



Appeal Decision

Site visit made on 8 September 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2020.

Appeal Ref: APP/H5390/W/20/3244962

223-229 Dawes Road, London SW6 7RD

- 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 conditions subject to which a previous planning permission was granted.
- The appeal is made by GM Developments London LLP against the decision of the Council of the London Borough of Hammersmith & Fulham.
- The application Ref 2019/03549/VAR, dated 26 November 2019, was refused by notice dated 6 January 2020.
- The application sought planning permission for the demolition of existing building and erection of a part three, part four storey building plus basement extensions to provide 9 x residential units and 334sqm of commercial floorspace (Class B1) at basement and ground floor levels with associated cycle and refuse storage at ground floor; formation of roof terraces at third floor level without complying with conditions 40, 41 and 42 attached to planning permission Ref 2018/01856/FUL, dated 12 October 2018.
- The conditions in dispute are Nos 40, 41 and 42 which states that:
 - 40. The proposed development hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the flats. Such notification shall be to the council's Head of Development Management and shall quote the planning application number specified in this decision letter.*
 - 41. No occupiers of the two-bed and one-bed, flats hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written demand.*
 - 42. The new flats hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers of one-bed and two-bed flats, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The flats shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council*
- The reasons given for the conditions are:
 - 40. In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of the new flats hereby approved, with an exception of the family unit (flat 9), and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policies HO1, HO11, T1 and T4 of the Local Plan (2018) and Key Principle TR3 of the Planning Guidance Supplementary Planning Document (SPD) (2018).*
 - 41. In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policies HO1, HO11 and*

T4 of the Local Plan (2018) and Key Principle TR3 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

42. In order that the prospective occupiers of the residential unit concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policies HO1, HO11, T4 and T5 of the Local Plan (2018) and Key Principles TR3 and TR6 of the Planning Guidance Supplementary Planning Document (SPD) (2018).

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of a part three, part four storey building plus basement extensions to provide 9 x residential units and 334sqm of commercial floorspace (Class B1) at basement and ground floor levels with associated cycle and refuse storage at ground floor; formation of roof terraces at third floor at 223-229 Dawes Road, London SW6 7RD in accordance with application Ref 2019/03549/VAR, dated 26 November 2019, without complying with conditions 40, 41 and 42 previously imposed on planning permission Ref 2018/01856/FUL, granted on 12 October 2018, but subject to the conditions in the schedule attached to this decision letter.

Procedural Matters

2. During my site visit I observed that the development has commenced as indicated in the application form. However, from the appearance of the proposed building works it was obvious that none of the approved flats were completed or occupied. I have assessed the appeal on this basis.
3. I have dealt with another appeal (Ref: APP/H5390/W/19/3243761) on this site. That appeal is the subject of a separate decision albeit I have had regard to my findings in respect of consideration of the condition in dispute on that appeal.

Background and Main Issues

4. This appeal relates to conditions forming part of planning permission Ref 2018/01856/FUL which was granted on 12 October 2018 (the original permission), however, subsequent permissions have been issued by the Council that amended conditions on the original permission¹. The most recent of these, ref 2019/03805/VAR, (the amended permission) was issued on 16 April 2020, a copy of which has been provided by the appellant. Therefore, my assessment will also have regard to that amended permission as it relates to the conditions that have been discharged and other conditions which I may choose to reapply in allowing this appeal.
5. The appeal property comprises a corner building with a dual frontage onto Dawes Road and Hannell Road. It is currently under construction and once completed will comprise 9 flats over three and four storeys, with some commercial floorspace at ground floor and basement levels. Conditions 40, 41 and 42 attached to the original permission essentially sought to prevent the occupiers of the 1-bed and 2-bed flats, other than blue badge holders, from

¹ Ref 2019/00146/VAR (the 2019 permission) and Ref 2019/03805/VAR

applying for or holding permits for on-street car parking. In this case the appellant is seeking to remove these conditions.

6. Taken together, the reason for the imposition of the three conditions was to ensure that the development did not lead to an increase in demand for car parking, or cause harm to the amenities of neighbouring residents by increasing parking stress. The Council's decision notice (Ref: 2019/03549/VAR) also refers to transport accessibility. The appellant now seeks to have the three conditions removed.
7. Therefore the main issues of the appeal are whether or not conditions 40, 41 and 42 of the above mentioned planning permission are necessary and reasonable having particular regard to the effect the development would have on sustainable transport and parking conditions in the vicinity, and consequently the living conditions of the occupiers of nearby dwellings.

Reasons

8. Policy T4 of the Hammersmith and Fulham Local Plan, February 2018 (Local Plan) states that the Council will 'require car parking permit free measures on all new development unless evidence is provided to show that there is a significant lack of public transport available'. The supporting text indicates that the Council will only consider the issuing of permits for on-street parking in locations where the Public Transport Accessibility Level (PTAL) is 2 or lower. The levels of local parking stress must also be considered when assessing the impact of additional on street parking.
9. Key Principle TR3 of the Hammersmith and Fulham Planning Guidance Supplementary Planning Document February 2018 (SPD) similarly states that development in areas well connected by public transport will be expected to be car-free. Parking permits may be issued for residential development subject to them being within areas of PTAL 1-2.
10. The appeal development includes no car parking facilities and so it is likely that car-driving occupiers and visitors would be reliant upon roadside parking spaces. While noting representations from local residents regarding the parking shortage and stress in the vicinity, in addition to the Council's concerns, there is no substantive evidence before me that indicates the current shortfall in spaces, or demonstrates the extent to which the development may affect demand for roadside parking or how it would exacerbate local on-street parking stress.
11. On-site parking on Hannell Road and the surrounding residential streets is primarily for permit holders along with the option to pay and display. The Council have provided no firm evidence that local parking pressure is at a level where there would not be capacity along Hannell Road and surrounding streets, or any details of how parking congestion is currently having a detrimental effect on highway safety.
12. I note that the number of parking permits issued to each property would not be controlled. The proposal is for 9 flats and even if the occupants of the proposed dwellings were to have multiple permits, it is likely that there would still be an adequate number of car parking spaces available in the vicinity of the appeal site to cater for the additional parking demand.

13. The site is not within PTAL 1-2 and there would be conflict with Policy T4 of the Local Plan and Key Principle TR3 of the SPD. However, in this particular case and based on the evidence before me, the disputed conditions would not be necessary to make the development acceptable in planning terms. From what I observed and in light of the lack of evidence to demonstrate parking stress levels, if future occupiers were issued parking permits, the streets near to the appeal site would have sufficient capacity to accommodate the additional car parking that may arise from the development, without demonstrable harm.
14. Removing the condition 41 and 42 would not have an unacceptably adverse impact on parking stress in the area and therefore not lead to an unacceptable effect on the amenities of local residents. Furthermore, from the evidence presented to me, there would not be a harmful impact on highway safety were the likely additional cars parked locally. Consequently, there are considerations in this instance that outweigh the policy conflict.
15. I acknowledge that national and local policies seek to promote sustainable transport modes. However, limited information has been put to me to indicate that removing the disputed conditions would give rise to any significant additional car usage and traffic congestion or result in any highway safety implications. Moreover, even where occupants own a car they may not be used frequently or be used in conjunction with public transport journeys that could be accessed nearby.
16. Given that I have found that conditions 41 and 42 are not required, this therefore renders condition 40, which involves occupiers of the relevant flats submitting address details to the Council, unnecessary.
17. The appellant's case has referred to the disputed conditions being unreasonable and not related to planning. On this matter, I note that the conditions have been worded to place restrictions on future occupiers of the flats, rather than relating to the appeal building or land upon which it is on. Nor is it clear how preventing an occupier from applying for a parking permit could be enforced. As such the relevant conditions would not meet the tests contained in the Framework and in Planning Practice Guidance (PPG). Notwithstanding this, I have found that the conditions would not be necessary or reasonable given that there would be sufficient parking opportunities in the vicinity for occupiers of the appeal development.
18. For the reasons given above, conditions 40, 41 and 42 are not necessary or reasonable to ensure that the development does not adversely affect neighbouring residential properties by adding to on-street car parking stress in the area. Moreover, insufficient evidence has been presented to demonstrate that the proposal would harm sustainable transport. Therefore, it would comply with Policies T1 and HO11 of the Local Plan which requires proposals to consider parking requirements, and that traffic generated is minimised so that it does not add to parking pressures on local streets or congestion.
19. The proposal would also comply with the National Planning Policy Framework (the Framework) where it states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The removal of the conditions would accord with the Framework where it requires that planning conditions should be kept to a minimum and only imposed where, amongst other things, they are necessary and reasonable.

Conditions

20. The other appeal I have dealt with at this site (Ref: 3243761) relates to the same development, and therefore in issuing that decision I have applied the same set of new planning conditions as this appeal.
21. The PPG states that, for the purpose of clarity, decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.
22. I have had regard to all the planning conditions attached to the original planning permission as well as those conditions pertaining to the amended permission that require the approval of details prior to occupation of the flats. The decision notice relating to the amended permission also refers to conditions that have been discharged and the relevant planning reference that these related to. As such, I have imposed those that I consider remain relevant, meet the tests of conditions as set out at paragraph 55 of the Framework, as well as those that have been discharged. In the event that further conditions have been discharged, that is a matter which can be addressed by the parties.
23. Works have started on site and therefore this negates the requirement for a condition seeking works to commence within three years of grant of permission. For reasons of clarity and to ensure the development is carried out as approved, I have included a condition that lists the approved plans and accompanying documents.
24. I have removed the conditions relating to parking permits that were the subject of this appeal as these were not necessary or reasonable for the reasons already explained.
25. In relation to the other appeal I have determined at this site the condition relating to the height of privacy screens at the flats specified has been amended. This is considered reasonable as it would not result in a harmful loss of privacy to neighbouring occupiers, while also affording some screening. I have also referred to the drawings this amendment relates to in the condition that lists the plans and documents, while also requesting that details of the obscure glazing be approved prior to the occupation of the relevant flats.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed and conditions 40, 41 and 42 should be deleted. Permission is therefore granted subject to the conditions as set out in the schedule below.

R. E. Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following submitted drawings hereby approved:

208(05) 001 Rev.C; 208(05) 002 Rev.C; 208(10) 002 Rev.B; 208(10) 003 Rev.D; 208(11) 001 Rev.D; 208(11) 002 Rev.D; 208(11) 003 Rev.B; 208(12) 001 Rev.C; 208(12) 002 Rev.D; 208(12) 003 Rev.C; 208(12) 005 Rev.A; 208(PC) 044 Rev.B and 208(PC) 045 Rev.A.

- Air Quality and Dust Management Plan (Revision 2) issued: 16/01/2019; by GM London Limited) Construction Logistics Plan; Appendix A (Traffic Routes); Site Setup Plans; Demolition, Construction Management: Site Logistics Plan (Revision 6 issued: 22/10/2018); 208(12)002 Rev.C03; 208(12)003 Rev.C04; 208(12)001 Rev.C03; Material Schedule: samples present on site to include: VELFAC 200 window system; Zinc; brick panels; Limestone; Materials Samples - 208(MS)001 rev B Schedule of Material Samples; 208(11)002 Rev.C02; 208(12)001 Rev.C03; 208(12)002 Rev.F; 208(10)006 Rev.C02; 208(21) 001 Rev.C07; 208(21)005 Rev.C05; 208(12)001 Rev.C03; 208(12) 002 Rev.C03; 208(12)003 Rev.C04; 208(PC)003 REV.B; 208(PC)007 REV.A; Updated covering letter received on 19/07/19; 208(21)005 Rev.C03; 208(22)001 Rev.C02; 208(22)002 Rev.C02; Acoustics Technical Notes (REF: 0-1973-5 / 01973-3); Technical Report (Ref: C/23010/T01), by SRL; Construction Logistics Plan; Appendix A (Traffic Routes); APPROVED MANUFACTURERS DETAILS Recd: 04/03/2020 Preliminary Risk Assessment; 4 x Surrey Maps by Envirocheck; Geo-environmental Assessment (Ground Investigation) Report, by JOMAS; Email confirmation regarding testing for condition 33 from JOMAS ASSOCIATES dated 21.6.2019 Design Criteria for the Green Roof Proposal; Roof Plan; Bauder XF301 Sedum Blanket Specification; Roof plan; Dialux Report and drawing 208(12)001 Rev. C04 recd: 14.02.20 208(SK)011 REV.A; Technical Note: #0-1973-4 recd: 20 Dec 2020 let.048.HB.H.19520004 recd: 20 Dec 2020 208(12)001 Rev.E; 208(10)002 Rev.D; 208(10)003 Rev.F; 208(05)002 Rev.C; 208(10)002 Rev.B; No. 208(10) 003 Rev.D; DAWES ROAD CONDITION 19 SAMPLE Flood Risk Assessment Revised Sustainable Drainage Strategy Sustainability and Energy Statement.
2. The development hereby approved shall be implemented in accordance with the details within the approved Demolition Management Plan (DMP) and Demolition Logistics Plan (DLP) under 2018/03502/DET throughout the project period.
 3. The development hereby approved shall be implemented in accordance with the details within the approved Construction Management Plan (CMP) and Construction Logistics Plan (CLP) under 2018/03502/DET throughout the relevant project period.
 4. Details of all new external materials (including samples where considered appropriate by the Council) to be used in the development including brickwork, stone and metal cladding, windows, balustrades and roofing materials shall be implemented in accordance with the details as approved under application ref. 2019/01146/DET and permanently retained as such.

5. The windows, doors, entrances and gates shall be implemented in accordance with the details as approved under application ref. 2019/00460/DET.
6. Wheelchair access shall be provided to the building and dwellings in accordance with the details as approved under application ref. 2019/01145/DET and thereafter permanently retained.
7. No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the front elevations of the building(s) hereby approved.
8. No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building(s) hereby permitted.
9. No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the approved buildings, without planning permission first being obtained.
11. No advertisements shall be displayed on the development hereby approved without details of the advertisements having first been submitted to and approved in writing by the Council.
12. The glass installed for the commercial frontage on Dawes Road shall be clear and shall be permanently retained and not obscured in any way.
13. No external roller shutters shall be attached to the commercial frontages to the Dawes Road Elevation.
14. Measures to ensure that the development achieves "secured by design" status shall be developed in accordance with the details as approved under application ref. 2019/01145/DET. No part of the development thereby effected shall be used or occupied prior to the implementation of the approved details and thereafter be permanently retained.
15. Enhanced sound insulation value $D_{nT,w}$ and $L_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely e.g. living room and kitchen above bedroom of separate dwelling shall be implemented in accordance with the details as approved under application ref. 2019/01785/DET. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
16. The sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings shall be implemented in accordance with the details as approved under application ref. 2019/01785/DET. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

17. The use of the premises on the basement and ground floor levels, with the exception of the ground floor flat, shall not be permitted during the hours of 22:00 and 07:00 hours Mondays to Saturday, 18:00 and 08:00 hours on Sundays and Public/Bank Holidays.
18. The development hereby permitted shall not be occupied until the rear windows of Flats 2, 4, 5 and 7 at first and second floor levels, as indicated on the approved drawing (No. 208(10) 003 Rev.D) have been installed with obscure glazing to a height of 1.7 metres from the internal floor level in accordance with the details as approved under application ref. 2020/00446/DET. The obscured windows hereby permitted shall be non-openable. Thereafter the obscured windows and screening shall be retained in the form approved.
19. No part of the flat roof areas provided by the development hereby approved, with an exception of the roof terrace to Flat 9, shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.
20. No part of the development hereby approved shall be occupied prior to the provision of the cycle storage for the development hereby approved, as indicated on the approved drawing no. 208(10)002 Rev.B and such storage facilities shall be permanently retained thereafter in accordance with the approved details.
21. No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved drawing 208(10) 002 Rev.B.
22. The development shall be implemented in accordance with the recommended flood mitigation measures in the Flood Risk Assessment and revised Sustainable Drainage Strategy hereby approved by the local planning authority. In line with advice from Thames Water, a non-return valve or other suitable device shall be installed to avoid the risk of the sewerage network surcharging wastewater to basement/ground level during storm conditions. The recommended mitigation measures shall be permanently retained thereafter.
23. The development hereby permitted shall not be occupied before implementation of the energy efficiency, low carbon and renewable energy measures detailed in the submitted Energy Strategy and Sustainability Assessment. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.
24. The development hereby permitted shall not be occupied before implementation of the sustainable design and construction measures detailed in the submitted Sustainability and Energy Statement. All details shall be implemented prior to occupation/use of the development hereby permitted, and thereafter be permanently retained.
25. The development hereby approved shall be implemented in accordance with the details within the approved Air Quality Dust Management Plan (AQDMP) under 2018/03502/DET. These approved details shall be fully implemented and

- permanently retained and maintained during the demolition and construction phases of the development.
26. Prior to occupation of the development a Low Emission Strategy for the operational phase shall be submitted to and approved in writing by the Council. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NOx emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NOx and particulates from on-site and off-site transport via a Ultra Low Emission Vehicle Plan (ULEVP) e.g. use of on-road Ultra Low Emission Vehicles in accordance with the emissions hierarchy (1) Electric Vehicle (Zero emission), (2) Hybrid (non-plug in) Electric Vehicle (HEV), (3) Plug-in Hybrid Electric Vehicle (PHEV), (4) Alternative Fuel e.g. CNG, LPG, (5) Petrol (6) Diesel (Euro 6-HGV) and energy generation sources. The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
 27. The Ultra-Low Nox Gas fired boilers as approved under application ref. 2020/00364/DET shall be fully implemented prior to the occupation/use of the residential development and thereafter permanently retained and maintained.
 28. Approved details in relation to NOx filtration shall be fully implemented in accordance with the details as approved under application ref. 2019/01514/DET prior to the occupation/use of the development and thereafter permanently retained and maintained
 29. The development hereby approved must be carried out in compliance with the details within the approved preliminary risk assessment report under 2018/03485/DET. These works must be carried out by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing
 30. The development hereby approved shall progress and be implemented in accordance with the details within the approved site investigation scheme under 2018/03485/DET. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling.
 31. All works must be carried out in compliance with the approved details under 2019/01302/DET and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land contamination (Defra 2004) or the current UK requirements for sampling and testing.
 32. All works must be carried out in compliance with the approved details under 2019/01302/DET and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

33. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until the approved remediation method statement has been carried out in full if required by the approved quantitative risk assessment, and a verification report confirming these works has been submitted to, and approved in writing, by the Council. This report shall include: details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil; all appropriate waste Duty of Care documentation and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Council is to be informed immediately and no further development (unless otherwise agreed in writing by the Council) shall be carried out until a report indicating the nature of the contamination and how it is to be dealt with is submitted to, and agreed in writing by, the Council. Any required remediation shall be detailed in an amendment to the remediation method statement to be submitted and approved by the Council and verification of these works included in the verification report. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
34. Unless the Council agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until an onward long-term monitoring methodology report, is submitted to and approved in writing by the Council setting out where further monitoring is required past the completion of development works (as identified in the approved site investigation scheme or the approved remediation statement or the approved verification report) to verify the success of the remediation undertaken. If required, a verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
35. Prior to occupation of the commercial units, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Council. Details shall include times and frequency of deliveries and collections, vehicle movements, silent reversing methods, location of loading area and quiet loading/unloading measures. The measures/scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently complied with and maintained in line with the agreed plan.
36. The green infrastructure shall be constructed and planted up in full accordance with the approved details under 2019/02399/DET within the first available planting season following completion of buildings. Any plants which die, are removed, become seriously damaged and diseased within a period of five years from completion of these buildings shall be replaced in the next planting season with others of similar size and species. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

37. Details of any proposed external artificial lighting, including security lights have been submitted to and approved in writing by the Local Planning Authority and no occupation shall take place until the lighting has been installed in full accordance with the approved details under 2020/00447/DET. Such details include the number, exact location, height, design and appearance of the lights, together with data concerning the levels of illumination and light spillage and the specific measures, having regard to the recommendations of the Institution of Lighting Engineers in the `Guidance Notes for The Reduction of Light Pollution 2011 (or relevant guidance) to ensure that any lighting proposed does not harm the existing amenities of the occupiers of neighbouring properties. No part of the development shall be used or occupied until any external lighting provided has been installed in accordance with the approved details and shall thereafter be permanently retained in this form.
38. Prior to the occupation of the development, the dropped kerb serving the development from Hannell Road will need to be reinstated to footway and the single yellow line beside the development should be amended so that more parking bays are provided to the local road. The developer will be required to pay for all the works including reinstatement of dropped kerb and changes associated with amendment to the Traffic Management Order. The council will undertake the works on the highway to ensure that the works are undertaken to the council's adoptable standards and that any disruption to the road network is minimal.
39. The terrace at third floor in connection with the proposed three-bed family unit and the balcony / terrace at first and second floors to proposed Flats 4 and 7 hereby permitted, shall not be used until it has been enclosed on all sides by the erection of an obscure glazed privacy screen to a height of 1.3 metres measured above the finished floor level of the terrace/balcony. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the residential units are occupied. The privacy screens shall be installed in accordance with the approved scheme and shall be retained thereafter.
40. The landscaping scheme approved under 2019/01750/DET shall be implemented in the next winter planting season following completion of the building works, or before the occupation and use of any part of the building, whichever is the earlier.
41. Any tree or shrub planted pursuant to condition 40 being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.
42. Prior to the use of the development, a Noise Management Plan shall be submitted to and approved in writing by the Council in relation to the commercial use. The management plan must be complied with by any future occupier of the site associated with the use.

End of Schedule