facilities for younger and older people.



Community Infrastructure Levy (CIL) of just over £1m for infrastructure provision in the Borough. These funds can be used by the Council to fund new or to improve existing community facilities in the area of the appeal site, as per the Council's Regulation 123 List of infrastructure, which includes reconfigured provision and/or improvements to Childs Hill Library near the site. In my judgment, this CIL payment falls within Core Strategy policy CS10's definition of 'appropriate contributions'.

52. I conclude, therefore, that the appeal scheme makes appropriate provision for community facilities. It would not conflict with the requirements of Core Strategy policy CS10, discussed above.
53. My attention was drawn to paragraph 7 of the Framework, which states, among other things, that to be sustainable development housing should meet the needs of present and future generations, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Again, however, there is nothing in this paragraph that would lead me to the conclusion that sustainable development can only be achieved through the provision of on-site community facilities.

### **Other Matters**

54. There were a number of concerns about the effect of the proposed development on highway safety and efficiency. However, the Council's highways officers were satisfied with the technical evidence submitted by the appellant in relation to access, highways and parking and there is no alternative evidence before me that would lead me to a different conclusion.
55. Similarly, there is no technical evidence before me that would lead me to dispute the appellant's detailed evidence in relation to flood risk<sup>9</sup>, sunlight/daylight impacts and outlook.
56. There were concerns over the loss of the so-called 'pram sheds' used for storage by residents, but the submitted plans show that alternative on-site storage provision will be made.
57. Concerns were expressed over the potential increase in air and noise pollution from the proposed development. I am not persuaded, however, that the scheme would be so substantial that this would be an issue. I am also mindful that on-site provision would be made for electric vehicle charging points, cycle storage and renewable energy infrastructure. There would also be a Travel Plan in place, offering incentives for travel by means other than the private car and making improvements to the pedestrian environment. Issues in relation to dust and noise during construction could be addressed through condition.
58. A number of respondents highlighted issues with regard to anti-social behaviour and burglaries, albeit that these were disputed by GERA/CLAN witnesses. The scheme has, however, been thoroughly assessed by the Metropolitan Police Service's North West London Designing Out Crime Team, which has not objected to it.
59. It was alleged that the appellant had provided inaccurate density and outdoor space calculations, notably in relation to proposed Block A. However, based

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<sup>9</sup> There is no objection to the scheme from Thames Water or the Environment Agency.

upon my reading of the relevant London Plan policies<sup>10</sup> and SPG, and additional oral evidence provided by the appellant, this does not appear to be the case.

60. A submission was made relating to both Article 1 Protocol 1 and Article 8 of the European Convention on Human Rights, to the effect that if the appeal were allowed it would interfere with the quiet enjoyment of 45 Garth Road, with specific regard to privacy and the loss of open space on the Estate. I have addressed the latter issue in detail above. However, based upon my own observations and the submitted plans, I am satisfied that the separation distances between the proposed development and 45 Garth Road are acceptable and, with appropriate boundary treatments, would not result in adverse impacts that would be so significant as to constitute a violation of the occupiers' human rights. Nor am I persuaded that turning the open space immediately to the rear of 45 Garth Road into a private garden to a new dwelling would amount to a violation of the occupiers' human rights.

### **Conditions**

61. A list of proposed planning conditions was discussed in some detail at the Inquiry. I have made amendments in the light of those discussions. This is to improve precision, clarity and enforceability, as well as to avoid overlap.
62. The standard condition specifying the time limit for commencement of development is necessary to ensure legal compliance. That requiring adherence to the approved plans is necessary to provide certainty. The conditions requiring the provision of sample materials; details of architectural features; details of landscaping (including an ongoing management plan) and play equipment; details of boundary treatments; and the replacement of trees, hedges and shrubs are necessary in the interests of character and appearance. The condition requiring provision of site levels is necessary, given the topography of the site. Those seeking details of windows to be obscure glazed/fixed shut and privacy screens are necessary in the interests of protecting the living conditions of the occupiers of neighbouring dwellings and securing appropriate living conditions for future residents. The removal of specified permitted development rights is appropriate, in this instance, given building heights and the juxtaposition of properties, for the same reasons. Details of refuse and recycling facilities are necessary to ensure the development is appropriately serviced. A condition to secure accessible and adaptable dwellings is necessary to ensure that the development meets the needs of future occupiers throughout their lives in accordance with London Plan requirements. That requiring CO2 emissions reductions is necessary to ensure compliance with local plan policy and national policy in relation to climate change. The removal of permitted development rights in relation to telecommunications equipment on the roofs of buildings is necessary, in this instance, to secure the ongoing high quality character and appearance of the appeal scheme. Conditions relating to contamination investigation, and remediation as necessary, are required given the agreed potential for contamination on the site. Ecological conditions are necessary to ensure appropriate ecological protection, mitigation and enhancement is secured in order to achieve the proposed biodiversity benefits of the scheme. A condition relating to drainage is required to ensure that the site is properly drained and to prevent flooding. That relating to water saving is necessary to ensure

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<sup>10</sup> Policies 3.4 and 3.5

compliance with the relevant optional Building Regulation as set out in London Plan policy. A Piling Method Statement is necessary to ensure protection of underground sewerage infrastructure. The conditions restricting hours of construction and requiring a Construction Management and Logistics Plan are necessary to avoid adverse impacts upon the local highway network and upon the living conditions of the occupiers of neighbouring dwellings during construction. Conditions in relation to noise and air quality management are necessary to secure compliance with the recommendations of the submitted assessments. Tree protection conditions are necessary to safeguard the health of any extant trees on and around the site that are to be retained as part of the proposed development. Conditions in relation to lighting and crime prevention measures are necessary to ensure that the development is appropriately lit and secure. Parking space and parking management conditions are necessary in the interest of highway efficiency. Cycle parking and electric vehicle charging points are necessary in the interests of reducing reliance on the private motor car and reducing vehicle emissions within London.

63. A number of conditions are specified as pre-commencement conditions. These are justified as they address fundamental aspects of the scheme that require certainty before construction begins.

### **Planning Obligations**

64. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations contained in S106 Agreements are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
65. Contributions towards the review and potential extension of the controlled parking zone in the vicinity of the Estate is necessary to ensure appropriate parking controls are in place, in the interests of highway efficiency, on local roads that could be affected by the proposed development. I am satisfied that these obligations, for which a breakdown of costs has been provided, meet the tests in the Regulations.
66. An obligation is included requiring a Residential Travel Plan, with an associated range of obligations that secure Residential Travel Plan incentives, as per the Council's Planning Obligations SPD. Given the need to maximise the use of non-car modes of transport from the site, in line with local and national planning policy, these obligations are necessary and I conclude that they meet the tests in the Regulations.
67. Contributions are also secured towards the monitoring and review of the implementation of the Residential Travel Plan in line with costs set out in the Council's Planning Obligations SPD. Given the potential complexity and longevity of the Travel Plan, I am satisfied that a monitoring contribution is appropriate and meets the relevant tests.
68. The contribution towards environmental and public realm improvements is based upon costs detailed in relation to the PERS audit submitted with the application. There are a number of footways and connections with the wider area on and around the site and I am satisfied that additional impact upon them would occur from the proposed development. Indeed, better physical integration with the surrounding area is one of the key aims of the

- development and is a benefit that needs to be secured. I am satisfied, therefore, that the obligation meets the tests in the Regulations.
69. An obligation is provided towards improvements to Childs Hill Park. Given its proximity to the site, and its attractiveness as a recreational site, it is, in my judgment, inevitable that increased development on the Estate will result in increased usage of the park and its facilities. This factor, combined with the appeal scheme's ambition of delivering wider environmental improvements, satisfies me that the obligation is necessary in the interests of further improving this facility. This is agreed by the main parties. I have some concerns about the Council's apparent lack of precision in relation to its explanation of how the sum sought was arrived at, but it is supported by the appellant's contractors as being reasonable in relation to the projects towards which it would be put and, as such, I am satisfied that this obligation meets the relevant tests.
70. An employment and training contribution is provided by the S106, in line with the Council's Delivering Skills, Employment, Enterprise and Training from Development through S106 SPD. Given that one of the scheme's key drivers is regeneration and renewal of a priority housing estate, and Core Strategy policy CS NPPF's aim to secure economic, social and environmental improvements together, I consider that this contribution is necessary and meets the relevant tests.
71. Obligations are secured in relation to Highway Works, to be delivered ultimately through a S278 agreement. These are necessary to ensure suitable public highway access to the site and in the interests of highway safety and efficiency on surrounding streets. They meet the tests in the Regulations.
72. Planning obligations in relation to affordable housing are provided to secure the provision of either 46 shared ownership units or 30 shared ownership units and 16 affordable rent units. For the reasons set out above, I consider the provision of 46 shared ownership units to be justified and policy compliant. The obligation accords with adopted planning policy and would assist in meeting locally identified need for affordable housing. I am satisfied that the obligation meets the tests in the Regulations. Consequently, the obligation for 30 shared ownership units and 16 affordable rent units is not necessary.
73. In addition, the Council sought an obligation towards the, undefined, '*significant resources*' required to monitor the other obligations set out in the S106. This 'general' monitoring obligation was disputed by the appellant.
74. The Council's Planning Obligations SPD sets out a scale of monitoring fees that may be sought by the Council. These are based upon a percentage of the total value of the contributions within a given agreement, that percentage decreasing as the sums increase. It may be that there is some correlation between the sums of money secured by a S106 agreement and the flat rate percentages sought by the Council to monitor individual obligations within it, but there is no robust evidence of this before me. Given this fact, and the lack of an individualised assessment of special costs to be incurred by the Council in monitoring this agreement, I am not persuaded in this instance that the monitoring fee obligation meets the relevant tests in the Regulations.
75. Concerns were expressed by the Headteacher of one of the local primary schools that the appeal scheme would place undue pressure on school places,

for which no S106 mitigation was offered. The Council acknowledged that there was a potential educational impact from the proposed development. It is apparent, however, that the Council is currently considering education provision in this part of the Borough in the round, taking particular account of the significant growth at Brent Cross, and reviewing how best to meet the cumulative need for school places. As such, I am satisfied that there is a strategic approach in place that will secure additional school places, primarily through use of CIL funding following revisions to the Council's Regulation 123 List of infrastructure.

**Conclusion**

76. For the reasons given above, and taking all other matters into consideration, I conclude that the appeal proposal makes appropriate provision for open space, affordable housing and community facilities and should be allowed.

*Richard Schofield*

INSPECTOR

**APPEARANCES**

*FOR THE COUNCIL:*

Mr Meyric Lewis of Counsel

Instructed by HB Public Law

He called:

Ms Harriet Beattie  
Cllr Jim Tierny

Council of the London Borough of  
Barnet

*FOR THE APPELLANT:*

Miss Morag Ellis of Queen's Counsel

Instructed by DHA Planning

She called:

Mr Peter Stewart  
Mr Matthew Blythin

Peter Stewart Consultancy  
DHA Planning

*FOR GERA/CLAN:*

Ms Sarah Sackman of Counsel  
Ms Katherine Barnes of Counsel

Instructed by Richard Burton Solicitors

They called:

Ms Susan Berry  
Mr David Mackenzie  
Mr Eric Morgan  
Mrs Nada Enstone-Watts  
Mr Nick Papadimitriou

CLAN  
CLAN  
GERA  
GERA  
GERA

*INTERESTED PERSONS:*

Cllr Peter Zinkin  
Cllr Shimon Ryde  
Ms Ellen Quartey-Papafio  
Ms Hilary Burden  
Mr Leonard Dixil

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. Opening Submission on behalf of the Appellant
2. Opening Submission on behalf of the Council
3. Opening Submission on behalf of GERA/CLAN
4. Plan of possible development sites on the Estate, 24.09.07
5. Summary of responses to the Council's development brief for the Estate
6. Email with an attached statement from the Council's Affordable Housing Liaison Officer, 5 January 2015
7. Cabinet Resources Committee Reports in relation to the Estate
8. Council of the London Borough of Barnet CIL Regulation 123 Infrastructure List
9. Details of Childs Hill Library room hire charges
10. Extract from the development agreement for the Estate in relation to intermediate housing provision
11. Revised CIL justification statement
12. Revised list of conditions
13. PERS Assessment costings
14. Closing Submission on behalf of GERA/CLAN
15. Closing Submission on behalf of the Council (with R (Cherkley Campaign Limited) v Mole Valley District Council [2014] EWCA Civ 567)
16. Email from the Council's Programme Director, Education and Learning re school provision in the Borough, 05.07.16
17. Closing Submission on behalf of the Appellant
18. Completed S106 Agreement
19. Final list of proposed conditions
20. Statement of Common Ground between the Council and the Appellant in relation to CIL contributions arising from the proposed development
21. Justification Statement regarding contributions to Childs Hill Park

## **SCHEDULE OF CONDITIONS**

- 1 This development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
  
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
2928A.P3.D\_001 Rev; P3, 2928A.P2.D\_002 Rev: P2;  
2928A.P5.D\_007 Rev: P5 to 2928A.P5.D\_016 Rev: P5;  
2928A.P4.D\_020 Rev: P4 to 2928A.P4.D\_037 Rev: P4;  
2928A.P3.D\_038 Rev: P3; 2928A.P4.D\_039 Rev: P4;  
2928A.P5.D\_040 Rev: P5; 2928A.P4.D\_041 Rev: P4 to  
2928A.P4.D\_045 Rev: P4; 2928A.P3.D\_046 Rev: P3;  
2928A.P4.D\_047 Rev: P4; 2928A.P1.D\_048 Rev: P1;  
2928A.P5.D\_050 Rev: P5; 2928A.P5.D\_051 Rev: P5;  
2928A.P4.D\_059 Rev: P4; 2928A.P5.D\_060 Rev: P5;  
2928A.P5.D\_061 Rev: P5; 2928A.P3.D\_062 Rev: P3;  
2928A.P3.D\_063 Rev: P3; 2928A.P5.D\_064 Rev: P5 to  
2928A.P5.D\_068 Rev: P5; 2928A.P4.D\_070 Rev: P4;  
2928A.P4.D\_071 Rev: P4; 2928A.P2.D\_072 Rev: P3;  
2928A.P4.D\_073 Rev: P4 to 2928A.P4.D\_078 Rev: P4;  
2928a.SK.004 Rev: P3 to 2928a.SK.009 Rev: P3; 2928a.SK.0011  
Rev: P3 to 2928a.SK.0017 Rev: 3; 2928a.SK0056;  
2928A.D.D\_900 Rev: P4; 2928A.L.D\_901 Rev: P10;  
2928A.D\_902 Rev: P6; 2928A.D.D\_903 Rev: P7; 2928A.D\_904  
Rev: P5; 2928A.D\_905 Rev: P6; 2928A.D\_906 Rev: P6;  
2928A.D907 Rev: P8; 2928A.D\_908 Rev: P8; 2928A.D\_921 Rev:  
P8; 2928A.D\_922 Rev: P8; 2928A.D\_923 Rev: P4; 2928A.D\_924  
Rev: P4; 2928A.D\_925 Rev: P7; 2928A.D\_926 Rev: P7;  
2928A.D927 Rev: P6; 2928A.D\_928 Rev: P4; 2928A.D\_929  
Rev:P4; 2928A.D\_930 Rev: P3; 2928A.D\_931 Rev: P3;  
2928A.D\_932 Rev: P3; 2928A.D\_940 Rev:P2 to 2928A.D\_944  
Rev: P2; 2928A.D\_955 Rev: P2; 2928A.D\_956 Rev: P2;  
2928A.D\_960 Rev: P3.; 2928A.D\_933/P1; 2928A.D\_934/P1;  
2928A.D\_941/P2; 2928A.D\_942/P2; 2928A.D\_943/P2;  
2928A.D\_944/P2
  
- 3 Notwithstanding the details shown on the approved plans the development hereby permitted shall not commence (other than for Groundworks and Site Preparation Works) until details and appropriately sized samples of the materials to be used for all the external surfaces of the proposed buildings and the new hard surfaced areas at the site have been submitted to and approved in writing by the Local Planning Authority. Each phase of the development shall thereafter be implemented in accordance with the approved details and samples before the dwellings constructed within that phase are first occupied.
  
- 4 Notwithstanding the details shown on the approved plans the development hereby permitted shall not commence until details of the levels of the proposed buildings, roads, footpaths and other landscaped areas relative to adjoining land and any other changes proposed in the



levels of the site associated with the works permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details before the dwellings are occupied.

5 Notwithstanding the details shown on the approved plans none of the buildings hereby permitted shall be occupied until plans and other appropriate details are submitted to and approved in writing by the Local Planning Authority which specify those windows in the proposed buildings that are to be permanently glazed with obscured glass and/or fixed shut and/or provided with only a fanlight opening and the manner and design in which these windows are to be implemented. The approved windows shall be installed before any building to which they relate is first occupied and they shall be permanently retained thereafter.

6 Notwithstanding the details shown on the approved plans none of the buildings hereby permitted shall be occupied until plans and other appropriate details are submitted to and approved in writing by the Local Planning Authority which specify the size, design, materials and location of all privacy screens to be fixed to the proposed buildings. The approved privacy screens shall be implemented before any building to which they relate is first occupied and they shall be permanently retained thereafter.

7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order), the insertion of windows, rooflights and external doors in the buildings hereby approved, other than those shown in the approved plans or subsequently approved by the local planning authority under condition 5, shall not be undertaken without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

9 Notwithstanding the details shown on the approved plans before the development hereby permitted is brought into use or occupied details of the:

- enclosures, screened facilities and/or internal areas of the proposed buildings to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable;
- satisfactory points of collection; and
- refuse and recycling collection arrangements;

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be thereafter be implemented and the refuse and recycling facilities provided in full accordance with the

approved details prior to the first occupation of each individual block or dwelling house and the development shall be managed in accordance with the approved details once occupation of the site has commenced.

10 Notwithstanding the details shown on the approved plans 14 of the dwelling houses hereby permitted shall be constructed to meet and achieve all of the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) in accordance with details of their location and specification that shall have been first submitted to and agreed in writing by the local planning authority. Once completed these accessible and adaptable dwelling houses shall be maintained as such thereafter.

11 Prior to the first occupation of any building hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with Part L of the 2013 Building Regulations. The development shall be maintained as such thereafter.

12 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) the following operations shall not be undertaken without the receipt of prior specific express planning permission in writing from the Local Planning Authority on the buildings hereby approved:

The installation of any structures or apparatus for purposes relating to telecommunications on any part the roof of the buildings hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any equivalent Order revoking and re-enacting that Order.

13 Before development commences other than for investigative work:

a) Further intrusive ground investigation and laboratory testing shall be carried out as recommended in the Geotechnical Desk Study by Ramboll (dated 1 March 2013) submitted with the application. The ground investigation and analysis carried out must be comprehensive enough to enable:

- A contaminated land risk assessment to be undertaken.
- Appropriate refinement of the Conceptual Model.
- The development of a Method Statement which details appropriate contaminated land remediation requirements and a programme for their phased undertaking in accordance with any construction phasing.

The risk assessment and refined Conceptual Model prepared following the intrusive ground investigation and laboratory testing shall be submitted, along with a suitable site investigation report, to the Local

Planning Authority and approved in writing by it prior to the commencement of the development (other than for investigative work).

b) If the risk assessment and refined Conceptual Model submitted and approved under part a) of this condition indicate any risk of harm from land contamination, a Contaminated Land Method Statement detailing the necessary remediation requirements, using the information obtained from the site investigation, and details of the post remedial monitoring to be carried out shall be submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on site and prior to the commencement of the development.

- 14 Where remediation of land contamination on the site is required completion of the remediation detailed in the Contaminated Land Method Statement approved under Condition 13 of this permission shall be carried out in full and a report that provides verification that the required works within any phase identified in the approved Contaminated Land Method Statement have been carried out in full, shall be submitted to and approved in writing by the Local Planning Authority before any dwelling within that phase is first occupied or brought into use.
- 15 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped, including timing and phasing of implementation of the measures, shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include (but not be limited to) details of biodiversity enhancement measures related specifically to bats and birds in accordance with the recommendations of the Extended Phase 1 Habitat Survey, Badger Survey and Tree Assessment for Bats Survey by PJC Ecology July 2013 (updated June 2014). The approved scheme of measures shall thereafter be implemented in accordance with the agreed timing and phasing.
- 16 Prior to the commencement of the development or the carrying out of any site clearance works, details comprising a scheme of measures to be put in place to ensure that the clearance of the site and construction of the development hereby approved does not harm or result in the disturbance of breeding birds shall be submitted to and approved in writing by the Local Planning Authority. The site clearance works and construction of the approved development shall be carried out in full accordance with the approved scheme of measures.
- 17 The development hereby permitted shall not commence until a Drainage Strategy detailing all on and off site drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme including timing and implementation of the measures relevant to construction phasing, has been submitted to and approved in writing by the Local Planning Authority. No foul, surface or ground water shall be discharged from the development hereby approved into the public sewer system until the drainage works and Sustainable Urban Drainage System features

identified in the approved Drainage Strategy have been implemented.

- 18 The dwelling houses hereby approved shall be constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 110 litres of water is consumed per person per day. A fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such thereafter.
- 19 No impact piling shall take place in connection with the works approved under this application until a Piling Method Statement detailing all types of piling to be undertaken as part of implementation of the development and the methodology by which such piling will be carried out, including the measures to be used to prevent damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the Local Planning Authority. Any piling carried out in connection with the works approved under this application must be undertaken in full accordance with the approved Piling Method Statement.
- 20 No construction work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 0800 or after 1300 on Saturdays, or before 0800 or after 1800 on any other days.
- 21 Prior to the commencement of the development hereby permitted (other than for Groundworks and Site Preparation Works) a Scheme of Air Pollution Mitigation Measures to be provided in the development to protect the amenities of future occupiers, including identification of the relevant blocks to which the measures shall apply, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme of Air Pollution Mitigation Measures shall be implemented in its entirety before the first occupation of the units within the relevant blocks.
- 22 Prior to the first occupation of the development hereby permitted a scheme detailing the servicing and maintenance regime to be in place for any air pollution mitigation measures installed in the development (as part of condition 21) shall be submitted to and approved in writing by the Local Planning Authority. The air quality mitigation measures shall thereafter be installed, operated, serviced and maintained in full accordance with the approved details.
- 23 Prior to the commencement of the development (other than for Groundworks and Site Preparation Works) a full scheme of the measures to be incorporated in the development to mitigate the impact of noise from all relevant sources on the occupiers of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme of measures submitted shall ensure that the levels of noise as measured within habitable rooms of the new dwellings hereby

approved shall be no higher than 35dB(A) from 0700 to 2300 and 30dB(A) in bedrooms from 2300 to 0700 and the submission made shall include sufficient details and information to adequately demonstrate how these standards would be met. No single residential unit hereby approved shall be occupied until the mitigation relating to that unit as approved by this condition has been implemented in full. All measures shall be retained, operated, serviced and maintained thereafter.

- 24 Before construction works on any single dwelling house or residential block hereby permitted commences (other than for Groundworks and Site Preparation Works) details of any extraction and ventilation equipment to be installed in or on the dwelling house or block in question shall be submitted to and approved in writing by the Local Planning Authority. Any required extraction and ventilation equipment shall thereafter be installed, operated, serviced and maintained at the site in full accordance with the details approved under this condition.
- 25 Before construction works on any single dwelling house or residential block hereby permitted commences (other than for Groundworks and Site Preparation Works), a report shall be carried out by a competent acoustic consultant, submitted to the Local Planning Authority and approved in writing which clearly sets out and assesses the likely noise impacts from any ventilation and extraction plant to be installed in or on the dwelling house or block in question and the mitigation measures proposed to be used to reduce the noise impacts arising from the ventilation and extraction plant to be installed to acceptable levels. The report submitted shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. No single residential unit hereby approved shall be occupied until the mitigation measures proposed to reduce the noise impacts arising from any ventilation and extraction plant in relation to that unit as approved by this condition has been implemented in full.
- 26 The level of noise emitted from any plant installed as part of the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
- 27 Notwithstanding the details shown on the approved plans no development shall commence (other than for Groundworks and Site Preparation Works) until details of the following features and elements of the development have been submitted to and approved in writing by the Local Planning Authority:
- Brick bonding (annotated plans at a scale of not less than 1:10).
  - Roof ridge and hip tiles (annotated plans at a scale of not less than 1:10).

- Balustrading to balconies (annotated plans at a scale of not less than 1:10).
- Door canopies (annotated plans at a scale of not less than 1:10).
- Brick detailing including recessed panels, stretched headers and hit and miss brickwork (annotated plans at a scale of not less than 1:10).
- Rainwater goods (annotated plans at a scale of not less than 1:10).
- Oriel windows and projecting bays (annotated plans at a scale of not less than 1:10).
- Boiler flues and other external air extraction, intake and ventilation points (annotated plans at a scale of not less than 1:10).
- Roller shutters to the basement car parking areas (annotated plans at a scale of not less than 1:10).
- Each building of the development hereby approved shall be implemented in full accordance with the approved details prior to the first occupation.

28 Notwithstanding the details shown on the approved plans no development (other than for Groundworks and Site Preparation Works) shall commence until full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details and be retained as such thereafter.

29 Notwithstanding the details shown on the approved plans no development (other than for Groundworks and Site Preparation Works) shall commence until a detailed scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- The position of any existing trees to be removed;
- New tree, hedge and shrub planting including species, plant sizes and planting densities as well as planting for green roofs including herbaceous / climbers / grasses / ground cover plants;
- Means of planting, staking and tying of trees, including tree guards as well as a detailed landscape maintenance schedule for regular pruning, watering and fertiliser;
- Existing contours and any proposed alterations such as earth mounding;
- Areas of hard landscape works including paving, proposed materials samples and details of all techniques to be used to provide conditions appropriate for new plantings;
- The timing of planting and programme of implementation.

All work comprised in the approved scheme of hard and soft landscaping shall thereafter be carried out in full accordance with the programme of implementation as approved by this condition.

- 30 Details to be submitted pursuant to Conditions 4, 28 and 29 imposed by this Planning Permission shall be submitted at the same time.
- 31 Any trees, hedges or shrubs to be planted as part of the landscaping scheme submitted and approved under condition 29 which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 32 No site works or other works associated with this development shall be commenced until an Arboricultural Method Statement detailing the precautions to be taken to safeguard trees to be retained on and adjacent to the site during construction, in accordance with British Standard BS5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved Arboricultural Method Statement and the tree protection measures in any one identified phase approved under this condition shall remain in place until the development hereby consented within that phase has been completed.
- 33 The development hereby approved shall not be occupied unless and until a Landscape Management Plan, including details of the long term design objectives, management responsibilities and maintenance schedules for the landscaped parts of the site (other than for small privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The management of the landscaping at the site shall thereafter be carried out in full accordance with the details in the approved Landscape Management Plan.
- 34 Notwithstanding the details shown on the approved plans, prior to the first occupation of the development a scheme detailing all play equipment to be installed in the communal amenity spaces and public open spaces provided on the site (as identified in plan number 2928A D\_934P1), including the timing of construction of the spaces, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in full accordance with the approved details and timings and retained thereafter.
- 35 Prior to the first occupation of the dwellings hereby approved full plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.
- 36 Notwithstanding the details shown on the approved plans, prior to the first occupation of any individual dwelling house or residential block hereby permitted details of the security and crime prevention measures to be included relevant to that dwelling house or residential block shall be submitted to and approved in writing by the Local Planning Authority. The information submitted in this respect shall include (but not be limited to) details in relation to the postal arrangements for communal

entrances and the measures to be used to prevent unauthorised access to the basement parking areas. Each individual dwelling house or residential block shall be constructed in full accordance with the approved details prior to their first occupation.

- 37 Before each dwelling house or residential block hereby permitted is occupied the car parking spaces shown on plan number 2928A D922P8 serving the dwelling house or residential block in question shall be provided in the development and shall be retained thereafter for the parking and turning of vehicles in connection with the development hereby approved.
- 38 Before the development hereby permitted is first occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on-site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development when completed shall be managed in accordance with the approved Car Parking Management Plan thereafter.
- 39 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan (CMLP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under the CMLP. The CMLP shall include, but not be limited to:
- details of the routing of construction vehicles to the site; hours of access; access and egress arrangements within the site; and security procedures;
  - site preparation and construction stages of the development;
  - details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
  - the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - noise mitigation measures for all plant and processors;
  - details of contractors' compound and car parking arrangements;
  - details of interim car parking management arrangements for the duration of construction;
  - details to ensure that unobstructed access will be maintained to the Childs Hill Allotments from the site;
  - details of a community liaison contact for the duration of all works associated with the development.



- 40 Before the first occupation of the development hereby permitted details showing suitable parking and storage facilities for 250 bicycles within the development, including a programme for their installation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details and installation programme as approved and the parking and storage facilities permanently retained as such thereafter.
- 41 Before the first occupation of the development hereby permitted details showing the location of and a programme for installation of not less than 28 disabled standard parking spaces within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the details and installation programme as approved and the disabled standard parking spaces permanently retained as such thereafter.
- 42 Before the development hereby permitted is first occupied full details of the Electric Vehicle Charging facilities to be installed in the development including their location and a programme for their installation, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 23 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further 23 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities. The development shall be implemented in full accordance with the approved details and installation programme and thereafter be maintained as such.