

## Unrestricted Report

### ITEM NO: 5

Application No.  
**22/00537/FUL**  
Site Address:

Ward:  
Ascot

Date Registered:  
27 June 2022

Target Decision Date:  
26 September 2022

### **Palm Hills Estate London Road Bracknell Berkshire**

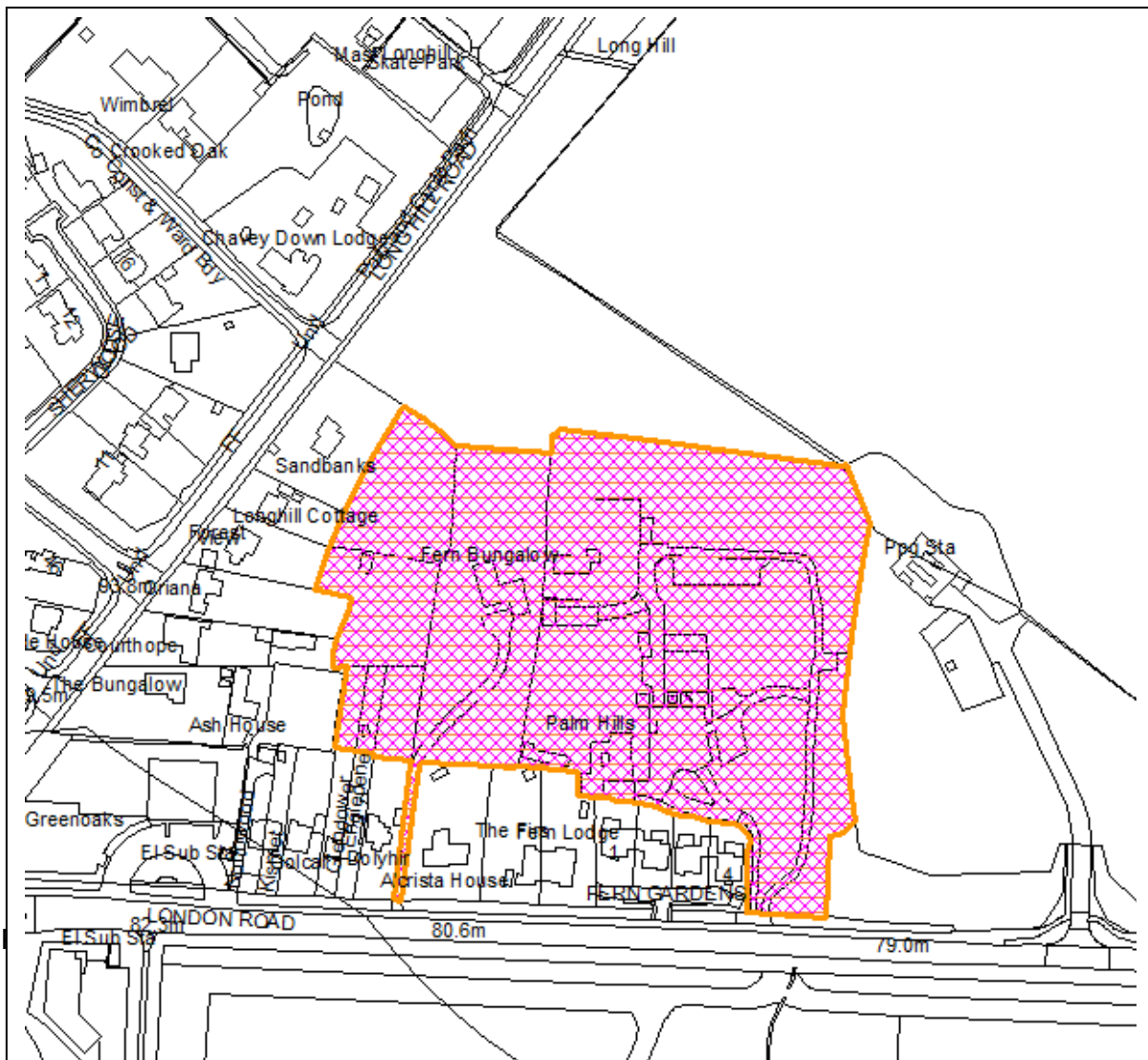
Proposal:

**Section 73 application to vary condition 04 (approved plans), 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT allowed under Appeal (Ref: APP/R0335/W/21/3267437) for demolition of existing Palm Hills complex and redevelopment of site to provide 81 dwellings (15no. one bedroom, 8no. two bedroom, 49no. three bedroom and 9no. four bedroom) with associated car parking, landscaping and amended access onto London Road (means of access, appearance, layout and scale to be considered, landscaping reserved for future consideration). [For clarification: this application seeks changes to house types on plot numbers 1, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 21, 23, 24, 25, 26, 7, 28, 29, 30, 31, 68, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80 and 81].**

Applicant: Shanly Homes Limited  
Agent: Mr Kevin Scott  
Case Officer: Simon Roskilly, 01344 352000

[Development.control@bracknell-forest.gov.uk](mailto:Development.control@bracknell-forest.gov.uk)

### **Site Location Plan** (for identification purposes only, not to scale)



## **OFFICER REPORT**

### **1.0 SUMMARY**

- 1.1 This is a planning application made under Section 73 of the Town and Country Planning Act 1990. A s73 application is used to seek a minor material amendment to a permission and can be used to vary or remove conditions attached to an extant planning permission.
- 1.2 This application seeks to vary condition 04 (approved plans) of the original permission in order to allow the following changes to be made to the approved development:
  - Garage depth increase at plot 1
  - Ground floor projection added to rear, replacement of first floor bedroom with study and provision of bedroom within roofspace with associated dormers and rooflights at plots 5-12 & 78-81.
  - Rear ground floor projection increased in depth at plots 18-21, 26-31 & 68-73.
  - Rear ground floor projection added to plots 23-25 & 74-76.
- 1.3 Permission granted under section 73 takes effect as a new independent permission to carry out the same development as previously permitted subject to amended conditions. It should set out all conditions imposed on the new permission and for clarity should restate conditions imposed on earlier permissions that continue to have effect, amended as required.
- 1.4 Details pursuant to pre-commencement conditions of the original permission have already been approved, together with approval of landscaping details under 21/00772/REM. Accordingly, it is appropriate that any new permission includes reworded versions of these conditions to reflect these approvals and accordingly the application also seeks to amend conditions 2, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, and 17. of the original approval.
- 1.5 The Local Highway Authority is of the view that the proposed changes, and in particular changes to the depth of the garage on plots 1 and the creation of a bedroom and a study on plots 5-12 and 78-81 inclusive, would not create the need for any further on-plot parking and, as such, would not result in any highway safety implications.
- 1.6 The proposal would result in no adverse impacts upon the amenity of both existing adjoining residents and/or any future occupiers.
- 1.7 The minor changes, as set out in paragraph 1.2 are not considered significant enough to result in the need to alter the approved drainage strategy, although documentation has been updated to reflect the changes to the dwellings.
- 1.8 A deed of variation to the signed S106 agreement, dated 17 June 2021 as varied by a deed of variation dated 25 June 2021 in respect of 19/00847/OUT, would be required if permission for this section 73 application is granted so that the original s106 agreement also applies to this Section 73 approval.

<b>RECOMMENDATION</b>
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That the Assistant Director: Planning be authorised to grant planning permission subject to a deed of variation to the original S106 (as varied) and the conditions set out in Section 11 of this report.
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## 2.0 REASON FOR REPORTING APPLICATION TO PLANNING COMMITTEE

- 2.1 The application has been reported to the Planning Committee at the request of Cllr Mrs Hayes as the alterations are not considered minor in nature and there are concerns regarding the parking facilities.

## 3.0 PLANNING STATUS AND SITE DESCRIPTION

<b>PLANNING STATUS</b>
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Within part of the larger Site Allocations Local Plan (SALP) allocated site for residential development (Policy SA1)
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Within 5km of the SPA
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- 3.1 The site, as outlined in red, has an approximate area of 2.55 hectares. The site did previously contain 2no. residential properties and 1no. guest house. However, these have since been demolished following the implementation of the planning permission for 81 dwellings which was originally allowed at appeal (19/00847/OUT).
- 3.2 North of the site lies the Council's historic landfill site known locally as the Old London Road Tip.
- 3.3 Vehicular access to the site is off London Road, based on a previous access that served the Palm Hills Estate.

## 4.0 RELEVANT SITE HISTORY

### 4.1 Palm Hills

- 07/00217/FUL Erection of two storey rear extension. APPROVED April 2007
- 08/00539/FUL Widening of vehicular access onto London Road, new 2.5m high gates and boundary treatment.
- 14/00569/FUL Erection of 62 dwellings comprising 5no. 1 bedroom flats, 10no. 2 bedroom flats, 5no. 3 bedroom houses, 28no. 4 bedroom houses and 14 no. 5 bedroom houses, including the demolition of two existing residential dwellings (C3 use) and two building associated with guest house/hotel (C1 use), landscaping. Vehicular access from London Road, parking, open space and pedestrian/cycle link to Long Hill Road. REFUSED Dec 2014.
- 19/00525/DEM Prior Approval application for the demolition of seven buildings Prior APPROVAL REQUIRED June 2019
- 19/00847/OUT 81 dwellings, consisting of 15no. one bedroom, 8no. two bedroom, 49no. three bedroom and 9no. four bedroom, following the demolition of 2no. dwellings and a guesthouse. ALLOWED AT APPEAL July 2021.

- 21/00772/REM Reserved Matter relating to landscaping. APPROVED March 2022.

#### 4.2 Palm Hills Guest House

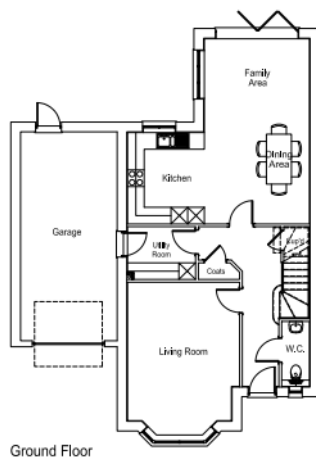
- 16/00396/FUL Temporary change of use of 2no. existing outbuildings to B1(a) office space and change of use of 1no. outbuilding to D2 childrens indoor recreational use (personal permission) REFUSED October 2016.
- APP/R0335/W/16/3161091 Change of use from Guesthouse (C1) to B1 and D2 use APPEAL DISMISSED May 2017. Planning Statement dismissed on highways grounds due to the suitability of the access and potential for queues on the highway.

### 5.0 THE PROPOSAL

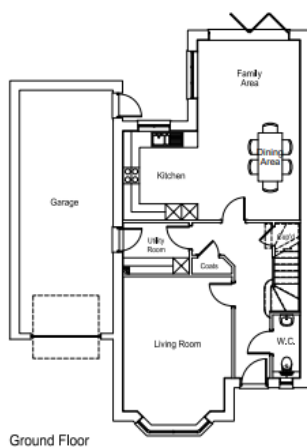
5.1. The application proposes the following changes: -

- (i) Garage depth increase at plot 1

#### Plot 1- As approved

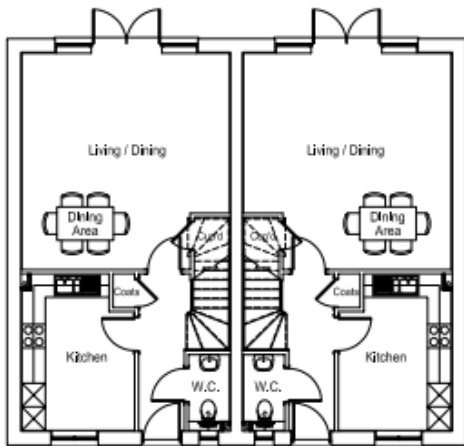


#### Plot 1- As proposed

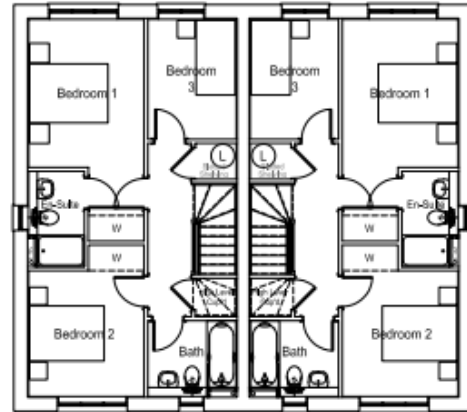


- (ii) Ground floor projection added to rear, replacement of first floor bedroom and addition of bedroom within roofspace with associated dormers and rooflights at plots 5-12 & 78-81.

Plots 5-6- As approved



Ground Floor

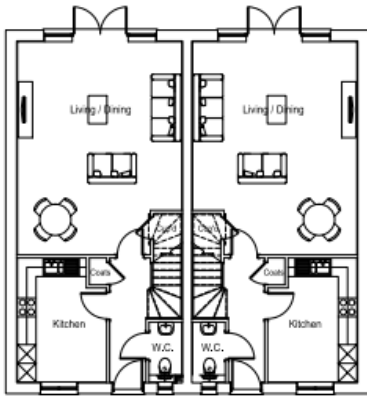


First Floor

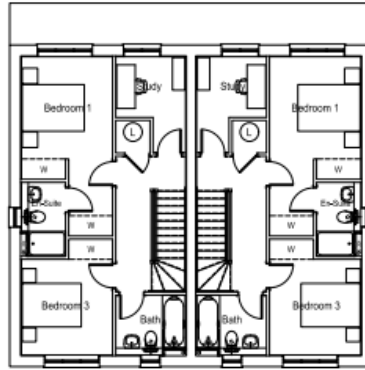


Front Elevation

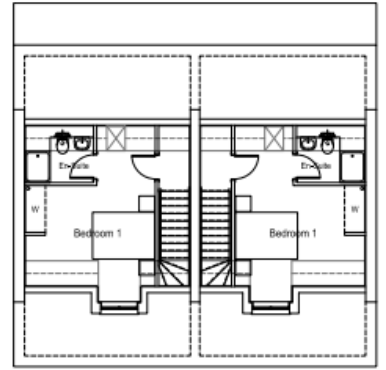
Plots 5-6- As proposed



Ground Floor



First Floor



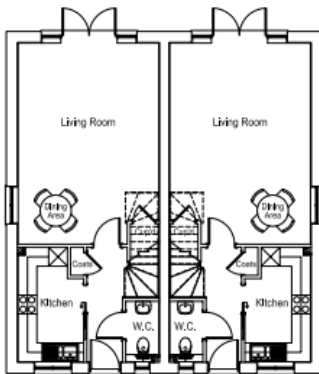
Second Floor



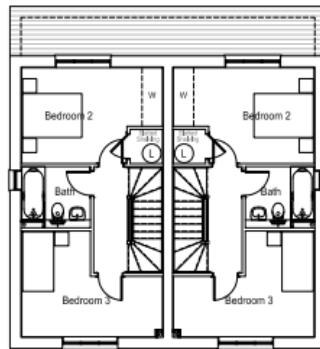
Front Elevation

(iii) Rear ground floor projection increased in depth at plots 18-21, 26-31 & 68-73.

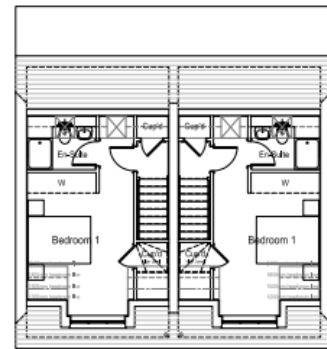
Plots 18-19- As approved



Ground Floor

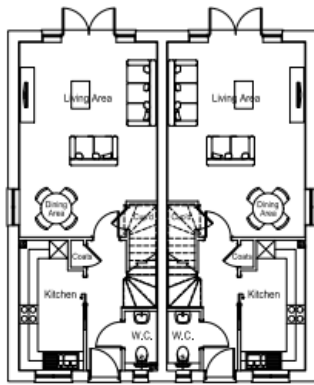


First Floor

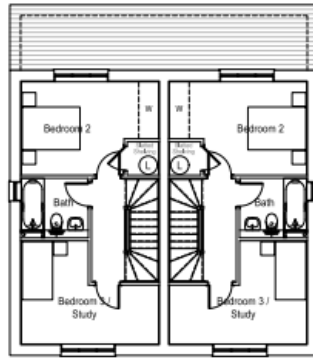


Second Floor

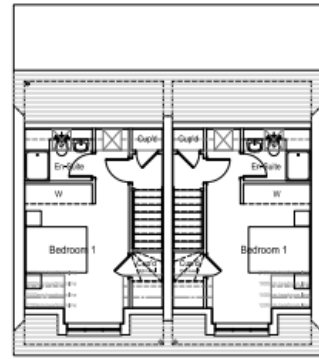
Plots 18-19- As proposed



Ground Floor



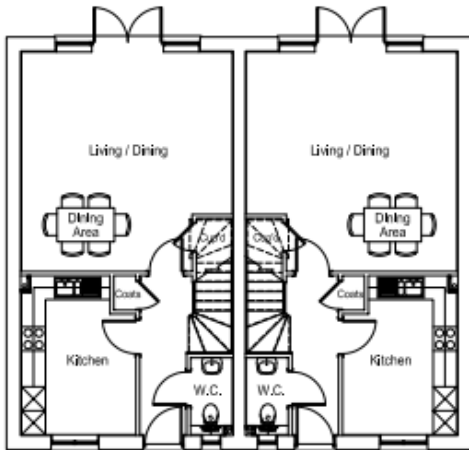
First Floor



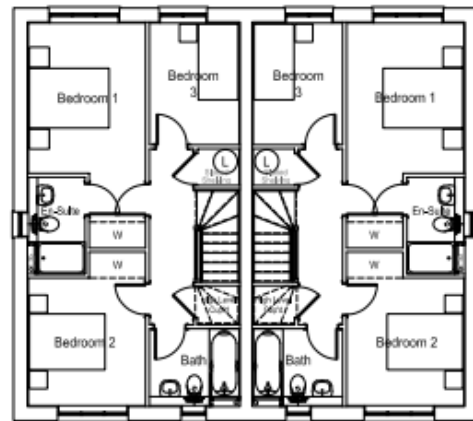
Second Floor

(iv) Rear ground floor projection added to plots 23-25 & 74-76.

Plots 23-24- As approved

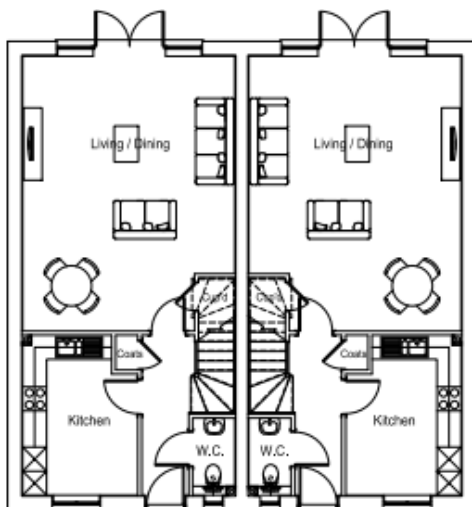


Ground Floor

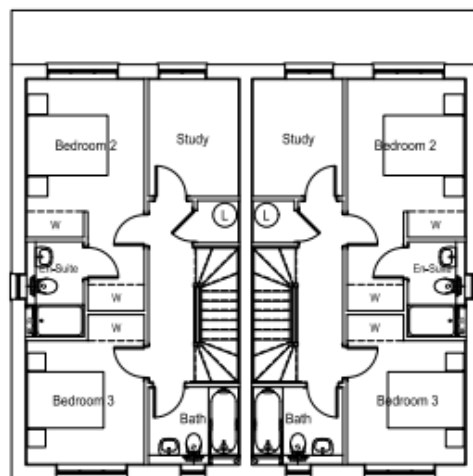


First Floor

Plots 23-24- As proposed



Ground Floor



First Floor

## 6.0 REPRESENTATIONS RECEIVED

### Winkfield Parish Council

- 6.1 The Parish Council is of the view that this application to vary 12 of the conditions relating to 35 plots previously approved should constitute a new outline planning application in full with the new proposals detailed in full to allow consideration; the application in its current form lacks any transparency.
- 6.2 The Parish Council has grave concerns about the development creep shown in this section 73 application, and the impacts on parking which will arise from the increases in bedrooms.
- 6.3 The Parish Council has further concerns relating to the increases in scale and mass arising from the variations and the impacts on the character of the area.
- 6.4 It is noted that no information is given within the documentation for this application relating to variations to conditions 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT. WPC is therefore unable to make any response to such proposed variations here.

### Other representations

- 6.5 2no. Objections were also received expressing the following concerns: -
- (i) Society for the Protection of Ascot and Environs (SPAЕ)
- 6.6 The Society for the Protection of Ascot & Environs wishes to comment on this application. The proposed variations affecting 35 plots are substantial. They involve garage depth increases, ground floor projections increased in depth, and the addition of rear ground floor projections. With the development already permitted and the extent of the alterations being proposed, we are concerned about the adverse impact this may have. We question for example whether the revision for "drainage arrangements" (condition 7) is adequate. This is because the water table may be affected with development depths being increased and where parts of the site are susceptible to surface water flooding.
- (ii) Neighbouring Resident
- 6.7 The proposed changes appear to increase the sizes of some of the houses. In some cases, the increases would be only marginal, in others they would enlarge the accommodation space. 35 of the proposed 81 houses are affected by the changes. Why are these increases being requested? Were the enlarged sizes the intended sizes from the outset? The application to build on this site was rejected by Bracknell Forest due to its undesirability, a decision overridden by an inspectorate that will not suffer the consequences. Now the applicant wishes to have even more of what he/she/it/they/whatever should not have been granted in the first place.



### Case officer's response to concerns raised

- 6.8 The changes proposed are not considered significant enough to warrant the submission of a new application. It is not unusual for changes to be sought following permission being granted due to the publication of technical drawings that then require minor changes to the house types. It is, in this case, considered appropriate to assess the proposed changes under a Section 73 application which looks at minor material amendments (MMAs).
- 6.9 To address the proposed changes condition 04 (approved plans condition) would need to be updated. The applicant has also listed several other conditions that they are seeking to vary. However, the variation sought is merely so that the conditions reflect details already approved by the LPA. When looking to approve a section 73 application it is standard practice for the new consent to reflect the up to date position and for completeness these have been included in the description of their submission.
- 6.10 Updated drainage documentation has been submitted to reflect the changes as proposed. However no significant changes to the drainage strategy are required because of this application. The updated drainage documentation can be referred to in the relevant drainage conditions.
- 6.11 When assessing minor material changes, the reason the changes are sought is not a material consideration and the LPA is required to consider what impacts, if any, may result when compared with the previous approval.
- 6.12 Concerns relating to the proposed changes have been addressed in section 9, Planning Considerations.

## **7.0 SUMMARY OF CONSULTATION RESPONSES**

- 7.1 Highways Officer  
Recommends conditional approval.

## **8.0 MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION**

- 8.1 The primary strategic planning considerations applying to the site and associated policies are:

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP,  CS1 & CS2 of CSDPD	Limited (policy not used in planning application decision-making)  Consistent
Housing	CSDPD Policy CS9 and BFBLP 'Saved' Policy EN8  H5 of BFBLP	Elements are acknowledged to not be fully consistent (para. 170 a) and b) however the thrust of these policies remains consistent (paras. 78-79, 103, 104a, 117 and 170)

	SA1 of SALP	Partially out of date but weight can be attached where the policy aligns with the tests of policy GB1. Consistent.
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LA's setting their own parking standards for residential development, this policy is considered to be consistent.
Trees & Landscaping	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 127 & 170)
Heritage	CSDPD Policies CS1 & CS7	Consistent (paras. 189 to 197)
Drainage	CS1 of CSDPD	Consistent (paras. 163 & 165)
Biodiversity	CSDPD Policies CS1 & CS7 BFBLP 'Saved' Policies EN1, EN2 & EN20	Consistent (paras. 170 & 175)
Noise and Pollution (including Land Contamination)	CSDPD Policy CS1 BFBLP 'Saved' Policy EN25	Consistent (paras. 118, 170, 178 & 180)
Sustainability (Renewable Energy and Water Use)	CSDPD Policies CS10 & 12	Consistent (para. 149)
Securing Necessary Infrastructure	CSDPD Policy CS6	Consistent (para. 54 to 56, 92 and 94)
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD Planning Obligations SPD (2015) Thames Basin Heath SPA SPD Character Area Assessments SPD Design SPD		
<b>Other publications</b>		
National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)		

## **9.0 PLANNING CONSIDERATIONS**

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of the Area
- iii. Impact on Residential Amenity
- iv. Transport and Highways Considerations
- v. Biodiversity
- vi. Surface Water Drainage/Flood Risk
- vii. Legal Agreement

### **i. Principle of Development**

9.2 The principle of development has already been established given that planning permission (19/00847/OUT) was granted at appeal.

#### Legislative Background

9.3 Section 73 of the Town and Country Planning Act 1990 enables conditions to be amended or removed. One use of this is to enable plans to be substituted where details within a scheme have changed. The S73 application creates a new planning permission that sits alongside the original which remains unaltered. S73 applications do not have the power to increase the time limit requiring a development to be begun. In respect of conditions, Planning Practice Guidance clarifies that 'notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged'.

### **ii. Impact on Character and Appearance of the Area**

9.4 CSDPD Policy CS7 requires high quality design which in this case should build on the local character, respect local patterns of development, and enhance landscape, and aid movement and accessibility. Policy EN20 of the Local Plan supports Policy CS7 and sets out how development should be in sympathy with its local environment and appropriate in terms of mass and scale, layout and materials amongst other criteria.

9.5 The applicant wishes to increase the depth of the garage on plot 1, increase the depth of already approved single storey rear projections at plots 18-21, 26-31 & 68-73 by a matter of centimetres and include a small single storey extension to the rear of plots of 5-12, 23-25, 74-76 & 78-81 where this previously did not exist. These changes are considered minor in nature and acceptable, as they would result in no adverse impacts upon the character and appearance of the already approved 81no. dwelling development.

9.6 Given the above assessment it is considered that no adverse impacts upon the character and appearance of the site and the immediate area would result. The proposal is therefore in compliance with CSDPD Policy CS7, BFBLP Policy EN20 and the NPPF.

### **iii. Impact on Residential Amenity**

- 9.7 Saved BFBLP Policy EN20 proviso (vii) seeks to prevent development that would adversely affect the amenity of surrounding properties. This is consistent with the NPPF.
- 9.8 None of the proposed changes, as applied for, are considered to adversely impact upon residential amenity both on and adjoining the site.
- 9.9 Accordingly, it is considered that the proposal complies with 'saved' Policy EN20 of BFLP, specifically criterion vii.

### **iv. Transport and Highways Considerations**

- 9.10 The Local Highway Authority (LHA) has assessed the plans, which include amended plans correcting typographic errors regarding bedroom numbering to plots 23, 24, 75 and 76 and amended plans changing the shape and size of the proposed studies on plots 5-12 and 78-81, and have recommended that the Section 73 application be approved subject to conditions.
- 9.11 The increase in garage depth on plot 1 would leave adequate space on the driveway for parking along with sufficient space for occupiers to access the rear garden from the front.
- 9.12 In instances where bedrooms have been included within the roofspace of 12 plots, the applicant has indicated that no increase in the number of bedrooms would result, as small rooms, previously marked as bedrooms on the first floor, are now shown as studies. The originally approved 3<sup>rd</sup> bedroom on plots 5-12 and 78-81 fell short of the national prescribed standards for a bedroom, having a floor area of less than 7.5 sqm at 6.5sqm. This standard should be read as guidance only; however, it is relevant in considering whether a room could realistically be used as a bedroom.
- 9.13 It is the applicant's view that with more and more employers encouraging their staff to work remotely from home there is a real need to dedicate home working office space within dwellings and the proposed studies, as shown, would provide an ideal space to address this need. The need for home working space is supported by recent data from the Office for National Statistics which says that among working adults who have worked in the last seven days, 16% reported working from home only and 28% reported both working from home and travelling to work over the period September 2022 to January 2023. This means that since lockdowns ended, some 44% of working adults are spending all or part of their working time based at home (source: Characteristics of homeworkers, Great Britain: September 2022 to February 2023, ONS, February 2023).
- 9.14 During the consideration of this application the applicant has submitted further amended plans showing the proposed first floor studies on plots 5-12 and 78-81 incorporating an airing cupboard, such that they have an L-shape layout and a floor area of only 5.6sqm.

#### Conclusion on Transport and Highways Considerations

- 9.15 Given the justification put forward by the applicant, the comments received from the LHA and the internal dimensions of the studies discouraging use as a bedroom, it is considered that no further on-plot parking would be required as the number of

bedrooms now proposed would be the same as originally approved. However, given the applicant's justification for the studies it is considered reasonable to impose the following condition in-order to maintain the use of the rooms as studies: -

*'The internal floor layout of plots 5-12 and 78-81 shall be laid out as approved and thereafter retained as such with each property having a maximum of 3 bedrooms at any time.*

*REASON: To ensure adequate parking provision is provided.*

*[Relevant Policies: BFBLP EN3, M9, CSDPD CS14, CS23, SEP NRM6]*

- 9.16 Given the above assessment which has taken into consideration the LHA comments, the application is not considered to result in any adverse highway safety implications and as such complies with BFBLP Policies M4, M5, M6, M7, M8 and M9 and CSDPD Policies CS23 and CS24 and the NPPF.

#### **v. Biodiversity**

- 9.17 Policy CS1 of the CSDPD seeks to protect and enhance the quality of natural resources including biodiversity. Policy CS7 also requires the design of new development to enhance and promote biodiversity. These policies are consistent with the NPPF. The development must demonstrate that it provides a net gain in biodiversity in line with the NPPF.

- 9.18 None of the proposed changes, as applied for, are considered to adversely affect the already agreed ecological mitigation.

#### **vi. Surface Water Drainage/Flood risk**

- 9.19 The minor changes, as set out above, are not significant enough to require any material changes to the drainage strategy. The applicant has submitted revised drainage documentation that clarifies this point.

#### **vii. Legal Agreement**

- 9.20 Planning permission 19/00847/OUT was approved alongside a signed Section 106 Legal Agreement (dated 25.06.2021). The wording in the agreement does not allow for subsequent amended plans (NMA) and/or Section 73 applications to be linked to the original legal agreement. Therefore, any consent would need to be accompanied by a deed of variation.

### **10.0 CONCLUSION**

- 10.1 The application seeks consent to vary conditions 04 (approved plans), 02 (Landscaping Reserved matters), 05 (Phasing Plan), 06 (CEMP), 07 (Drainage), 08 (SUDS), 09 (Remediation), 11 (Gas Mitigation), 12 (Leachates), 13 (Bats), 14 (Badgers), 16 (Archaeology) and 17 (Tree Protection) of planning permission 19/00847/OUT. The changes have been assessed and are not considered to result in any adverse impacts upon the character and appearance of the scheme, would not result in any significant impact upon residential amenity nor would they result in any highway safety or drainage implications. As such the proposal is recommended for conditional approval. The decision will reflect the status of the original conditions.

## 11.0 RECOMMENDATION

11.1 That the Assistant Director: Planning be authorised to grant planning permission subject to a deed of variation to the original s106 agreement (as varied) and the following conditions, added to or deleted as the Assistant Director: Planning considers necessary:

1. The development shall be carried out in accordance with the landscaping reserved matters details approved under reference 21/00772/REM.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1295/Pln/100B Site Location Plan  
1295/Pln/101F Site Layout  
1295/Pln/101-1F Site Layout (Coloured)  
1295/Pln/102A Plot 1 Plans and Elevations  
1295/Pln/103 Plot 2 Plans and Elevations  
1295/Pln/104 Plot 3 Plans and Elevations  
1295/Pln/105 Plot 4 Plans and Elevations  
1295/Pln/106B Plots 5-6 Plans and Elevations  
1295/Pln/107B Plots 7-8 Plans and Elevations  
1295/Pln/108B Plots 9- 10 Plans and Elevations  
1295/Pln/109B Plots 11-12 Plans and Elevations  
1295/Pln/110 Plot 13 Plans and Elevations  
1295/Pln/111A Plots 14-17 Plans and Elevations  
1295/Pln/112A Plots 18-19 Plans and Elevations  
1295/Pln/113A Plots 20-21 Plans and Elevations  
1295/Pln/114 Plot 22 Plans and Elevations  
1295/Pln/115B Plots 23-24 Plans and Elevations  
1295/Pln/116A Plot 25 Plans and Elevations  
1295/Pln/117 Plots 26-27 Plans and Elevations  
1295/Pln/118A Plots 28-29 Plans and Elevations  
1295/Pln/119A Plots 30-31 Plans and Elevations  
1295/Pln/120A Plots 32-34 Plans and Elevations  
1295/Pln/121 Plot 35 Plans and Elevations  
1295/Pln/122 Plots 36-37 Plans and Elevations  
1295/Pln/123 Plots 38- 39 Plans and Elevations  
1295/Pln/124 Plots 40-41 Plans and Elevations  
1295/Pln/125A Plot 42 Plans and Elevations  
1295/Pln/126B Plots 43-63 Floor Plans (Sheet 1)  
1295/Pln/127A Plots 43-63 Floor Plans (Sheet 2)  
1295/Pln/128A Plots 43-63 Elevations  
1295/Pln/129 Plot 64 Plans and Elevations  
1295/Pln/130 Plot 65 Plans and Elevations  
1295/Pln/131 Plot 66 Plans and Elevations  
1295/Pln/132 Plot 67 Plans and Elevations  
1295/Pln/133A Plots 68-69 Plans and Elevations  
1295/Pln/134A Plots 70-71 Plans and Elevations  
1295/Pln/135A Plots 72-73 Plans and Elevations  
1295/Pln/136A Plot 74 Plans and Elevations  
1295/Pln/137B Plots 75-76 Plans and Elevations  
1295/Pln/138 Plot 77 Plans and Elevations  
1295/Pln/139B Plots 78-79 Plans and Elevations

1295/Pln/140B Plots 80-81 Plans and Elevations  
1295/Pln/141C Indicative Street Scenes  
1295/Pln/142D Site Sections  
1295/Pln/143F Indicative Levels Plan  
1295/Pln/144F Road Levels and Sections  
1295/Pln/145G Block Plan  
1295/Pln/146G Building Heights Plan  
1295/Pln/147F Information Plan  
1295/Pln/148 Existing Site Survey  
19-T067\_06B Potential right turn lane and junction visibility  
SH23354 11E-Sheet 1 of 4  
SH23354 11E-Sheet 2 of 4  
SH23354 11E-Sheet 3 of 4  
SH23354 11E-Sheet 4 of 4  
SH23354 12A-Sheet 1 of 4  
SH23354 12A-Sheet 2 of 4  
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SH23354 Soft Landscape Specification  
SH23354 Soft Landscape Management and Maintenance Plan

3. The development shall be carried out in accordance with the Phasing Plan 1295-CON-001 approved by the Local Planning Authority under reference 21/00141/COND. No development shall commence in respect of any phase until all relevant reserved matters and pre-commencement conditions have been approved in respect of that phase.

4. The development shall be carried out in accordance with the Construction Environmental Management Plan Palm Hills SMA Ref:6800/CEMP Issue Status: Issue 08, dated April 2022 approved under reference 21/00139/COND.

5. The development shall be carried out in accordance with the following drainage arrangements approved by the Local Planning Authority under reference 21/00140/COND:

- Cover Letter received 9th September 2021
- Sustainable Drainage Design and Management Strategy Ref: 5753-DR001 Rev 1 dated 31st August 2021
- 1295-101.01 REV P3 received 13th September 2021
- 1295-101.02 REV P3 received 13th September 2021
- 1295-101.03 REV P3 received 13th September 2021
- 1295-101.04 REV P3 received 13th September 2021
- 1295-160 REV P3 received 13th September 2021
- 1295-161 REV P3 received 13th September 2021
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The drainage arrangements shall be implemented in accordance with the approved details and the agreed programme. A verification report shall be submitted to and be approved in writing by the Local Planning Authority prior to the first occupation of any dwelling within each phase of the development demonstrating that full details and specifications of the approved sustainable drainage systems have been implemented for that phase. This shall include photos of excavations and soil profiles/horizons, any placement of tanking, crating, connecting pipework, hydrobrakes and cover systems required to demonstrate the full implementation of the approved scheme.

6. The development shall be carried out in accordance with the following arrangements for the Sustainable Urban Drainage System approved by the Local Planning Authority under reference 21/00140/COND:

- Cover Letter received 9th September 2021
- Sustainable Drainage Design and Management Strategy Ref: 5753-DR001 Rev 1 dated 31st August 2021
- 1295-101.01 REV P3 received 13th September 2021
- 1295-101.02 REV P3 received 13th September 2021
- 1295-101.03 REV P3 received 13th September 2021
- 1295-101.04 REV P3 received 13th September 2021
- 1295-160 REV P3 received 13th September 2021
- 1295-161 REV P3 received 13th September 2021
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7. Phase 1 of the development shall be remediated in accordance with the following details approved by the Local Planning Authority under reference 21/00142/COND - Phase 2 Land Contamination Assessment - R06 Site Wide Remediation Strategy.

Phase 2 of the development shall be remediated in accordance with the following details approved by the Local Planning Authority under reference 21/00160/COND: - Phase 2 Land Contamination Assessment 25th May 2022. - Site Wide Remediation Strategy R06 25th May 2022.

No development of Phase 3 shall commence until full details and arrangements for an investigation and risk assessment of the nature and extent of any contamination within the site, and of a subsequent remediation scheme and of a detailed programme for its implementation, have been submitted to and been approved in writing by the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons in accordance with guidance set out in Land Contamination: Risk Management, as published by the Environment Agency on 8 October 2020. A written report of the findings of the assessment shall be submitted to and be approved in writing by the Local Planning Authority. The report of the findings shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to: 1) human health; 2) property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes; 3) adjoining land; 4) ground and surface waters; 5) ecological systems; 6) archaeological features;
- c) an appraisal of possible remedial options. Arising from the investigation and risk assessment, a fully detailed remediation scheme to bring the site to a condition suitable for the proposed development by removing unacceptable risks shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, remediation objectives and criteria, a programme for implementation of the proposed details and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The scheme shall also set out monitoring and maintenance arrangements to include, where appropriate, observing the long-term effectiveness of all proposed contamination remediation over an agreed period. The remediation scheme shall be carried out in accordance with its approved details and an agreed programme. The Local Planning Authority shall be given two weeks' written notification of the commencement of any proposed remediation works. Following completion of all measures identified in the approved remediation schemes, a verification report



demonstrating that full details and specifications of the approved schemes have been implemented shall be prepared in accordance with an agreed timescale and be approved in writing by the Local Planning Authority.

8. Gas mitigation for Phase 1 of the development shall be carried out in accordance with the following details approved by the Local Planning Authority under reference 21/00142/COND :

- Phase 2 Land Contamination Assessment - R06 Site Wide Remediation Strategy.

Gas mitigation for Phase 2 of the development shall be carried out in accordance with the following details approved by the Local Planning Authority under reference 21/00160/COND :

- R03 (03) External Ground Gas Remediation Options Appraisal and Remediation Strategy
- R04 (04) Gas Barrier Design
- R05 (03) Non-technical summary
- R07 Design for Phase 2.

-No development of Phase 3 shall commence until a landfill gas investigation and risk assessment has been submitted to and been approved in writing by the Local Planning Authority. Where any risk from gas is identified, a scheme to mitigate the effects of gas shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of any development. The approved scheme shall be implemented in accordance with an agreed programme.

Following completion of all measures identified in the approved gas remediation schemes, a verification report demonstrating that full details and specifications of the approved scheme have been implemented shall be prepared in accordance with an agreed timescale and be approved in writing by the Local Planning Authority.

9. Leachate risk in respect of Phase 1 of the development shall be managed in accordance with the following details approved by the Local Planning Authority under reference 21/00142/COND : - Phase 2 Land Contamination Assessment - R06 Site Wide Remediation Strategy Leachate risk in respect of Phase 2 of the development shall be managed in accordance with the following details approved by the Local Planning Authority under reference 21/00160/COND: - Phase 2 Land Contamination Assessment 25th May 2022. - Site Wide Remediation Strategy R06 25th May 2022. No development of Phase 3 shall commence until a leachate investigation and risk assessment have been submitted to and been approved in writing by the Local Planning Authority. Where any risk from leachate is identified, a scheme to mitigate the effects of the leachate shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of any development. The approved scheme shall be implemented in accordance with an agreed programme. Following completion of all measures identified in the approved leachate remediation schemes, a verification report demonstrating that full details and specifications of the approved scheme have been implemented shall be prepared in accordance with an agreed timescale and be approved in writing by the Local Planning Authority.

10. The development shall be carried out in accordance with the following details to mitigate the impact of the development upon bats which were approved by the Local Planning Authority under reference 21/00138/COND: - Ecological Enhancement Plan

(Condition 13 and 14), Palm Hills Complex., dated September 2021 - Email – Confirmation No Lighting In Enhancement Areas 22.04.22

11. The development shall be carried out in accordance with the following details to safeguard and create badger access which were approved by the Local Planning Authority under reference 21/00138/COND: - Ecological Enhancement Plan (Condition 13 and 14), Palm Hills Complex., dated September 2021

12. The results of the archaeological evaluation approved by the Local Planning Authority under reference 21/00136/COND shall inform the preparation of a subsequent mitigation strategy/action plan which shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development. The mitigation strategy/action plan shall be implemented in accordance with the details and a programme as approved.

13. The development shall be carried out in accordance with the following details for the protection of existing trees to be retained as shown on the Tree Removal Plan TSP1 (contained within the Arboricultural Impact Assessment received by the Local Planning Authority on 19 September 2019) which were approved by the Local Planning Authority under reference 21/00137/COND: - Arboricultural Method Statement for the Approved Residential Development at the Palm Hills Complex, London Road, Chavey Down- Ref 1121- 8098 November 2021. - Arboricultural Method Statement for the Proposed Landfill Gas Ventilation Underground Barrier at the Palm Hills Complex, London Road, Chavey Down- Ref: 0321-9010 Rev 1 March 2021 The protective fencing and other measures to be specified shall be implemented as approved and in accordance with a programme to be agreed in writing by the Local Planning Authority. The fencing and measures shall be maintained fully intact and (in the case of the fencing) upright, in the approved locations at all times, until the completion of all building operations on the site. Where phased protection measures have been approved, no works shall commence on the next phase of the development until the protective fencing barriers and other required measures are in place for that phase in full accordance with the approved details. No activity of any description shall occur at any time within these protected areas including, but not restricted to: a) mixing of cement or any other materials; b) storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquid waste residues, or materials/debris of any other description; c) siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hardstanding areas of any other description; d) soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ground conditions of any other description; e) installation/siting of any underground services, temporary or otherwise, including drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting; f) parking/use of tracked or wheeled machinery or vehicles of any description; In addition to the protection measures specified above: 1) no fires shall be lit within 20 metres of the trunks of any trees or the centre line of any hedgerow shown to be retained; 2) no signs, cables, fixtures or fittings of any other description shall be attached to any part of any retained tree.

14. No dwelling shall be occupied until the site access junction details onto London Road along with the pedestrian and cycle link to the west of the access have been constructed in accordance with approved drawing Ref: 19-T067\_06 rev B, and those facilities shall be maintained and retained thereafter.

15. No dwelling shall be occupied until the visibility splays shown on approved drawing Ref: 19-T067\_06 rev B have been provided as detailed. These areas

shall be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway and shall be maintained and retained thereafter.

16. No dwelling shall be occupied until that part of the estate road which provides access to that dwelling and its parking, along with the adjacent footways, margins and street lighting, have been constructed in accordance with the approved Site Layout Plan Ref: 1295/Pln/101D.

17. No house shall be occupied until its associated vehicle parking and turning space has been surfaced and marked out in accordance with the approved Site Layout Plan Ref: 1295/Pln/101D. The spaces shall be kept available for parking and turning at all times thereafter.

18. No apartment marked Plots 43-63 on the approved plans shall be occupied until details of the allocation of parking spaces to each of those dwellings has been submitted to and been approved in writing by the Local Planning Authority and has been provided and allocated in accordance with the approved details. The spaces shall be maintained and be kept available for such parking at all times thereafter.

19. No dwelling shall be occupied until a means of access for pedestrians and cyclists to London Road to the east of the property named Dolyhir, along with appropriate lighting for this pedestrian and cyclist route, have been constructed in accordance with details to be agreed in writing by the Local Planning Authority. The approved means of access and associated details shall be implemented as approved and be maintained and retained thereafter.

20. No dwelling shall be occupied until:

a) details of the provision of 16 visitor car parking spaces, and;

b) details of the signage for the visitor car parking spaces;

have been submitted to and been approved in writing by the Local Planning Authority and have been implemented in accordance with the approved details.

The visitor car parking spaces and signage shall be maintained and retained for such parking at all times thereafter.

21. As part of the garage accommodation hereby approved for Plots 1, 2, 3, 4, 13, 64, 65, 66 and 67, an area of at least 6.0 metres back from the garage door (when closed) and 3.5 metres wide shall be provided prior to first occupation of each dwelling and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

22. No dwelling shall be occupied until the associated secure and covered cycle accommodation for that dwelling based upon one cycle space per bedroom has been provided in the locations identified for cycle parking on the Information Plan (approved drawing Ref: 1295/Pln/147D). The cycle parking spaces and facilities shall be maintained and retained at all times thereafter.

23. No dwelling shall be occupied until details of electric vehicle charging infrastructure with a minimum output of 7kW to be provided for the parking spaces marked with a circle for 'EV Charging Point' on the Information Plan (approved drawing Ref: 1295/Pln/147D) have been submitted to and have been approved in writing by the Local Planning Authority. The approved electric vehicle charging infrastructure shall be provided in accordance with an agreed

programme and shall be maintained in working order and be retained thereafter.

24. No dwelling shall be occupied until a full and updated travel plan in general accordance with the submitted framework travel plan, and including details of monitoring arrangements, has been submitted to and been approved in writing by the Local Planning Authority. The approved travel plan shall be implemented as approved and in accordance with an agreed programme and shall include monitoring arrangements for 5 years after the occupation of the last dwelling to be completed.

25. No dwelling shall be occupied until either:

a) confirmation has been provided to the Local Planning Authority from the sewerage undertaker that sufficient capacity within the sewerage infrastructure exists to serve the development; or

b) a scheme for the improvement of the existing sewerage system has been submitted to and been approved in writing by the Local Planning Authority. If so, the scheme shall be implemented as approved and in accordance with an agreed programme and shall be maintained and retained thereafter. No dwelling shall be occupied until the scheme for improvement of the existing sewerage system has been completed in full as approved.

26. No dwelling shall be occupied until a scheme has been submitted to and been approved in writing by the Local Planning Authority setting out details of external lighting, including lighting units and levels of illumination and a programme for implementation. No external lighting shall be provided at the site other than in accordance with the approved details. The development shall be carried out in accordance with the details as approved.

27. Prior to the occupation of the final dwelling within each phase, a verification report demonstrating full implementation of the biodiversity enhancement measures and recommendations set out in the Ethos Environmental Planning Ecological Assessment dated December 2019 relevant to that phase, shall be submitted to and be approved in writing by the Local Planning Authority. The measures shall be maintained and retained thereafter.

28. Prior to commencement of any above ground construction in each phase, a scheme shall be submitted to and be approved in writing by the Local Planning Authority setting out details of all on-site refuse and recycling storage and collection facilities (including details of any enclosures or screening) to serve each dwelling within that phase. Such facilities shall be provided in accordance with the approved details prior to the first occupation of the relevant dwelling and shall be maintained and retained thereafter.

29. Prior to commencement of any above ground construction, an estate road phasing and completion plan shall be submitted to and be approved in writing by the Local Planning Authority. The plan shall set out details of the access road serving each phase of the development and the design standards to which it will be completed.

30. The access road coloured blue and yellow along with links to the boundaries of the adjacent properties named Sandbanks and Dolyhir coloured red on the Information Plan (approved drawing Ref: 1295/Pln/147D), and all footways, margins and street lighting adjacent to the areas coloured blue, yellow and red, shall be constructed in accordance with the agreed estate road phasing and completion plan and shall be maintained and retained thereafter as

private accesses and footpaths.

31. No gates shall be provided at the vehicular access to the site serving London Road.

32. The development shall be constructed in accordance with the details as approved under the following: -

- External Materials Schedule 17.05.22
- 1295 Materials Markup Plan 17.05.22

33. Prior to commencement of any above ground construction in each phase, details showing the finished floor levels of the buildings in that phase relative to a fixed datum point shall be submitted to and be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

34. Prior to commencement of any above ground construction, a sustainability statement for water efficiency setting out measures to achieve an average water use in new dwellings of 110 litres/person/day shall be submitted to and be approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details and an agreed programme and shall be maintained and retained thereafter.

35. Prior to commencement of any above ground construction, an energy demand assessment shall be submitted to and be approved in writing by the Local Planning Authority. This shall demonstrate:

a) that before taking account of any on-site renewable energy production the proposed development will reduce carbon dioxide emissions by at least 10% against the appropriate target emission rate as set out in Part L of the Building Regulations (2006), and;

b) that a proportion of the development's energy requirements will be provided from on-site renewable energy production (the proportion of which shall be at least 20%), or from such other appropriate measures as may be agreed in writing by the Local Planning Authority.

The buildings shall be constructed in accordance with the approved assessment and the approved measures shall be maintained and retained thereafter.

36. The first-floor bathroom windows in the side elevations of Plots 75 and 81 shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass (or equivalent) to a height of 1.7 metres from the corresponding floor level. The windows shall at all times be fixed to a height of 1.7 metres from floor level.

37. All second-floor rear-facing velux windows on Plots 18, 19, 20, 21, 28, 29, 30, 68, 69, 70 and 71 shall have a sill height no lower than 1.7 metres above the corresponding floor level.

38. The internal floor layout of plots 5-12 and 78-81 shall be laid out as approved and thereafter retained as such with each property having a maximum of 3 bedrooms at any time.

REASON: To ensure adequate parking provision is provided.

[Relevant Policies: BFBLP EN3, M9, CSDPD CS14, CS23, SEP NRM6

## Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The following conditions require discharge prior to the commencement of development: 12, 28, 29, 33, 34 and 35.
03. The following conditions require discharge prior to the occupation of the dwellings hereby approved: 18, 19, 20, 23, 24, 25, 26 and 27.
04. No details are required to be submitted in relation to the following conditions; however, they are required to be complied with: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 30, 32, 36, 37 and 38.