

Appeal Decision

Site visit made on 3 October 2016

by David Spencer BA(Hons) DipTP MRTPI

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

Decision date: 20 October 2016

Appeal Ref: APP/D1590/W/16/3150430

411-419 Sutton Road, Southend-on-Sea SS2 5PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Dove of Dove Jeffery Homes Ltd against the decision of Southend-on-sea Borough Council.
 - The application Ref 15/01130/FULM, dated 7 July 2015, was refused by notice dated 16 November 2015.
 - The development proposed is demolition of existing commercial property and development of 49 no. affordable apartments. 395sqm. of retail/commercial floor-space with associated parking, landscaping and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing buildings, erect 3 storey block comprising of 49 flats, 395sqm retail commercial floorspace at ground floor, communal amenity space, landscaping, parking and associated works (amended proposal) at 411-419 Sutton Road, Southend-on-Sea SS2 5PH in accordance with the terms of the application, ref 15/01130/FULM, dated 7 July 2015, and subject to the conditions set out in the schedule appended to this decision.

Preliminary Matters

2. The address on the application form is No. 411 Sutton Road, Southend-on-Sea SS2 5PQ. The appeal site covers an extensive frontage of former commercial buildings last used by Crown College along Sutton Road. Various appeal documentation from both the appellant and the Local Planning Authority (LPA) refers to the site as Nos. 411-419 Sutton Road and the postcode as SS2 5PH. I have taken this into account and I am satisfied that the address I have used in the decision accurately identifies the appeal site.
3. I have noted that the appeal form and other documentation refer to both Dove Jeffery Homes and Moat Homes Ltd. Nonetheless, I consider the decision banner above is correct in identifying the appellant as Mr Christopher Dove of Dove Jeffery Homes Ltd as taken from the planning application form.
4. The appeal proposal before me is an iteration from an earlier scheme refused by the LPA and upheld on appeal¹ earlier this year. However, the scheme before me is materially different in that it has been reduced in scale to a three storey block. Accordingly, I have taken the description of the development in my decision from the LPAs decision notice which I consider more accurately

¹¹ APP/D1590/W/15/3132856

describes what was applied for. In terms of the plans on which I should base my decision, these are taken from the appellant's appeal submission and cross-referenced to the LPA's decision notice. In undertaking this exercise, it has subsequently been confirmed to me that drawings 13.121.210A and 13.121.209E are part of the set of relevant plans on which my decision should be based.

5. A signed and dated (6 October 2016) planning obligation by way of an agreement under Section 106 of the Town and Country Planning Act 1990 was submitted during the appeal. The agreement contains obligations regarding the provision of the affordable housing, travel planning and public realm improvements. As such the obligations would need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010 and National Planning Policy Framework (NPPF).

Main Issue

6. The main issues are firstly, the effect of the proposed apartments on the living conditions of residents on Glenhurst Road with particular reference to outlook and privacy, and secondly, whether future occupiers would be likely to experience acceptable living conditions in terms of internal living space and accessibility to communal amenity space for people with disabilities.

Reasons

Policy

7. The development plan comprises the Southend-on-Sea Local Planning Framework Core Strategy 2007 (the CS) and the Southend-on-Sea Local Planning Framework Development Management Document 2015 (the DMD). CS Policy CP4 sets strategic policy on securing a high quality, sustainable urban environment in Southend including the need for development to maintain and enhance amenities and to secure good relationships with existing development. This policy is augmented by DMD Policy DM1 seeks to secure high quality design including, amongst other things, the protection of amenity such as privacy, outlook, noise and disturbance and visual enclosure. Additionally, DMD Policy DM8 sets out residential standards in order to secure high quality and flexible internal environments in all new dwellings as well as accessible amenity space. Policy DM8 is supplemented by two policy tables setting out local residential space standards.
8. The LPA has also produced a Design & Townscape Guide Supplementary Planning Document 2009 (the SPD) which provides detailed design advice. Of particular relevance to this appeal is the SPD guidance on the provision of amenity space (including by way of roof terrace on flatted developments) and its wider advice on 'relationship with neighbours' which deals with issues such as outlook and privacy.
9. Although the document is not before me, I note that both parties refer to the nascent Southend Central Area Action Plan (SCAAP). There is agreement that the appeal site is identified in that emerging document as an opportunity site and as such the principle of a residential-led redevelopment is acceptable.

Impact on surrounding properties

10. The appeal site is presently occupied by commercial buildings which have the appearance of being vacated and are generally in a moribund condition. The buildings are arranged in a linear pattern fronting onto Sutton Road, a busy arterial route connecting into the town centre and on to the seafront. To the rear and west of the appeal site are two storey houses on Glenhurst Road whose rear gardens back directly onto the appeal site where it generally comprises a single storey building with a sawtooth roof. The blank rear elevation of this single storey range generally forms the common boundary to gardens on Glenhurst Road. Along the Sutton Road frontage, the buildings on the appeal site increase to two storeys with flat roofs or in places a brick frontage wall to create a two storey façade.
11. The appeal proposal would involve clearing all existing buildings on the site and a new layout that would comprise a three storey building block along the Sutton Road frontage of the site with an access road to the rear serving an undercroft parking area and additional parking spaces arranged along the boundary with the rear gardens on Glenhurst Road. From the plans before me this boundary would consist of tall fencing augmented by tall tree screening.
12. As described above the three storey block would be positioned on that part of the appeal site furthest away from Glenhurst Road. Whilst the proposed building block would represent a notable increase on the height of the existing range of buildings I am satisfied that the position and relatively narrow depth of the three storey block would be sufficiently set back so that its bulk, form and massing would not be oppressively dominant in the outlook from these properties.
13. The proposed vegetated boundary between the proposed rear parking and the gardens on Glenhurst Road would also significantly filter views of the building reducing its presence from this perspective. Additionally, the combination of the planted boundary, the openness of the intervening proposed parking area and the setback position of the flats would not harmfully enclose or erode the current degree of openness in the rear gardens along Glenhurst Road. I am also satisfied that the proposed three storey height would still allow for a degree of openness to the east, in terms of daylight and sunlight, to be appreciated from the rear outlook of adjacent properties on Glenhurst Road.
14. In terms of privacy I note that there is no set distance prescribed in either development plan policy or the SPD, the latter of which cautions at paragraph 213 of avoiding "unreasonable or perceived overlooking or compromise the privacy of an existing building or private garden." The appellant has referred me to the Essex Design Guide (EDG) and its recommended distances. However, I am mindful that the LPA has submitted it has not adopted the EDG which limits the weight I can attach to it. Therefore, I have arrived at my own judgement based on the submitted appeal proposal, the proposed intervening distance (illustrated in cross-section diagrams as recommended by the SPD) and the proposed mitigation measures.
15. I note the appeal proposal does not include any full balconies on the rear elevation but would involve openings to habitable rooms including on the second floor, some of which would comprise 'Juliet' balconies serving lounge rooms. From the submitted plans these 'Juliet' balconies would involve opaquely glazed balustrades to inhibit some inter-visibility. Elsewhere standard

window openings serve bedrooms along this elevation. I find the relationship of these proposed openings to corresponding openings and the rear gardens of adjacent properties on Glenhurst Road would be reasonably direct. However, due to the appreciable intervening distance, the unexceptional scale and position of the proposed building, the proposed obscured balustrades and the proposed boundary planting I am satisfied that any degree of overlooking or perception of being overlooked would not be significantly invasive to amount to any appreciable harm to the adjoining residents in Glenhurst Road.

16. Additionally, the appeal proposal would involve a roof terrace to provide communal amenity space. This terrace would not occupy the full extent of the roof area and would be stepped back from the rear elevation so that it would be principally orientated towards Sutton Road leaving a non-accessible roof area closest to the Glenhurst Road properties. Additionally, a 1.8 metre tall obscure glazed balustrade would run the length of the terrace area parallel to direction facing Glenhurst Road. Again, for the reasons set out in the preceding paragraph, I am satisfied that the proposed roof terrace would not have a harmful effect on the privacy of occupiers of adjacent properties on Glenhurst Road. Nor given the intervening distance and position of retained established trees on Sutton Road would it unacceptably harm the privacy of corresponding properties on Sutton Road.
17. I am aware that my findings on the impact on living conditions for adjacent properties vary from those of the earlier appeal decision. However, that decision considered a taller four storey block and it is clear that the height of the earlier scheme was of significant concern to that decision-taker both in terms of outlook and privacy. I have found that the reduced height of the building is an appreciable material change that would not result in a similarly harmful impact and that the proposed landscaping would be more effective at screening the reduced scale of the appeal proposal before me.
18. I also note that the earlier appeal decision expressed concern about the width of the single block of development in the outlook from Glenhurst Road. The reduced scale of the appeal proposal occupies a similar width of linear footprint to the existing buildings albeit set back towards Sutton Road. I also find the contemporary design with its considered arrangement into three distinct blocks with varying detailed would not result in either a harmfully monolithic or overbearing scheme. I recognise the appeal proposal would alter the outlook from a number of properties however it would not be unduly harmful. I find the overall scale, design and appearance of the appeal proposal would complement other recent residential schemes nearby on Sutton Road and on surrounding side streets around Glenhurst Road, including those on Kenway, such that it would not appear as an uncharacteristic development in the area.

Living conditions for future occupiers

19. The amenity space for the appeal proposal comprises the roof terrace which from the submitted plans would only be accessible via a stairwell. I note the LPA's SPD usually seeks amenity space at ground floor level but does not preclude the principle of a roof terrace provided it is "usable and integral"². Whilst I observed the proximity of the recreation ground a short distance to the north on Sutton Road I share the LPAs concern that the proposed communal

² Design & Townscape Guide SPD, paragraph 141

amenity space should be accessible to all who occupy the flats, including less ambulant residents.

20. The accommodation within the proposed building would be fully accessible including a lift to the proposed first and second floors. The appellant submits that the lift could be extended to provide access to the roof terrace and the amendments to deliver this would be relatively minor and could be secured by condition. I agree and consider that any extension of the lift shaft parallel to the stairwell would only involve a very modest alteration to the roofscape such that it would have a negligible impact on the appearance of the building in any outlook. As such I am satisfied that detailed elements of the scheme, necessary to secure equitable access to external amenity space, can be assured without materially altering the overall appeal proposal. These amendments can be secured by condition to ensure the scheme accords with the Council's SPD in terms of providing usable and integral amenity space.
21. The LPA submits that the size of the proposed 1 bedroom and 2 bedroom units would fall slightly below the Optional Technical Standards for housing expressed in the Building Regulations in Part M4. The nationally described space standard is discretionary and its application must have a sound basis in development plan policy. The local space standards in Policy DM8 have now been superseded by the new technical standards however the LPA submits that Policy DM8 provides a basis by which to apply the new national standards as an "update" to the local standards in policy tables 4 and 5.
22. I have considered carefully the Written Ministerial Statement (WMS)³ and relevant text of the Planning Practice Guidance (PPG). I note the supporting text to Policy DM8 is cognisant of the nationally described space standard. I have further noted that there is only a slight degree of difference between the local standards in the DMD and the optional nationally described space standards. However, the PPG is quite clear that an LPA can only require an internal space standard by reference to the nationally described space standard in their Local Plan⁴. In my view, this has to be a clear reference in a policy so that it has been considered and scrutinised as an appropriate and viable response to local evidence. Accordingly I do not consider that Policy DM8 provides an appropriate basis to apply the nationally described space standard.
23. Looking more widely at the quality of the proposed internal space I note the appeal proposal is only marginally below the new optional technical standards (in several cases by just 1 square metre). From the plans before me I see the proposed bedroom areas would accord with the new optional technical requirements. I also note that the appellant also submits would meet the amended Homes & Communities Agency's Level 1 Space Standards. Whilst the LPA has identified a small deficiency against the new optional technical standards there is little articulation of any specific harm that would arise for the occupiers of the 1 bedroom and 2 bedroom units. Whilst I note that some of the proposed open plan kitchen and living spaces would be intimate I do not consider this especially harmful to justify a reason for refusal on this basis alone or that it would significantly and demonstrably outweigh the clear benefit of providing a generally well-conceived housing scheme on a sustainably located "brownfield" site.

³ Written Statement to Parliament - Planning Update. 25 March 2015

⁴ Planning Practice Guidance Paragraph: 019 Reference ID: 56-019-20150327

Conclusion on Living Conditions

24. I therefore conclude that the appeal proposal would neither have a significant adverse effect on the living conditions of residents on Glenhurst Road with particular reference to outlook and privacy nor for future occupiers in terms of internal living space and accessibility to communal amenity space for people with disabilities. In this way the proposal would not conflict with the amenity considerations set out in CS Policy CP4, DMD Policies DM1 and DM8 or the contents of LPA's SPD. The appeal proposal would also accord with the objectives at paragraph 17 of the NPPF to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

25. Concern has been expressed, including a petition, that the appeal proposal would result in light pollution and noise and disturbance. Given the urban context and levels of street lighting I am not persuaded that external lighting, the details of which could be conditioned, would be especially harmful. I am satisfied that the proposed layout and intervening distance and features (boundary planting and fencing to the parking area and balustrade to the roof terrace) would mean that activity at the appeal site would not be intrusive and would generally be absorbed against the background traffic noise on the arterial Sutton Road.
26. General concerns have been raised about the ability of local infrastructure to accommodate the proposal although there are no significant objections from service or infrastructure providers before me. I have very little evidence that the scale of the appeal proposal would place an unacceptable burden on the locality.
27. I have before me a signed and executed Section 106 Agreement containing various planning obligations. In accordance with Regulation 122 of the CIL Regulations 2010 planning obligations should only be sought where they are 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.
28. I am satisfied that the obligation in relation to the delivery and phasing of the requisite affordable housing meets the tests. Similarly, I find the obligations in relation to the highway works and travel planning at the appeal site to also meet the tests given the limited scale of on-site parking provision and the clear potential to secure sustainable patterns of travel for future occupiers. However, in relation to public art, whilst I note the appeal proposal would significantly improve the current street scene and public realm along this part of Sutton Road, I am not persuaded that whilst desirable, public art provision is necessary to securing a sustainable development at this site. Accordingly, I am unable to give any weight to the obligation as it relates to public art provision.
29. Notwithstanding any separate Community Infrastructure Levy liability, with the provisions of the submitted S106 Agreement in place, I can conclude that the effects of the proposal on local infrastructure, including affordable housing, would be acceptable.

Conclusion and conditions

30. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.
31. The LPA suggested a number of conditions which would be necessary if the appeal was to be allowed. I have considered these in light of the content of the PPG and the tests for conditions at paragraph 206 of the NPPF. Where necessary I have amended the wording of suggested conditions to reflect the PPG and ensure there is not an undue pre-commencement burden on the development.
32. In addition to the standard time limit condition, a condition requiring the development is carried out in accordance with the approved plans and a condition specifying the commercial unit is for A1 retail use only are necessary for the avoidance of doubt and to ensure proper planning. In the interests of securing high quality and inclusive design the LPAs suggested conditions in relation to external materials, hard and soft landscaping (including a landscape management plan), tree protection, waste management, extraction equipment, external lighting, shopfront details and removal of rights relating to advertising and certain forms of permitted development are necessary and I have imposed them with or without amendments.
33. In order to protect the living conditions of surrounding residents a condition requiring a construction management plan (which would inhibit the burning of waste) and a condition restricting when the demolition and construction can take place are necessary. Because the appeal proposal involves demolition it is necessary that the construction management plan is agreed as a pre-commencement condition. In the interests of wider living conditions it is necessary to condition the times for deliveries and collections from the retail unit and to ensure adequate noise insulation from traffic on the adjacent Sutton Road. I have also imposed a condition to limit the opening times of the retail unit to those submitted on the application form, which I consider necessary in the interests of protecting the amenities of nearby residents.
34. In the interests of highway safety and sustainable travel conditions on securing the proposed parking, a car parking management plan (given the blend of commercial and residential parking), cycle parking, and access arrangements onto Sutton Road are also necessary. With regards to wider environmental protection a contamination condition is required (albeit in a much simplified form). As is a condition securing details on the approach to surface water drainage with a preference for SuDS as outlined in the appellant's Drainage Strategy dated 7 July 2015. A condition securing the details of the proposed photovoltaic cells is also necessary in terms of the appearance of the building and its energy performance.
35. Where possible to do so I have amalgamated some of the LPAs suggested conditions in the interests of efficiency and set out the details for external materials and landscaping in separate conditions. I have also not imposed a suggested condition restricting glazing treatments at the shopfront which I do not consider necessary or reasonable in addition to the condition requiring the general design details of the shopfront.

36. As addressed in the decision, an additional condition is necessary regarding the details of an amended lift access to the roof terrace. I have considered the LPAs submission that such an approach lacks precision but I am satisfied that the resultant development would not be materially different to that consulted on. I am therefore content that the necessary detail could be judiciously secured and conditionally discharged in the interests of achieving high quality, inclusive design without prejudice to any party.

David Spencer

Inspector.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 13.121_200D, 13.121_201D, 13.131_202C, 13.121_203B, 13.121_204B, 13.121_205B, 13.121_206B, 13.121_207D, 13.121_209E, 13.121_210A and 13.121_211.
- 3) Notwithstanding condition 2 no development shall take place until details of the lift access to the roof terrace have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No construction works above the floor slab level shall take place until samples of the materials to be used in the construction of the external elevations of the building hereby permitted, including balconies, balustrades, screening, fenestration, front porches and hoods have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure (including any gates to the car parks); car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, loggia, bollards, play equipment, refuse or other storage units, signs, lighting etc.)

Details for the soft landscape works shall include the number, size and location of the trees, shrubs and plants to be planted together with a planting specification, the management of the site (e.g. the uncompacting of the site prior to planting) and the initial tree planting and tree staking details.
- 6) The development shall not be occupied until space has been laid out within the site in accordance with drawing No. 13.121_200D for cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The

- parking spaces shall be permanently retained thereafter for the parking of occupiers, staff and visitors to the development.
- 7) The development shall not be occupied until a car park management plan for the development has been submitted to and agreed in writing by the Local Planning Authority. The agreed management plan shall be carried out as approved.
 - 8) The development shall not be occupied until a waste management plan and service plan has been submitted to and agreed in writing by the Local Planning Authority. The waste management and servicing of the development shall thereafter be carried out in accordance with the approved details.
 - 9) The development shall not be occupied until details of the secure, covered cycle parking spaces to serve the residential development and cycle parking spaces to serve the retail/commercial unit have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and shall be retained thereafter.
 - 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide, amongst other things, for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding
 - v) measures to control the emission of dust and dirt during construction
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works that does not allow for the burning of waste on site.
 - 11) Before the retail use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
 - 12) With reference to BS4142, the noise rating level arising from all plant and extraction/ventilation equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from ground floor façades and 1 metre from all other façades of the nearest noise sensitive property with no tonal or impulsive character.
 - 13) The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 hours.
 - 14) No deliveries or refuse collection shall be taken at or despatched from the retail unit outside the hours of 07:00-19:00hours Mondays to Fridays and 08:00-13:00hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

- 15) Other than the demolition, grubbing up of foundations and site clearance, no development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any construction begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 16) No development shall take place until details of the implementation, maintenance and management of a scheme for surface water drainage works have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) An investigation of the feasibility of infiltration SUDS as the preferred approach to establish if the principles of any infiltration based surface water drainage strategy are achievable across the site, based on ground conditions. Infiltration or soakaway tests should be provided which fully adhere to BRE365 guidance to demonstrate this. Infiltration features should be included where infiltration rates allow;
 - ii) Drainage plans and drawings showing the proposed locations and dimensions of all aspects of the proposed surface water management scheme. The submitted plans should demonstrate the proposed drainage layout will perform as intended based on the topography of the site and the location of the proposed surface water management features;
 - iii) a timetable for its implementation; and
 - vii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 17) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the retail use hereby permitted begins and residential apartments are occupied. Development shall be carried out in accordance with the approved details. No additional external lighting shall be installed on the building without the consent of the Local Planning Authority.
- 18) No construction works above the level of the floor slab shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the Local

- Planning Authority. The details shall include the insulation scheme including predicted internal L_{max} and L_{Aeq} levels for the noise sources identified in the noise assessment. Glazing and ventilation shall be selected with relevant acoustic properties as outlined in the Noise Assessment dated 18 December 2014. The agreed noise prevention measures will be installed prior to first occupation of the dwellings and retained at all times thereafter.
- 19) Demolition or construction works shall not take place outside 07:30hours to 18:00hours Mondays to Fridays and 08:00hours to 13:00hours on Saturdays nor at any time on Sundays or Bank Holidays.
 - 20) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.
 - 21) No construction works above the level of the floor slab shall take place until details of the proposed Photovoltaic cells set out in the submitted Energy and Sustainability Statement by Fusion 13 have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and brought into use on first occupation of the development.
 - 22) Prior to the installation of any shopfront, the details of the design, materials, glazing, doors, shutters, signage and lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
 - 23) No construction works above the level of the floor slab shall take place until details of the treatment of the undercroft area, including internal elevations, materials and lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
 - 24) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, or any order revoking and re-enacting that Order with or without modification, no advertisement shall be displayed on the building without the prior written consent of the Local Planning Authority.
 - 25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no structures such as canopies, fences, loggias, trellises or satellite or radio antennae shall be installed within the development or on the buildings unless otherwise agreed in writing by the Local Planning Authority.
 - 26) The commercial floorspace hereby approved shall be used for A1 retail only and for no other purpose including any within Classes A, C3 or D1 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory modification or re-enactment or replacement thereof (as the case may be) for the time being in force).

- 27) The development shall be carried out in accordance with the Methods of Demolition, Construction, Tree Protection and "agreed Tree Works" set out in the Method Statement within the Arboricultural Implications Assessment and Preliminary Method Statement submitted by Oakfield Arboricultural Service dated 11 December 2014 unless otherwise agreed in writing by the Local Planning Authority.
- 28) No construction works above the level of the floor slab shall take place until details of the new accesses, removal of the existing redundant crossovers and street furniture, loading bays, on street car parking spaces and public realm improvements (new street furniture and paving to the front of the site) as shown on plan ref 13.121_200D have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.

Schedule Ends.