

41. Planning conditions are required to control the appearance of aspects of the development such as the treatment of the lightwells, external finishes, external pipes and the like, joinery including windows, hard and soft landscaping, the biodiverse roof and boundary treatments, with particular requirements to protect the interests of the two neighbouring occupiers. The importance of on-site control of the construction process has been referred to in this Decision. A condition requiring attendance of a suitable qualified person is essential. Another set of conditions is required regarding the management of groundwater, and also to control the noise environment from plant. There is a flat roof area to the rear and measures are required to ensure that this is not accessible other than for maintenance, in order to safeguard the privacy of neighbours. A condition removing permitted development rights to enlarge, add a porch or create hardstandings is justified in this instance.
42. A signed and sealed Agreement under Section 106 of the 1990 Planning Act, dated 21 December 2010 provides for the submission of a Construction Management Plan and a Detailed Construction Plan, the payment of a Highways Contribution and the completion to an agreed phase within 30 months of the implementation date. The provisions of the Agreement are needed to ensure that the development is carried out to pre-agreed standards by pre-agreed methods to safeguard the interests the subject of the main issues in this Decision. As such the undertaking satisfies the statutory tests in the Community Infrastructure Levy Regulations 2010, being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Full weight can be given to it in the grant of permission.

### **Conclusions**

43. The grant of consent for the loss of the derelict listed building is justified subject to an acceptable replacement building proposal and arrangements for its delivery. The visual impact of the new building is acceptable with regard to the setting of the adjoining listed buildings, and the character and appearance of the conservation area would be preserved, and would be enhanced as compared with the current situation of the derelict building.
44. There will be some movement under adjoining properties and this will be translated into some damage. But, with the safeguards in the conditions and the Agreement, and with other legislation to be complied with, the effects on the neighbouring listed buildings and homes would not be such as to cause harm to the architectural or historic interest of the buildings, nor to the living conditions of the occupiers, in planning terms. Recently adopted Development Plan policies are satisfied as are the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in PPS5. For the reasons given above it is concluded that both Appeal A and Appeal B should be allowed.

*S J Papworth*

INSPECTOR