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## Appeal Decision

Hearing Held on 4 August 2021

Site visit made on 5 August 2021

**by R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> August 2021

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**Appeal Ref: APP/J0350/W/20/3265173**

**The Former Willow Tree, 62 Station Road, Langley, Slough SL3 8BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Atwal of SN Langley Ltd against the decision of Slough Borough Council.
  - The application Ref P/01272/012, dated 15 October 2019, was refused by notice dated 19 August 2020.
  - The development proposed is demolition of existing structures and redevelopment of the site for a part single thru to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing structures and redevelopment of the site for a part single thru to a part five storey building to accommodate 41 residential units, with associated parking and amenity provision at The Former Willow Tree, 62 Station Road, Langley, Slough SL3 8BT in accordance with the terms of the application, Ref P/01272/012, dated 15 October 2019, subject to the attached schedule of conditions.

### Preliminary Matter

2. During the hearing I consulted the main parties regarding the updated National Planning Policy Framework (Framework) which was published in July 2021 and taken the comments into consideration in my assessment.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the proposed development on the living conditions of neighbouring occupiers.

### Reasons

#### *Character and appearance*

4. The site lies in a prominent position on the corner of Station Road and Alderbury Road and adjacent to a railway line to the north. Station Road is a

busy highway that passes under the railway line adjacent to the site through a short tunnel. Langley Railway Station lies adjacent to this intersection and opposite to the site lies Clare House, a four-storey commercial building in a modern architectural style. Adjacent to Clare House lies Langley Business Centre, a large two to three storey modern building. As such, the opposite side of Station Road in the vicinity of the site has a commercial character and appearance with buildings of varying height.

5. Along the same side as the site along Station Road are a small group of two storey dwellings that are set back from the pavement a considerable distance. To the south of these dwellings at Scholars Walk lie three-storey blocks of flats which are in a traditional architectural style with pitched roofs and are close to the pavement such that they have more prominence than the two storey dwellings. Further to the south lies the modern Langley College. As such, while there are two storey dwellings on the same side as the site on Station Road, the taller buildings are not a significant distance away and the character of this side of the road is also varied in terms of scale and massing.
6. Alderbury Road is primarily characterised by two storey semi-detached dwellings with similar forms, fenestration and materials such that the street has a pleasant, unified and residential feel.
7. The site itself is occupied by a former public house in a traditional architectural style with varying roof forms and heights and from my observations during the site visit appears in need of some maintenance. The building is set back from the pavement on both roads and has space to the rear and sides such that the character of the site departs from that of Station Road and Alderbury Road in terms of architectural style as well as pattern of development. In terms of massing and height, the existing building is taller than the dwellings of Alderbury Road but smaller in height than Clare House. As such, the existing site provides a neutral contribution to the character and appearance of the area.
8. Given its position at the junction of Station Road and Alderbury Road, and the unique form and position of the building on the site, the existing building appears prominent when viewed from the south along Station Road. Moreover, the more suburban dwellings along Alderbury Road are not prominent when approaching the site from the south and are not largely visible until a position close to the junction is reached. In addition, given the set back of the two storey dwellings on Station Road, these buildings are also not dominant in the view towards the site from the south. Accordingly, the site has a closer visual relationship with Clare House and Langley Business Centre than the two storey residential properties when viewed from the south.
9. The view towards Station Road from Alderbury Road is largely suburban in character given the two storey dwellings. However, the four storey Clare House is notable in this view and indicative of the transition in character from Alderbury Road to Station Road.
10. The proposed building would vary in height from single storey adjacent to No 119 Alderbury Road (No 119), stepping up to five storeys at the portion closest to Station Road. The five-storey portion would then extend to the north of the site forming an overall 'L' shape building.

11. Since the five-storey massing of the eastern part of the building would be significantly higher than the existing building and the footprint of the building would be greater than existing, it would reduce the sense of spaciousness of the site. However, since it would visually relate to Clare House on the opposite side of the road, would be of a similar height and would be seen in the same view, the proposal would not appear incongruous in the area. While I acknowledge the siting of Clare House set back from Station Road it appears prominent in the street scene, such that the proposal would appear to be a similar height when viewed from street level. In addition, the uppermost storey of the proposed scheme would be recessed such that it would soften the massing and reduce the impact of the top storey.
12. While the building would be sited adjacent to the two storey buildings along Alderbury Road, the portion closest to No 119 would be single storey and the building would step up towards Station Road. Accordingly, while the building would undoubtedly urbanise the site and alter the character of the area, the gradual stepping up of the building would result in a sensible transition between the suburban character of Alderbury Road and the commercial character of Station Road. Consequently, the scale and massing of the scheme would not harm the character and appearance of the area.
13. I acknowledge that the flatted blocks of Scholars Walk are three storeys high whereas the proposal would be up to five storeys. However, given the scale and position of the appeal site in a more prominent location adjacent to the railway line, tunnel and near Clare House, the character of the vicinity around the site is not directly comparable to that of Scholars Walk. Therefore, the greater massing of the proposal would not appear inappropriate when viewed from Station Road.
14. The building would be clad primarily in brick with full height windows and flat roofs which would result in a contemporary appearance. However, given the modern appearance of Clare House and Langley Business Centre, this aspect of the proposal would not be out of keeping. In addition, the use of brick and transition to single storey massing would echo elements of the buildings along Alderbury Road. While I acknowledge the reference to layout in the reason for refusal, the 'L' shape of the proposed building would reflect the corner position of the site and result in active frontages along both streets. Therefore, the appearance and layout of the proposal would not harm the character and appearance of the area.
15. From the evidence the Council has granted outline planning permission for the redevelopment of the site consisting of Langley Business Park. While I note that, if implemented, the scheme would be likely to alter the character of that site and surrounding area, since there is no certainty with respect to the specific scheme or timing of that development, I attribute limited weight to that permission. Likewise, notwithstanding the ongoing Crossrail development at Langley Station, limited evidence was provided regarding the timing of completion such that I attribute limited weight to that development also.
16. Overall, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with Core Policy 8 of the Slough Local Development Framework Core Strategy 2006 – 2026 Development Plan Document (December 2008) (CS) which seeks, among other things, development that respects its location and surroundings. It would also

conflict with Policy EN1 of The Local Plan for Slough March 2004 (LP) which seeks development that would be compatible with its surroundings in terms of scale, height, massing, building form and design among other things. The development would not conflict the Framework in this respect.

17. While CS Core Policy 9 is cited in the reason for refusal, the Council has stated that it is not relevant to this main issue. Since it relates primarily to historic and natural environment, I agree with the Council in this particular respect.

#### *Living conditions*

18. The west facing elevations of the five-storey part of the proposal would face the rear gardens of Nos 117 and 119 Alderbury Road (Nos 117 and 119). Notwithstanding the separation distance of around 17m, I observed during my site visit that given the height of the proposal, a number of these windows would appear fairly close when stood in these rear gardens including the patio areas closest to the houses.
19. The flats of the five-storey portion of the building facing the neighbouring gardens would lack balconies but would have balcony railings in front of the lower part of all glazed west facing full length windows and would have obscured glazing. This would restrict views to the gardens of Nos 117 and 119 from within the rooms. However, future occupiers would overlook the rear gardens when stood close to the windows. I acknowledge that a number of the windows serve bedrooms and are less likely to be used during the daytime. I also note that the view would be largely at an angle and not directly towards the rear of the houses.
20. Given the distance and angle of the windows in relation to the rear elevations of the dwellings at Nos 117 and 119, the proposal would not result in undue harm to the privacy of the neighbouring occupiers within their houses. However, given the number of windows that would face the gardens particularly from the second, third and fourth storeys, there would be some harm to the privacy of the neighbouring occupiers of these gardens.
21. While there may also be some views into the gardens of the properties beyond Nos 117 and 119, the distance would be greater such that there would not be undue effects on those neighbouring occupiers in terms of privacy. In addition, while I acknowledge the evidence regarding views to other surrounding properties, given the distance between those properties and the proposal, there would not be undue harm in this respect.
22. The proposal includes a planting scheme with mature trees along the boundary with No 119 to address the harm with respect to privacy. A condition could be reasonably attached that would ensure that trees of a certain height were planted and retained. While there can be no certainty that the trees would fully mitigate the harm to privacy of the occupiers particularly during the winter months, they would be likely to significantly reduce the views to the gardens during the summer when the trees would have the most foliage, and the gardens are most likely to be used.
23. I note concerns regarding overshadowing as result of the proposed trees. However, given the orientation of Nos 117 to 119, there would not be unacceptable harm in this respect.

24. While a similar relationship in terms of distance and angle may be acceptable between a few mutually overlooking two storey houses, the proposal would result in a number of windows at a greater height overlooking the gardens of Nos 119 and 117. Consequently, the privacy of the neighbouring occupiers would be adversely affected by the development.
25. While the development would be clearly visible from the neighbouring gardens, since there would be outlook in other directions, the scheme would not result in an oppressive environment for the neighbouring occupiers and would not result in unacceptable harm in terms of outlook.
26. Consequently, the proposed development would harm the living conditions of neighbouring occupiers with regard to privacy. Therefore, it would conflict with CS Core Policy 8 and LP Policy EN1 which together seek development that respect the amenities of adjoining occupiers and are compatible with their surroundings in terms of the relationship to nearby properties. The development would also conflict with the Framework in this particular respect.
27. Since the scheme would affect the privacy from the garden areas rather than the internal spaces of the houses, and the balcony railings of the windows of the proposed west elevation would have obscured glazing, the harm would be limited.

### **Other Matters**

28. I acknowledge local concerns including those relating to parking and highway safety. Given the proximity to the Langley Station and the accessibility of services and facilities, as well as the number of one-bedroom dwellings proposed, it is unlikely that all future occupiers would require a parking space. Therefore, the number of proposed parking spaces would be unlikely to result in an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. The proposed access would be of sufficient width and adequate visibility such that motorists would have adequate time and space to avoid collisions when entering or exiting the site. As such, I agree with the Highway Authority who has not objected to the scheme.
29. While I also acknowledge concerns regarding future improvements to the railway bridge, the proposed building would be set away from the railway line such that there would be unlikely to be any adverse effects in this respect and the Highway Authority has not objected on this basis.
30. I note concerns regarding the effect on Langley Station which is a Locally Listed Building the significance of which lies in the evidence of historic architecture. The visibility of the Station from the site is limited and since I have not found harm with respect to the character and appearance of the area, the scheme would not adversely affect the setting or significance of this building.
31. I also acknowledge concerns regarding the living environment of future occupiers and the effect on neighbouring occupiers with respect to the noise from the plant room and other sources. Given the conclusions of the noise assessment submitted with the application, I see no reason why conditions relating to noise levels would not mitigate the harm in this respect.
32. In addition, I acknowledge local concerns regarding the size of the communal rooftop garden and balconies as well as the proposed internal spaces. However,

given the limited number of bedrooms in the dwellings and likely number of future occupiers, there would not be any harm in this respect.

33. I acknowledge concerns regarding flooding. However, the site lies within Flood Zone 1 and I see no reason why a suitably worded condition regarding surface drainage could not mitigate any risk in this regard.

### **Planning Obligations**

34. The appellant has completed a Section 106 Agreement (S106) in conjunction with Slough Borough Council which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. They relate to the following matters:

**Affordable Housing:** CS Core Policy 4 which states that all sites of 15 or more dwellings (gross) will be required to provide between 30% and 40% of the dwellings as social rented along with other forms of affordable housing. The proposal would conflict with this Policy in this respect as less than 30% of the dwellings are proposed to be affordable homes. However, the Viability report submitted by the appellant demonstrates that any more affordable homes would make the scheme unviable. Furthermore, given the Council's housing land supply position, I attribute limited weight to the conflict with this Policy.

While the agreement does not provide for off-site contributions towards affordable homes, it does include a Viability Review Mechanism which requires that a viability review is carried out in the event that a substantial start has not been made within a certain time. Given the findings of the Viability Report submitted as part of the application, I consider this approach to be robustly justified. In addition, the provision of just over 10% of affordable homes is in line with the requirements of the Framework. Accordingly, I consider the agreement in this respect is fairly and reasonably related to the development proposed and as such passes the statutory tests.

**Highway Works:** The highway works set out in drawing 1910-099 Rev PL09 are necessary to make the development acceptable in planning terms and the S106 requires that a Highway Agreement is entered into with the Council to ensure that a portion of land is dedicated for a future road widening scheme among other things. The measures are in line with the Transport and Highway Guidance Developer's Guide Part 3 Interim Document November 2008. As such I consider the agreement is fairly and reasonably related to the development proposed and as such passes the statutory tests.

**Education Contribution, Car Club Contribution, Locality Parking Study Contribution, Sustainable Transport Contribution:** The sums in these respects are undisputed and the terms related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

### **Planning Balance**

35. The Council are unable to demonstrate a five-year housing land supply and therefore the tilted balance in the terms of paragraph 11(d) of the Framework are engaged. The supply of housing lies in the region of 2.2 years.



36. The development plan pre-dates 2012 but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. CS Core Policy 8 and LP Policy EN1 relate to sustainability and high-quality design and are consistent with the Framework. Accordingly, since these policies are most relevant to the scheme, the proposal would conflict with the development plan as a whole.
37. The proposal would adversely affect the living conditions of the neighbouring occupiers of Nos 117 and 119 with regard to privacy. However, the proposal would affect the privacy of the occupiers of the garden areas rather than the internal spaces. In addition, the proposed obscure glazing would restrict views to those gained when stood in close proximity to the windows and the proposed trees along the boundary would partially mitigate the remaining harm. Therefore, since the harm would be limited, I attribute limited weight to the conflict with CS Core Policy 8.
38. While the Council has not cited CS Core Policy CS4 in their reasons for refusal, conflict with this Policy was raised by interested parties. I acknowledge the conflict with CS Core Policy 4 which states that within existing suburban residential areas there will only be limited infilling which will consist of family houses. While I also note the evidence regarding the provision of 3 bedroom dwellings, given the lack of five-year housing supply, this Policy is out-of-date and given the acute housing shortfall, I attribute limited weight to the conflict with this Policy.
39. The proposal would contribute 41 dwellings to the housing supply in a sustainable location close to public transport and local services and facilities. The scheme would also provide a temporary economic benefit during the construction phase and future occupiers would contribute to the local community. Given the significant number of dwellings proposed and the acute housing shortfall, I attribute significant weight to this benefit.
40. The Council has accepted Section 106 agreements relating to affordable housing, highway works and contributions towards education, car club, locality parking study and sustainable transport, and have found that the location is otherwise suitable. Given that the harm to the living conditions of neighbouring occupiers would be limited, I do not consider that the adverse effects of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

### **Conditions**

41. I have considered the conditions suggested by the main parties and made changes having regard to paragraph 56 of the Framework.
42. The conditions regarding time limits and specifying plans are necessary in the interests of certainty.
43. The conditions relating to surface drainage is necessary in the interests of flooding and the condition regarding archaeology is necessary since the site lies in an area of archaeological potential. Given the evidence of historic materials within the building fabric, a condition regarding a building record is also necessary. The conditions relating to construction management plans have been combined and condensed as the aims of the suggested condition requiring

- a construction environment management plan are met through one condition which is necessary to safeguard that living conditions of neighbouring occupiers. Given the existing use of the site, the conditions relating to contamination are necessary. A condition regarding landscaping is necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. A condition relating to future electric vehicle charging points is necessary in the interests of environmental sustainability. In order to safeguard underground utilities, a condition relating to piling is necessary.
44. Since a year has passed since the bat survey, the condition requiring a new survey to be carried out is necessary to safeguard the protected species.
  45. The above conditions need to be pre-commencement as they would affect the early stages of construction.
  46. In order to safeguard the character and appearance of the area, conditions regarding external materials and architectural detailing are necessary. A condition relating to wheelchair user dwellings is necessary in the interests of the living environment of future occupiers.
  47. A condition relating to noise is necessary to safeguard the living conditions of neighbouring occupiers. The condition does not need to be pre-commencement as it is unlikely to affect the early stages of construction. In order to protect the living environment of future occupiers, a condition regarding air quality is necessary.
  48. Conditions regarding green roofs and boundary treatments are necessary to safeguard the character and appearance of the area. In order to safeguard the living environment of future occupiers, a condition relating to privacy screening is necessary. Conditions regarding a delivery servicing plan and external lighting are necessary to safeguard the living conditions of neighbouring occupiers. In the interests of biodiversity, a condition relating to bird and bat boxes is necessary. A condition regarding CCTV is necessary in the interests of security. A condition regarding renewable energy is necessary in the interests of environmental sustainability.
  49. In order to protect the living conditions of neighbouring occupiers, a condition regarding the accessibility of flat roof areas is necessary. A condition relating to a landscape management plan is necessary to safeguard the character and appearance of the area.
  50. Conditions regarding trees have been combined and are necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. To safeguard the living environment of future occupiers, a condition regarding cycle storage is necessary. A condition regarding noise rating level is necessary to safeguard the living conditions of neighbouring occupiers. A condition regarding the electric vehicle charging points is necessary in the interests of environmental sustainability. In order to protect the living conditions of neighbouring occupiers, a condition relating to obscured glazing is necessary. A condition relating to car parking is also necessary in the interests of highway safety.
  51. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, the appellant has confirmed that they approve of the pre-commencement conditions.



**Conclusion**

52. The Framework is a material consideration to which I attach significant weight. Therefore, notwithstanding the conflict with the development plan, the outcome of the tilted balance as a material consideration indicates that the appeal should be allowed.

*R Sabu*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Drawing Nos. 1910-001 PL01, 1910- 002 PL01, 1910-010 PL03, 1910-098 PL01, 1910-099 PL09, 1910-100 PL09, 1910-101 PL05, 1910-102 PL06, 1910-103 PL06, 1910-104 PL05, 1910-105 PL05, 1910-110 PL05, 1910-111 PL04, 1910-112, 1910-120 PL03, 1910-121 PL01
- 3) No development shall take place until a surface water drainage scheme for the site, based on
  - (i) sustainable drainage principles that control surface water run-off as close to its source as possible through a sustainable drainage approach to surface water management (SUDS), and
  - (ii) an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall include a Whole Life Management and Maintenance Scheme for the Surface Water Drainage Scheme. The approved details shall be fully completed before first occupation of the development thereby approved and be retained and maintained at all times in the future in accordance with the approved details.
- 4) A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and:
  - (i) The programme and methodology of site investigation and recording.
  - (ii) The programme for post investigation assessment.
  - (iii) Provision to be made for analysis of the site investigation and recording provision to be made for publication and dissemination of the analysis and records of the site investigation
  - (iv) Provision to be made for archive deposition of the analysis and records of the site investigation
  - (v) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5) No demolition works or construction works shall commence until an appropriate programme of building recording and analysis, the making of a detailed record of the building to Historic England Level 2, and a watching

- brief during the demolition works; has been secured in accordance with a written scheme of investigation, to be approved by the planning authority. The development including the demolition phase shall be carried out in accordance with the approved details.
- 6) No development shall take place, including any ground works until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The Plan shall thereafter be implemented as approved before development begins and be maintained throughout the duration of the construction works period.
  - 7) The findings of the Phase 1 - Preliminary Investigation Report (Job Reference: 17827/PIR\_R26/V1.2) identified the potential for contamination; thus, development works shall not commence until an Intrusive Investigation Method Statement (IIMS) has been submitted to and approved in writing by the local planning authority. The IIMS shall be prepared in accordance with current guidance, standards and approved Codes of Practice including, but not limited to, BS5930, BS10175, CIRIA 665 and BS8576. The IIMS shall include, as a minimum, a position statement on the available and previously completed site investigation information, a rationale for the further site investigation required, including details of locations of such investigations, details of the methodologies, sampling and monitoring proposed.
  - 8) Development works shall not commence until a Quantitative Risk Assessment (QRA) has been prepared for the site, based on the findings of the intrusive investigation. The risk assessment shall be prepared in accordance with the Contaminated Land report Model Procedure (CLR11) and Contaminated Land Exposure Assessment (CLEA) framework, and other relevant current guidance. This must first be submitted to and approved in writing by the local planning authority and shall as a minimum, contain, but not limited to, details of any additional site investigation undertaken with a full review and update of the preliminary Conceptual Site Model (CSM) (prepared as part of the Phase 1 Desk Study), details of the assessment criteria selected for the risk assessment, their derivation and justification for use in the assessment, the findings of the assessment and recommendations for further works. Should the risk assessment identify the need for remediation, then details of the proposed remediation strategy shall be submitted in writing to and approved by the local planning authority. The Site Specific Remediation Strategy (SSRS) shall include, as a minimum, but not limited to, details of the precise location of the remediation works and/or monitoring proposed, including earth movements, licensing and regulatory liaison, health, safety and environmental controls, and any validation requirements.
  - 9) No development within or adjacent to any area(s) subject to remediation works carried out pursuant to the Phase 3 Quantitative Risk Assessment and Site Specific Remediation Strategy condition shall be occupied until a full Validation Report for the purposes of human health protection has been submitted to and approved in writing by the local planning authority. The report shall include details of the implementation of the remedial strategy and any contingency plan works approved pursuant to the Site Specific Remediation Strategy condition above. In the event that gas and/or vapour protection measures are specified by the remedial strategy, the report shall include written confirmation from a Building Control Regulator that all such measures have been implemented.

- 10) Notwithstanding the 8no. Electric Vehicle charging bays as shown on the approved plans, a Passive Electric Vehicle Charging Report shall be submitted to the local authority for approval in writing detailing how infrastructure capacity to power 100 percent of the parking provision for future Electric Vehicles could be delivered, post occupation of the development. The report shall comprise evidence of the physical equipment, alterations to the car parking area and building and any subterranean works required to convert passive Electric Vehicle charger spaces to active spaces along with the required power supply necessary to support the Electric Vehicle chargers. The report shall be submitted to the local planning authority prior to commencement of any development work. The future conversion of passive Electric Vehicle spaces to active spaces shall be carried out in accordance with the approved Passive Electric Vehicle Charging Report for the lifetime of the development.
- 11) Prior to the commencement of the development hereby approved, a detailed landscaping scheme pursuant to the Landscape Design Document (Standerwick Land Design), dated 13/09/19 shall be submitted to and approved in writing by the local planning authority. The details shall include:
- Scaled plan showing the proposed trees, vegetation and landscape features to be planted pursuant to the approved plans and the Landscape Design Document (Standerwick Land Design), dated 13/09/19
- Location, type and materials to be used for hard landscaping including specifications in coordination with the approved drainage strategy
- Root protection details:
- a) appropriate design for the boundary treatment and any foundations along with tree pit design tree pit design to ensure boundary tree planting does not damage the boundary treatment
  - b) underground modular systems
  - c) use within tree Root Protection Areas (RPAs)
  - d) methods to prevent the crowns from the boundary tree planting overhanging neighbour boundaries
- A schedule detailing sizes and numbers/densities of all proposed plants and to include species which attract Bumble Bees;
- Specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and a plan and / or schedule demonstrating coordination and compliance with the ecological enhancements.
- The approved details shall be carried out no later than the first planting season following completion of the development. Within a five year period following the implementation of the scheme, if any of the new or retained trees or shrubs should die, are removed or become seriously damaged or diseased, then they shall be replaced in the next planting season with another of the same species and size as agreed in the landscaping tree planting scheme by the Local planning authority.
- 12) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential

- for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 13) Prior to the commencement of the development hereby approved, bat surveys with mitigation and net gains should be undertaken and submitted to the local planning authority for approval before demolition is commenced. Any mitigation and net gains shall be implemented and completed in accordance with the recommendations set out in the bat survey.
  - 14) Prior to any development above the ground floor slab of any of the dwellings hereby approved, specification and appearance details the external materials used on the building and any ancillary structures, retaining walls, and all hard standing areas (in accordance with the approved drainage strategy) pursuant to the materials indicated in the submitted design and access statement shall be submitted and approved in writing by the Local planning authority. The development shall thereafter be carried out in accordance with the details approved.
  - 15) Prior to any development above the ground floor slab of any of the dwellings hereby approved, detailed scaled plans of the architectural detailing and appropriate depths of the returns and reveals in the elevations pursuant to the submitted design and access statement be submitted and approved in writing by the Local planning authority. The development shall thereafter be carried out in accordance with the details approved.
  - 16) Prior to any development above the ground floor slab of any of the dwellings hereby approved, detailed plans along with Building Regulation approval demonstrating a minimum of two of the residential units and access through the building shall be provided as Wheelchair User Dwellings in accordance with Building Regulation requirement M4 (3) Wheelchair User Dwellings shall be submitted to and approved in writing by the local planning authority.  
The Wheelchair User Dwellings and access through the building shall be fully completed prior to first occupation of the development thereby approved.
  - 17) No development beyond finished ground floor slab level shall be undertaken until a supplementary noise assessment to include details of permanent on-site ventilation plant and other permanent noise-generating equipment has been submitted to and approved by the Local Planning Authority. Any noise mitigation / recommendations shall be installed prior any on-site ventilation plant and other permanent noise-generating equipment is brought into first use and be retained in good working order at all times in the future.
  - 18) No development beyond finished ground floor level / floor slab shall be undertaken until a detailed technical study to ensure acceptable internal levels of air quality within the building, including the methods and equipment that will be incorporated into the development to achieve this, has been submitted to and approved in writing by the Local planning authority. The technical study will include an assessment of potential exposure of future residents to concentrations of NO<sub>2</sub> .
  - 19) Prior to the commencement of work on the relevant part of the buildings hereby approved, details of green roofs, including planting, methods for establishment, retention, expedited measure to address failure of the planting and maintenance schedules, and ecological enhancement measures for the

development shall be submitted to and approved in writing by the Local planning authority. The green roofs shall be laid out on the building, prior to first occupation in accordance with the details as approved. The green roofs shall be permanently retained thereafter and be maintained in accordance with the timescales and methods set out in the approved maintenance schedule.

- 20) Prior to the first occupation of the development hereby approved details of the proposed boundary treatment including position, external appearance, height, materials, shall be submitted to and approved by the Local planning authority. The approved boundary treatment shall be fully installed in accordance with the approved details prior to the first occupation of the development and retained at all time on the future.
- 21) Prior to the first occupation of the development hereby approved, details of appropriate privacy screening to the side of the external terrace areas and balconies measuring 1.8 metres in height from the floor level shall be submitted and approved in writing by the Local planning authority. The approved privacy screening shall in accordance with the approved details prior to the first occupation of the development hereby approved and retained as such at all times in the future.
- 22) Prior to first occupation of the development, a site servicing strategy or Delivery and Servicing Plan (DSP) for the development including vehicle tracking, for the Development shall be submitted to and approved in writing by the Council. The DSP shall detail the management of deliveries, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections/ silent reversing methods/ location of loading bays and vehicle movement in respect of the development. The approved measures shall be implemented and thereafter retained for the lifetime of the commercial uses in the development.
- 23) No part of the development hereby permitted shall be occupied until a scheme has been submitted to and approved in writing by the Local planning authority for external site lighting including details of the lighting units, hours of use, and Illuminance levels including on the neighbouring land. The scheme shall demonstrate there would be no unacceptable increase in light on neighbouring habitable windows over the ambient background lighting and have acceptable impacts on highway and railway safety.

The development shall be carried out in full accordance with the approved details prior to first occupation and shall be retained as such at all times in the future. No lighting shall be provided at the site other than in accordance with the approved scheme.

- 24) Prior to occupation of any part of the development, and in accordance with the recommendations of the Ecological Letter (CSA Environmental Ref: 4985/01/CSA, 06 May 2020), details of the location of Bird and Bat nesting Boxes shall be submitted to and approved in writing by the Local planning authority. The scheme shall detail in addition to locations the design, size and material of the bird boxes and elevations and plans shall be provided to identify the bird boxes to the satisfaction of the Local planning authority. The development shall be carried out in accordance with the approved details prior to any occupation of the development and shall be retained and maintained for the lifetime of the development.



- 25) The development shall not be occupied until evidence has been submitted to and approved in writing by the Local planning authority to demonstrate how the applicant has used reasonable steps to incorporate measures to comply with Secured by Design Gold Award for the development including details of any proposed CCTV equipment. The evidence shall be submitted and approved in writing by the Local planning authority, prior to first occupation of the development, and the approved security measures shall be maintained and retained thereafter.
- 26) Within three months of first occupation of the development, evidence that the renewable energy technologies, sustainable design and energy efficiency measures that achieve the forecast cumulative on-site CO2 savings of 19.0% against a Building Regulations Part L 2013 compliant scheme of otherwise identical design, as set out in the approved Energy Statement (XCO2, September 2019), have been implemented in accordance with the approved details shall be submitted and approved in writing by the Local planning authority. The approved details shall then be retained in good working order for the lifetime of the development, unless replaced by features that provide improved energy performance, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 27) Flat roof areas not to be used as balconies or terraces unless specifically shown as such on the approved drawings. These areas will be provided as green roofs in accordance with the approved drawings, unless written approval is first given for use of part of the roof(s) for the purpose of providing photovoltaic panels in accordance with the approved Energy Statement and Sustainability Statement, which shall also demonstrate that the area of green roof concerned is not required to meet the requirement for surface water run-off to the site from being no greater than greenfield run off rates. Any renewable energy details approved in accordance with this condition shall be retained as such for the lifetime of the development unless replaced by features that provide improved energy performance, also in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 28) A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas within the approved red line site plan shall be submitted to and approved in writing by the Local planning authority prior to the occupation of the development. The landscaped areas within the approved red line site plan shall be maintained in accordance with the timescales and methods set out in the approved Landscape Management Plan.
- 29) Any tree which forms part of the approved landscaping scheme within the car parking area at the rear of the building and adjacent to the western site boundary which fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced no later than the next planting season by a tree of the same species, and of a size and maturity to be approved by the local planning authority. Any other tree, planter or shrub which forms part of the approved landscaping scheme which within a period of 5 years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub or planter of a species, size and maturity to be approved by the local planning authority.

- 30) The cycle parking racks and storage facilities for 41 bicycles within the development shall be provided in accordance with the approved plans. The cycle facilities shall be implemented prior to the occupation of the relevant part of the development and shall be retained thereafter at all times in the future for this purpose.
- 31) The noise rating level of plant associated with building services must not exceed typical background noise levels of the development site during construction and operation. The plant rating level limits to be achieved 1m from nearest window shall not exceed 40 LAeq T dB (during daytime) or 30 LAeq T dB (during 2200-0700 hours) at Noise sensitive receptor.
- 32) The 8 x Electric Vehicle charging points as shown on the approved plans must have at least a 'Type 2' sockets, and be Mode 3 enabled EV charging units and be rated at least 7.4Kw 32 amp to 22Kw 32 amp (single or 3 phase). The Electric Vehicle charging points shall be constructed to be fully operational and made available for use prior to occupation of the dwellings. The Electric Vehicle charging bays shall be retained in good working order at all times in the future.
- 33) The balcony railings as shown on the approved plans, elevations, and sections, shall be glazed with obscure glass at a height of 1.1 metres above the adjoining finished floor or roof level (whichever is relevant) prior to the first occupation of the development thereby approved.
- 34) The access and parking layout as shown on the approved General Arrangement drawing shall be fully completed and made available for residents upon first occupation of the development. The parking spaces as shown on the approved plans shall used for residential purposes in connection with the development hereby approved and be retained for this purpose at all times in the future.

END OF SCHEDULE

## **APPEARANCES**

### FOR THE APPELLANT:

Ms Anjoli Foster	Barrister - Landmark Chambers
Nicki Broderick MRTPI	Planning Consultant, NMB Planning Ltd
Mr Tom Berndorfer RIBA	Partner, DGA Architects
Mr Richard Langley BDES(Hons)	Associate, DGA Architects
Mr Teerath Atwal	Appellant (SN Developments)
Mr Tom Collinson	Appellant (SN Developments)

### FOR THE COUNCIL:

Mr Christian Morrone	Principal Planning Officer
Mr Daniel Ray	Group Manager for Planning and Building Control
Mr Neil Button	Development Management Lead

## DOCUMENTS

Signed Section 106 Agreement dated 12 August 2021