



Appeal Decision

Site Visit made on 21 July 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2021

Appeal Ref: APP/C2741/W/21/3272186

Granville Works, Lansdowne Terrace, York YO10 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Jackson (Jacksons Roofing) against the decision of City of York Council.
 - The application Ref 20/00821/FUL, dated 11 May 2020, was refused by notice dated 16 October 2020.
 - The development proposed is Erection of 8no. 2, 3 and 4 bedroom dwelling houses, together with associated parking and landscaping following the demolition of the existing business premises.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 8no. 2, 3 and 4 bedroom dwellinghouses, together with associated parking and landscaping following the demolition of the existing business premises at Granville Works, Lansdowne Terrace, York YO10 3EA in accordance with the terms of the application, Ref 20/00821/FUL, dated 11 May 2020, subject to the conditions set out in the attached Schedule of Conditions.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both main parties have been given the opportunity to comment on the effect of the revised Framework upon their respective cases. I have had regard to any further comments made and I have determined the appeal in the context of the revised Framework.

Main Issues

3. The main issues are the effects of the proposed development upon:
 - The loss of an existing employment use;
 - The character and appearance of the surrounding area;
 - The living conditions of occupiers of nearby properties, with particular regard to outlook, including but not limited to those at 24 and 25 Granville Terrace; and
 - The living conditions of occupiers of the proposed dwellings, with particular regard to outlook and daylight and sunlight.

Reasons

Existing employment use

4. Policy EC2 of the PDLP considers the matter of proposals which involve the loss of land or buildings either identified, or currently in use (or last used) for employment purposes. Thus, proposals are expected to demonstrate that the existing land / buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and / or compatibility with adjacent uses and it would lead to the loss of an employment site necessary to meet employment needs during the plan period.
5. Taking the second of these policy 'tests' first, the Council has not presented any evidence to challenge the appellant's assessment of the demand and supply balance for employment land. Indeed, the appellant's figures are derived directly from tables and data set out in the PDLP. I have no further evidence that would lead me to reach a different conclusion to that reached by the appellant; namely that the loss of such a small employment site as the appeal site would materially or harmfully compromise the Council's ability to meet employment needs during the plan period.
6. With regard to the various elements set out in the first policy test of PDLP policy EC2, the appeal site is surrounded on all sides by residential development. There is a larger area of commercial and industrial development to the north of Emily Mews and, whilst there may have been a degree of historic synergy with uses there, the appeal site is clearly detached from those now. The site is therefore now something of a commercial and industrial outlier within an area clearly of residential character.
7. The buildings within the site reflect the site's lengthy employment, industrial and commercial background. Set around the yard area off Lansdowne Terrace, they are a mix of ages, materials, construction and sizes with internal connections between them creating a connected series of spaces. It is conceivable that they could be reoccupied in a manner similar to that currently in-situ, but from my observation of their somewhat labyrinthine layout, I am not convinced that the existing buildings would provide a particularly attractive opportunity to the market. Nor have I have been presented with any compelling evidence from the Council seeking to challenge the appellant's position in this respect.
8. It is suggested that the existing buildings could perhaps be refurbished, or the site redeveloped with new buildings, to provide for continued employment use. However, the residential context and the nature of the surrounding area would remain a significant constraint for the site.
9. The residential area formed by the surrounding streets displays a particularly tight and somewhat claustrophobic urban grain. Although the terraced streets are straight, they are narrow. The site presently has a gated access from the end of Arthur Street which could provide an alternative access to the site, but Arthur Street and Nicholas Street are only slightly less constrained by width and on-street parking than Lansdowne and Granville Terraces are. Thus, not only is the site physically isolated from other employment uses by virtue of its location within a residential area, but the nature of the residential use, its grain, density and the restricted nature of the access to the site come together to highlight the incongruous presence of the site's existing use.

10. Added to the above, the site also directly adjoins a number of terraced properties to the south and east, and the small rear yard areas of further residential properties to the west. Such close and constrained relationships with residential uses would also, in my judgement, significantly and harmfully affect the market attractiveness of the site and the business operations of occupiers.
11. The Council have not provided evidence to challenge the appellant's case in this respect. It is vaguely stated that office uses could be appropriate, presumably with reference to there being less chance of conflict with residential uses around the site and also to the site's location in relation to local services and facilities, but there is little evidence to support either assertion. It is also suggested that difficulties in accessing the site for delivery and larger trade vehicles is unrelated to the site's lawful use. However, the basis for the Council's contention regarding larger and delivery vehicles is not made clear and I have no reason to believe that such vehicles would be unlikely to continue to access the site in alternative employment, industrial or even office uses.
12. I am satisfied that the appellant has demonstrated in sufficient terms, particularly given the paucity of compelling alternative evidence to the contrary from the Council, that the existing land and buildings are not viable for continued employment uses. The appellant's 'Employment Land Note' satisfactorily provides an objective analysis of the challenges presented to the continued (or indeed alternative) occupation of the appeal site for employment purposes. I am content therefore that the appellant has adequately demonstrated that there would be no material or harmful conflict with the aims and provisions of PDLP policy EC2 or the Framework¹.

Character and appearance

13. The appeal site lies within a predominantly residential area. There are commercial and industrial buildings reasonably close at hand beyond Emily Mews to the north, but the appeal site's context and setting are very much defined by the tight urban grain of the surrounding terraced residential streets.
14. The appeal site and the existing development within it turns its back on adjacent buildings and the surrounding streets. Although the proposed development would provide an abrupt termination of Lansdowne Terrace this would, in practice, be very little different to the current situation where the existing yard wall and gates already provide an abrupt termination to Lansdowne Terrace. Within the site, the various buildings provide further visual termination at a higher level from Lansdowne Terrace, and from neighbouring streets such as Herbert Street, Arthur Street and Emily Mews.
15. The proposal would carefully align first floor elevations and eaves levels with adjacent properties on Arthur Street and at the end of Lansdowne Terrace. Although the proposal's asymmetric roof design would present conventional, well-balanced two-storey elevations internally within the site above the amenity deck, external roof elevations to Emily Mews / Arthur Street and Lansdowne Terrace would be bulkier and more substantial.

¹ Paragraph 81 (2021 version) – paragraph 80 (2019 version)

16. Whilst such a bulky roof design would not be entirely consistent with the form and massing of the terraced roofscape of other properties within the surrounding streets, the proposal would be comparable in terms of levels, heights and proportions at ground and first floor, and eaves, levels. When viewed along Lansdowne Terrace the development's greater roof height and massing would be particularly noticeable. However, this would be inevitable as the street's alignment and strong sense of perspective naturally draws the eye towards the 'vanishing point'. From this aspect, the roof's greater bulk and presence would be balanced against the agreeable proportions of the first-floor façade and the wider ground level opening that the scheme proposes.
17. I am also satisfied that the limited window openings and 'expanse of brick' proposed for this façade would not, as the Council fear, be oppressive or unsympathetic. Rather, it is clear from viewing the surrounding streets that the existing window pattern at first floor level is one of limited window openings to each property with expanses of brickwork between. The proposal would re-imagine this traditional approach within the façade at the end of Lansdowne Terrace whilst retaining the tight urban grain, intimate proportions and sense of character of the surrounding tightly packed terraced streets. In respect of plots 1 and 2, and the relationship of this element of the proposal to Lansdowne Terrace, I am satisfied that the proposal has demonstrated a considered, proportionate and contemporary approach to what remains a tight, heavily constrained site.
18. Whilst plots 1 and 2 are expressly identified in respect of the Council's concerns over the proposal's design approach, the proposal would also interact with the public realm on Herbert Street, Arthur Street, Emily Mews and, in glimpses, from the end of Granville Terrace and Hilda Street. Taking these streets in turn, Herbert Street also terminates abruptly, albeit largely against the rear yards and two storey rear elevations of properties on the eastern side of Lansdowne Terrace. The existing small overlap between the site and Herbert Street, presently a short single storey return elevation of masonry construction, would be retained and replaced with a two-storey elevation. As with the Lansdowne Terrace elevation, this would be two storey and broadly match the scale and height of the existing terraced properties, albeit that the roof's massing and height would be greater. The resulting masonry elevation would be higher in part than is currently the case, but there would be no material change to the nature or scale of the relationship between properties.
19. Nor, with regard to Arthur Street, would the proposal result in a harmful interaction between existing and proposed properties. Although subject to the caveat regarding my observations of the scale of the asymmetric roof design relative to those around it, I am content that the proposal would provide a contemporary extension to the existing terraced row, consistent with the prevailing scale, massing, character and grain of the surrounding streets.
20. Whilst I consider the relationship of the proposed development with properties on Granville Terrace which back directly onto the site's western side in more detail below, I am also satisfied that the proposed development would not be inconsistent with the nature and character of the existing relationship between these adjoining buildings. The proposal would block glimpsed views across the site between buildings at the end of Granville Terrace and Hilda Street and, in so doing, introduce equally glimpsed views of the successive gables, but as the roofscape at this point is diverse and heavily punctuated, thereby lacking the

consistency seen elsewhere in longer views along the terraces, I do not consider this to be particularly harmful.

21. Publication Draft Local Plan (PDLP) policy D1 sets out the Council's approach to placemaking, stating the broad circumstances in which development will be supported and in which it will be resisted. It goes on to set out a range of detailed design points which it is stated development proposals should adhere to. The appeal site is something of an anomaly within the context of a network of terraced residential streets. Thus, the proposal would reflect both the terraced alignment of the adjacent Herbert and Arthur Streets and the sense of abrupt termination of the terraces of Chaucer Street, Herbert Street and Lansdowne Terrace. It would do so in a manner that would respond well to the scale and proportions of the terraces' façades and, despite the bulkier than prevailing form of its asymmetric roof design, would avoid being an overpowering or domineering factor within the surrounding streets' streetscenes.
22. The proposed development would, for reasons I have set out above, respond positively to and reflect the dense urban grain, nature and character of the surrounding terraced streets. It would also do so in a contemporary manner which would usefully incorporate servicing, manoeuvring and amenity spaces in a manner typically absent from or limited in such a dense residential setting. Thus, there would be no conflict with PDLP policy D1 and nor, although since published in a revised form, would there be any conflict with the Framework's aims of creating high quality and beautiful buildings and spaces, with good design being a key aspect of sustainable development.

Living conditions – existing occupiers

23. Of the residential properties that surround the appeal site, it is those on Granville Terrace² and Emily Mews³, adjacent to its western boundary, whose rear or front elevations, respectively, face directly towards the appeal site. At present, the outlook from those properties is towards a mix of two storey brick flank elevation in the case of Granville Terrace properties, and the rise-and-fall of gable-ended elevations.
24. Although the existing blank wall is of considerable height across the rears of particularly Nos 22 – 25, this wall is lower than the full two storey rear elevation of the adjacent houses on Lansdowne Terrace. Overall, however, along the site's western boundary the proposed development, with its mix of building gables and flank walls and garden screen walls, would result in a generally lower perimeter wall than is presently the case.
25. There would, I accept, be small portions where the wall would be higher than existing; parts of the gable elevation of proposed plot 4 adjacent to Nos. 7 & 8 Emily Mews and a small gabled element adjacent to the rears of Nos. 24 and 25. However, in the case of the latter two properties, this gabled element would be limited in its width and, whilst higher than the existing wall, would not be significantly higher than the adjoining Lansdowne Terrace façades and would not exceed the existing building's overall roof ridge level.
26. I accept too that the proposal's design would feature built elements significantly higher than the buildings they would replace. These would,

² Nos 21-25

³ Nos 7 and 8

however, be set away from the site's western perimeter and their height and massing would be largely disguised by the lower portions of proposed plots 1 and 4, and thus largely obscured from these lower vantage points. From the ground, and ground floor levels, at the rears of Nos. 24 & 25, I am not therefore persuaded that these taller elements would be particularly harmful to outlook from those properties, notwithstanding the reduction in height of other parts of the perimeter wall.

27. From upper floor windows of these properties, of which one at No. 25 serves a habitable room, the upper elements of the proposed development would become more visible than from ground level. However, from this elevated vantage point I am satisfied that their set-back from the site's perimeter and additional distance from the rears of Nos. 24 and 25 would mitigate the extent of their impact on outlook from the rear of those properties. Moreover, the general outlook from the rear of these properties would be opened up by the replacement of the existing buildings and their massing, with the lower wall and garden screens affording more open views across the middle portion of the appeal site.
28. Policy D1 of the PDLP sets out the Council's approach to placemaking which seek to ensure that development proposals 'enhance York's special qualities'. Amongst other detailed design points, the policy expects proposals to demonstrate that they are appropriate in terms of density and massing to neighbouring context, they do not dominate other buildings and spaces and improve the quality of the wider environment for all.
29. The application site lies within an area with a tight and dense urban grain. The residential properties that lie adjacent to the site are hemmed in by existing buildings, elements of which are substantial. Nowhere is this more so than in relation to the outlook from the rears of 24 and 25 Granville Terrace. However, the proposal would result in a largely lower perimeter wall and enclosure immediately to the rears of Nos. 24 and 25, with only a short stretch of gable elevation extending above the height of the existing perimeter wall, whilst taller elements would be set back further into the appeal site mitigating the extent to which outlook from the rears of these properties would be impacted. Thus, for the reasons I have set out, I am not persuaded that the proposal would cause material harm to the outlook experienced from the rears of 24 or 25 Granville Terrace. As a consequence, there would be no conflict with PDLP policy D1 or with the Framework's aim of ensuring high standards of amenity for existing and future users and occupiers.

Living conditions – future occupiers

30. Other than proposed plot 4, the development would provide residential accommodation across three floors. For plots 4 – 8 (incl), there would be ground floor rooms which would have an external outlook – towards Emily Mews – and would receive direct daylight and limited direct sunlight given their north-facing orientation. However, all plots would also feature ground floor rooms with an internal outlook: ie; internally within and towards the partly covered central car parking area, the roof of which provides outdoor amenity spaces for each of the proposed dwellings, and the 'lightwell' separating the two amenity decks.
31. Whilst the Council are concerned that this would result in a poor outlook and poor levels of light to the affected bedrooms, I am not persuaded that that

would necessarily be the case. The design and layout of the stairwells, which provide dedicated circulation between ground and first floor levels and access to each of the units, with their glazed balustrades would provide light and outlook to these rooms in a manner not dissimilar to those found at properties with 'lightwells'.

32. The appellant's Design and Access Statement⁴ (DAS) considers the matter of daylight levels to these ground floor windows and demonstrates that, together with multiple windows serving optimising the gathering of available light, the affected bedroom in each of the dwellings exceeds the Average Daylight Factor threshold for bedrooms⁵. No compelling evidence has been put forward to challenge this element of the DAS and I am satisfied that the design and layout of the stairwells, window locations, amenity deck layout and the likely nature of use of the affected bedrooms come together sufficiently to persuade me as to the acceptability of the layout in terms of outlook and daylight for future occupiers of the proposed development.
33. Rather than indicating an over-development of the site, as the Council contend, in this instance I am instead satisfied that the appellant has satisfactorily demonstrated considerable attention to detail and appreciation of site constraints to develop a scheme that would make efficient use of the site whilst providing acceptable living conditions for future occupiers. There would, as a consequence, be no conflict with PDLP policies D1 or ENV2 which, together seek to ensure high quality development and that future occupiers would not be subject to significant adverse environmental impacts including harm to residential amenity, or with the Framework's aim of ensuring high standards of amenity for future occupiers.

Conditions

34. I have considered the list of conditions suggested by the Council in light of the Framework and Planning Practice Guidance. Where necessary and without prejudice to the main parties, I have amended the conditions in the interests of brevity. Where the Council's suggested conditions referred to notes or guidance relating to those conditions, I have not included the text of those notes / guidance in my conditions below, although the appellant is reminded of the content of the Council's list of suggested conditions which includes the relevant text in its entirety.
35. I agree that time limit and plans conditions are necessary and reasonable and should be imposed; I have therefore done so in the interests of good planning and to provide certainty. So too, and also in the interests of character and appearance, a materials condition requiring the submission and approval of samples of construction materials for walls and roofs, and also in respect of means of enclosure which, given the juxtaposition of the proposed development with existing development of a varying palette of materials, are both reasonable and necessary.
36. The appeal site's constrained location with sensitive residential receptors surrounding it and previously development nature means that conditions regarding a 'construction environmental management plan (CEMP)',

⁴ Ch. 8.1, pages 31 – 41 (incl)

⁵ Conclusion cross-references from BRE document 'Site Layout Planning for Daylight and Sunlight' and British Standard Code for Daylighting BS8206-2

construction and operational hours and appropriate investigation and mitigation of potential ground contamination are required in the interests of the living conditions of occupiers of neighbouring properties. Additionally, ground contamination conditions are also necessary and reasonable in the interests of the living conditions of future occupiers of the proposed development.

37. Conditions regarding foul and surface water drainage are reasonable and necessary in the interests of the living conditions of occupiers of the proposed dwellings and to ensure that the risk of flooding is not increased on, or near, the appeal site. Given the site's proximity to areas of archaeological importance, an appropriate watching brief and monitoring condition is necessary in the interests of archaeological non-designated heritage assets and I have attached a condition to this end.
38. In the interests of encouraging alternative and sustainable means of transport, conditions regarding details of electric vehicle charging infrastructure and the provision of cycle parking and storage are imposed. It is reasonable, necessary and proportionate that such matters are agreed and provided prior to occupation of the approved dwellings, whilst the provision and laying out of the indicated vehicle parking provision shall also be made prior to occupation, in the interests of highway and pedestrian safety.
39. Although the Guidance advises that it is not normally appropriate to restrict national permitted development rights, it does state that if there is clear justification for doing so conditions can be used in such a manner. Given the constrained nature of the appeal site and the relationship with nearby buildings, it is appropriate and necessary in the interests of living conditions to ensure by condition that no further openings should be inserted into the western elevations of plots 1,4 or 5. Similarly, due to the specific nature, design and layout of the proposed dwellings and their relationship to each other and to existing houses, works of the type granted 'permitted development' Classes A to E (incl) of the Order⁶, I am satisfied that sufficient justification exists to restrict these rights in the interests of both living conditions and character and appearance.
40. Although the exact wording was not suggested by the Council, the Council's committee report sets out the need for, and intention to impose, a landscaping condition. I agree that there is a need for such in the interests of character and appearance and am satisfied that the imposition of such a condition should not come as a surprise to either main party given the nature of the proposed development. A condition regarding appropriate provision for the siting of refuse storage provision for each property is also imposed in the interests of ensuring adequate refuse storage and recycling provision is incorporated within the scheme.

Conclusion

41. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie INSPECTOR

⁶ Town and Country Planning (General Permitted Development)(England) Order 2012 (as amended) – Article 3, Schedule 2, Part 1 Classes A to E (incl)

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:

PL01 B Site Location Plan; PL02 B Block Plan- Ground Floor;
PL03 B Block Plan- First Floor; PL04 B Block Plan- Second Floor;
PL05 C Block Plan- Roof Level; PL06 E Streetscapes/Site Sections;
PL19 Streetscapes/Site Sections Sheet 2; PL07 B Housetype A;
PL08 B Housetype B; PL09 B Housetype C; PL10 B Housetype D;
PL11 B Housetype E; PL12 B Housetype F; PL13 B Proposed Site Plan;
PL14 C Boundary Treatment Drawing; PL18 C Indicative Drainage Layout;
and PL20 Stair Entrance.
- 3) Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.
- 4) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1300 hours
Not at all on Sundays and Bank Holidays
- 5) Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the local planning authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops,

- livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments; and

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 6) Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 7) Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.
- 8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority.
- 9) An archaeological scheme comprising of 3 stages of work shall be submitted to and approved in writing by the local planning authority.
 - A) No groundworks or grubbing up of foundations shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the approved WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
 - B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the

provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

- C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the local planning authority.
- 10) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 11) No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority.
- 12) Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 13) Prior to the construction of the development above foundation level, a plan detailing the location of a dedicated radial AC single phase connection to facilitate the future addition of Electric Vehicle Recharging Points (minimum 32A) within the parking areas including any necessary trunking/ducting shall be submitted to and approved in writing by the local planning authority. The connection shall be in place prior to the occupation of any of the residential units.
- 14) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
- i) hard surfacing materials;
 - ii) lighting;
 - iii) planting plans including written specifications of all trees, shrubs and hedges to be planted and the laying of grass. The specifications shall include the quantity, size, species and positions of all trees, shrubs and hedges to be planted, how they will be planted and protected and when they will be planted. The planting plans shall include provision for replacement planting should establishment fail.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 15) Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the local planning authority prior to the

commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

- 16) Prior to the occupation of any residential property hereby permitted, details of the proposed cycle storage including their location within the site and store details to accommodate 16 cycles shall be submitted to and approved in writing by the local planning authority. The cycle stands shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.
- 17) The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the western side elevation of the property indicated at Plot 1, Plot 4 or Plot 5.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development of the type described in Classes A, B, C, D and E of Article 3, Schedule 2, Part 1 of that Order shall be erected or constructed.
- 20) Notwithstanding what is shown on the approved plans, details shall be submitted to and approved in writing by the local planning authority prior to construction above foundation level showing the first-floor kitchen windows to Plots 1, 2 and 3 as being obscurely glazed and bottom hung and fitted with restrictors (restrict the ability to open the window to not more than 100mm). The kitchen windows serving these Plots shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development.
- 21) Notwithstanding what is shown on the approved plans, there shall be adequate space with the curtilage of each residential property for the following waste/recycling bins:

180 litre bin for refuse
180 litre bin for garden waste
3 x 55 litre (stackable) boxes for household recycling (one box for each material combination).

The areas set aside for the storing of the waste/recycling bins/boxes shall be kept clear at all times and used solely for such purposes.
- 22) Notwithstanding what is shown on the approved plan PL14 C Boundary treatment, prior to the construction of any of the dwellings above

foundation level, details of all means of enclosures to the site boundaries shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details.

A sample panel of the relief patterned brickwork comprising of Boundary Treatment A (part) shall be erected on site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, shall be approved in writing by the local planning authority. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample and maintained in the form shown for the lifetime of the development.

- 23) Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the construction of the building and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

**** end of schedule****