
Appeal Decision

Hearing held on 21 May 2015

Site visits made on 20 and 21 May 2015

by Neil Pope BA (Hons) MRTPI

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

Decision date: 17 June 2015

Appeal Ref: APP/Z1775/W/15/3005296

Former Savoy buildings, South Parade, Southsea, Portsmouth, Hampshire, PO4 0SS.

- 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 McCarthy & Stone Retirement Lifestyles Limited against the decision of Portsmouth City Council.
 - The application Ref. 14/00790/FUL, dated 24 June 2014, was refused by notice dated 20 January 2015.
 - The development proposed is a redevelopment to form a mixed use development comprising Retirement Living (C3), Assisted Living (Extra Care) accommodation (C2), a ground floor retail unit (A1) and associated surface car parking spaces and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a redevelopment to form a mixed use development comprising Retirement Living (C3), Assisted Living (Extra Care) accommodation (C2), a ground floor retail unit (A1) and associated surface car parking spaces and landscaping at the former Savoy buildings, South Parade, Southsea, Portsmouth, Hampshire, PO4 0SS. The permission is granted in accordance with the terms of the application Ref. 14/00790/FUL, dated 24 June 2014, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The Council's decision relates to revised plans that were submitted during the application process. These include the deletion of a sixth floor apartment¹, setting back some 5th and 6th floor apartments, the use of shading canopies, a projection at fifth floor level, a recess in the seafront elevation and alterations to other architectural detailing/materials. I have determined the appeal on the basis of these revised plans².
3. In July 2007, planning permission was granted for the construction of a 4-6 storey building to form 92 apartments with ground floor commercial floorspace for a shop and café/restaurant uses up to 415 square metres, associated parking and services on the appeal site (Ref. APP/Z1775/E/07/2038487). I note the written representations made by an interested party regarding this permission. Having explored this matter at the Hearing there is greater

¹ Slightly less than 100 new apartments would be provided.

² There is a minor error on some of the revised proposed floor plans. No access is shown to three of the bedrooms in units 3 AL, 8 AL and 24 AL.

- strength in the arguments made by the Council and the appellant that this permission has been lawfully implemented.
4. The appellant and the Council also agree that whilst the 2007 permission is not a fallback position available to the appellant the landowner or another developer could resume construction works. However, that scheme involved a link to Savoy Court (since demolished) and it could not be completed without amendment and prior approval from the Council. Moreover, this permission involved the construction of what is likely to be costly basement car parking and the "quirky", "post-modern design" of the approved building may no longer be deemed appropriate by those who would assume the risk of developing and marketing the site in the future. In all likelihood, the 2007 permission would not be completed. Nevertheless, the type, scale and design of that development are a 'benchmark' of what is appropriate for this site. I have given this material consideration moderate weight in determining the appeal.
 5. On behalf of the appellant, a Unilateral Undertaking (UU) has been submitted under the provisions of section 106 of the above Act. This includes financial contributions towards: the off-site provision of affordable housing; the Solent Special Protection Areas (SPA); a Traffic Regulation Order (TRO) and; a Travel Plan (TP). Separate contributions would also be made under the Community Infrastructure Levy (CIL) Regulations 2010. At the Hearing the Council informed me that the UU addressed its second reason for refusal. I shall return to these matters below.
 6. As set out in the Statement of Common Ground that has been agreed by the Council and the appellant, the Council does not object to the height, scale, massing, disposition or landscaping of the proposed building. The main parties also agree that the proposals would not result in harmful traffic generation or an unacceptable impact on the transport network or an inadequate level of car parking. The Council's concerns are limited to the architectural detailing of the proposed building.
 7. English Heritage (now Historic England [HE]) made representations at application stage but was not notified of the appeal until a late stage in the proceedings. HE has informed me that it does not wish to make any further comments. As a consequence, and with the agreement of both main parties, the Hearing was closed in writing on 22 May 2015.

Main Issue

8. Whether the proposals would: preserve or enhance the character or appearance of the East Southsea Conservation Area; preserve the settings of the Grade II listed terrace of buildings at 38-42 South Parade and South Parade Pier; cause any harm to the adjacent Sea Front Conservation Area and; deliver any benefits sufficient to outweigh any harmful impacts.

Reasons

Planning Policy

9. The development plan includes the Portsmouth Core Strategy (CS) which was adopted in January 2012. My attention has been drawn to numerous policies. Those which are of most relevance to this appeal are PCS10 (housing delivery), PCS19 (housing mix) and PCS23 (design and conservation). These policies are broadly in accordance with the provisions of the National Planning Policy

Framework (the Framework). However, PCS23 lacks the 'public benefit' balance provided for in section 12 of the Framework.

10. My attention has also been drawn to the Council's Consultation Draft Site Allocations Document (2013). Amongst other things, this identifies the appeal site as a possible residential allocation. The Council informed me that this Document has been withdrawn. It carries very limited weight in this appeal.

East Southsea Conservation Area (ESCA)

11. The appeal site lies within the ESCA. As set out in the Council's 'Conservation Area 19 - Guidelines for Conservation', this conservation area includes roads of differing character reflecting its somewhat piecemeal development and redevelopment. It contains buildings of various ages and architectural styles, including some tall buildings³ and a mixture of uses.
12. The special qualities of the area include the long terraces of substantial Victorian and Edwardian houses and hotels. Notable examples include: the 1860-62 three-storey stucco terrace at 38-42 South Parade designed by T E Owen and located to the west of the appeal; the four storey 1860's stucco terrace at St. Helens Park Crescent in Clarendon Road to the north of the site and; the late 1900 Royal Beach Hotel to the east of the site.
13. Some of the buildings retain their original features and detailing, such as cast iron balconies, porches and bay windows. As remarked by HE, these features enliven the facades and give a domestic scale to existing terraces. Trees, including those subject to Tree Preservation Order (TPO) No. 189 which covers part of Clarendon Road, assist in softening the built environment and add to the pleasing qualities of the area.
14. The appeal site occupies a rather prominent position opposite South Parade Pier⁴ and between Clarendon Road and Alhambra Road. It can be seen from a sizeable section of South Parade as well as sections of the above streets. The vacant and open nature of the site forms a discordant break amongst the terraces of 19th and early 20th century buildings. It is an unwelcome and sterile element within the ESCA. The site has been 'empty' for several years. It makes a negative contribution to the character and appearance of the ESCA.
15. Having regard to CS policy PCS23 and mindful of the duty regarding conservation areas⁵, I concur with the Council and the appellant that the proposed building by virtue of its height, mass and disposition would not harm the special qualities of the ESCA. This substantial new building would repair the urban grain and be in keeping with the scale of the buildings which previously occupied the site as well as those alongside. In this regard, the new building would be a similar height to the Royal Beach Hotel, it would maintain the continuity in frontage along South Parade and the proposed garden space along Clarendon Road would respect the set back of St. Helens Park Crescent. The proposal would also add to the vibrancy of ESCA and secure the removal of a detracting element in the street scenes of South Parade and Clarendon Road.
16. I note the argument made by some interested parties that a building of a different design could also enhance the ESCA. However, it is by no means

³ Five storeys and above.

⁴ Currently undergoing an extensive programme of repair works.

⁵ Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- certain that such a scheme would be forthcoming in the near future if this appeal were to fail. There is a risk that the appeal site could continue to detract from the character and appearance of the ESCA for a number of years.
17. The application was submitted following discussions with the Council's officers and after a process of public consultation. The design was also revised during the application process in an attempt to address the concerns of some interested parties, including HE and the Hampshire and Portsmouth Design Review Panels. I have noted above some of these revisions.
 18. Overall, the appellant has given thoughtful consideration to addressing the criticisms raised regarding aspects of the architectural detailing. In particular, the removal of a proposed upper floor flat and the introduction of a recess in the façade below would assist in breaking up the mass of the new building. The increased projection of the string course at first floor level would increase the apparent height of the ground floor openings and give a better sense of scale to the ground floor. The setting back of two flats on the 5th and 6th floors facing Clarendon Road would assist in breaking up the roofline on the side elevation of the proposed building. Sun –shades to the windows on the 6th floor would provide detail and visual interest to the roof of the building. I note that the Council's officers recommended approval to the revised plans and HE has chosen not to make any further representations.
 19. At the Hearing the Council, in effect, argued that the proposed balconies would be uncharacteristic of the conservation area. Whilst I noted that many of the existing balconies projected from the facades of the buildings or were deeply recessed, there is no uniformity in the styles, sizes or materials used. Moreover, when describing the significance of the ESCA, the Council did not refer to balconies or any other architectural detailing. The proposed balconies would not harm the special qualities or significance of the conservation area.
 20. The large unbroken mass of the corner of the proposed building on the South Parade/Clarendon Road junction would appear somewhat 'heavy' and bland in the street scenes of South Parade and Clarendon Road. However, this could be simply resolved by 'tweaking' the design to possibly include a 'blind bay' or 'blind windows' or other appropriate means of breaking up the apparent mass of this element of the new building/adding architectural interest to this part of the building. Both main parties agreed that this could be addressed by way of an appropriately worded planning condition.
 21. The proposed sub-station building and the new access off Clarendon Road could result in harmful disturbance to important tree roots growing within the site. The root protection areas of those trees that are subject to the above TPO have not been established as advised in the tree survey/report that accompanied the application. Whilst the Council is unconcerned by this matter, the loss of protected trees would be unfortunate and would detract from the character and appearance of the ESCA. It would take many years for replacement trees to make a meaningful contribution to the special qualities of the area. However, both main parties agreed that this matter could also be addressed by way of a planning condition.
 22. The Government attaches great importance to the design of the built environment. Whilst there is much local opposition to the proposals there is also some support. Some of the concerns relate to the principle of the development. This is not a matter of dispute between the main parties and, as

I have noted above, a mixed residential/retail use has already been found to be acceptable on this site.

23. Whilst others are critical of the style of the proposed building, the Framework states that decisions should not attempt to impose architectural styles or particular tastes through unsubstantiated requirements to conform to certain development forms or styles. Having carefully considered this matter and taken into account CS policy PCS23, the above material considerations and the duty regarding conservation areas, I find that the proposal would enhance the character and appearance of the ESCA.

Settings of Grade II Listed Buildings

24. The appeal site forms part of the surroundings in which 38-42 South Parade are experienced. The significance of this listed former terrace of five houses is derived primarily from its inherent architectural qualities, including its symmetrical nine bays, porches balconies and sash windows, as well as its historical association with T E Owen. Nevertheless, the views along Clarendon Road and South Parade (which include part of the appeal site) towards this designated heritage asset, affords an appreciation of the architectural detailing.
25. I am mindful of the duty regarding the settings of listed buildings⁶. At present, the vacant and 'sterile' character of the appeal site detracts from the pleasing architectural qualities of this listed terrace. I note from the historical photographs of this part of Southsea that this has not always been the case, with the former building, which turned the corner of Clarendon Road and South Parade, being of a polite design and a coherent piece of townscape.
26. As I have found above, the proposed development would repair the urban grain and secure the removal of a detracting element in the street scene of Clarendon Road. However, the large unbroken mass of the corner of the proposed building where it would face the flank wall of the listed terrace would be a rather discourteous response to the architectural qualities of 38-42 South Parade. If built as shown on the submitted plans, the proposal would be likely to result in some minor harm to the setting of this listed building.
27. Whilst the Council was unconcerned by this matter, I agree with its officers that the proposal could, in the context of the Framework, result in less than substantial harm to the setting of this neighbouring listed terrace. However, the agreement reached at the Hearing between the main parties regarding the use of a planning condition to address this matter would ensure that the development preserved the setting of this designated heritage asset.
28. The appeal site also forms part of the surroundings in which the 1908 iron, timber and stucco South Parade Pier, which was designed by G E Smith, is experienced. Although the pier is currently closed whilst repairs are undertaken, the proposed building would be readily apparent from the entrance to the pier and in views of it from the seafront area. At present, the open and 'sterile' character of the appeal site detracts from the setting of the pier. The proposal would secure the redevelopment of the appeal site and enliven the area. It would provide a well-mannered new building that would safeguard the significance of the pier as a key building/structure along the seafront. Neither the Council nor its officers identified any harm to the setting of the pier.

⁶ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Sea Front Conservation Area (SFCA)

29. The appeal site lies on the opposite side of the road to the SFCA. As set out in the Council's Conservation Area No. 10 Guidelines for Conservation, the most notable and distinctive feature of this designated heritage asset is that it is almost entirely open space. There is no suggestion that the current open character of the appeal site in any way contributes to the special qualities of this neighbouring conservation area.
30. The proposed development would be apparent from parts of the SFCA. However, it would not interrupt any important views into or out of the conservation area and would not detract from the open qualities of the area. I concur with the appellant's assessment that the proposal would provide a firm edge to the SFCA without being overly assertive. It would preserve the character and appearance of this conservation area.
31. The proposal would be well designed and respectful of the character of this part of the city. It would accord with CS policy PCS23.

Benefits of the Scheme

32. In addition to enhancing the character and appearance of the ESCA, the proposal would take place in an accessible location and entail the re-use of previously-developed land for a mix of uses. This efficient and effective re-use of 'brownfield' land could reduce the pressure to develop greenfield sites and would accord with CS policy PCS10. The proposal would also include an energy efficient design and the recommendations of the appellant's ecologist, if implemented, could increase the nature conservation interest of the area.
33. The development would assist in meeting the needs/demands of an ageing population. It would accord with the provisions of CS policy PCS19 and that part of the Framework which seeks to address the needs of older people. As noted in the Government's Planning Practice Guidance, the proposals could also free-up under-occupied local housing for other population groups.
34. The provision of private sector accommodation to meet the requirements of older members of the community could also reduce pressure on the public purse. It would increase the housing choice for some local residents whilst allowing them to maintain their independence.
35. The proposals would create employment opportunities⁷, including during the construction phase when those working on the site could also reasonably be expected to make use of local services and facilities. When completed the new shop would add to the level of services available to local residents. Incoming residents would also provide increased footfall and local expenditure. The proposal could release equity into the local economy.
36. The above package of environmental, economic and social benefits must be weighed in the planning balance and can be given considerable weight in determining this appeal. The Council's representatives informed me that in making a decision contrary to the recommendation of its officers the Local Planning Authority only considered the proposed housing and the removal of a vacant site as benefits arising from the appeal scheme.

⁷ The Co-op has stated that the shop would create about 25 new full and part-time jobs.

Other Matters

37. The proposed development would change the outlook for some neighbouring residents and those staying in some nearby visitor accommodation. It would also result in some disturbance during the construction phase. However, the new building would be designed so as to avoid any overbearing impact or significant loss of privacy or light. In such a tight-knit urban environment it is almost inevitable that a degree of overlooking, change in outlook and disturbance would arise as a consequence of schemes for redevelopment. In this regard, the 2007 permission would have resulted in some adverse impacts upon the living conditions of those living/staying alongside.
38. I note the concerns of some interested parties regarding the impact upon the local road network, including car parking. However, the Council having considered the appellant's Transport Assessment and TP was satisfied that the development would not result in any serious highway or car parking implications. There is no technical or other cogent evidence to warrant taking a different stance to the Council on these matters.
39. The bulk of the appeal site lies within Flood Zone 3 (High Probability of sea flooding). As required by the Technical Guidance to the Framework, the appellant has undertaken the necessary Sequential and Exception Tests. There is nothing before me to indicate that other sites at lower risk of flooding are available to accommodate the proposed development. Moreover, the appellant's Flood Risk Assessment confirms that the development would be safe, would not increase the risk of flooding elsewhere and would not adversely affect third parties. Planning conditions would be necessary to ensure adequate drainage and flood protection (including emergency evacuation) were provided as part of the development.

The Unilateral Undertaking

40. There is a shortage of affordable housing within the area. There is nothing of substance to challenge the agreement reached by the appellant and the Council that in this instance a financial contribution towards the provision of off-site affordable housing would be appropriate. I note that the contribution has been arrived at following the submission of detailed Valuation and Financial Viability Assessment reports. The affordable housing contribution would assist in addressing the housing needs of the local community. I agree with both main parties that this obligation accords with the provisions of paragraph 204 of the Framework. It would also accord with Regulation 122 of the CIL Regulations 2010. I have therefore taken it into account in determining the appeal.
41. Residents of the proposed development could increase the pressure on important nature conservation interests within the SPA. The proposed financial contribution would be used to help mitigate the likely adverse effects of the appeal scheme in combination with other developments taking place in the area. I was informed that the contribution would not be used towards the creation of Suitable Alternative Green Space, which would comprise infrastructure chargeable under the Community Infrastructure Levy Regulations. Instead, it could be used for a variety of measures such as funding a Ranger service or other projects. I agree with both main parties that this obligation accords with the provisions of paragraph 204 of the Framework. It would also accord with Regulation 122 of the CIL Regulations 2010. I have therefore also taken it into account in determining the appeal.

42. The TRO contribution would be required to secure the necessary alterations to the existing highway regime immediately adjacent to the site and, in so doing, ensure there was no financial burden on the public purse. I agree with both main parties that this obligation accords with the provisions of paragraph 204 of the Framework. It would also accord with Regulation 122 of the CIL Regulations 2010. I have taken it into account in determining the appeal.
43. To assist in achieving a modal shift in the choice of transport and to help in achieving a sustainable development, a contribution would be required for the effective monitoring of the TP. I agree with both main parties that this obligation accords with the provisions of paragraph 204 of the Framework. It would also accord with Regulation 122 of the CIL Regulations 2010. I have therefore also taken it into account in determining the appeal.

Planning Conditions

44. In addition to those conditions I have identified above, for the avoidance of doubt and in the interests of proper planning a condition would be necessary specifying the approved plans. In the interests of public safety conditions would be necessary to deal with any land contamination within the site.
45. Other conditions would be necessary to secure an energy and water efficient development. To safeguard the character and appearance of the area conditions would be necessary requiring the submission of further details regarding key architectural features, boundary treatments, tree protection and landscaping. For the same reason, it would be necessary to remove permitted development rights for electronic communication equipment on the building.
46. To safeguard the living conditions of neighbouring residents conditions would be necessary regarding the opening and delivery hours of the proposed shop and control over odours and fumes. To safeguard the living conditions of incoming residents conditions would be necessary regarding noise insulation and protection from noise.
47. To safeguard the vitality and viability of the city centre a condition would be necessary restricting the size of the shop. To ensure that the development assists in meeting the needs of an ageing population, and to limit the likely demand for car parking, conditions would be necessary restricting the age of the occupiers of the proposed residential accommodation.
48. In the interests of highway safety and to avoid congestion on the local road network conditions would be necessary regarding car parking, cycle/buggy storage, refuse storage, highway works and requiring the development to be undertaken in accordance with an approved construction management plan.
49. To enhance nature conservation interests a condition would be necessary requiring the development to be undertaken in accordance with the recommendations contained within the habitat survey/report that accompanied the application.
50. Conditions to the above effect would accord with the provisions of paragraph 206 of the Framework.

Planning Balance/Overall Conclusions

51. I have found that the proposed development would accord with the provisions of the development plan. Having given special regard and attention to the need to safeguard various designated heritage assets, I have also found that the proposal would enhance the ESCA and not harm the settings of 38-42 South Parade, South Parade Pier or the SFCA. The proposal comprises sustainable development.
52. I do not set aside lightly the concerns of local residents or their elected representatives. However, when the evidence is considered dispassionately and the extensive benefits of the appeal scheme are also weighed in the balance there is a compelling case for granting permission. I therefore conclude that the appeal should succeed.

Neil Pope

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr R Warren QC	Instructed by Mr P Graham, Planning Bureau Ltd
Mr T Russell MA, DipArch, RIBA	Director, Emmett Russell Architects
Mr D Beardmore MA, MSc, DipLA, DipLD, Dip BlgCons, FRTPI, CMLI, IHBC	Principal, Beardmore Urban
Mr A Child BA (Hons), MRTPI	Director, Planning Bureau Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Barnett	Principal Planning Officer
Mr B Cracknell	Conservation Officer
Mr J Harrison	Architect, Atkins Ltd

INTERESTED PERSONS:

Cllr M Winnington	Ward Councillor, Portsmouth City Council
Mr Holland	Portsmouth Society
Mr N Courtney	Local Resident

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Section 106 Unilateral Undertaking
Document 2	Mr Courtney's Statement and petition of objection

Document 3	Natural England CIL Advice Note
Document 4	E-mail from Natural England dated 21 May 2015
Document 5	Portsmouth City Council Housing Standards Review
Document 6	Agreed, amended suggested conditions Nos. 5 and 6
Document 7	Extract from the PPG Ref. ID:3-037-20150320

SCHEDULE OF PLANNING CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings - Drawing numbers: 162-D-02 Rev H; 162-D-03 Rev H; 162-D-04 Rev J; 162-D-05 Rev J; 162-D-06 Rev G; 162-D-07 Rev E; 162-D-08 Rev E; 162-D-09 Rev D; 162-D-10 Rev G; 162-D-11 Rev J; 162-D-12 Rev F; 162-D-13 Rev C; 162-D-14 Rev E and; 162-D-20 Rev E.
3. Notwithstanding the details shown on drawing Nos. 162-D-03 Rev H, 162-D-04 Rev J, 162-D-05 Rev J and 162-D-06 Rev G, the Assisted Living accommodation in units 3 AL, 8 AL and 24 AL shall not be occupied until the means of access to the bedrooms in these units have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
4. Notwithstanding the details shown on the approved drawings, no development (other than ground preparation works) shall commence until revised plans have been submitted to and approved in writing by the Local Planning Authority showing alterations/detailing to the section of solid wall on the proposed Clarendon Road elevation of the building where it faces 38-42 South Parade (i.e. the section of wall between the entrance canopy to the Assisted Living accommodation and unit 51 AL). The development shall be undertaken in accordance with the approved revised plans.
5. The development shall not commence until details of the following have been submitted to and approved in writing by the Local Planning Authority (LPA):
 - a) a desk top study documenting all the previous and existing land uses of the site and adjacent land and any previous remedial works and measures undertaken to avoid risk from contaminants and/or gases and proposals for future maintenance and monitoring, in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS 10175:2011+A1:2013, unless otherwise agreed in writing by the LPA;
 - b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of Practice and;
 - c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring, including nomination of a competent person to oversee the implementation of the works.
6. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning

Authority (LPA) verification by the competent person approved under the provisions of condition 5(c) that any remediation scheme required and approved under the provisions of condition 5(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Unless otherwise agreed in writing by the LPA such verification shall comprise:

- (a) as built drawings of the implemented scheme;
- (b) photographs of the remediation works in progress;
- (c) Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

7. The development hereby permitted shall not be occupied until written documentary evidence has been submitted to, and approved in writing by, the Local Planning Authority, proving that the development has:
 - (a) achieved a minimum of a 19% improvement in the dwelling emission rate over a target emission rate, as defined in The Building Regulations for England Approved Document L1a: Conservation of Fuel and Power in New Dwellings (2013 edition) and such evidence shall be in the form of an As Built Standard Assessment Procedure (SAP) Assessment, produced by an accredited energy assessor; and
 - (b) achieved a maximum water use of 110 litres per person per day as defined in paragraph 36(2)(b) of the Building Regulations 2010 (as amended) and such evidence shall be in the form of a post-construction stage water efficiency calculator.
8. No development shall commence until a schedule and samples of all external facing and roofing materials, hard landscaping and floorscape treatments around the building and to the access and rear courtyard areas, and balustrading, have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved materials and details.
9. No development shall commence until the detailed constructional design of key architectural features such as eaves, balconies, entrances, shopfronts, windows/doors at a 1:20 scale (or such other appropriate scale as may be agreed) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
10. No part of the development hereby permitted shall be occupied until boundary treatments have been completed in accordance with a scheme detailing the type, alignment, height, appearance, materials/finishes of any boundary treatment or other gate/fence/railing/barrier/bollard or similar means of enclosure that shall previously be submitted to and approved in writing by the Local Planning Authority.
11. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA), produced by PBA (project ref. 30004001) and dated 23/06/2014 and the following mitigation measures detailed within the FRA:
 - i) finished floor levels for all residential living accommodation shall be set no

lower than 4.56m above Ordnance Datum (AOD), as set out within section 4.1 of the FRA;

ii) finished floor levels for the ground floor commercial unit and communal areas shall be set no lower than 3.30m AOD as set out within section 4.1 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

12. No part of the development hereby permitted shall be occupied until a comprehensive emergency and evacuation plan created in conjunction with the emergency services has been submitted to and approved in writing by the Local Planning Authority.
13. The development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and 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 drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year 30% critical storm would not exceed the run-off from the site in its previous state following the corresponding rainfall event. No part of the development shall be occupied until the approved scheme has been implemented in accordance with the approved details.
14. The development shall not commence until details of: (i) the proposed means of foul and surface water sewerage disposal; (ii) the measures to be undertaken to protect any existing public sewers infrastructure, and; (iii) the details of any 'sustainable urban drainage' systems (including future management and maintenance), have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved drainage works have been carried out in accordance with the approved details.
15. Works to the proposed access and sub station building shall not commence until details of the root protection areas around those trees within / immediately adjoining the site which are covered by Tree Preservation Order No. 189 have been defined and measures to safeguard these trees during the construction phase have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be undertaken in accordance with the approved details.
16. The development shall not be occupied until a detailed landscaping scheme for the external areas which shall specify: species; planting sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting; and provision for future maintenance, has been submitted to and approved by the Local Planning Authority in writing. Any trees or plants which, within a period of 5 years from the date of planting die, are removed or become damaged or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved.
17. At no time shall the Class C3 accommodation hereby permitted be occupied by persons under the age of 60, except in the case of a couple where one person

is over the age of 60, the second person shall not be under the age of 55. At no time shall the Class C2 accommodation hereby permitted be occupied by persons under the age of 70, except in the case of a couple where one person is over the age of 70, the second person shall not be under the age of 65.

18. The Class A1 shop hereby permitted shall have a net sales area not exceeding 279 square metres.
19. The ground floor shop unit hereby permitted shall be closed to and vacated of customers between the hours of 11pm and 7am the following day.
20. No deliveries to the ground floor retail unit hereby permitted shall take place outside of the hours of 7am to 9pm on any day.
21. None of the residential accommodation hereby permitted shall be occupied until they have been insulated against external noise in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be retained.
22. Prior to the installation of any fixed air conditioning, refrigeration or extraction plant, a scheme for protecting residential premises from noise generated by any such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the plant or equipment being brought into use and thereafter retained.
23. Prior to the installation of any kitchen extraction system, details of measures to abate and disperse odours and fumes emitted from cooking operations shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be implemented prior to the extraction system being brought into use and thereafter maintained.
24. The car parking spaces shown on the approved plans shall be surfaced, marked out made available for use before first occupation of any part of the development and shall thereafter be retained for car parking purposes.
25. No part of the development hereby permitted shall be occupied until the secure cycle and buggy storage facilities shown on the approved plans have been provided and made available for use. The facilities shall thereafter be retained.
26. No part of the development hereby permitted shall be occupied until the facilities for the storage of refuse and recyclable materials shown on the approved plans have been provided. The facilities shall thereafter be retained for the storage of refuse and recyclable materials at all times.
27. The development hereby permitted shall not be occupied until the following highway improvement measures have been undertaken:
 - a) making available for dedication as public highway the area of land adjacent to the site vehicular access, the full length of the site boundary on Clarendon Road and on the site frontage to South Parade;
 - b) the construction of the above new areas of public highway in a manner that ties in with the existing public highway with which it would abut;

- c) the provision of new dropped kerbs with tactile paving to provide a new pedestrian crossing facility at both sides of the end of Clarendon Road adjacent to South Parade; and
- d) the relocation of the existing bus stop on Clarendon Road including shelter and 'Kassell' access kerbing.
28. The development hereby permitted shall not be occupied until a dropped kerb serving the bin storage area has been provided onto Alhambra Road.
29. Any redundant dropped kerbs around the site perimeter not required in conjunction with the development hereby permitted shall be to be removed and reinstated as full height kerbs with associated footway.
30. Development shall not commence until a Construction Management Plan (to include construction vehicle routing, deliveries timing, the provision of loading/offloading areas, wheel wash facilities, site office and contractors parking area) has been submitted to and approved in writing by the Local Planning Authority. Construction works shall be undertaken in accordance with the approved plan.
31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no structure or apparatus or other alteration shall be mounted externally on building including any works permitted by Part 16 of Schedule 2 of the Order without the prior written permission of the Local Planning Authority.
32. The development shall be undertaken in accordance with the recommendations contained within section 8 of the Extended Phase 1 Habitat Survey report by Marishal Thompson Group dated 16 June 2014.