



Appeal Decision

Hearing Held on 16 July 2019

Site visit made on 16 July 2019

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/K5600/W/18/3206474

Car Park, 28 Pavilion Road, London SW1X 0HH

- 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 Beaumont Properties Limited against the decision of The Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/18/00756, dated 1 February 2018, was refused by notice dated 18 April 2018.
 - The development proposed is the demolition of existing car park and erection of 28 residential units with associated car parking, plant, landscaping work and ancillary space.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing car park and erection of 28 residential units with associated parking, plant, landscaping work and ancillary space at Car Park, 28 Pavilion Road, London SW1X 0HH in accordance with the terms of the application, Ref PP/18/00756, dated 1 February 2018, subject to the conditions in a schedule at the end of this decision.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was published during the course of the appeal. The Council and appellant had the opportunity to comment and I have taken its contents into account in coming to my decision.
3. The appellant confirmed at the beginning of the hearing that their viability assessment and that of the Council had been carried out on a set of draft drawings that did not form part of the application. The difference comprised the provision of a third basement floor in the draft drawings. This affected the viability assessment and an updated version was provided at the hearing. The Council were given the opportunity to consider that further. I have taken the appellant's revised viability assessment into account in coming to my decision.
4. An executed Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (S106) was submitted following the hearing. I will return to this in my reasoning.
5. The planning application was refused for two reasons relating to the provision of affordable housing and parking permits. It was agreed between the parties that the reason relating to parking permits could be resolved by provisions

within the UU. Consequently, this does not need to form a main issue in my decision.

Main Issue

6. Whether or not the proposed development would make adequate provision for affordable housing.

Reasons

7. Policies CH1 and CH2 of the Consolidated Local Plan (CLP) seek provision of affordable housing as part of housing developments. On a scheme of this size, where it does not provide 50 per cent of gross external residential floorspace for affordable housing, these policies require the developer to demonstrate that the maximum reasonable amount of affordable housing would be provided through a viability assessment. These policies reflect Policies 3.10, 3.11, 3.12 and 3.13 of the London Plan that provide a definition and targets for provision of affordable housing and allow negotiations on sites to take account of their individual circumstances, such as development viability.
8. The Council have accepted that there are exceptional circumstances for financial contributions in lieu of on-site provision in an application for an alternative form of development on the same site, in accordance with Policy CH2 of the CLP. That application (reference PP/18/00810) was approved and the Council accept that, in principle, the proposed development should be considered on the same basis. I see no reason to come to a different conclusion.
9. That alternative development would provide a significantly higher financial contribution toward affordable housing than is proposed in this instance. The Council considered that the large discrepancy between the two contributions indicates that the contribution in this case was not the maximum reasonable amount. I note that the conclusions of the viability assessment were agreed between the consultants of both the applicant and Council prior to the decision being taken.
10. The revised viability assessment taking account of the removal of a floor of basement accommodation indicates a larger contribution would be possible than that based on the draft drawings and proposed at application stage. This is reflected in the executed UU.
11. The appellant has suggested that the difference between the approved and proposed schemes relates to fit out costs and gross development value. This was demonstrated on a spreadsheet submitted at the hearing summarising the appraisal for the approved, draft and proposed schemes.
12. In terms of fit out costs, I understand that the commercial element of the approved scheme would be provided to the user as a shell only whereas residential units would be fitted out. As a result, the build costs would be considerably less for the approved scheme than the draft and proposed schemes. In order to make up for that and provide an acceptable return to the developer, the contribution toward affordable housing was significantly reduced when assessing the draft scheme.
13. The value of the residential development in the approved scheme is considerably less than those of the draft and proposed schemes. Taking

account of the value of parking and the commercial element of the approved development, the gross development values of the approved and draft schemes are broadly comparable.

14. However, the gross development value of the proposal would be less than either the approved or draft schemes. This is due to the reduction in the amount of parking proposed arising from the removal of a level of basement and consequent loss of value. However, the reduction in build costs arising from the removal of that basement from the scheme more than make up for the loss in development value. This has resulted in an increase in the contribution toward affordable housing in the proposed scheme compared to the draft scheme. However, it would remain considerably below the contribution from the approved scheme.
15. In summary, the difference in fit out costs between the approved scheme and current proposals would be considerable and results in the proposal being able to contribute considerably less toward affordable housing than the approved scheme.
16. I note that the Council's viability advisors calculated a higher contribution for affordable housing than did those on behalf of the appellant and these were accepted by the appellant both for the approved and draft schemes. The basis for these differences is unclear due to commercial sensitivity. Had the Council's advisors commented on the latest figures, they may also have calculated a different amount. However, the Council have not requested they do so, so I am only able to take into account the calculations provided by the appellant.
17. As set out above, the previously approved scheme would contribute considerably more toward the provision of affordable housing. However, I need to consider the proposed development on its individual merits.
18. Taking all of the above into account, I conclude that the viability assessment has demonstrated that the UU would provide the maximum reasonable amount of affordable housing in this instance. As such, the proposed development would make adequate provision for affordable housing and would comply with Policies CH1 and CH2 of the CLP and Policies 3.10, 3.11, 3.12 and 3.13 of the London Plan.

Other matters

19. The submitted UU contains provisions relating to parking permit free development. I understand that as Kensington and Chelsea is densely developed, it has a dense and complex transport network. As a result, the Council operate Policy CT1 of the CLP that seeks to require all new additional development be permit free.
20. The UU seeks to restrict access to parking permits by occupiers of the proposed development. I note that the legal basis of the UU states that the deed is made pursuant to Section 16 of the Greater London Council (General Powers) Act 1974 along with other Acts such that the UU would be enforceable in this regard.
21. The UU also contains obligations regarding construction training that would encourage training for local residents and local procurement to encourage the use of local businesses for the provision of goods and services. An obligation requires the removal of signage relating to the car park that is to be

- demolished. A contribution would be made in accordance with the UU toward highway improvements required to provide for the proposed development.
22. On that basis, I conclude that the provisions in the UU would be necessary to make the development acceptable in planning terms, be directly related to the development and be fairly and reasonably related in scale and kind to the development. As such, it would comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Consequently, I have taken the UU into account in coming to my decision.
23. The car park is surrounded by Pavilion Road, Stackhouse Street and Rysbrack Street. The rear of townhouses and mansion blocks back onto Stackhouse Street and Rysbrack Street and are located within the Hans Town Conservation Area. Over Pavilion Road is the servicing elevation of a hotel that is outside the conservation area, albeit that continues to the opposite side of the hotel. Given the location adjacent to the conservation area, there is potential for the demolition and replacement of the car park to affect views into the conservation area and its setting. Nevertheless, the location to the rear of buildings and the contemporary design of the proposed residential development replacing the utilitarian car park would reflect the character and appearance of this location and would preserve the setting of the conservation area.
24. The car park is also within close proximity to Harrods department store that is listed grade II*, separated by the substantial buildings backing onto Rysbrack Street. As a result, there is limited appreciation of the listed building from the car park. Its replacement with a residential development of the scale proposed would preserve the setting of the listed building.

Conditions

25. To meet legislative requirements, a condition shall be imposed to address the period for commencement. I shall also impose conditions for the following reasons. I have imposed a condition specifying the relevant drawings as this provides certainty.
26. A condition is necessary, prior to development commencing, for details and samples of colours, materials and cross sections of windows, doors, walls, boundaries of terraces, roof, plant and enclosures, gates, lighting and landscaping to be submitted and approved prior to development commencing. This is to ensure that the building is constructed in materials and landscaped such that it would maintain the character and appearance of the area, including the setting of Hans Town Conservation Area and listed Harrods department store.
27. Conditions are necessary to provide, prior to development commencing, a Demolition and Construction Traffic Management Plan and a Demolition and Construction Management Plan to ensure the development works take place without undue disturbance to neighbouring occupiers and to maintain highway safety. A condition is necessary relating to provision and approval by the local planning authority of the Code of Construction Checklist and Site Construction Management Plan prior to development commencing and requiring development to take place in accordance with the CCC and SCMP to ensure the development works take place without undue disturbance to neighbouring occupiers.

28. Conditions requiring provision of electric vehicle charging points and to provide cycle parking are necessary to meet the needs of the occupiers of the proposed dwellings and in order to protect highway safety and the environment of the area. A condition is necessary to meet the Building Regulations Optional Requirement for water consumption in order to ensure the development is water efficient. A condition is necessary relating to the Building Regulations Optional Requirement for access to provide for people with disabilities and meet the changing needs for households.
29. Conditions are necessary to restrict noise and vibration from building services, plant and vents, including air conditioning and extraction equipment, to protect the living conditions of occupiers of neighbouring dwellings from noise and disturbance. Conditions are necessary to restrict noise and disturbance within the proposed dwellings, including implementation of the Environmental Noise and Vibration Report and submission of façade construction details, to protect the living conditions of future occupiers of the development. Conditions are necessary to ensure emissions from any plant, including CHP plant, and transport do not materially affect the living conditions of occupiers of neighbouring dwellings and of the proposed development from pollution. A condition restricting use of the proposed roof spaces as terraces is necessary to protect the living conditions of occupiers of the neighbouring dwellings from overlooking and disturbance.
30. Conditions relating to contamination are necessary, including requiring information be agreed prior to development commencing and development be carried out in accordance with that information, in order to ensure contamination does not affect future residents of the development or neighbouring occupiers. A condition requiring details and implementation of a sustainable urban drainage system is necessary in order to reduce the impact of the development on flooding and manage run-off flow rates.
31. Details of landscaping works to the proposed public square are necessary prior to development commencing in order to ensure the development will reflect the character and appearance of the area, including the setting of Hans Town Conservation Area and listed Harrods department store. Conditions requiring the implementation of landscaping, retention of the winter garden at ground floor and replacement of any planting should it die, be removed or become seriously damaged or diseased are necessary in order to ensure the development will reflect the character and appearance of the area.
32. A condition is necessary to remove permitted development rights relating to communications equipment at roof level to protect the setting of listed buildings including Harrods, Lincoln House, 39-41 Brompton Road and 190-192 Sloane Street, and the Hans Town Conservation Area.
33. In some cases I have amended the wording of conditions suggested in the Statement of Common Ground in the interests of clarity. I do not consider conditions are necessary relating to the professional management of engineering works and the Considerate Constructors Scheme as these are covered by other conditions. A suggested condition related to odours from extraction equipment I understand was copied from the alternative scheme including provision of a commercial kitchen and would not be necessary in this case. I have also not applied a condition relating to the Code for Sustainable Homes as that has been withdrawn.

Conclusion

34. For the above reasons and taking into account all other matters raised I conclude that the proposed development would comply with the development plan and the appeal should succeed.

AJ Steen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Neil Henderson	Planning Consultant, Gerald Eve
Cecelia Fellows MRICS	Viability Consultant, Avison Young
Jacob Kut MRICS	Avison Young

FOR THE LOCAL PLANNING AUTHORITY:

Fiona Rae	Senior Planning Officer, The Royal Borough of Kensington & Chelsea
-----------	--

DOCUMENTS SUBMITTED AT THE HEARING:

- Document 1: Memorandum summarising physical scheme changes between iterations
- Document 2: Spreadsheet of viability analysis of proposed scheme, approved scheme and originally assessed (draft) scheme

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan no.	Rev	Title
1995 (91) 001	P1	Site Plan
1995 (01) 002	P1	Existing Basement Level 2 Demolition Drawing
1995 (01) 003	P1	Existing Basement Level 1 Demolition Drawing
1995 (01) 004	P1	Existing Lower Ground Floor Plan Demolition Drawing

1995 (01) 005	P1	Existing Ground Floor Plan Demolition Drawing
1995 (01) 006	P1	Existing First Floor Plan Demolition Drawing
1995 (01) 007	P1	Existing Second Floor Plan Demolition Drawing
1995 (01) 008	P1	Existing Third Floor Plan Demolition Drawing
1995 (01) 009	P1	Existing Fourth Floor Plan Demolition Drawing
1995 (01) 010	P1	Existing Fifth Floor Plan Demolition Drawing
1995 (01) 200	P1	Existing Section AA Demolition Drawing
1995 (01) 201	P1	Existing Section BB Demolition Drawing
1995 (01) 100	P1	Existing Elevations 1 and 2 Demolition Drawing
1995 (01) 101	P1	Existing Elevations 3 and 4 Demolition Drawing
1995 (01) 102	P1	Existing Elevation 5 Demolition Drawing
1995A (02) 050	P1	Proposed Block Plan Residential Scheme
1995A (02) 052	P1	Proposed Basement Level 2 Residential Scheme
1995A (02) 053	P1	Proposed Basement Level 1 Residential Scheme
1995A (02) 054	P1	Proposed Lower Ground Floor Plan Residential Scheme
1995A (02) 055	P1	Proposed Ground Floor Plan Residential Scheme
1995A (02) 056	P1	Proposed First Floor Plan Residential Scheme
1995A (02) 057	P1	Proposed Second Floor Plan Residential Scheme
1995A (02) 058	P1	Proposed Third Floor Plan Residential Scheme
1995A (02) 059	P1	Proposed Fourth Floor Plan Residential Scheme
1995A (02) 060	P1	Proposed Fifth Floor Plan Residential Scheme
1995A (02) 061	P1	Proposed Sixth Floor Plan Residential Scheme
1995A (02) 062	P1	Proposed Seventh Floor Plan Residential Scheme
1995A (02) 150	P1	Proposed Elevations 1, 2 and 3 Residential Scheme
1995A (02) 151	P1	Proposed Elevations 4 and 5 Residential Scheme
1995A (02) 152	P1	Proposed Elevations 6 and 7 Residential Scheme
1995A (02) 153	P1	Proposed Elevations 8, 9 and 10 Residential Scheme
1995A (02) 154	P1	Proposed Elevations 11 and 12 Residential Scheme
1995A (02) 250	P1	Proposed Section AA Residential Scheme
1995A (02) 251	P1	Proposed Section BB Residential Scheme

- 3) No development shall commence, save for demolition and basement excavation works, until full particulars of the following have been

- submitted to and approved in writing by the local planning authority and the development shall not be completed otherwise than in accordance with the details so approved:
- a) Full details of material palette, including metalwork and glazing (obscured and clear);
 - b) Sample panels available on site showing terracotta ashlar blockwork at ground floor level, terracotta cladding (including fins) at upper floor level, and curtain wall glazing;
 - c) Cross section and plans through typical window and door entrances in at a scale of 1:5;
 - d) Cross section and elevation details of the boundary wall treatments at ground floor level; boundary treatments of terraces at upper floor levels; and roof parapet at a scale of 1:5;
 - e) Cross section and elevation details of the gates and gateway to the courtyard at a scale of 1:5;
 - f) Elevation and section details of the roof top plant and enclosures at a scale of 1:5;
 - g) Details of the green roofs to main roofs of the development;
 - h) Details including plans of the soft and hard landscaping in the communal courtyard spaces; and
 - i) Details of any external lighting to the buildings.
- 4) No development shall take place, including any works of demolition, until a Demolition and Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- a) routeing of demolition, excavation and construction vehicles, including a response to existing or known projected major building works at other sites in the vicinity and local works in the highway;
 - b) access arrangements to the site;
 - c) the estimated number and type of vehicles per day/week;
 - d) details of any vehicle holding area;
 - e) details of the vehicle call up procedure;
 - f) estimates for the number and type of parking suspensions that will be required;
 - g) details of any diversion or other disruption to the public highway during preparation, demolition, excavation and construction work associated with the development;
 - h) work programme and/or timescale for each phase of preparation, demolition, excavation and construction work associated with the development;
 - i) details of measures to protect pedestrians and other highway users from construction activities on the highway;
 - j) a strategy for coordinating the connection of services on site with any programme work to utilities upon adjacent land; and
 - k) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent

of hoarding, position of nearby trees in the highway or adjacent gardens, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall be carried out in accordance with the approved CTMP.

- 5) Prior to commencement of development, a risk assessment shall be undertaken and the appropriate mitigation measures to minimise dust and emissions incorporated into a site specific Demolition and Construction Management Plan based on the Mayor's SPG 'The Control of Dust and Emissions during Construction and Demolition' which shall be submitted to and approved in writing by the Local Planning Authority. This should include an inventory and timetable of nitrogen dioxide and particulate matter generating activities including Non-Road Mobile Machinery, emission control methods and air quality monitoring. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence until the Code of Construction Checklist (CCC) and Site Construction Management Plan (SCMP) for the development have been submitted to and approved in writing by the local planning authority. The approved CCC and SCMP shall be adhered to throughout the construction period for the development.
- 7) Prior to occupation of the first residential unit, the electric vehicle charging points shall be provided in accordance with the approved details and maintained thereafter.
- 8) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing nos. 1995A (02)052 P1 and 1995A (02)053 P1 for bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 9) The dwellings shall not be occupied until the Building Regulations Optional Requirement G2 (2) (b) has been complied with.
- 10) At least 90% of residential units within the development shall achieve compliance with optional requirement M4(2) of the Building Regulations 2010 (amended) and at least 10% shall achieve compliance with optional requirement M4(3)(2)(a) of the Building Regulations 2010 (amended). Prior to commencement of above ground works, plans demonstrating which of the units will achieve these standards should be submitted to and approved in writing by the Local Planning Authority. None of the specified units shall be occupied until Building Regulations approval has been issued certifying that these criteria have been achieved.
- 11) Noise emitted by all external building services plant, including the car lift, and from any ventilation louvre or grill, when operating individually or in combination, shall not increase the lowest existing measured background LA90(15min) level measured or predicted at 1.0m from the nearest residential window and/or at a height of 1.2m above any adjacent residential garden, terrace, balcony or patio at any time when the plant is operating. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this condition, they shall be switched off and not used again until it is able to comply.

- 12) The plant and lifts shall not operate unless they are supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
- 13) Work shall not commence on installing the plant until a report has been submitted to and agreed in writing by the local planning authority. The report shall show how compliance with condition 11 and the plant noise emission limits as detailed in Table 9, page 12, of the Environmental Noise and Vibration Report (prepared by Hoare Lea Acoustics Limited, dated 21 December 2017), will be achieved. The proposed plant shall be installed in accordance with the approved details and so maintained.
- 14) The noise level in habitable rooms at the development hereby approved shall meet the noise standard specified in Table 4 of BS8233:2014 'Guidance on sound insulation and noise reduction for buildings.' In order to achieve these levels, the sound insulation performance targets and recommendations contained within Section 8, and Tables 10 to 12, of the Environmental Noise and Vibration Report (prepared by Hoare Lea Acoustics Limited, dated 21 December 2017) shall be adopted and implemented in full.
- 15) Prior to commencement of the development, save for demolition and excavation of the basement, full façade construction details of the external facades, including façade performance and glazing, with commensurate composite sound insulation performance predictions, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall show that noise levels within habitable rooms shall comply with the recommendations of BS8233: 2014 'Sound insulation and noise reduction for buildings.' The development shall be constructed in accordance with the approved details.
- 16) Prior to installation of any combustion plant, details of the chimney stack/flue shall be submitted to and approved in writing by the Local Planning Authority to show that any chimney stack/flue will be located so that it is away from ventilation intakes or accessible areas and at a sufficient height and discharge velocity to disperse the exhaust emissions. Details of the selected combustion plant (including abatement equipment), their emissions (and maintenance schedule) shall be provided. This should demonstrate that boilers shall have NO_x emissions not exceeding 40mg/kWh of dry NO_x (at 0% O₂) and CHP plant not exceeding Band B emissions standard of the Sustainable Design and Construction SPG. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 17) Prior to first occupation of the building, the CHP plant shall be fitted with abatement equipment or technologies to meet as a minimum the Band B emissions standard. A NO_x emissions test must be carried out by an accredited laboratory/competent person and the certificate and equipment maintenance schedule submitted to and approved in writing by the Local Planning Authority. The CHP plant must be fitted with the approved details prior to operation and maintained thereafter in accordance with the approved details.
- 18) Prior to commencement of the development, save for demolition and excavation of the basement, a low emission strategy shall be submitted

to and approved in writing by the local planning authority. This should include a comparison of emissions against London Plan emission benchmarks for buildings and transport and Band B emission standards for combustion plant and include measures to reduce emissions from the operational development. The strategy shall detail the emission reduction strategies to be incorporated including proposals for boiler /plant abatement equipment, including the calculation of the appropriate chimney height. Measures for transport emissions should include electric charging facilities in parking areas, permit free and a travel plan. The development shall be carried out in accordance with the approved details.

- 19) Prior to the commencement of the development, save for demolition and excavation of the basement, details of a system of mechanical ventilation, with filtration to remove airborne pollutants for residential properties shall be submitted to and agreed in writing by the local planning authority. Filtration should ensure that the national Air Quality Objectives for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) are not exceeded in residential properties. The mechanical ventilation shall be installed prior to occupation of the residential units, in accordance with the approved details, and maintained thereafter in accordance with the approved details. The system shall be checked and maintained annually, filtration media replaced as necessary and an annual report submitted to the local planning authority for approval.
- 20) Except as shown on the approved plans, the roof of the buildings, including the roof spaces identified as accessible, forming the subject of this permission, shall not be used at any time as a terrace.
- 21) No development shall commence until a Preliminary Risk Assessment Report submitted to and approved in writing by the local planning authority. This shall comprise:
 - a) a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses;
 - b) information from site inspection;
 - c) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and
 - d) a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials.
- 22) No development shall commence (save for demolition) until a Site Investigation Scheme and a Quantitative Risk Assessment Report have been submitted to and approved in writing by the local planning authority.
- 23) No development shall commence (save for demolition) until a Remediation Method Statement, if required, to address the results of the Site Investigation Scheme has been submitted to and approved in writing by the local planning authority.

- 24) On completion of the basement excavation, if required, the details set out in the approved Remediation Method Statement shall be carried out in full and a Verification Report shall be submitted to and approved in writing by the Local Planning Authority which addresses the following:
- a) details of the remediation works carried out;
 - b) results of any verification sampling, testing or monitoring including the analysis of any imported soil;
 - c) classification of waste, its treatment, movement and disposal; and
 - d) the validation of gas membrane placement.
- 25) If during development, contamination not previously identified is found to be present at the site, development work in the relevant area shall cease and not be recommenced until a report indicating the nature of the contamination and how it is to be dealt with has been submitted to, and approved in writing by, the local planning authority.
- 26) No development shall commence, save for demolition and basement excavation works, until the following details have been submitted to and approved in writing by the local planning authority, and the development shall be carried out with the details so approved, unless otherwise agreed in writing with the local planning authority:
- a) The location and specification of the suitable pump device(s) required by policy CL7n of the CLP;
 - b) The location and capacity of the tank(s) required by building regulations to provide a 24-hour storage for pumped foul flows (to afford protection in the event of pump failure);
 - c) Confirmation of all the SuDS elements which will be implemented (green roofs, blue roofs, rainwater harvesting, permeable paving and attenuation tanks) to achieve the proposed discharge rate of 5 l/s or less; and
 - d) Details of these SuDS: specification, location, capacity, discharge treatment, and maintenance. Section drawings of green roofs, blue roofs and permeable paving should be included.
- 27) Prior to commencement of development, save for demolition and excavation of the basement, details of the landscaping works to the proposed public square at the junction of Rysbrack Street and Stackhouse Street, to include proposed trees, shrubs, seating and surfacing materials, shall be submitted to and approved in writing by the local planning authority, and the development shall only be carried out and maintained in accordance with the details so approved.
- 28) All tree and shrub planting forming part of the plans and details approved through this planning permission shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner. Any trees or shrubs which, within a period of five years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

- 29) The proposed winter garden at ground floor level on the Pavilion Road elevation shall be retained in perpetuity with transparent glazing retained on the Pavilion Road frontage of the winter garden and on the central elevation facing into the communal courtyard.
- 30) Notwithstanding any rights under Schedule 2 Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015, except that which is shown on the approved plans, no further communications equipment shall be located at roof level without the express grant of planning permission.