



Appeal Decision

Site visit made on 28 June 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/A5840/W/19/3225213
634-636 Old Kent Road, London SE15 1JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Bulbul Ali, Hexagon Housing Association, against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/3463, dated 14 September 2018, was refused by notice dated 25 January 2019.
 - The application sought planning permission for the demolition of the existing buildings to facilitate the redevelopment of the site to create 42x residential units and 272 sq.m (GIA) of flexible commercial floorspace (Class A1/A2/A3/B1) in a new building of between three and six storeys in height, together with disabled car parking, cycle parking, landscaping, plant, and associated works, without complying with a condition attached to planning permission Ref 17/AP/1646, dated 30 November 2017.
 - The condition in dispute is No 1 which states that: the development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 3439-D-010/Rev P5; 3439-D-011/Rev P3; 3439-D-012/Rev P3; 3439-D-013/Rev P3; 3439-D-014/Rev P4; 3439-D-015/Rev P3; 3439-D-016/Rev P2; 3439-D-020/Rev P1; 3439-D-021/Rev P1; 3439-D-040/Rev P1; 3439-D-041/Rev P1; 3439-L-0900/Rev 1; 3372-L-0910/Rev 1; 3439-L-0920/Rev 1; 3439-L-0921/Rev 1.
 - The reason given for the condition is: for the avoidance of doubt and in the interests of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings to facilitate the redevelopment of the site to create 46 residential units and 272 sq. m (GIA) of flexible commercial floorspace (Class A1/A2/A3/B1) in a new building of between three and six storeys in height, together with disabled car parking, cycle parking, landscaping, plant, and associated works, at 634-636 Old Kent Road, London SE15 1JB, in accordance with the application Ref 18/AP/3463 dated 14 September 2018, without compliance with condition number 1 previously imposed on planning permission Ref 17/AP/1646, dated 30 November 2017 and subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. Both parties have referred to the draft London Plan. While it has been examined, I cannot be sure it will not be subject to change. In accordance with paragraph 48 of the National Planning Policy Framework (the Framework), this limits the weight I can accord it. Similarly, the Council is progressing its replacement Local Plan, the proposed submission version of which was
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published in January 2019. However, as it remains to be examined and is therefore subject to change, little weight can be attached to its policies in the determination of this appeal.

3. The appellant has withdrawn the proposed site plan, drawing No. 3542-037 Rev P2, because it does not represent the amended layout sought in this appeal. In its place he proposes the site location plan drawing No. 3439-D-001 Rev P2. I have had regard to the principles established in *Wheatcroft*, however, as the substitute drawing is a location plan, and because the other drawings contain sufficient information to fix the site plan, no party would be prejudiced by this change.
4. The site address in the decision and banner heading has been taken from the appeal form, which corresponds with the address given in the Council's decision notices. The number of residential units in the formal decision reflects the amended plans.

Background and Main Issues

5. Planning permission was granted for the demolition of existing buildings and the development of 42 flats, together with 272m² of commercial space. The appellant sought to amend that scheme by substituting alternative drawings the material effects of which would be to increase the number of flats by 4, and the area of commercial space by 13m², while reducing the number of stair and lift cores from 2 to 1, and the area of community amenity space by 8m².
6. The Council is concerned that the reduction in the number of flats with 3 or more bedrooms (3+beds) would conflict with its development plan which aims to provide more family housing, and that the reduction in the number of access cores, the increase in the proportion of single aspect flats, and the reduced area of communal amenity space would harm the living conditions of future occupiers.
7. The main issues are therefore the effect that varying the condition would have on:
 - the aim of providing more family housing with 3+beds for people of all incomes to help make Southwark a borough which is affordable for families; and,
 - the living conditions of future occupiers, with particular regard to the number of single aspect flats, the number of cores, and the amount of communal amenity space.

Reasons

Family housing

8. Policy 5 of the Core Strategy 2011 (CS) seeks to meet the housing needs of people who want to live in Southwark by providing new homes in its growth areas. Policy 3.8 of the London Plan 2016 (LP) requires developments to offer a range of housing choices in terms of housing sizes and types. CS policy 7 requires 60% of development of 10 or more dwellings to be 2+beds, and in this area, 20% of development of 10 or more dwellings to be 3+beds.
9. The approved scheme met the requirements of CS policy 7. The amended scheme would provide 63% of flats as 2+beds which accords with the Core

Strategy, but only 15% of flats as 3+beds. The shortfall in 3+bed flats amounts to 2 flats. This shortfall counts against the amended scheme.

10. However, against this must be balanced the additional 4 flats overall in the amended scheme, and the increase in affordable housing, meeting the proportion required under policy, of 1 additional flat. I appreciate the need to manage the size of new dwellings as set out in CS policy 7, and I recognise that the amended scheme would not meet the proportion of 3+bedroom flats it seeks. However, while there would be 2 fewer 3+bed flats in the amended scheme, there would be 3 more 2+bed flats.
11. The Old Kent Road has been identified in policy 2.13 of the London Plan as an Opportunity Area, with a target for at least 2,500 homes, where development should optimise densities and contribute towards meeting or exceeding the minimum guidelines for housing. The Council is preparing an Area Action Plan for the area, but it remains in draft form, which limits the weight I can give its policies.
12. I conclude that, given the location of the site and its policy context, on balance, while the proportion of 3+bed flats would fall short of the policy target, the increase in the number of 2+bed flats and the increase in affordable housing would outweigh that shortfall and the conflict with CS policy 7. In conclusion on this issue alone, that limited conflict with policy 7 would not be sufficient to warrant the dismissal of the appeal. I turn now to the other concerns of the Council, before weighing the issues in the balance.

Living conditions of future occupiers

The number of single aspect flats

13. Standard 29 of the Mayor's Housing SPG¹ encourages developments to minimise the number of single aspect dwellings. It recommends that dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or which contain three or more bedrooms should be avoided. The Council's Residential Design SPD² encourages the provision of dual aspect flats. It says that where dual aspect dwellings cannot be provided, for example in blocks of flats, it requires that the design remains otherwise of a high quality.
14. The number of single aspect flats would increase from 21 to 29, or from 50% to 63% of the development. However, none would be north-facing, or would contain 3+bedrooms, or would be exposed to harmful noise levels. The constraints of surrounding buildings and frontages have led the block layout to adopt a spinal circulation space. In this configuration, there are likely to be some single aspect flats. Their proportion would not be excessive.
15. Given that their design would be otherwise of a high quality, where occupiers would have access to 2 areas of communal amenity space, with different aspects, I find no conflict with Standard 29, and no conflict with LP policy 3.5 which requires new homes to have convenient and efficient room layouts which address climate change adaptation and mitigation. Nor would the number of single aspect flats conflict with saved policies 3.11 and 4.2 of the Southwark

¹ Mayor's Housing Supplementary Planning Guidance (SPG) updated August 2017

² London Borough of Southwark 2015 Technical Update to the Residential Design Standards 2011 Supplementary Planning Document, section 2.7

Plan 2007 (SP) which seek development that maximises the efficient use of land whilst achieving good quality living conditions including high standards of ventilation, natural daylight and sunlight.

The number of cores

16. Standard 12 of the Mayor's SPG indicates that each core should be accessible to generally no more than 8 flats per floor. The amended scheme would achieve this on the fourth and fifth floors. However, at each of the first, second and third floors the core would serve 10 flats. This is 2 more flats, on 3 floors out of 5, than the number recommended in the Standard.
17. However, between 40% and 50% of the flats on those floors are 1-bedroom. Their size would limit the number of occupiers compared to a scheme containing larger flats, which might meet that standard, but otherwise reduce the sense of ownership of the space. Moreover, the core would have 2 lifts and the circulation is relatively straightforward in its arrangement, with the length of the main corridor within the limits of where the sense of communal ownership might begin to diminish.
18. For these reasons, on balance, the number of cores would not harm the living conditions of future occupiers. There would be no conflict with LP policy 3.5 and SP policies 3.11 and 4.2 which seek developments of the highest quality both internally and externally.

The amount of communal amenity space

19. The Council's SPG sets out that flats should be provided with a minimum of 10m² of private amenity space, and that each development should provide at least 50m² of communal amenity space. It provides that where flats of 2 bedrooms or fewer cannot provide 10m², then the shortfall can be added to the communal area.
20. Of the proposed flats, 29 would not meet the 10m² area. Their combined shortfall of 99m², when added to the communal amenity space area of 50m², makes a total area of 149m² to meet the minimum in the guidance. While the amended scheme would provide 8.5m² less communal amenity space than the approved scheme, at 199.5m², the area would comfortably exceed the minimum. Moreover, the total area would be shared across 2 locations which would provide choice to future occupiers.
21. On the basis that the quantity of communal amenity space would substantially exceed the minimum area suggested in the SPG, I find no conflict from the amended scheme with LP policy 3.5 and SP policies 3.11 and 4.2.

Other Matters

22. The planning agreement against the original scheme aimed to secure affordable housing and financial contributions towards meeting the need for additional facilities and services arising from the development and towards the mitigation of its environmental effects. The affordable housing in the amended scheme would continue to provide 35% affordable housing which is necessary, with a viability review mechanism, to make the development acceptable in planning terms. Given the site's location in an Archaeological Priority Zone and an Air Quality Management Area, contributions to archaeological monitoring and supervision are necessary, as are contributions in respect of the mitigation of

nitrogen dioxide and particulates and to offset carbon emissions. Contributions to highways works in connection with reinstating footways and, given the number of future occupiers and the site's location in a controlled parking zone, a scheme for a car club, are necessary. A contribution to children's local play space facilities would mitigate the shortfall of play space within the scheme. A contribution to mitigate the effects of the loss of employment floorspace is also necessary.

23. I have sought the views of both parties on the effectiveness of the agreement against this amended scheme, and the need to vary it or to provide a supplementary agreement. The appellant has indicated that despite the changes in the amended scheme, the contributions required would remain unchanged. The Council has accepted that, in the event of the appeal being allowed, and on the basis of no additional contributions being required, its provisions would still apply and would be effective, without the need for a supplementary agreement. There is no substantive evidence to lead me to conclude otherwise.
24. I consider that the measures in the agreement are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.

Conclusion

25. The Council is right to defend the quality of living accommodation in the consented scheme. Indeed, the Framework indicates that the quality of approved development should not be materially diminished between permission and completion as a result of changes made to the permitted scheme. I note that the Council's approval of the previous scheme balanced its density against the quality of its accommodation. However, I have found no harm from the amended scheme, in both its singular and collective effects, on the living conditions of future occupiers.
26. I conclude that, given the location of the site and its policy context, on balance, while the proportion of 3+bed flats would fall short of the policy target, the increase in the number of flats and the increase in affordable housing would outweigh the small shortfall and the limited conflict with CS policy 7. Given my finding of no singular or collective harm to the living conditions of future occupiers, and in the absence of any other policy conflict, I conclude that the appeal should succeed. I have therefore altered the contentious part of the condition and granted a new planning permission with a modified plans condition.
27. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I have imposed all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
28. It should be noted that in accordance with Section 73(5) the time limit for the commencement of the development specified in the original planning

permission still applies. Therefore, the development permitted by my decision on this appeal must be commenced within three years of the date of the original planning permission, Ref 17/AP/1646, which was granted on 30 November 2017.

Patrick Whelan

INSPECTOR

Schedule of conditions

1) The development hereby permitted shall begin not later than 3 years from 30 November 2017.

2) The development hereby permitted shall be carried out in accordance with the following, approved drawings:

3439-D-001	rev P2	Site Location Plan
3542-038	rev P3	Ground Floor Plan
3542-039	rev P3	First Floor Plan
3542-040	rev P3	Second Floor Plan
3542-041	rev P3	Third Floor Plan
3542-042	rev P3	Fourth Floor Plan
3542-043	rev P3	Fifth Floor Plan
3542-044	rev P3	Roof Plan
3542-045	rev P3	Old Kent Road and South Elevations
3542-046	rev P3	Ethnard Road and Courtyard Elevations
3542-047	rev P3	Sections AA and BB
3542-048	rev P3	Sections CC And DD

PRE-COMMENCEMENT CONDITIONS

3)

- a) Prior to the commencement of any development (excluding demolition), the recommendations for further site investigation that are set out in the Desk Study and Preliminary Ground Investigation by GEA (reference J17044, March 2017), shall be carried out and the results of such site investigations submitted to the local planning authority for approval in writing. Specifically, this will include site investigation to include previously inaccessible areas and to delineate the extent of contamination in the soils and groundwater.
- b) Based on the results of the site investigations, together with any relevant risk assessments, a detailed remediation and/or mitigation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, controlled water and buildings shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall include the provision of a vapour membrane beneath all structures. The approved remediation/mitigation scheme shall be implemented as part of the development and the Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.
- c) Following the completion of the measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.
- d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

- 4) No development shall take place, including any works of demolition, until a written construction environmental management plan (CEMP) for the site has been devised and submitted for the approval of the Local Planning Authority (in consultation with Transport for London). The CEMP shall oblige the applicant, developer and contractors to commit to current best practice with regard to site management and to use all best endeavours to minimise off site impacts. A copy of the CEMP shall be available on site at all times and shall include the following information:
 - a) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
 - b) Engineering measures to eliminate or mitigate identified environmental impacts e.g. acoustic screening, sound insulation, dust control, emission reduction, location of specific activities on site, etc.;
 - c) Arrangements for direct responsive contact for nearby occupiers with the site management during demolition and/or construction (signage on hoardings, newsletters, resident's liaison meetings);
 - d) A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;
 - e) Site traffic: Routing of in-bound and outbound site traffic, one way site traffic, lay off areas, etc.;
 - f) Waste Management: Accurate waste identification, separation, storage, registered waste carriers for transportation and disposal to appropriate destinations.
- 5) Before any work hereby authorised begins, the developer shall secure the implementation of a programme of archaeological evaluation works in accordance with a written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority.
- 6) Before any work, including demolition, hereby authorised begins, the developer shall secure the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.
- 7) Before any work hereby authorised begins, a detailed scheme showing the complete scope and arrangement of the foundation design and all ground works shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.
- 8) Before any work hereby authorised begins, the developer shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

- 9) Prior to works commencing, including any demolition, an Arboricultural Impacts Assessment including an Arboricultural Survey shall be submitted to and approved in writing by the Local Planning Authority.
- a) A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site, including any demolition, changes to ground levels, pruning or tree removal.
 - b) A detailed Arboricultural Method Statement showing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, excavation, vehicles, stored or stacked building supplies, waste or other materials, and building plant, scaffolding or other equipment, shall then be submitted to and approved in writing by the Local Planning Authority. The method statements shall include details of facilitative pruning specifications and a supervision schedule overseen by an accredited arboricultural consultant.
 - c) Cross sections shall be provided to show surface and other changes to levels, special engineering or construction details and any proposed activity within root protection areas required in order to facilitate demolition, construction and excavation.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations contained in the method statement. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

COMMENCEMENT OF WORKS ABOVE GRADE

- 10) Prior to above grade works commencing, material samples and/or sample-panels of all external facing materials to be used in the carrying out of this permission shall be presented on site or an alternative location agreed with the local planning authority, and a details materials schedule submitted to the Local Planning Authority for approval in writing. The development shall not be carried out otherwise than in accordance with any such approval given.
- 11) Prior to commencement of works above grade, section detail drawings at a scale of 1:5 through the heads, cills, jambs, balustrades of all openings to be used in carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given.

- 12) Before any above grade work hereby authorised begins details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.
- 13) Prior to works above grade, details of bird and bat nesting boxes/bricks shall be submitted to the Local Planning Authority for approval in writing. Details shall demonstrate that no fewer than 5 swift boxes and 2 integrated bat roosts/bricks shall be provided, and the details shall include the exact location, specification and design of the habitats. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. A post completion assessment will be required to confirm the nest/roost features have been installed to the agreed specification. The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.
- 14) Prior to commencement of works above grade, full details of all proposed tree planting on Old Kent Road shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period.

All tree planting shall be carried out in accordance with those details and at those times. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the local planning authority gives its written consent to any variation.

- 15) Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings and for the communal roof garden/terrace (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials, planting, play and edge details/boundary treatments), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to

demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

PRE-OCCUPATION CONDITION

- 16) Before the first occupation of the commercial premises hereby permitted, a certified Post Construction Review (or other verification process agreed with the local planning authority) shall be submitted to and approved in writing by the Local Planning Authority to confirm that the commercial unit has achieved a BREEAM "Excellent" accreditation, as identified in the approved BREEAM Pre-Assessment (Shell only)(CTN/7133799/AD)(Rev3)(MLM, 24.04.17).

COMPLIANCE CONDITIONS

- 17) The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS4142:2014 'Rating industrial noise affecting mixed residential and industrial areas'.
- 18) The residential rooms within the development sharing a party wall/ floor element with commercial premises shall be designed and constructed to provide reasonable resistance to the transmission of sound sufficient to ensure that NR25, 5min is not exceeded due to noise from the commercial premises.
- 19) The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:
Bedrooms - 30dB LAeq, T * and 45dB LAFmax
Living rooms - 35dB LAeq, T **
* - Night-time 8 hours between 23:00-07:00
** - Daytime 16 hours between 07:00-23:00.
This may be achieved by following the guidance given in the Noise Impact Assessment by Hann Tucker submitted with the application.
- 20) No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.
- 21) Unless otherwise agreed in writing with the local planning authority, any deliveries, unloading and loading to the commercial unit(s) hereby approved shall only be between the following hours: Monday to Saturday - 10:00 - 16:00; Sundays/ Bank Holidays - not at all.
- 22) Before the commencement of above grade works, the developer shall secure written confirmation from the appointed building control body that the specifications for each dwelling identified in the detailed construction plans meet the standards of the Approved Document M of the Building Regulations (2015) required below and as corresponding to the approved floor plans. In the case of those units designed to achieve M4(3a), these units shall also achieve the overall size standards set out in the South East London Housing Partnership Wheelchair Housing Design Guidelines.
M4(3a) - G.01, G0.3, 1.09, 2.09, 3.09: M4(2) - All other units.

- 23) Before the first occupation of the building/extension hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced 3542-038 REV P3 shall be provided and made available for use by the occupiers of the dwellings/premises and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.
- 24) Prior to occupation of the unit/s hereby approved, 2x disabled parking spaces, as shown on the drawing/s referenced 3542-038 REV P3 hereby approved, shall be made available, and retained for the purposes of car parking for the disabled tenants/occupiers only for as long as the development is occupied.
- 25) A scheme of internal mechanical ventilation serving the residential units shall be designed and installed with appropriately located plant inlets and outlets, necessary attenuation of plant noise and treatment or actions to reduce NO2 levels that might otherwise adversely affect residential occupiers. This ventilation scheme shall be installed prior to the occupation of any residential units hereby consented. A suitable scheme is contained in the recommendations of the Air Quality Assessment by Hawkins Environmental, April 2017, submitted and approved with the application.

OTHER CONDITIONS

- 26) No A3 use shall commence on the site until such time as full details of the kitchen extract have been submitted to the local planning authority and approved in writing. The submitted details should demonstrate that the kitchen extract system incorporates relevant mitigation/attenuation to address the impact of the intended commercial operator in order to comply with the relevant DEFRA guidance on the control of odour and noise from commercial kitchen systems (2005). The extract flue(s) shall terminate above roof level.
- 27) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.
- 28) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
- 29) Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

- 30) Within 3 months of the completion of archaeological works (or another appropriate timeframe agreed with the local planning authority), the surface water attenuation tank specified in the approved Flood Risk Assessment shall be installed on site in order to achieve a greenfield runoff rate of 5l/s. The attenuation tank shall be sized to accommodate a 40% buffer for climate change as set out in the updated micro drainage calculations. The attenuation tanks and any associated drainage infrastructure shall be retained and maintained for the duration of the use hereby consented.

END OF THE SCHEDULE OF CONDITIONS