



Appeal Decision

Inquiry held on 1 May 2024

Site visit made on 2 May 2024

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2024

Appeal Ref: APP/D1265/W/24/3337301

Land to the east of Lidl, Christy's Lane, Shaftesbury, Dorset, SP7 8QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living Ltd against Dorset Council.
 - The application Ref is P/FUL/2023/05051.
 - The development proposed is redevelopment for retirement living accommodation for older people comprising 41no retirement apartments including communal facilities, access, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for retirement living accommodation for older people comprising 41no retirement apartments including communal facilities, access, car parking and landscaping at Land to the east of Lidl, Christy's Lane, Shaftesbury, Dorset, SP7 8QN in accordance with the terms of the application Ref P/FUL/2023/05051, dated 25 August 2023, subject to the conditions in the attached schedule.

Background and Main Issues

2. The site address given by the application form has been updated by subsequent documents. In the interest of certainty, I have adopted the site address given by the appeal form accordingly as it is more specific and precise with respect to the location of the proposed development before me.
3. The appeal follows the failure by the Council to determine the planning application within the prescribed time period. As the appeal is against non-determination, the Council issued no formal decision. Within the initial written submissions, the Council confirmed the putative reason as to why planning permission would have been refused if they had been empowered to do so. The reason related to whether the proposal satisfies policy requirements for provision of, or contributions towards affordable housing and community infrastructure, having regard to financial viability.
4. By the time that an updated Statement of Common Ground (SoCG) was submitted on 24 April 2024¹, a range of matters had been agreed between the appellant and the Council. These included: the principle of development of the site for residential purposes, the estimated requirement for 4,422 additional specialist older persons accommodation in Dorset by 2038, an agreed housing

¹ CD7.02 Final Statement of Common Ground

supply position in North Dorset and, subject to the imposition of conditions, no unacceptable impacts in terms of design, highways, trees, biodiversity or residential amenity. This supplemented a Viability SoCG dated 22 March 2024², which included an agreed position on financial viability with the related contribution to affordable housing also agreed. As a consequence, Dorset Council withdrew the putative reason for refusal prior to the opening of the Inquiry and did not contest any matter during the Inquiry.

5. A signed and dated planning obligation by way of unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (UU) has been provided as part of the appeal³. The planning obligations in the UU relate to the provision of affordable housing. I return to the UU later in my decision.
6. In light of all of the above, there are now no main issues in dispute between the appellant and the Council. However, interested parties have expressed concerns, including Shaftesbury Town Council during the Inquiry, with respect to consistency with local and national policies, the contribution to affordable housing and community infrastructure, the design of the development, the effect on protected trees, parking provision and the living environment for future residents. I, therefore, specifically address the following issues as set out below:
 - Whether the proposal is consistent with the objectives of local and national planning policies relating to housing, including provision of, or contributions towards, affordable housing and community infrastructure, having regard to financial viability;
 - The effect of the proposed development on the character and appearance of the area, with particular regard to the effect on protected trees;
 - Whether the proposal would preserve or enhance the historic environment of Shaftesbury, including the settings and significance of nearby listed buildings, non-designated heritage assets and Shaftesbury Conservation Area;
 - The effect of the proposed development on local highway conditions and highway safety, with particular regard to access, servicing and provision of parking, and;
 - Whether the proposed development would provide for a suitable living environment for future residents and the effect on the living conditions of occupiers of nearby properties.

Reasons

Local and national policies relating to housing

7. The site comprises approximately 0.25 hectares of previously developed land adjacent to Christy's Lane (A350) that is in Shaftesbury town centre but outside of the primary shopping area. It is currently vacant and enclosed by hoardings having formerly been part of the Shaftesbury Cattle Market that was demolished in 2019. It is located amongst a mix of existing commercial uses including a Lidl store immediately to the north of the application site, which is a redeveloped part of the former Cattle Market land, and a petrol filling station

² CD7.03 Viability Statement of Common Ground

³ ID8 Signed and dated planning obligation

immediately to the south. The nearest residential properties are located on the opposite side of Christy's Lane.

8. The development plan comprises the North Dorset Local Plan Part 1 (LP), adopted January 2016⁴, and the Shaftesbury Neighbourhood Plan (NP), made June 2021⁵. Policy 1 of the LP relates to the presumption in favour of sustainable development and in that context, Policy 2 of the LP sets out the spatial strategy for North Dorset. In doing so, the policy identifies Shaftesbury as one of four main towns that are the focus for growth and for the vast majority of housing and other development. Policy 6 of the LP relates specifically to the housing distribution of at least 5,700 net additional homes in North Dorset between 2011 and 2031 at an average rate of about 285 dwellings per annum, and in doing so, sets out an approximate scale of housing development in Shaftesbury during that period of at least 1,140 new homes, including about 380 affordable homes. In that regard, Policy 18 of the LP relates specifically to Shaftesbury and amongst other things indicates that Shaftesbury's housing needs will be met through infilling and regeneration within the settlement boundary.
9. In the context of the above, Policy 7 of the LP relates to delivering homes and amongst other things, seeks that all housing makes effective use of the site (including that high-density housing development above 50 dwellings per hectare is likely to be acceptable in town centres) and that it contributes towards the creation of mixed and balanced communities. The policy also seeks to meet the needs of different groups in the community and identifies support for the provision of age restricted housing for the elderly. Policy SFHE2 of the NP adds to this by setting out the key principles to be applied for small to medium housing sites (up to one hectare in size) in Shaftesbury, and amongst other things, seeks that they be integrated into an existing built-up area, that the mix of housing should include types likely to be suitable for older people, and that delivery of affordable housing should address the needs of the local community and be delivered in tandem or advance of open market housing.
10. The appeal proposal is for redevelopment of the previously developed site for 41 retirement living apartments for older persons, with such occupancy capable of being secured by planning condition. As such it comprises a high-density development in a town centre location that would make an efficient use of land in a built-up area forming part of the wider mixed-use redevelopment of the former Cattle Market. It would contribute to the identified need for housing in North Dorset and Shaftesbury in the LP and the unmet need for older persons housing in the LP and NP. It follows that I find that the principle of the proposed residential development in this location is in accordance with the LP and the NP when taken as a whole.
11. In reaching the above view, I have taken into account that Policies 11 and 12 of the LP, amongst other things, identify that suitable mixed-use schemes will be supported in town centres and may include a residential element, with specific reference made to mixed-use regeneration on land between the town centre and Christy's Lane - an allocation of which the site forms part. Whilst the proposal is not one of the specific forms of development to which Policy SFTC1 of the NP expresses support where they meet one or more of its stated aspirations, as that policy is positively worded and permissive rather

⁴ CD3.01 North Dorset Local Plan Part 1

⁵ CD3.02 Shaftesbury Neighbourhood Plan

than restrictive in nature and the proposal does not otherwise undermine its stated aspirations, I find no specific conflict with it.

12. It was confirmed during the Inquiry that it is not a matter of dispute that the combination of housing completions since the LP was adopted in 2016, when taken with existing planning permissions in the Shaftesbury area, are likely to meet the requirement for at least 1,140 homes set out in Policy 6 of the LP well before the end of the Plan period in 2031. Nonetheless, to my mind, the housing figures set out in Policy 6 should be viewed as a minimum not a ceiling given its specific wording and the Government's objective of significantly boosting the supply of homes as set out in paragraph 60 of the National Planning Policy Framework (the Framework).
13. In reaching that view I am mindful that more recent evidence in a Local Housing Needs Assessment, published in November 2021⁶, identified an estimated annual housing need in North Dorset of 332 dwellings per annum (144 dwellings per annum of social/affordable rented housing) for the period between 2021 to 2031 which is a higher figure than the annual requirement in Policy 6 of the LP. The precise figures in that evidence have yet to be tested through examination of strategic policies in the emerging Dorset Council Local Plan (the emerging Local Plan). However, it provides a broad indication that there is likely to be a significant unmet need for housing in North Dorset.
14. This is confirmed in more recent evidence prepared by the Council published in February 2024⁷ which in seeking to accord with paragraph 77 of the Framework uses the standard method for calculating local housing need as Policy 6 of the LP is now more than five years old. In doing so, it identified a 2023 figure of local housing need for North Dorset of 373 new homes a year. It follows that the specific housing requirement figures given for North Dorset and Shaftesbury in Policy 6 are not up to date. However, those figures are both expressed as a minimum and the more up-to-date local housing need calculation for North Dorset is higher. I, therefore, find that the policy of itself, insofar as it sets out the intended housing distribution with a vast majority of housing growth concentrated in the four main towns identified (including Shaftesbury during the period 2011 - 2031), is not out of date for the purposes of decision taking.
15. In order to address the need for affordable housing in North Dorset, Policy 8 of the LP requires that development that delivers eleven or more net additional dwellings, such as the proposal before me, will contribute to provision of affordable housing. In doing so, amongst other things, it sets out that within the settlement boundary of Shaftesbury where the appeal site is located, 30% of the total number of development will be affordable and a presumption that the affordable housing will be provided on site. However, it does include flexibility for off-site provision in circumstances where the full required percentages of affordable housing could not be provided on site and for mutually agreed levels of affordable housing provision below the target percentage, where viability is an issue.
16. It is common ground between the main parties that provision of affordable housing within the site would not be suitable, when taking account of the specific nature and purpose of the development proposal for retirement living

⁶ CD4.02 Bournemouth, Christchurch and Poole and Dorset Local Housing Needs Assessment

⁷ CD4.03 Housing Land Supply Report for the former district area of North Dorset for 1 April 2023

apartments for older persons and making the most efficient use of previously developed land. Based on the evidence before me and my own observations of the size of the site, its configuration and relationship to its surroundings, I agree with that view. It follows that a financial contribution to off-site provision should, therefore, be sought as an alternative subject to financial viability.

17. In support of the above position and as previously mentioned, the parties prior to the Inquiry provided a Viability SoCG⁸, which demonstrates that 30% affordable housing could not be provided as part of the proposed development. This includes agreed positions on key valuation data in the form of calculations of Benchmark Land Value (BLV) based on the Existing Use Value (EUV) and a resultant Residual Land Value (RLV) with allowances for a premium for the landowner, build and associated finance, construction and sales costs, contingency, professional and building regulations fees and a developer return of 20%. Having taken account of the evidence before me and points of clarification on the methodology offered during the Inquiry, I consider that the Viability SoCG provides an accurate viability assessment calculation for the proposed development of the site based on robust key inputs and therefore, should be given substantial weight in the context of paragraph 58 of the Framework. It follows that I find that the development proposal would be viable to pay a financial contribution of £214,370 when taking account of the surplus of RLV above BLV that would arise from the development.
18. The completed planning obligation is a UU⁹, signed by Churchill Retirement Living Ltd (applicant) and Lidl Great Britain Limited (current site owner), dated 13 May 2024, that commits to provide an affordable housing contribution of £214,370 towards off-site provision of affordable housing in North Dorset, on or before the occupation of any of the dwellings. The Council have provided a CIL Compliance Statement¹⁰ which identifies an affordable housing scheme in Gillingham within the North Dorset area as requiring additional funding and confirmed that the delivery of affordable housing would otherwise be secured by allocating the funding received to registered providers developing local affordable housing projects in the former North Dorset District Council administrative area as secured in the UU. I am, therefore, satisfied that the proposed contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development in accordance with paragraph 57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. As such I have attached substantial weight to the planning obligation for affordable housing in my decision. Consequently, taking account of my previous findings with respect to the viability evidence, I find that the proposal accords with the requirement of Policy 8 of the LP and there is no conflict with it.
19. Aside from affordable housing, the LP includes Policy 13 relating to Grey Infrastructure, Policy 14 relating to Social Infrastructure and Policy 15 relating to Green Infrastructure. Those policies each include expectations to maintain, enhance and provide grey, green and social infrastructure required to make development acceptable. The Council has indicated that in view of the agreed viability position with the appellant that the available contribution should be prioritised on meeting the pressing district-wide need for affordable housing.

⁸ CD7.03 Viability Statement of Common Ground

⁹ ID8 Signed and dated planning obligation

¹⁰ CD7.10 CIL Compliance Statement

Nonetheless, the totality of evidence before me suggests that off-site contributions would typically have been sought by the Council towards provision of health services (£772 per dwelling); community, leisure and sports facilities, with specific reference made to Shaftesbury Lido (£2,006.97 per dwelling), informal open space (£2,307.36 per dwelling towards greenspaces and footpath enhancements and £1,278.80 per dwelling for maintenance), bus services in the form of a real time information display on Christy's Lane Bus Stop (£4,328 per dwelling) and a contribution to additional equipment and stock at Shaftesbury Library (£75 per dwelling).

20. The Council have confirmed that the potential contributions identified above are calculated using standard formulae as set out in published guidance¹¹. However, whilst increased need for local health services and community facilities typically arises from additional housing, I have not been provided with any specific evidence that justifies a shortfall in capacity of local health services, including the existing doctors' surgery on Salisbury Road, nor how the suggested contributions would be intended to be spent to make the development acceptable. Furthermore, evidence¹² has been provided with the application which identifies that specialist retirement living accommodation can help reduce demands on health services, social services and other care facilities. Similarly, there is no clear evidence that existing library services in Shaftesbury have a shortfall of equipment or stock to an extent that they could not accommodate the net additional residents arising from the proposal so as to justify the necessity for a contribution to make the development acceptable.
21. In addition, I have not been provided with substantive evidence in terms of any harmful effect that the proposal might have on nearby informal open spaces nor the identification of specific projects upon which the suggested contribution would necessarily be spent to make the development acceptable. In reaching that view, I have also taken into account that previous opportunities for footpath enhancements close to the site have already been delivered. Similarly, the extent of any shortfall in capacity of sports and leisure facilities in Shaftesbury to accommodate the development has not been demonstrated, nor that the specific identified project upon which any such contributions may be spent (such as enhancements to Shaftesbury Lido) would overcome harm arising from the proposal so as to be necessary to make the development acceptable.
22. Based on the evidence before me and my own observations, I also consider that the existing bus stop near to the site offers a safe and suitable means of access to public transport for additional residents arising from the proposal and therefore, whilst the addition of a real time information display to the Christy's Lane bus stop would be an enhancement, a contribution is not necessary to make the development acceptable. It follows that, in the particular circumstances of this case, I find that the suggested contributions to grey, green and social infrastructure would not meet the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended). As such, the absence of a planning obligation to secure them does not result in harm or conflict with Policies 13, 14 and 15 of the LP.

¹¹ ID3 - Exploring Developer Contributions for NHS Infrastructure (published by Dorset Council/BCP Council on 3 November 2020) & ID4 - Grey, Green & Social Infrastructure Note V2 (published by Dorset Council, August 2018)

¹² CD7.04 Proof of evidence of Mr M Shellum (including Appendices)

23. When having regard to all of the above, I conclude that the proposal is consistent with the objectives of local and national planning policies relating to housing, including provision of, or contributions towards, affordable housing when having regard to financial viability and would not have a harmful effect on community infrastructure. I, therefore, find that the proposal accords with the relevant Policies 1, 2, 6, 7, 8, 11, 12, 13, 14, 15 and 18 of the LP, Policies SFTC1 and SFHE2 of the NP and the Framework in those respects. However, to fully conclude on compliance of the proposal with the development plan and the Framework as a whole, it is necessary to go on to consider the other matters that are relevant to the proposal.

Character and appearance (including protected trees)

24. The site is currently surrounded by hoardings, and otherwise largely cleared and vacant aside from some open storage. It lies behind existing trees (Beech and Alder species) that are protected by Tree Preservation Order (TPO/2023/0071) dated 4 October 2023, with some canopy spreads within the north-eastern and south-eastern boundaries of the site. The presence of the existing trees and associated landscaping make an important contribution to the prevailing verdant character of Christy's Lane whilst softening the prominence of the mixed character of properties nearby, including commercial buildings, car parking and a petrol filling station surrounding the site. As a consequence, there is an opportunity for a well-designed new development to optimise the capacity of the site with appropriate landscaping to relate well with the existing surrounding character and context.
25. The development as proposed with a three-storey L-shaped building fronting Christy's Lane, and amenity space and car parking to the rear would make the most of the aforementioned opportunities. The proposal includes carefully designed building elevations with necessary visual interest achieved by contemporary architectural features including projecting bays with street fronting gables, recesses and differing roof heights. It also includes variations in materials taking cues from those present in Shaftesbury, contrasting painted brick work and boundary railings with landscape planting behind. The combination of those design elements and the associated landscaping would ensure that the appearance, scale and massing of the building would be viewed as a complementary addition and enhancement to the mixed-use character of the Christy's Lane street scene.
26. In reaching the above findings, I have taken account of the evidence accompanying the proposal which includes an Arboricultural Impact Appraisal and Method Statement¹³ dated 21 August 2023 and a Rebuttal Statement - Trees¹⁴ dated 2 November 2023. The evidence identifies the presence of four individual trees within the site (T1 - beech, T3 - birch, T17 and T18 - both ash), together with groups of hawthorn (G2), elder (G4) and beech/maple (G5) along the south-western boundary with the access road to the neighbouring Tesco supermarket. Based on the evidence before me and my own observations, removal of T1, T3, G2, G4 and the part of G5 along the south-western boundary would not be harmful as they are low or poor quality trees, are not protected by the Tree Preservation Order (TPO) and could be adequately compensated for by replacement landscaping to outweigh their loss which could be secured by condition. The two ash trees (T17 and T18) within

¹³ CD1.20 Arboricultural Method Statement

¹⁴ CD2.04 Tree Rebuttal Statement (2nd November 2023)

the site that sit behind the protected beech trees beyond the north-eastern boundary, are also suitable for removal as proposed due to their poor condition and overcrowding.

27. Aside from the above, the evidence identifies a scheme to ensure that the remaining trees in close proximity of the site, including those subject of the TPO, would be retained through appropriate measures for identified root protection areas and ground protection zones as set out in the tree protection plan (ref: 23061-01)¹⁵ that can be secured by condition. Such an approach would ensure that negative impacts on retained trees within the site and the off-site protected trees would be avoided. Furthermore, given the location of the TPO trees to the north-east of the site and the proximity of those beyond the south-eastern boundary, I am satisfied that they would not cause excessive shading or undue pressure for future management to ensure a suitable living environment for future residents of the development.
28. It follows that I find that the proposed development would not harm the protected trees or the prevailing verdant character of Christy's Lane. With respect to other vantage points along the access road at the rear that serves the Tesco supermarket, appropriate boundary treatments and replacement soft landscaping can be secured by condition to ensure that the site assimilates with the character and maintains the distinctiveness of the established landscaping of its surroundings following removal of existing trees.
29. Having regard to all of the above, I conclude that the proposal would not harm the character and appearance of the area, including protected trees. It follows that the proposal accords with the relevant requirements of Policies 18 and 24 of the LP and Policies SFDH1, SFDH3, SFDH4, SFDH6, SFDH7 and SFGI1 of the NP and the Framework in those respects.

Setting and significance of nearby designated and non-designated heritage assets

30. The site is located outside of and around 200m broadly to the east of the Shaftesbury Conservation Area. Based on the evidence in the Heritage Statement¹⁶ accompanying the application and my own observations, the significance of the Conservation Area is derived from its historic, architectural, artistic and archaeological interests. This is particularly observed in the evidence of its historic development as a market town with a focal point of the Grade II* listed Church of St Peter, tightly developed street frontages, linear routes of medieval streetscapes including on St James Street and High Street, together with other listed buildings and non-designated heritage assets with a variation of architectural styles and local materials from the early medieval period onwards. The significance of the listed buildings and non-designated heritage assets are derived from their individual architectural interest and historic association to the development of Shaftesbury as a market town as experienced within their immediate settings within the Conservation Area and as part of wider settings that include townscape views beyond.
31. The existing site as identified in the NP is within an area of townscape identified as Character Zone 4 (Barton Hill and Cockram's Field). The NP is clear that the area originally formed part of the ancient manor of Barton belonging to Shaftesbury's medieval abbey, but following extensive redevelopment over the

¹⁵ CD1.19 Tree Protection Plan

¹⁶ CD1.16 Heritage Statement

years it now has few architectural landmarks. The site and its immediate surroundings are reflective of this and form part of a townscape that is predominated by modern commercial buildings and open car parks that make no substantive contribution to the local identity and historic distinctiveness of Shaftesbury.

32. It follows from the above, that the existing site and its nearby surroundings do not have a positive influence upon or a functional association with historic townscapes that otherwise contribute to the understanding and appreciation of the significance of the Shaftesbury Conservation Area. Moreover, given the distance between the site and the listed buildings and non-designated heritage assets located within the Shaftesbury Conservation Area, and the presence of intervening modern commercial buildings. I also find that the existing site makes no positive contribution to the settings and significance of those listed buildings and non-designated heritage assets insofar as they are appreciated and experienced.
33. The proposal would introduce a three-storey building within the site, which although visible within the surrounding area would not be prominent or dominant and would assimilate appropriately with the surrounding context of modern commercial buildings, large areas of car parking and associated landscaping. As such, whilst the proposed development of the site would result in a change within the wider townscape beyond the Shaftesbury Conservation Area that may be observed, it would not affect how the historic environment, including the settings and significance of listed buildings and significance of non-designated heritage assets therein, would be experienced or appreciated. I, therefore, find that the proposal would not harm and therefore, would preserve the significance of Shaftesbury Conservation Area. It follows for those same reasons, that I also find that the proposal would not harm, and therefore, would preserve the settings and significance of the listed buildings and the significance of non-designated heritage assets located within Shaftesbury Conservation Area.
34. Outside of Shaftesbury Conservation Area, there are listed buildings and non-designated heritage assets in the vicinity of the site at Barton Hill House further along Christy's Lane at the junction with Barton Hill. Barton Hill House includes two Grade II listed buildings located in its grounds, an ice house and a garden wall. Based upon the evidence before me and my own observations, the significance of the listed buildings are derived from their architectural interest and historic association to the expansion of Shaftesbury as an important agricultural market town and the presence of the post-medieval settlement of Barton Hill.
35. During my visit I observed that the distance between the site and the listed buildings and non-designated heritage assets, together with the presence of a surrounding context of intervening modern commercial buildings and mature landscaping, ensures that the existing site makes no contribution to the setting and significance of Barton Hill House and how its historic environment is appreciated and experienced. For those same reasons, the introduction of the proposal within that wider modern townscape would not appear out of context and would assimilate appropriately with its surroundings. It follows that I find that the proposal would not harm, and therefore, would preserve the setting and significance of the Grade II listed buildings and the significance of non-designated heritage assets within the grounds of Barton Hill House.

36. A group of Grade II listed buildings are also located to the south of the site within Coppice Street (10 Coppice Street, 19 and 21 Coppice Street, and a parish boundary wall and stone extending along the north side of Coppice Street). The significance of 10 Coppice Street, 19 and 21 Coppice Street and the parish boundary wall and stone are derived from historic and architectural interest dating from the late 18th and early 19th century. Based on my observations, the significance of the heritage assets is predominantly appreciated and experienced within Coppice Street as the wider setting of each listed building is limited by the densely developed townscape surrounding. As such the lack of historical or functional association between the site and the listed buildings together with the presence of intervening landscaping, modern buildings and structures, including those associated with Shaftesbury Football Club, ensures that the site does not contribute to their setting and significance. Moreover, I am satisfied that the introduction of the three-storey building as proposed beyond those intervening features and within a townscape of modern commercial buildings would not harm, and therefore, would preserve the setting and significance of the Grade II listed buildings within Coppice Street.
37. As the site lies within the setting of listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the buildings or their setting or any features of special architectural or historic interest which it possesses. In that respect and having regard to the Framework and my previous reasoning, I find that the proposed development would not harm the settings or special architectural or historic interest, and therefore, the significance of the listed buildings.
38. The evidence before me also indicates that the site and its vicinity have been subject to previous archaeological investigation, including trial trenching within the site which found a limited amount of archaeological material and sufficient recording prior to the construction of the Lidl supermarket and associated car park. I am, therefore, satisfied that the proposal would not directly or indirectly impact upon any archaeological interests.
39. Having regard to all of the above, I conclude that the proposal would preserve the historic environment of Shaftesbury, including the settings and significance of nearby listed buildings, non-designated heritage assets and the Shaftesbury Conservation Area. It follows that the proposal accords with the relevant requirements of Policies 5 and 18 of the LP and Policies SFTC1, SFDH1, SFDH3, SFDH8 and SFDH9 of the NP and the Framework in those respects.

Local highway conditions and highway safety

40. The proposal would involve the creation of a new access to a car parking area within the site and would utilise an existing access road onto Christy's Lane, a single carriageway road with 40mph speed limit. The access also serves the adjacent Lidl supermarket and its car park, the development of which previously brought forward associated pedestrian and cyclist improvements along the southern side of Christy's Lane. The improvements include segregated cycle track and footways, dropped kerbs, tactile paving, a marked pedestrian crossing on the access road and a pedestrian refuge island adjacent to the site to assist crossing of Christy's Lane to the footway and bus stop on the opposite side. There are also signalised crossing points on Christy's Lane further to the west and east of the site. Based on the evidence before me and

my own observations, the development would provide safe and suitable access to the site for all people.

41. In reaching the above findings, I have taken account that a Transport Statement¹⁷ dated 2 August 2023 indicates that the trip generation and traffic movements arising from the proposed development would not be significant when compared and taken cumulatively with those associated with the established supermarket use already using the shared access. I have no reason to take a different view and find that the proposal would not have a severe residual cumulative impact upon the highway conditions on the local road network or an unacceptable impact on highway safety. In reaching that view, I have noted that the existing access stub to the site previously built as part of the adjacent Lidl development would be modified to provide a servicing layby as part of the proposed development close to the access to the car park within the site. However, additional evidence from the appellant's transport consultants¹⁸ dated 11 October 2023 confirms that based on TRICS data the typical use of the layby by light goods vehicles for delivery, servicing and refuse collection would be in the range of 3-7 short term visits per day. It follows that given the limited nature and demand for temporary parking in the layby and its configuration as indicated on the submitted plans, I am satisfied that it would not result in significant obstruction to visibility or an unacceptable risk of accidents for vehicles exiting the site onto the shared access road.
42. Pedestrian routes along Christy's Lane and into Shaftesbury Town Centre ensure that a wide range of services and facilities would be accessible and within a reasonable walking distance for future residents. In that respect, pedestrian access via Christy's Lane and Barton Hill or Coppice Street may be challenging for future residents with impaired mobility due to narrower sections of footpath on the latter roads and changes in topography. However, I observed that there are safe, convenient and well-lit alternatives via the continuous footways and crossings associated with the access road to the Tesco supermarket and car park that run alongside the site. The nearby bus stop on Christy's Lane also offers regular services into Shaftesbury Town Centre during the day. In addition, access to a wider range of services and facilities would be available via regular bus services on Mondays to Fridays from early mornings until late afternoons between Shaftesbury Town Centre and Blandford or Gillingham, where the closest railway station is located providing direct services to London Waterloo, Exeter St Davids and Basingstoke, and bus services every 2 hours on Mondays to Saturdays from mornings until late afternoons to and from Salisbury.
43. The accessibility of the proposed development to a wide range of local services and facilities via sustainable modes of travel, including walking and cycling, would reasonably reduce the reliance of future residents upon use of a private car. In that context and taking account of evidence in the Transport Statement which identifies an average car parking demand of 0.28 spaces per apartment in similar schemes previously delivered by the appellant, I am satisfied that the proposed provision of 14 car parking spaces (at a ratio of 0.34 spaces per apartment) would be sufficient to meet the parking demand arising from the development. The proposal does not include provision for visitor parking. However, I consider such an approach is appropriate in the circumstances

¹⁷ CD1.14 Transport Assessment

¹⁸ CD2.03 Transport Letter (11th October 2023)

when taking account of the availability of public car parking nearby, including pay and display, within reasonable walking distance in Shaftesbury Town Centre.

44. The provision of a proposed buggy store with capacity for six mobility buggies facing the pedestrian crossing on the access road is also appropriate given the nature of the occupation of specialist older persons housing and is supported by parking surveys in the Transport Statement for similar forms of development. Details of a cycle store for four bicycles is also capable of being secured by condition to encourage the use of sustainable modes of travel.
45. I conclude that the proposed development would not have a harmful effect on local highway conditions or highway safety. The proposal accords with the relevant requirements of Policies 13 and 23 of the LP, Policies SFTC1, SFTC4, SFDH2, SFDH4 and SFDH5 of the NP and the Framework in those respects.

Living environment for future residents and living conditions of nearby properties

46. The development, based on the submitted plans and my own observations, would provide for a satisfactory living environment for future residents including suitable provision of sunlight, daylight, outlook, internal living space and adequate outdoor amenity space within the site. The proposed development would also have a suitable arrangement between its residential properties to ensure no unacceptable impacts in terms of outlook or privacy for its future residents. In addition, the proposed development would have considerable separation distance to the nearest residential properties which would ensure no harmful impacts on the living environment for future residents nor upon the living conditions of occupiers of nearby properties.
47. With regard to the relationship of the proposed development with Christy's Lane and the respective access roads to the Tesco supermarket and Lidl supermarket, a Noise Impact Assessment¹⁹ dated 13 November 2023 has been provided. The noise impact assessment identifies that an appropriate acoustic environment for the proposed residential properties would be provided, both externally and internally, relative to traffic noise on Christy's Lane and activity at surrounding commercial properties. This is subject to mitigation measures such as a 2m high acoustic barrier to the south-western and south-eastern site boundaries, acoustic double glazing and double glazing to identified bedrooms and living rooms, and background ventilation in accordance with Part F of the Building Regulations to prevent excess heat build-up in the proposed dwellings. I am satisfied that the calibration of equipment, monitoring conditions and methodology in terms of measuring noise levels was robust and that the mitigation measures could be secured by condition to ensure an acceptable noise environment for future residents.
48. Concerns have also been raised with respect to the effect of air quality on future residents of the proposal given the proximity of the site to Christy's Lane, adjoining access roads and a petrol filling station. However, I am satisfied that there would be no unacceptable impacts in that respect and that a suitable living environment for future residents would be provided. In reaching that view, I have noted that the location is not within an Air Quality Management Area and the adequate separation distance of the apartments and outdoor amenity areas to the surrounding roads and the petrol filling station. I

¹⁹ CD2.02 Noise Impact Assessment

also observed several existing residential properties in the surrounding area that are similarly in close proximity to Christy's Lane and also bounded by roads and/or commercial premises to the front and rear.

49. Having regard to all of the above, I conclude that the proposed development would provide for a suitable living environment for future residents and would not have a harmful effect on the living conditions of occupiers of nearby properties. The proposal, therefore, accords with the relevant requirements of Policies 7 and 25 of the LP and the Framework in those respects.

Other Matters

Contaminated land

50. The site comprises previously developed land. A Flood Risk Assessment (FRA)²⁰ dated 17 August 2023 contains ground investigation reports including a conceptual site model of potential contaminants associated with the former Cattle Market use and demolition of associated buildings, together with soil sampling and testing. Based on that evidence, no proven contaminant linkages for the proposed development with risks to groundwater or human health have been identified, other than the location is within a radon affected area which is a matter that would be suitably addressed through the Building Regulations. It follows that I am satisfied that even if contamination not previously identified were to be found during the construction phase, the imposition of an appropriate condition would ensure that it would be suitably addressed and remediated to avoid any harm. The proposal, therefore, would have no unacceptable impacts in terms of contaminated land and accords with the relevant requirements of Policy 25 of the LP and the Framework.

Drainage and flood risk

51. The site is in Flood Zone 1, is not within a critical drainage area or groundwater flood area, and the FRA also indicates it has very low risk from surface water flooding. Based on the evidence and my own observations of the site and surrounding topography, the development would not be at unacceptable risk of flooding nor increase the risk of flooding to surrounding properties. Furthermore, I am satisfied that an appropriate condition could be imposed to ensure provision, maintenance and future management of an appropriate surface water drainage scheme to limit peak flows to the equivalent greenfield runoff rates as far as reasonably practicable. In addition, a condition could also secure the details and implementation of an appropriate foul drainage scheme, including suitable diversion of a private foul sewer that crosses the site to accommodate the development and discharge into the existing Wessex Water network within Christy's Lane as demonstrated as feasible in the FRA. The proposal, therefore, would have no unacceptable impacts in terms of drainage and flood risk and accords with the relevant requirements of Policies 3, 13 and 18 of the LP, Policy SFGI3 of the NP and the Framework.

Ecology

52. The application includes a Preliminary Ecological Appraisal²¹ dated August 2023 which identifies the baseline conditions of the site insofar as it is comprised of mostly bare ground bordered by mature trees and hedgerows. The evidence

²⁰ CD1.13 Flood Risk and Drainage Assessment

²¹ CD1.23 Preliminary Ecological Appraisal

identifies that the habitats on site comprise largely low value grassland and trees that are common and widespread in the local area, and it is evident that the site is sufficiently distant from, does not contribute to and is not linked to any designated sites for nature conservation. Nonetheless, the evidence does identify habitats that support populations of nesting birds and terrestrial invertebrates. This includes trees proposed to be removed.

53. To address the above, mitigation measures as proposed in the Biodiversity Plan²² dated 29 November 2023 are necessary to make development acceptable. This includes restricting clearance or major works to habitats and areas in close proximity to outside of nesting bird season (October to February) and restricting of clearance works to outside of breeding and larval stage for moths and butterflies (Spring and Summer), replacement vegetation along the southwestern boundary, together with the location of integrated bat boxes, bird boxes and insect houses/bug hotels to be installed. The proposed mitigation as set out in the Biodiversity Plan can be secured by condition to overcome the effects of the development and potentially enhance biodiversity within the site. The proposal would have no unacceptable impacts in terms of ecology and biodiversity and accords with the relevant requirements of Policy 4 of the LP, Policies SFDH4, SFGI1 and SFGI3 of the NP and the Framework.

Energy efficiency

54. The application includes an Energy Statement²³ dated August 2023 that explains the design concept of the development including the carefully considered approach to maximising the benefits of solar radiation and passive cooling measures. This includes ensuring many apartments have a south-east/south-west orientation, provide green infrastructure within the site and space between buildings to prevent overshadowing, together with construction of external walls using high thermal mass and good insulation levels to absorb excess heat throughout the day and re-radiate the stored heat as temperatures drop. The efforts to reduce the overall carbon emissions associated with the development and to maximise energy efficiency also include a fabric-first approach to the build specification, the use of mechanical ventilation and installation of solar photovoltaic panels which would ensure that the proposal would meet and potentially exceed the relevant requirements of the Building Regulations. The evidence also demonstrates that the proposed development would be water efficient and significantly below the target of 125 litres / person / per day set out in the Building Regulations. The proposal, therefore, accords with the relevant energy efficiency requirements of Policies 3 and 18 of the LP, Policies SFDH2 and SFDH3 of the NP and the Framework.

Status of the emerging Dorset Local Plan

55. The emerging Local Plan, including a policies map and proposed allocations towards meeting housing need, has reached Regulation 18 stage. However, in light of the early stage of plan preparation, the policies in the emerging Local Plan can be afforded little weight. Furthermore, following recent publication of the Council's new Local Development Scheme, the emerging Local Plan may no longer meet the requirements of paragraph 226 of the Framework. However, even if that is the case, it is not a matter of dispute between the parties that at the time of the Inquiry the Council was able to demonstrate a deliverable

²² CD2.01 Biodiversity Plan Application Form

²³ CD1.22 Energy Statement

housing supply in accordance with the Framework based on an agreed figure between the parties for the North Dorset area of 5.02 years.

Other considerations

56. The provision of 41 additional residential units providing specialised accommodation for older persons and the maximum viable financial contribution towards delivery of affordable housing would contribute to boosting the supply of housing and meeting the unmet needs for market housing, older persons housing and affordable housing in North Dorset, including potentially freeing up existing under-occupied housing stock. As such those benefits of the proposal are each afforded substantial positive weight. The redevelopment of previously developed land in an accessible location to local services and facilities, and the effective and efficient use of the land in securing a sustainable future for the site also each carry substantial positive weight. There would also be associated economic and social benefits in terms of job creation during construction and after occupation, together with support for local services and facilities to which I attribute moderate positive weight based on the scale of the development proposed.

Conditions

57. I have had regard to the agreed suggested planning conditions submitted by the parties after the Inquiry²⁴ in response to discussions during it. I have considered these in light of the Framework and the Government's Planning Practice Guidance on use of conditions and where necessary I have reordered the conditions with my conclusions on each summarised below.
58. Conditions 1 and 2 relate to the standard time limit and a plans compliance condition which are necessary in the interest of certainty of the permission granted. Conditions 3 to 5 secure the provision, maintenance and future management of an appropriate surface water drainage scheme and the details and implementation of a suitable foul drainage scheme as previously referred to. In those respects, it is necessary that conditions 3 and 4 relating to the submission and agreement of details of the respective surface water and foul drainage schemes are pre-commencement conditions given that their implementation are likely to require significant excavation and ground works before construction of the building can take place.
59. Condition 6 is required to specify the precise materials for construction of the walls and roofs of the building to ensure that the proposed development has an acceptable appearance that assimilates appropriately with the character of its surroundings. For similar reasons, Condition 7 is required to ensure that the soft landscaping and planting scheme is carried out in accordance with the drawing numbers: JBA 23-220-SK02 Rev A and JBA 23-220-SK03 Rev A, within the first full planting season or within a timescale otherwise agreed in writing, and ensures suitable requirements for replacement planting should it be necessary in the first five years from the date of the planting.
60. Conditions 8 and 9 secure the required protection measures for retained trees in accordance with the Arboricultural Impact Appraisal and Method Statement and Tree Protection Plan as previously referred to as necessary. Condition 10 secures full details of the hard landscape proposals before any development

²⁴ ID9 Agreed list of planning conditions (received 15 May 2024)

takes place above damp course level and is also needed to ensure a satisfactory character and appearance of the proposal and a suitable relationship to surroundings. Condition 11 relates specifically to the implementation of the Biodiversity Plan in full and is necessary to ensure that the impacts on ecological interests, including existing habitats within the site, are satisfactorily mitigated.

61. Conditions 12 and 13 are required prior to the first occupation of the development in the interests of ensuring a safe and suitable access by securing the implementation and future maintenance of the access, turning and parking areas as shown on drawing number: 10127SB-PA01 Rev A, and to secure the agreement of details of the proposed surfacing of the layby. Conditions 14 and 15 are also necessary to secure the construction of the buggy parking also shown on drawing number: 10127SB-PA01 Rev A, and the submission and agreement of details and construction of cycle parking facilities before first occupation of the development to encourage the use of sustainable modes of travel by future residents.
62. Condition 16 is necessarily imposed to secure the implementation of the noise mitigation measures set out in the Noise Impact Assessment to ensure a satisfactory living environment for future residents. Condition 17 is required to address the potential risks associated with contamination of the site if found during construction and necessarily sets out that work should be suspended until an approved remediation and verification scheme is carried out.
63. Condition 18 is imposed to ensure that the development is carried out in accordance with the application for which permission is sought and delivers age restricted specialist older persons housing.

Conclusion and Planning Balance

64. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Framework is such a material consideration.
65. The Framework does not change the statutory status of the development plan as the starting point for decision making. I have identified the relevant policies of the development plan which are Policies 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 23, 24 and 25 of the LP and Policies SFTC1, SFTC4, SFHE2, SFGI1, SDFH1, SFDH2, SFDH3, SFDH4, SFDH5, SFDH6 and SFDH7 of the NP. I find that those policies are up to date for the purpose of decision-taking.
66. For the reasons previously stated, subject to the conditions in the attached schedule and the planning obligation in the UU, I have identified no harm arising from the proposed development and no conflict with the identified development plan policies. I have also considered all other matters raised, including two appeal decisions²⁵ for similar developments with the same applicant that were drawn to my attention, but they do not alter my

²⁵ CD6.1 Former Fleet Police Station, 13 Crookham Road, Fleet (Appeal Ref: APP/N1730/W/20/3261194) & CD6.2 11 The Village, Wigginton, York (Appeal Ref: APP/C2741/W/23/3314331)

conclusions. The examples of other developments elsewhere are not a direct parallel to the appeal proposal in terms of location and development plan policies. In any case, I have necessarily determined the proposal before me on its own merits.

67. In reaching my findings, I have also taken into account that the agreed deliverable housing supply position results in only a marginal five-year housing land supply. However, in the particular circumstances of this case, I need not reach a definitive finding on such matters. Even if there would be a shortfall relative to the Council's ability to demonstrate a deliverable five-year supply required by the Framework and its paragraph 11 d) were to be applied, there are no policies in the Framework that provide a clear reason for refusing the development proposed. Furthermore, given my previous finding of no harm or conflict with the development plan, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
68. Overall, the proposal would be in accordance with the development plan as a whole and planning permission should be granted. There are no material considerations in this case that indicate otherwise. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted subject to the conditions in the attached Schedule and the planning obligation in the UU.

Gareth Wildgoose

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White, King's Counsel	Instructed by Planning Issues Ltd
Matthew Shellum BA (Hons) DipTP MRTPI	Head of Appeals and Affordable Housing, Planning Issues Ltd
Damien Lynch BSc (Hons) MSc MRICS	Associate Director, Planning Issues Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Brendan Brett, Counsel	Instructed by Dorset Council Legal Services
Rob McDonald BSc MSc	Lead Project Officer, Dorset Council
Nick Molyneux BA (Hons) MCIH MRICS	Associate Director, Dixon Searle Partnership

INTERESTED PARTIES:

Councillor Virginia Edwyn-Jones	Chair, Shaftesbury Town Council
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INQUIRY DOCUMENTS

- ID1 - The appellant's opening statement
- ID2 - The Council's opening statement
- ID3 - Exploring Developer Contributions for NHS Infrastructure (November 2020)
- ID4 - Grey, Green & Social Infrastructure Note V2 (August 2018)
- ID5 - The appellant's closing statement

DOCUMENTS SUBMITTED WITH AGREEMENT AFTER THE INQUIRY

- ID6 - Council e-mail of 8 May 2024 with update to recent publication of new Local Development Scheme and policy implications in terms of agreed housing supply position
- ID7 - Appellant e-mail of 8 May 2024 confirming no challenge to Council housing supply position as set out in ID6
- ID8 - Signed planning obligation dated 13 May 2024 (received 15 May 2024)
- ID9 - Agreed list of planning conditions (received 15 May 2024)
- ID10 - Appellant written agreement to pre-commencement conditions (received 15 May 2024)

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/D1265/W/24/3337301:

- 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 strictly and only in accordance with the approved drawings and details forming the approved application:
Location Plan: 10127SB-PA00 Rev A
Proposed Site Plan: 10127SB-PA01 Rev A
Proposed Ground Floor Plan: 10127SB-PA02 Rev A
Proposed First Floor Plan: 10127SB-PA03 Rev A
Proposed Second Floor Plan: 10127SB-PA04 Rev A
Proposed Roof Plan: 10127SB-PA05
Proposed North Elevation: 10127SB-PA06
Proposed West, South & East Elevation: 10127SB-PA07
Proposed West, South & East Elevation: 10127SB-PA08
Landscaping Strategy Masterplan: JBA 23-220-SK02 Rev A
Landscape Strategy: JBA 23-220-SK03 Rev A
- 3) Prior to the commencement of any development hereby approved a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, must have been submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to first occupation of any dwelling hereby approved, the surface water scheme shall be fully implemented in accordance with the approved details.
- 4) Prior to the commencement of any works on site, a detailed foul drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, prior to first occupation of any dwelling hereby approved, the development must be carried out in accordance with the approved details.
- 5) Prior to the commencement of any development above damp course level, details of maintenance and management of the surface water sustainable drainage scheme must have been submitted to and approved in writing by the Local Planning Authority. The scheme should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the development. Thereafter, the scheme shall be managed and maintained in accordance with the approved details.
- 6) The external materials to be used for the walls and roofs of the development hereby approved shall be constructed of the following materials:
Facing brick: Ibstock Red Multi – Brunswick Farmhouse Mixture
Detail brick: Ibstock Buff Multi – Brunswick Buff
Roof tile: Marley Ashmore Concrete Roof Tile in Smooth Red colour finish
Roof tile: Marley Ashmore Concrete Roof Tile in Smooth Grey colour finish
Cream Painted Brick

Thereafter the development shall be maintained in such materials and finishes.

- 7) The soft landscaping and planting scheme associated with the development hereby approved shall be carried out in accordance with the details shown on drawings/details JBA 23-220-SK02 Rev A and JBA 23-220-SK03 Rev A. The approved scheme shall be implemented in full during the first planting season (November – March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. If, within a period of 5 years from the date of planting, the tree or shrub (or any tree or shrub planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or shrub, unless the Local Planning Authority gives its written consent to any variation.
- 8) The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Impact Appraisal and Method Statement, dated 21 August 2023, setting out how the existing trees are to be protected and managed before, during and after development.
- 9) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Tree Protection Plan (Ref: 23061-01) prior to any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 10) Prior to the commencement of any development above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, where appropriate: proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures (e.g. furniture, play equipment, signs, lighting, refuse or other storage units, proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc). Thereafter, the development shall be carried out in accordance with the approved details.
- 11) The Biodiversity Plan signed on 29/11/2023 must be implemented in full in accordance with the specified timetable in the approved Plan. Thereafter, the approved mitigation and enhancement measures shall be retained and maintained for the lifetime of the development.
- 12) Prior to the first occupation of any dwelling hereby approved the access, turning and parking areas shown on drawing number 10127SB-PA01 Rev A must be constructed. Thereafter, these areas must be maintained for the lifetime of the development, kept free from obstruction and available for the purposes as specified in that approved plan.
- 13) Prior to the first occupation of any dwelling hereby approved a scheme showing precise details of the proposed surfacing of the service layby should have been submitted to and approved by the Local Planning Authority. Prior to

- first occupation of any dwelling hereby approved, the approved scheme must be constructed and, thereafter, must be maintained for the lifetime of the development for the purpose specified.
- 14) Prior to the first occupation of any dwelling hereby approved, the buggy parking facilities shown on drawing number 10127SB-PA01 Rev A must be constructed. Thereafter, these areas must be maintained for the lifetime of the development, kept free from obstruction and available for the purposes as specified in that approved plan.
 - 15) Prior to the first occupation of any dwelling hereby approved, a scheme showing details of cycle parking facilities for 4 cycles must have been submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of any dwelling hereby approved, the approved scheme must be constructed and, thereafter, must be maintained for the lifetime of the development for the purpose specified.
 - 16) The noise mitigation measures, as set out in the Noise Impact Assessment, (Technical Report: R10065-2 Rev 1, dated 13 November 2023, by 24 Acoustics), shall be carried out in accordance with the details within the assessment. Thereafter, the approved mitigation measures shall be retained for the lifetime of the development.
 - 17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development must be suspended and a risk assessment carried out and submitted to the Local Planning Authority for approval in writing. Where unacceptable risks are found remediation and verification schemes must be submitted to and approved in writing by the Local Planning Authority. The approved remediation and verification schemes must be carried out before the development is resumed or continued.
 - 18) Each dwelling hereby permitted shall be occupied only by: (i) a person aged 60 years or over; (ii) a person aged 55 years or older living as part of a single household with the person in (i); or (iii) a person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.

END OF SCHEDULE