



Appeal Decision

Site visit made on 30 November 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2022

Appeal Ref: APP/U4610/W/21/3280463

Garages, Overdale Road, Coventry

- 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 Citizen Housing against the decision of Coventry City Council.
 - The application Ref: FUL/2020/1334, dated 12 June 2020, was refused by notice dated 3 June 2021.
 - The development proposed is demolition of existing garages and development of 2 x 2-bed bungalows.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages and development of 2 x 2-bed bungalows at Garages, Overdale Road, Coventry in accordance with application Ref: FUL/2020/1334, dated 12 June 2020, subject to the conditions set out at Schedule 1 of this decision.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs has been made by the appellant Citizen Housing against Coventry City Council and is the subject of a separate decision.

Preliminary Matter

4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The appeal was submitted following this publication and as a result the main parties have had the opportunity to comment within their Statements of Case on the revised Framework.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the street scene
 - the living conditions of the occupiers of No 56, 58 and 60 Overdale Road and No 294 Greendale Road with regard to privacy, outlook and light
 - highway safety, and

- the amenity of local residents in respect of parking provision

Reasons for the Recommendation

Character and appearance

6. The site is located between a group of two-storey terraced properties with pitched roofs and a group of bungalows with flat roofs. The dwellings throughout the street scene vary in scale and appearance and further along the road is the Whoberley Hall Primary School, which adds to the varying scale and appearance of development locally. On the appeal site is a group of single storey garages and a hardsurfaced parking area. Although maintained, given their siting and appearance the garages are not clearly visually related to the surrounding houses.
7. The other bungalows in the area have flat roofs but are arranged in a planned layout with many facing inward towards central walkways. Consequently, they have their own distinct character different to other dwellings in the area which face roads. The proposed dwellings would front the road and therefore would not be seen as part of the planned layout. Visually, they would have a closer relationship to the pitched roof dwellings adjacent.
8. The scale of the proposed bungalows would reflect the single-storey bungalows whilst the pitched roof and proposed materials would reflect the two-storey dwellings. As a result, the scale and appearance of the proposed bungalows would appear as a transition between the two-storey dwellings and the bungalows. The design of the dwellings would therefore positively reflect the surrounding development and the dwellings. Associated landscaping offers the opportunity to create a more attractive street scene compared to the existing garages and parking.
9. Accordingly, the proposal would not harm the character and appearance of the street scene. Therefore, the proposal would comply with Policies DE1 and H3 of Coventry Local Plan 2016 (LP) (adopted 2017) insofar as those policies expect development to respect and enhance their surroundings as well as provide a high-quality residential environment. Moreover, the proposal would accord with the design policies of the Framework.

Living conditions

10. The Design Guidance for New Residential Development Supplementary Planning Guidance (SPG) (1991) identifies that a minimum back to side distance of 12 metres (m) would normally be required between dwellings, in the interests of achieving acceptable standards of daylight and to minimise and maintain privacy.
11. The rear wall of the proposed bungalows would be around 8.2m from the flank wall and garden of No 294. Whilst this would not comply with the SPG guidance, the bungalows would be single storey and given the height of the boundary wall and the scale of No 294, the rear windows would not overlook No 294's garden or vice versa.
12. Additionally, the garden for No 294 is not enclosed by houses to the south and the flat roofs of the surrounding bungalows mean that the garden is not enclosed by tall structures to the north and east. The pitched roof of the proposed dwellings would be visible above the wall between the two sites but

would be well away from the boundary. Therefore, the proposal would not enclose the garden of No 294 to the point where it would become a significantly less pleasant and usable space. As a result, the siting of the proposed bungalows would not significantly adversely affect the living conditions of the occupiers of No 294 in respect of outlook or privacy.

13. No 56, 58 and 60 Overdale Road which are all single storey bungalows built at a ground level lower than the site. The rear gardens for these bungalows rise up towards the site, such that the rear garden fences currently screen much of the flank wall of the garage block. Beyond that, part of the end gable of the closest two storey house is visible but otherwise the view to the rear is relatively unenclosed.
14. The flank wall of the closest proposed bungalow would be built in line with No 58 at a distance of approximately 14m. Nos 56 and 60 would see the proposed dwellings from an angle at a greater distance. This separation distance would exceed the SPG guidance, although the SPG does note that consideration should be given where there is a change in ground level between the two dwellings.
15. The end gable of the proposed dwellings would be taller than the garages and visible from the gardens. Seen from No 58, it would be in line with the gable of the two-storey dwelling but closer and wider. Therefore, it would be more obvious in the outlook from the rear of that property. However, there is no right to a view in planning terms, and the relatively open outlook either side of the gable would remain. Consequently, the proposal would not enclose the rear of No 58 or dominate the outlook from that property to the extent that it would make it a significantly less pleasant and useful space. Nos 56 and 60 would be further away from the proposed dwellings and as such the proposal would have less impact on the outlook from those properties.
16. Due to the orientation of the proposed dwellings in relation to No 58, they would result in some overshadowing of part of its garden during the middle part of the day, however this would be for a relatively short period. Given the limited height of the proposed dwellings, the separation distance and change in levels, there would not be a significant reduction in the amount of sunlight or daylight reaching the rear of No 58. Therefore, the proposal would not make the garden unusable or a significantly less pleasant environment for the occupiers.
17. Nos 56 and 60 would be further away from the proposed dwellings and at an angle, therefore the proposal would have a limited effect on the daylight and sunlight from those properties. The garden of No 294 would potentially experience some additional shading in the mornings, however this would be limited to a short period of the day. Consequently, the proposal would not result in a harmful loss of light to neighbouring properties.
18. Therefore, the proposed development would not significantly adversely affect the living conditions of the occupiers of No 56, 58 and 60 Overdale Road or No 294 Greendale Road in respect of privacy, outlook and light. Consequently, the proposal would comply with LP Policies DE1 and H3 insofar as they require development to provide a high quality residential environment and respond to the physical context of the site. Furthermore, the proposal would accord with paragraph 130 of the Framework which states that development should create places with a high standard of amenity for existing and future users.

Highway Safety

19. Many of the dwellings along Overdale Road do not have off street parking spaces and as a result, cars and vehicles are often parked on the road. The school has parking restrictions outside which limits the availability of parking spaces along the road and electric car charging points have recently been installed in some locations. The evidence before me is that cars frequently park on pavements, restricting their width.
20. The proposed dwellings would each have two parking spaces, which would comply with the parking standards set out in Appendix 5 of the LP, Car and Cycle Standards for New Development. Cycle storage can be secured by planning condition and therefore, the proposal would provide adequate parking for the proposed dwellings, which would ensure that the proposed occupiers would not need to park vehicles on the road.
21. The site and garages were used previously for parking and storage by local residents, but the parking spaces were also open to the general public and the evidence before me indicates they were regularly used. The site is however currently fenced off and the parking spaces and garages are unavailable. The appeal submissions show that the appellant has been in the process of decommissioning the site for several years, therefore even if this appeal were dismissed there is no compelling evidence that it would be reopened to the public. Consequently, any displacement of parking has already occurred, and the proposal would not change the existing situation in that respect.
22. I recognise that interested parties have concerns that the Parking Beat Surveys undertaken by the appellant were undertaken at times that may not have been representative given the unique circumstances around the Covid-19 pandemic lockdowns, and in particular that they did not account for the impact of school traffic and parking. Nonetheless, the second survey generally accorded with the Council's guidance for such work and demonstrated that there was capacity for parking 159 additional cars within 200m of the site. Some of those parking spaces might be much more inconvenient for residents than the appeal site, particularly for those with disabilities and mobility issues, and the evidence before me is that installation of electric vehicle charging points has recently reduced spaces slightly. However, the survey demonstrates capacity for far more parking in the local area than the spaces that were available on the appeal site.
23. Moreover, and in a significant change to the circumstances that were before the Council at the time of its decision, the site has now been closed for use and therefore any displacement of parking has already taken place. The proposed dwellings would have sufficient parking on-site to meet the needs of their occupants. Consequently, the proposal would not itself result in a significant or harmful increase in parked cars within the local road network.
24. The proposed dwellings would generate several additional vehicle movements per day each. The existing on-street parking situation means that vehicles travelling along Overdale Road have to pull into gaps between parked cars to pass at times. This is likely to be worse at school pick-up and drop-off times when there is markedly more traffic and people parking for short periods. I recognise local concerns about additional traffic resulting in further congestion, however there is no substantive evidence before me to demonstrate that the small number of movements generated by the proposal would materially

worsen the existing situation. Other legislation exists to deal with parking contrary to traffic regulations or blocking accesses. Consequently, the proposal would not demonstrably result in significant impacts on the transport network in terms of capacity and congestion.

25. Accordingly, the proposed development would not have an unacceptable impact on highway safety. It would comply with LP Policies H3, AC2 and AC3 which require residential development to provide car parking in accordance with the parking standards, safe and appropriate access and ensure new development proposals mitigate and manage the traffic growth which they are predicted to generate. The proposal would also comply with the highway safety policies of the Framework.

Amenity of local residents

26. The proposed development would replace the parking spaces and garages which were until relatively recently used by local residents for both parking and storage. The evidence before me is that the site was well used by local residents, some of whom are elderly, some disabled, and others have children with particular needs including safeguarding needs. They therefore share protected characteristics under the Equality Act 2010.
27. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act. In reaching my decision, I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
28. The loss of the site for such uses means that local residents are likely to have to park their vehicles and store items further from their home. This may involve parking on the road, and as Overdale Road is on a relatively steep incline, this may make it more difficult to get to and from their car and to move items such as shopping. For some residents, particularly those with mobility difficulties, this is likely to impact on them physically and in terms of their independence, and make it more difficult to carry out day to day tasks.
29. I recognise the paramount importance of this as a primary consideration, given the circumstances related to the interested parties' health concerns. Therefore, these are matters to which I afford considerable weight.
30. Nevertheless, the parking spaces were open to the public to use and there was no guarantee that they would have always been available for those with the identified protected characteristics. The evidence before me is that alternative garages have also been provided for some residents. In one case this garage is on the opposite side of Overdale Road from the site. While this is a relatively short distance it results in some difficulties and inconvenience due to the need to walk a greater distance and cross the road.
31. Therefore, there has been an adverse effect on the amenity of local residents and those with protected characteristics as a result of changes in parking provision. However, the site has now been closed for some time and there is no evidence before me to indicate that it would reopen in the event that this appeal was dismissed. Consequently, the harm has already occurred and would not be significantly worsened as a result of the proposal.

32. Nevertheless, there has been some erosion of the residential environment for some neighbouring occupiers and therefore some conflict with LP Policy H3 and the provisions of the Framework in this respect. Accordingly, overall, I afford this conflict modest weight.

Other Matters

33. The amount of dust and noise created during construction can be managed through a construction management plan secured by a planning condition. This would ensure that the disruption as well as air pollution from the construction would be managed to an appropriate level to ensure the day-to-day life of the surrounding occupiers would not be significantly adversely affected during construction. Additionally, the disruption would be time limited. I recognise the concerns of neighbours with health conditions that could be affected by pollution such as dust. The appellant and Council would however be aware of this situation from the representations provided, and therefore could take this into account when drawing up and agreeing a suitable management plan.
34. Access to the rear garden or the wall next to No 294 would fall outside of the remit of planning control and is addressed by other legislation. Furthermore, the proposal would not introduce new built form directly against this wall where it could prevent maintenance, and agreement of any access needed for maintenance would be a civil matter.
35. No concerns have been raised from the highway authority with regard to access for emergency vehicles and given that the site is located on an adopted road there is no substantive evidence that emergency vehicles could not access the surrounding properties without using the appeal site. Additionally, whilst the site previously provided a useful drop of spot for delivery drivers, parking is available near to the site, including in a layby, and deliveries can still be made to the surrounding properties without the use of this site.
36. Given that the site is located within a residential area with street lights any light emitted from the proposed bungalows would not be uncommonly bright for the area or sufficient to result in harm to neighbours.
37. While I appreciate local desire for the site to be put to another purpose such as a community facility, that is not the scheme before me. The purpose of the appeal is to consider the proposal that was before the Council.
38. The impact of a proposal upon surrounding property values is not a planning consideration and therefore not a matter that I can consider. The appellant's duties or conduct during the application process fall outside of my remit in the determination of this appeal.

Planning Balance, Conclusion and Recommendation

39. The appellant is a registered provider of social housing and proposes the two dwellings would be affordable housing managed by themselves. However, the appellant has not provided a legal agreement to ensure the dwellings remain affordable in perpetuity. They have suggested a planning condition to ensure the detailed arrangements for the affordable housing are approved by the local planning authority. This would have to be a negatively worded planning condition which the Planning Practice Guidance¹ (PPG) advises is unlikely to be

¹ Paragraph 010 Reference ID: 21a-010-20190723

appropriate in the majority of cases. There are no exceptional circumstances to justify such a condition in this case.

40. The Council has identified that there are other regulatory controls to provide these dwellings as affordable homes but has given no details of these. Therefore, I cannot be certain that the proposed dwellings would be provided and retained as affordable dwelling and as a result I can give very little weight to the potential provision of affordable housing.
41. Nevertheless, the two proposed dwellings would make a positive contribution to housing supply which would accord with paragraph 60 of the Framework and the Government's objective of significantly boosting the supply of homes. Given the scale of the development I attach moderate weight to this benefit.
42. Furthermore, the proposal would reuse previously developed land in a suitable location for new residential development within the city of Coventry in a predominantly residential area. This is supported by paragraph 120 c) of the Framework as well as LP Policy H3 and as such I attach significant weight to this benefit.
43. Additionally, there would be economic benefits during construction and from two households living in the area, and has the potential to result in biodiversity net gain. Given the scale of the development I give limited weight to these benefits.
44. I have found that the proposal would comply with the development plan in respect of its design, location of development, highway impacts and the living conditions of neighbouring occupiers. It would provide appropriate parking and potential adverse impacts during construction could be addressed by planning conditions. It would also result in benefits through the provision of housing and landscaping.
45. Balanced against this, the proposal would result in some harm in respect of the amenity of neighbouring residents as a result of parking provision, including those who share protected characteristics. The harm directly attributable to this scheme is however limited as the site has already been closed and is not available for public use, with little prospect of such use being restored irrespective of the outcome of this appeal.
46. Overall, with due regard to the PSED, I find that the benefits of the scheme outweigh the harm that would result from the development, and that a refusal of permission would not be proportionate and necessary. It would not unacceptably violate local resident's rights under Articles 1 and 8.
47. Therefore, having had regard to all other matters raised, I recommend that the appeal should be allowed subject to conditions.

Conditions

48. I have considered the planning conditions suggested by the Council and the appellant, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for reasons of precision.
49. Further to the conditions discussed above and the statutory commencement condition, it would be necessary in the interest of certainty that the proposal is carried out in accordance with the approved plans.

50. The existing trees on the site that are scheduled for retention make a positive contribution to the character and appearance of the area and LP Policy GE4 identifies the need to ensure trees are protected during construction. Consequently, a condition is necessary to secure appropriate tree protection measures, including methods of working. This would need to be agreed prior to commencement of development as the Tree Survey identified that the demolition of the garages and the removal of the hardstanding could endanger the trees that are to be retained.
51. Likewise, a construction management plan needs to be agreed prior to commencement of development as all elements of the development approved, including demolition and site clearance, have potential to impact on highway safety, living conditions and the environment. Therefore, it is necessary to ensure satisfactory arrangements are in place prior to the commencement of any demolition or construction works on site.
52. In the interest of highway safety, it is necessary to ensure that the proposed pedestrian visibility splays as well as the access, turning areas and car parking areas are provided and thereafter retained. In order to comply with Policies DS3, AC3 and AC4 of the LP and to promote sustainable transport it is necessary to ensure that on site cycle parking for each dwelling is provided prior to that dwelling being occupied.
53. In the interest of the character and appearance of the area it is necessary for the appellant to submit details of facing and roofing materials for approval prior to their incorporation. For the same reason it is necessary for hard and soft landscaping details to be submitted and approved. The Council suggests a landscape management plan be agreed, however as worded it would exclude landscaping within the curtilage of the dwellings. As no landscaping is proposed outside their curtilages, it would serve no useful purpose. Furthermore, the landscaping condition includes provision for replacement of any planting lost in the first 5 years. It is not therefore necessary, so I have not imposed it.
54. It is necessary to ensure the provision for the siting of the bins as shown on Plan Ref: 100-407AR/001G is made in the interest of the living conditions of the occupiers of the dwellings. Notwithstanding this, the Department for Environment, Food and Rural Affairs enforces the law ensuring bins are not stored within the public highway and subsequently a condition requiring this is not necessary.
55. In the interests of air quality in this Air Quality Management Area, and as required by LP Policy AC1, it is necessary to control emissions from gas boilers installed in the dwellings and that an electric vehicle recharging point is provided for each dwelling.
56. Due to the previously developed nature of the site and having regard to the Phase II investigation already carried out, conditions are necessary to ensure imported soils are suitable for use, and to require a risk assessment and any necessary further remediation work be undertaken in the event contamination is found during development.
57. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Given the dense pattern of development around the site and the limited size of the plots, outbuildings at the rear of the dwellings,

extensions to the rear or side of them, and windows in the rear roof have significant potential to harmfully affect the living conditions of neighbouring occupiers. Therefore, there is clear justification for removing permitted development rights for these types of development, such that they would fall to be considered through a planning application and therefore be subject to assessment and public comment. Other additions such as porches are subject to size limits and would not harm neighbours' living conditions, so it is not necessary to remove permitted development rights for these. I have therefore reduced the scope of the suggested condition accordingly.

58. The site is not in an area where specific boundary treatments fronting the highway are a significant feature that would need to be preserved. Permitted development rights already limit the height of boundary treatments adjacent to a highway. Therefore, it would not be necessary to remove permitted development rights to erect means of enclosure to the front of the dwellings.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

59. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal subject to the recommended conditions.

L McKay

INSPECTOR

SCHEDULE 1

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: DWG No 100-407AR/001 Rev G Site Layout; DWG No 100- 407AR/002C Site Location; DWG No 100-407AR/003 Rev E Boundary Treatment; DWG No 100- 407AR/007 - Type B - 2B3P; DWG No 100-407AR/008A Street Scene; DWG No 25080_06_170_218 Topographical Survey; DWG No 25080_06_200_218 Underground detection survey; and Existing site layout 1:500.
3. No development or other operations (including any demolition, site clearance or other preparatory works) shall commence unless until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has been submitted to and approved by the local planning authority. These documents shall incorporate the tree protection measures identified in the Arboricultural Impact Assessment and Tree Constraints Plan version 2 dated 12 June 2020. The measures shall be implemented in accordance with the approved details prior to the commencement of development and shall thereafter be retained during all construction work. In addition no excavations, site works, stock piling, trenches or channels shall be cut or pipes or services laid, (other than works necessary to facilitate the construction of the dwellings and landscaping of the site), and no fires shall be lit within 10 metres of the nearest point of the canopy or root protection area of any protected trees; no equipment, machinery or structure shall be located within this zone; no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the trees by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees.
4. No development or other operations (including any demolition, site clearance or other preparatory works) shall take place unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
 - hours of work
 - hours of deliveries to the site
 - the parking of vehicles of site operatives and visitors during the demolition/construction phase
 - the delivery access point
 - the loading and unloading of plant and materials
 - anticipated size and frequency of vehicles moving to and from the site
 - the storage of plant and materials used in constructing the development
 - the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate
 - wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway

- measures to control the emission of dust and dirt during demolition and construction
- measures to control the presence of asbestos
- measures to minimise noise disturbance to neighbouring properties during demolition and construction
- details of any piling together with details of how any associated vibration will be monitored and controlled and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Thereafter, the approved details within the CMP shall be strictly adhered to throughout the demolition and construction period and shall not be amended unless the amendments are submitted to approved in writing by the Local Planning Authority.

5. The development hereby permitted shall not be occupied unless and until the access to the site, turning areas and car parking areas shown on the approved plan have been laid out and properly consolidated, delineated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details of the materials to be used to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained and kept available for those uses at all times.
6. Prior to occupation of either of the dwellings hereby permitted, details of cycle parking provision, to provide at least 1 cycle parking space per dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking provision for each dwelling shall be provided in full accordance with the approved details prior to first occupation of that dwelling. Thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
7. Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments, including full details of the proposed boundary walls, railings and gates to be erected, specifying the type of bricks and colour of the railings and gates; footpaths; and hard surfacing (which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area). The hard landscaping works shall be completed in accordance with the approved details within three months of the first occupation of any of the dwellings hereby permitted; and all planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation. Any tree or shrub which within a period of five years from the completion of the development dies, is removed or becomes; in the opinion of the Local Planning Authority; seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. All hedging, trees and shrubs shall be planted in accordance with British Standards BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations and BS4428 – Code of Practice for General Landscape Operations.

8. The dwellings hereby permitted shall not be occupied unless and until provision has been made for the siting of bins within the side/rear gardens as shown on the approved plans. The bin storage areas shall then be retained for this use thereafter.
9. Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh. One electric vehicle recharging point per dwelling shall be provided prior to the occupation of either dwelling in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and which shall include the siting and design of the recharging points. Recharging points shall be installed in accordance with the approved details and shall not be removed or altered in any way and shall be kept available for such use by residents thereafter.
10. Prior to their incorporation into the development hereby permitted, sample details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall be installed only in full accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.
11. Prior to the first use of the access in connection with the dwellings hereby permitted, the 2 metre by 2 metre visibility splays as shown on Drawing Ref: 100-407AR/001G shall be provided free from obstruction above a height of 600mm and thereafter retained free from any such obstruction at all times.
12. Prior to their use, details of any imported soils, including chemical sampling demonstrating their suitability for use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. 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. In this event, an investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be subject to the approval in writing of the Local Planning Authority.
14. 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 buildings or enclosures shall be erected or constructed to the rear of the dwellinghouses hereby permitted; no extensions, enlargements or additions shall be erected or constructed to the rear or side of the dwellinghouses; and no windows or other form of opening shall be provided in the rear roof slopes of the dwellinghouses hereby permitted.