



Appeal Decision

Site visit made on 7 February 2023

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2023

Appeal Ref: APP/H5390/W/22/3290703
96-98 King Street, London W6 0QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Thackeray Estates Hammersmith 4 Ltd against London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00933/FUL, is dated 19 April 2021.
 - The development proposed is demolition of the existing building and erection of a part-three, part- four storey building to provide commercial space (Class E) at ground floor level with 16no. self-contained flats at ground, first, second, and third floor levels with associated rooftop plant.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing building and erection of a part-three, part- four storey building to provide commercial space (Class E) at ground floor level with 16no. self-contained flats at ground, first, second, and third floor levels with associated rooftop plant at 96-98 King Street, London W6 0QW, in accordance with the terms of the application Ref 2021/00933/FUL, dated 15 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal has been accompanied by drawings which were not assessed by the Council when it made its decision. These relate to alternative arrangements for the storage of waste and bicycles at the site, including ways in which those facilities could be accessed. This, in part, represents new information. The appeals' procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'¹.
3. Nevertheless, it is my view, that the additional information does not fundamentally alter the scheme in terms of its design, scale or layout. Additionally, the information is not particularly technical in nature given that it relates to alternative spatial arrangements on floor plan drawings, and the Council have had sight of it and had the opportunity to comment. I have therefore assessed the appeal on the basis of the new information.

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

4. Similarly, the appellant has provided updated information on the viability of affordable housing, that was not before the Council during the application stage. Given the passage of time since the application was submitted, housing market conditions have changed and relying on the most up to date information would aid my assessment of that matter. Moreover, the Council have had an opportunity to comment on this additional information as part of its case. Accordingly, I have accepted it and will discuss the findings of the updated position in greater detail later.
5. The appellant submitted a signed and dated unilateral undertaking (UU) during the course of the appeal, made under Section 106 of the Town and Country Planning Act, as amended. The main parties have been given the opportunity to make comments. I have considered these along with the UU's content in my assessment.

Background and Main Issues

6. This appeal has been lodged following the Council's failure to determine the application within the relevant timescale. The Council in their submission include reasons for refusal had they been able to determine the application. This includes reference to those development plan policies that it considers to be relevant to each of the refusal reasons put forward.
7. The main issues are:
 - whether the proposal makes adequate provision toward infrastructure, with particular reference to affordable housing;
 - the effect of the proposal on future development opportunities at adjacent sites;
 - whether future occupiers would be likely to experience acceptable living conditions with particular reference to outlook, odours and noise and disturbance;
 - the effect of the proposal on the living conditions of No 1 Cambridge Grove (No 1) with particular reference to privacy;
 - whether or not the proposed cycle storage arrangements comply with local policy and guidance; and
 - whether or not the proposed waste storage arrangements comply with local policy and guidance.

Reasons

Affordable housing

8. The appeal site comprises a two-storey end of terrace building located on the corner of King Street and Cambridge Grove. There is currently a shop at ground floor level, and a vacant office premises on the upper floor. The site is in Hammersmith Town Centre, close to other shops, services and public transport connections. There are residential properties nearby, primarily located above ground floor commercial uses and on side roads off King Street.
9. Policy HO3 of the Local Plan 2018 (the Local Plan) seeks to increase the provision of affordable homes and meet local needs by seeking an overall

provision of around 50% of all new housing as affordable housing incorporating a mix of tenures. These requirements are broadly in line with Policy H4 of the London Plan (2021) (the London Plan).

10. The Local Plan and the London Plan do not impose burdens where they would render a scheme unviable and the requirement for on-site provision or a contribution towards the provision of affordable housing is subject to viability considerations. This is also in line with paragraph 122 of the National Planning Policy Framework (the Framework). The Framework (paragraph 58) advises that the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances. For viability assessments developers must submit appraisals that follow the Council's viability protocol.
11. The Viability Report submitted with the application found the scheme to be unviable as the residual land value (RLV) of £2.07 million was less than the benchmark land value (BLV) of £2.64 million, resulting in a deficit of around £570,000. The appellant's updated viability position (UVP) (dated 10th January 2022) accompanying the appeal indicates a further downgrade in the deficit, and therefore the scheme's viability shortfall, to £980,000. In reaching its revised position, the appellant's UVP was informed by a build cost assessment, which, factoring inflation, increased those costs from £2.7 million to £3.3 million. An increase in residential values of around 3% was also indicated.
12. Allowing for a developer profit, even when using the benchmark profit level suggested by the Council, there would be insufficient surplus to fund affordable housing provision. This renders the scheme unviable, insofar as it relates to that matter.
13. The Council appointed consultants to assess the viability evidence. They found, taking into account a more detailed cost plan, a surplus of £159,633 from which to derive an affordable housing contribution. The Council has only provided extracts from that appraisal, while it is labelled draft, undated and does not include a statement of truth and declaration. Furthermore, it would seem from the citations to figures from the initial Viability Report, that the advice the Council received was based on that appraisal, not the UVP. Accordingly, the lack of evidence and the somewhat limited reference to the appointed consultant's report, reduces the weight I can give to the Council's findings on the surplus.
14. Notwithstanding that, the Council refers to an offer made by the appellant during the application stage (6th December 2021) of a payment in lieu, towards off-site affordable housing, as further evidence that the scheme would produce a surplus, rather than the deficit quoted in the appellant's Viability Report and the UVP. This payment offer gives the perception that the scheme is viable. However, and irrespective of the appellant's comments relating to that proposition, there is no detailed or verifiable evidence to underpin the veracity of that payment offer. Furthermore, more up to date information in the UPV has been provided since the payment offer was made. As a consequence, I have accorded only limited weight to this matter.
15. The UVP provides a detailed assessment that is well evidenced by up to date figures and prevailing market information. Additionally, it has included information to verify matters previously queried by the Council e.g. on passing

rent on the retail property. The Council has not sought to challenge the specific figures in the UVP, while it appears they have not engaged their advisers to scrutinise the findings and provide their own conclusions. On this basis, I have no reason to disagree with the conclusions presented by the appellant.

16. It is acknowledged that the Borough has an acute shortage of affordable housing according to waiting list numbers, and the Council's required financial contribution, would provide a modest contribution in addressing this shortfall. Yet, in this case, an unrealistic planning obligation could be an obstacle to house building, which is much needed in the Borough to meet its strategic housing commitments and those set in the London Plan.
17. Considering my findings, the requirement for an affordable housing provision is not viable and as a result I have found there to be no justification for a financial contribution towards off-site affordable housing provision. Accordingly, there would be no conflict in this respect with Policy HO3 of the Local Plan 2018 and Policy H4 of the London Plan which, in seeking affordable housing recognises the need to have regard to scheme viability and this is echoed in the Framework.

Development at adjacent sites

18. Policy D3 of the London Plan 2021 states amongst other things that developments must make the best use of land by following a design led approach that optimises site capacity and ensuring that development is of the most appropriate form and land use for the site. High density development should be generally promoted in locations that are well connected to jobs, services and amenities by walking, cycling and public transport. Scheme design, layout and orientation will have due regard to the existing and emerging street hierarchy, building types, forms and proportions.
19. Some of the proposed flats will be single aspect units with habitable room windows positioned immediately adjacent to the boundary with No.100 King Street (No. 100). The windows would face and look down upon the flat roof of a large single storey extension projecting from No 100. Whilst the orientation of the single aspect residential units close to the site boundary could stymie the possible vertical and horizontal expansion at the rear of No 100, there is no evidence of any pending applications for development at that site, or others nearby. Simply waiting for future schemes at neighbouring sites is overly speculative and would prevent, as in this case, town centre dwellings coming forward. Whilst a consolidated scheme at the rear of Nos 96 – 104 King Street may produce a more efficient and coherent layout that maximises space, it is not currently before me.
20. The proposal would result in the creation of 16 dwelling units in a sustainable location close to services, employment and public transport connections and in the absence of any clear evidence to the contrary, the scheme would not harm the regeneration of neighbouring sites in the town centre.
21. Therefore, the proposal would not have an unacceptable effect on future development opportunities at adjacent sites. It would accord with Policy DC2 of the Local Plan and Policy D3 of the London Plan which, amongst other things promotes higher density developments, requires schemes to be the most appropriate form and land use for the site, optimises site capacity and pays due regard to the existing and emerging street hierarchy.

Living conditions - future residents

22. The western flank wall of the proposal would run along the boundary of the appeal site. Windows at Flats 6, 7, 8, 12 and 16 would overlook the flat roof relating to the ground floor rear extension at No 100. Beyond that, the windows would face the flank wall of No 102 King Street (No. 102) that rises above the flat roof. According to the appellant, the windows of the proposed flats would be located some 8.3m from the flank wall at the nearest point.
23. The Council approved a different scheme at this site in 2021² which included 7 new residential flats (the 2021 approval). Around three of those units will have habitable room windows facing the flat roof and flank wall at Nos 100 and 102 respectively, yet those windows are marginally set in from the western boundary. There would, according to the time limit condition attached to the 2021 approval be nothing stopping that scheme from being developed.
24. Flat 6 along with Flats 7, 12 and 16 are single aspect units with all their windows orientated to the west.
25. Flat 6 would be located at first floor level and have approximately four full height windows serving an open plan unit. The flank wall at No 102 would rise above the Flat's windows, while there would be a degree of enclosure upon them by the rear wall of No 100's first floor elevation.
26. Angled perspectives from the tall and wide windows serving the flat would encapsulate clear skies above and to the side of No 102's flank wall, while the extent of daylight captured would, according to the appellant's Daylight and Sunlight Report, be significantly above the Annual Daylight Factor (ADF) advised in the BRE Guidance. I have not been referred to any guidance on separation distances by the Council and in this case the extent of space between the windows at Flat 6 and the opposing flank wall would not be uncommon in the context of the locality, where I saw a close relationship between habitable windows and adjacent buildings at the rear of King Street and Cambridge Grove. On this basis, future occupiers of the unit would have acceptable levels of outlook.
27. Flats 12 and 16 would be located at second and third floor respectively, directly above Flat 6. The internal space arrangements, and the size and location of windows relating to those flats are broadly similar to Flat 6. Given the more elevated position of Flats 12 and 16 on the proposal's upper floors, the perceived enclosing effect from the opposing flank wall at No 102 and rear first floor elevation of No 100 would be significantly reduced. The windows would capture a greater perspective of the sky and the surrounding townscape as indicated in the appellant's section drawings. As a consequence, future occupiers would not experience any harmful enclosing effects from the immediate structures, and I am satisfied that levels of outlook from within these units would be satisfactory.
28. As the flank wall at No 102 projects rearward its height significantly reduces, while the separation distance it maintains to the proposed development increases due to the angled profile of the western flank wall. As a consequence, windows at Flats 7 and 8, would primarily have views over No. 102's flank wall and would capture generous portions of sky and more distant townscape

² Local Planning Authority Ref: 2121/00417/FUL, approved 7th May 2021

features. The outlook would not therefore be constrained by any immediate structures, and although having an urban character, the surrounding roofscape, primarily observed from the windows of Flat 7 and 8, would not be unattractive.

29. Despite, several proposed flats having a single aspect I am satisfied with the level of outlook that future occupiers would have. Moreover, I have not been directed to any specific policy criteria which restricts single aspect dwellings. My findings on outlook have also given weight to the fact the Council has already approved flats at this site which have habitable windows similarly orientated toward neighbouring structures, as well as a single aspect unit.
30. Various plant apparatus is positioned on the flat roof of No 100. These include some air conditioning units and an extraction system pertaining to the hot food premises located on the ground floor below.
31. The noise impact assessment accompanying the application has assessed the sources of noise surrounding the building, including the plant equipment on the adjacent flat roof. The assessment found that subject to appropriate glazing, ventilation and insulation within the fabric of the proposed building, secured through conditions, the proposal could comply with noise standards for residential environments³.
32. Despite the Council's concerns regarding the proximity to the neighbouring plant, it has provided no specific evidence that there would be harmful noise levels experienced by future occupiers. Furthermore, there are no objections submitted from the Council's public protection advisers regarding whether the levels of external noise are unacceptable and cannot be mitigated through appropriate measures.
33. In assessing the 2021 approval the Council raised no objection to the provision of flats close to the adjoining restaurant use and I have no reason to doubt that the existing plant apparatus on the neighbouring flat roof was already in situ at the time that application was assessed. I also note that in issuing the decision the Council accepted that conditions securing noise mitigation and levels were acceptable in that case.
34. Therefore, in light of the lack of any compelling evidence to the contrary, I am satisfied that the proposed measures to abate noise would ensure no harm to future occupiers of the flats.
35. Several west facing windows relating to the proposed flats would face and be near to the restaurant's extraction system. However, the external ducting's main openings are away from the proposed building and towards the gardens at Cambridge Grove. I experienced no obvious odours emanating from the system during my lunchtime site visit. Whilst I have not been made aware of any existing complaints from adjacent residential occupiers regarding unwanted smells emitted from the apparatus. Similarly, I have no technical information that concludes that there would be harmful smells emanating from the adjacent restaurant and affecting future occupiers of the proposed flats.
36. Even if there were some unacceptable effects, the appellant proposes mechanically ventilated windows for the building that would help mitigate harmful odours within the proposed flats. The rationale for those measures was

³ BS8233: 2014 Sound Insulation and Noise Reduction for Buildings

considered acceptable by the Council when it granted the 2021 approval, which also agreed the principle of residential units positioned close to the restaurant's extraction system. Accordingly, against this background and the mitigation proposed I have no reason to find that future occupiers would be unacceptably harmed by smells from the adjacent uses.

37. Considering the above findings, the future occupiers would be likely to experience acceptable living conditions with particular reference to outlook, odours and noise and disturbance. The proposal therefore accords with Policies H04, HO11, C11 and CC13 of the Local Plan, Policy D6 of the London Plan and guidance contained in the Mayors Housing SPG, 2016. These require, amongst other things, that proposals will have adequate passive ventilation, internal space, outlook, and include appropriate mitigation measures to minimise noise nuisance.

Living conditions – No 1

38. Flat No.8, located on the second floor, would have access to an external terrace area facing Cambridge Grove. The terrace would project beyond the front elevation of the adjoining dwelling at No.1 and run alongside the shared boundary. Occupiers would be able to stand on the terrace and look back over the boundary wall towards upper floor windows at No. 1. Given the immediacy of those neighbouring windows to the terrace there would likely be an unacceptable impact on the privacy of occupiers of No 1 when the rooms those windows serve are in use.
39. These impacts can be overcome by the installation of a privacy screen to an appropriate height along the terrace's side boundary. This could be discretely positioned and made from unobtrusive materials that would not have a negative impact upon the external appearance of the development's Cambridge Grove façade. These changes could be secured through a planning condition and in my view would adequately address the concerns relating to the privacy of No.1.
40. Accordingly, the proposal would have an acceptable effect on the living conditions of No.1 with particular reference to privacy. In this respect it would accord with Policies HO11, DC1 and DC2 of the Local Plan where they require proposals to protect the privacy of neighbouring occupiers. The guidance relating to privacy outlined in Key Principle HS8 of the Planning Guidance Supplementary Planning Document 2018 (SPD) would also be met.

Cycle Storage

41. Policy T5 of the London Plan requires cycle parking to be designed and laid out in accordance with guidance contained in the London Cycling Design Standards (Design Standards)⁴. For residential uses cycle parking should be designed, amongst other things, to be well located, covered and secure, with access for residents only.
42. The submitted drawings show an internal, ground floor cycle store area accessed via the proposal's Cambridge Grove entrance. The store's location inside the building would ensure it is covered and secure. But occupiers would have to wheel their bikes along an awkward route through a series of doors in short succession. The store also indicates the provision of 20 cycle spaces, yet

⁴ London Cycling Design Standards, Transport for London (2016)

it is not clear how these would be arranged within the space. Accordingly, the Council's concerns regarding the arrangement, convenience and accessibility of the cycle store seem justified.

43. Although not forming part of the drawings the Council assessed, the appellant has shown an alternative arrangement for the storage of cycles that removed one of the doors leading to the internal cycle store. The unwieldy opening of doors, that cyclists would need to negotiate in short succession could also be addressed through the electric opening system suggested. The suggested arrangement also includes a stacking system for the required bike spaces. Although I have no specific details of how this would operate, I am mindful that the vertical storage systems of bikes above one another are not uncommon in instances where space needs to be maximised. These details provide me with sufficient confidence that an alternative arrangement can be provided and that the requirement of 20 secure, convenient, and well-located bike spaces can be acquired through a planning condition.
44. A separate cycle storage area within the proposed ground floor commercial unit has also been indicated. This shows that it is possible to discreetly partition the storage of the small number of required cycles spaces in an arrangement that would not unacceptably encroach into the commercial floorspace. A suitably worded condition to secure those facilities could also be added, in the event I were to allow the appeal.
45. Therefore, the proposed cycle storage arrangements would accord with Policy T3 of the Local Plan, Policy T5 of the London Plan as well as guidance contained in West London Cycle Parking Guidance (2017) and the Design Standards. Amongst other things these require proposals to be functional in terms of their design, be laid out in accordance with the Design Standards, and help to remove barriers to cycling and create a healthy environment in which people choose to cycle.

Waste storage

46. Key Principle WM5 of the SPD recommends that residential flats have internal capacity of between 100 to 150 litres for waste storage, split 50:50 between refuse and recycling. Based on those requirements the proposal includes two 1100 litre 'eurobins' each measuring around 1470mm in height, 1370mm in width, and 1190mm in depth. These would be stored on the ground floor within the same internal space as the bike store.
47. The Council has not questioned the bin capacity requirements proposed by the appellant. Yet, like the bike storage area, it has concerns that the allocated space would be of insufficient size to accommodate the bins. Additionally, the route to wheel the bins from the storage area to the street for collection is through a challenging series of doors and narrow entrances.
48. Notwithstanding this, a drawing with an alternative arrangement has been submitted which could according to the appellant provide the basis for a revised storage solution. This includes the removal of one of the doors, a wider entrance onto the street and the relocation of 'eurobins' away from the doorway to the storage area. An electronic door opening system would allow the bins to be wheeled through the building without encountering any obvious obstructions.

49. Despite the Council's concerns regarding the size of the storage area, I have no reason, based on the measurements of each bin relative to the size of the storage space shown, to doubt that they would not fit comfortably within the storage area.
50. These modifications would remove the challenging route shown on the drawings assessed by the Council and would make moving the bins, to the street for collection, a much easier proposition. The suggested changes would not fundamentally alter the scale and layout of the scheme given that they are restricted to the proposal's interior. Accordingly, I am satisfied that an improved arrangement for the storage of waste could be agreed through a planning condition.
51. On this basis, the proposal's waste storage arrangement would comply with Policy CC7 of the Local Plan and Policy T7 of the London Plan, which, require amongst other things, convenient facilities with adequate capacity for occupiers to store and recycle waste. Proposals should also include provision of suitable facilities for the management of waste.
52. In my conclusion on this main issue, I have not referred to Policy T2 of the Local Plan, which was outlined in the Council's concerns. That policy is not relevant as it specifically relates to Transport Assessments and Travel Plans, not waste storage.

Other Matters

53. The appeal site is located within the Hammersmith Town Hall Conservation area and on the boundary with the Bradmore Conservation Area. The Council raised no concerns regarding the effect of the proposal on the character or appearance of those heritage designations. Based on the way the proposal's design, layout and scale would assimilate with the surrounding townscape, I have no reason to disagree with their findings on that matter.

Planning Obligation

54. The appellant has completed, dated and signed a unilateral undertaking (UU) which includes several obligations to come into effect if planning permission is granted. These seek to secure the provision of offsite financial contributions to deliver improvements to mitigate the pressures on local services, training and employment opportunities and carbon-offsetting. Restrictions on local parking in the vicinity of the site have also been included. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (the CIL regulations) and the Framework.
55. I am satisfied that through financial contributions and the off-site restrictions the submitted UU would make adequate provision for additional infrastructure to meet the needs arising from the development and address matters in the development plan relating to reducing emissions, parking restrictions, and employment and education provision in accordance with the Core Strategy.
56. The Council has recommended some changes to the UU to account for some erroneous drafting. However, there is disagreement between the main parties in terms of how the UU is amended and extinguished, so that an amended version can be enacted. Given this impasse, the Appellant has indicated that it is relying on the UU in its original form.

57. I have noted the changes sought by the Council and these do not materially change the UU as it will still achieve the same outcome that the Council has sought and address local infrastructure requirements that can't otherwise be secured through condition. In addition, the planning obligation's terms, clauses and definitions are clear and enforceable, while there are details of when the individual obligations take effect.
58. For the above reasons, I am satisfied that the planning obligation would meet the requirements of the Framework and the CIL Regulations. I therefore give it significant weight in the determination of this appeal.

Conditions

59. I have had regard to the Council's suggested conditions, amending them where necessary for clarity and to ensure compliance with the tests set out in paragraph 56 of the Framework. I also sought agreement from the Appellant to the pre-commencement conditions.
60. In addition to the standard time limit condition, I have considered it necessary to include a schedule of plans and information that the development relates to, for the avoidance of doubt and in the interests of certainty.
61. The agreement of details for temporary hoarding to conceal the site during construction are necessary to safeguard the public highway and the area's external appearance. Similarly, it is necessary, in the interests of local character to obtain and agree detailed drawings of the development's external architectural features (shopfront, window, roof, fenestration, entrances, roof top plant) as well as all external materials to be used in the development.
62. To ensure that the development incorporates suitable design measures to minimise opportunities and the perception of crime it is necessary to agree details of how Secured By Design requirements can be achieved.
63. A condition is necessary requiring the agreement of details that comply with the Council's accessibility standards, to ensure the development is designed for people with disabilities, including level access into the ground floor commercial unit.
64. To safeguard the residential amenity of future occupiers it is necessary to restrict the uses that can be undertaken on the ground floor premises. Likewise, I have also considered it necessary to control the future occupation of the building by restricting the permitted allowance to Class C4 (housing in multiple occupation).
65. In the interests of the character and appearance of the development and locality it is necessary to place restrictions on the placing of installations, telecom equipment, shutters, water tanks and adverts on the building without prior consent.
66. To safeguard neighbouring residential amenity it is necessary to restrict the size of the outdoor terrace on the second floor as shown on the approved drawings. The agreement of details for a privacy screen along the boundary of the outdoor terrace is also necessary to safeguard neighbouring occupiers from unwanted overlooking.

67. A number of conditions relating to the abatement of noise and improved air quality are required in the interests of existing and future residential amenities and to maintain acceptable sound and air quality levels. These include sound insulation measures, anti-vibration measures, extraction and the control of odours, higher standard glazing, ventilation strategies and measures, ultra-low and zero emission strategies and measures, air and dust management strategies and measures, construction and demolition management plans as well as controlling the hours of operation relating to any hot food use at the ground floor. It is also appropriate to prevent noise and nuisance being experienced by future residents to prohibit the organised delivery and collection of food from the ground floor premises.
68. A demolition and construction logistics plan is necessary in the interests of highway safety.
69. Several conditions have been attached relating to land contamination, specifically the assessment of risks, remediation and verification thereto. These are necessary in the interests of the health and safety of occupiers and the surrounding environment.
70. Notwithstanding the details submitted, service and delivery plan, cycle and bin storage conditions are considered necessary to ensure that adequate facilities are provided for the appeal building and to make the development acceptable in planning terms.
71. In order to protect the waste-water network and in the interests of pollution prevention it is necessary to include conditions which prevent unacceptable piling during construction and confirmation that local infrastructure to accommodate waste-water would not exceed capacity.
72. To reduce the risk of flooding at the site it is necessary to include conditions that agree details of SuDS and brown roofs.
73. Conditions which require the development to be constructed in accordance with energy and sustainable building techniques are necessary for reducing emissions and meeting wider sustainability targets.

Conclusion

74. For the reasons given, and having had regard to all matters raised, the appeal is allowed and planning permission is granted.

RE Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission. Condition required to be imposed by section 91(1)(a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the listed drawings and recommendations contained within the following information: 075-B-01-10 Rev 01; 075-B-01-10 Rev 03; 075-B-01-11 Rev 01; 075-A-07-01 Rev 01; 075-A-07-02 Rev 01; 075-A-01-10 Rev 03; 075-A-01-10M Rev 01; 075-A-01-11 Rev 02; 075-A-01-12 Rev 02; 075-A-01-13 Rev 02; 075-A-01-14 Rev 01; 075-A-16-01 Rev 01; 075-A-16-02 Rev 01; 075-A-17-01 Rev 01; 075-A-17-02 Rev 01; 075-A-17-03; Rev 01; 075-A-17-04 Rev 01; and Noise Impact Assessment Report Ref 21834.NIA.01.

DESIGN

3. No development shall commence until a scheme for temporary fencing and/or enclosure of the site, including details of a painted timber site hoarding, has been submitted to and approved in writing by the Local Planning Authority, and the temporary fencing and/or enclosure has been erected in accordance with the approved details. The temporary fencing and/or enclosure shall thereafter be retained for the duration of the demolition and building works in accordance with the approved details. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings, unless consent has been obtained from the Local Planning Authority.
4. Prior to commencement of the development hereby permitted, drawings of a typical bay (for both King Street and Cambridge Grove elevations) in plan, section and elevation at a scale of no less than 1:20, including entrances, shopfronts, fenestration, the mansard roof and the relationship with no.100 King Street and 1 Cambridge Grove, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.
5. Prior to the commencement of the development hereby permitted, details of all new external materials to be used in the development including fenestration, glazing, brickwork, cladding, balustrades and roofing materials 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; and permanently retained as such.
6. Prior to commencement of the development hereby permitted, detailed drawings in plan, elevation and section at a scale of no less than 1:20, of the rooftop plant and enclosures shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.

- 7 The development shall not commence until a statement of how 'Secured by Design' requirements are to be adequately achieved has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out prior to occupation or use of the development hereby approved and permanently retained thereafter.
- 8 No development shall commence until details showing 90% of dwellings will be built to building regulations standard M4 (2) 'Accessible and adaptable buildings' Building Regulations requirement, and the remaining 10% will be built to the M4(3) 'Wheelchair accessible dwellings' requirement, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall thereafter be permanently retained.

RESTRICTIONS

- 9 The residential units hereby approved shall only be used as single dwellinghouses falling within use Class C3. The residential units shall not be used as housing in multiple occupation falling within Class C4 of the Town & Country Planning (Use Classes) Order 1987 (as amended).
- 10 The premises at ground floor level hereby permitted shall be used for purposes specified within Use Class E(a), (b) and (c) only and for no other purpose (including any other separate purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 11 None of the shopfronts on the King Street or Cambridge Grove frontages shall be fitted with external roller shutters, and the window glass of the shopfronts shall not be mirrored, painted or otherwise obscured.
- 12 The shopfronts hereby approved shall have level access, and so be maintained.
- 13 No alterations shall be carried out to the external appearance of the building hereby permitted, including the installation of air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting 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.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 building, without planning permission first being obtained.
- 15 No advertisements shall be installed on the building hereby permitted without the prior written approval of the Local Planning Authority.

- 16 No water tanks, water tank enclosures or other structures shall be erected upon the roofs of the building hereby permitted.
- 17 The extent of the terrace at second floor level shall not exceed that indicated on the approved drawings, and the roof terrace shall not be subsequently enlarged prior to the submission and approval in writing of a further planning application. No part of any roof of the remaining building hereby approved shall be used as a roof terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roof. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the property to form access onto the roofs.

ENVIRONMENTAL NUISANCE

- 18 Prior to commencement of the development hereby approved, a demolition method statement and a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include control measures for dust, noise, vibration, lighting, delivery locations, restriction of hours of work and all associated activities audible beyond the site boundary to 0800-1800hrs Mondays to Fridays and 0800 - 1300 hrs on Saturdays with no works permitted on Sundays and Bank Holidays, advance notification to neighbours and other interested parties of proposed works and public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works. The approved details shall be implemented throughout the project period.
- 19 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of an 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. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 20 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 21 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any

adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

- 22 Prior to commencement of the development, details of anti-vibration measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 23 Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority, of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with Appendix 4G of the LBHF Planning Guidance Supplementary Planning Document - February 2018. The approved details shall be implemented prior to the commencement of the use and thereafter be permanently retained.
- 24 The use of the ground floor unit for the sale of food and drink for consumption (mostly) on the premises (Class E(b) hereby permitted shall not be open other than between the hours of 08:00-23:00 Monday to Thursday; 08:00-23:30 on Friday and Saturday and 09:00-23:00 on Sundays and Bank Holidays.

HIGHWAYS

- 25 Prior to commencement of the development hereby permitted, a detailed Demolition and Construction Logistics Plan in accordance with the Transport for London Guidance on Construction Logistics Plans shall be submitted to, and approved in writing by the Local Planning Authority. The details shall include the numbers, size and routes of construction vehicles, provisions within the site to ensure that all vehicles associated with the construction works are properly managed, washed and cleaned to prevent the passage of mud and dirt onto the highway, and other matters relating to traffic management to be agreed with the Network Management and the Permit Coordinators of the council. The approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.
- 26 Prior to occupation of the development hereby permitted, a Final Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the management and times of deliveries to avoid peak times, emergency access, collection of waste and recyclables, times and frequencies of deliveries and collections,

silent reversing methods, quiet loading/unloading measures, location of loading bays and vehicle movements. The approved details shall be implemented prior to occupation and the DSP hereby permitted shall thereafter operate in accordance with the approved details. The DSP shall be regularly monitored and reviewed and any subsequent modifications or alterations to the DSP should be submitted to and approved in writing by the Local Planning Authority.

- 27 Notwithstanding the details contained in the approved drawings, prior to commencement of the development hereby permitted, details of safe, secure and accessible bicycle storage, for both the domestic and commercial uses, shall be submitted to, and approved in writing by the Local Planning Authority. The bicycle storage facilities shall be implemented as approved prior to the occupation of the residential and commercial uses, and shall thereafter be permanently retained for such use.
- 28 Notwithstanding the details contained in the approved drawings, prior to commencement of the development hereby permitted, details of refuse storage, including provision for the storage of recyclable materials, for both the domestic and commercial uses, shall be submitted to, and approved in writing by the Local Planning Authority. The refuse and recycling facilities shall be implemented as approved prior to the occupation of the residential and commercial uses, and shall thereafter be permanently retained for such use.
- 29 No organised delivery of food (i.e. takeaway deliveries to customers) shall take place from the commercial premises hereby approved using motorised and electric powered cycles and motorised and electric powered vehicles at any time.

FLOOD RISK AND SUDS

- 30 The development shall only be carried out in accordance with the flood mitigation measures and SUDS measure set out in the approved Flood Risk Assessment Rev A (Volumes 1 and 2) dated April 2021, prepared by Create Consulting Engineers. The measures shall be implemented in accordance with the approved details, and permanently retained and maintained in accordance with the approved details.
- 31 Prior to the commencement of the development hereby permitted, details of all brown roofs including the substrate depth together with a section plan to show this, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the brown roof areas will maximise attenuation of rainwater through water storage in its substrate. Development shall not be occupied until the scheme has been carried out in accordance with the approved details and shall thereafter be permanently retained in this form.

ENERGY AND SUSTAINABILITY AND AIR QUALITY

- 32 The development hereby approved shall not be occupied until the measures set out in the following approved documents have been fully implemented on site and they shall be permanently retained thereafter:

Energy Report Rev C, prepared by Stuart Dee; Sustainability Statement Rev A, prepared by Stuart Dee; BREEAM New Construction Pre Assessment, dated 20th April 2021, prepared by TPS.

- 33 No part of the development hereby approved shall be occupied or used prior to a verification report / post construction assessment relating to the achieved BREEAM Excellent rating has been submitted to and approved in writing by the Local Planning Authority.
- 34 Prior to commencement of above ground works in the development a Ventilation Strategy Report to mitigate the impact of existing poor air quality for residential C3 use class for all receptor locations where the air quality objectives for NO₂ and World Health Organisation (WHO) targets for Particulate Matter (PM_{2.5}, PM₁₀) are already exceeded and where current and future predicted pollutant concentrations are within 5 % of these limits shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following information:

1. Details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all residential floors (ground-third)
2. Details of restricted opening windows (100mm maximum opening for emergency purge ventilation only) for all habitable rooms (Bedrooms, Living Rooms) on all residential floors with front elevation on King Street and Cambridge Grove.
3. Details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2 metres away from the air ventilation intakes, openable windows, terraces
4. Details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with air intakes on the rear elevation to remove airborne pollutants. The filtration system shall have a minimum efficiency of 75% in the removal of Nitrogen Oxides/Dioxides, Particulate Matter (PM_{2.5}, PM₁₀) in accordance with BS EN ISO 10121-1:2014 and BS EN ISO 16890:2016.

The whole system shall be designed to prevent summer overheating and minimise energy usage. The maintenance and cleaning of the systems shall be undertaken regularly in accordance with manufacturer specifications and shall be the responsibility of the primary owner of the property. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

- 35 Prior to occupation of the development, details of a post installation report of the approved ventilation strategy as required by condition 1 to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 36 Prior to occupation of the development, details of the installation of the two Zero Emission MCS certified Air/ Water Source Heat Pumps to be provided for space heating and hot water for the 16 residential units (Class C3) and the ground floor commercial use (Class E) shall be submitted to and approved in writing by the Local Planning Authority. The approved details

shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

- 37 Prior to occupation of the development hereby permitted an Ultra Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The Ultra Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and particulates from on-road vehicle transport by the use of Ultra Low Emission Zone (ULEZ) compliant Vehicles in accordance with the emissions hierarchy (1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG, (4) Petrol/Diesel Euro 6 (AIR Index <https://airindex.com/> Urban NO_x rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 38 Prior to the commencement of the demolition phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall include:
1. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries;
 2. Demolition Site and Equipment Layout Plan;
 3. Inventory and Timetable of dust generating activities during demolition phase;
 4. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM₁₀ (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the demolition phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014;
 5. Site Specific Dust, Particulate (PM₁₀) and NO_x Emission mitigation and control measures as required by the overall Medium Dust Risk Rating of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic;
 6. Details of Site Particulate (PM₁₀) and Dust Monitoring Procedures and Protocols including locations of a minimum of 2 x MCERTS compliant (PM₁₀) monitors on the site boundaries used to prevent levels exceeding predetermined PM₁₀ threshold trigger levels, calibration certificates of MCERTS compliant PM₁₀ monitors and details of real time internet based remote access to PM₁₀ monitoring data;
 7. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NO_x and PM₁₀ emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and

PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;

8. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NOx rating A) and Euro VI.

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. The approved details shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

- 39 Prior to the commencement of the construction phase of the development hereby permitted, an Air Quality Dust Management Plan (AQDMP) in order to mitigate air pollution shall be submitted to and approved in writing by the Local Planning Authority. The AQDMP submitted shall include:

1. Site Location Plan indicating sensitive off-site receptors within 50m of the red line site boundaries;
2. Construction Site and Equipment Layout Plan;
3. Inventory and Timetable of dust generating activities during Construction;
4. Air Quality Dust Risk Assessment (AQDRA) that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250 m of the site boundaries during the construction phase and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014;
5. Site Specific Dust, Particulate (PM10) and NOx Emission mitigation and control measures as required by the overall Medium Dust Risk Rating of the site and shall be in a table format as contained within Appendix 7 of Mayor's SPG including for on-road and off-road construction traffic;
6. Details of Site Particulate (PM10) and Dust Monitoring Procedures; and
7. Details of the Non-Road Mobile Machinery (NRMM) used on the site with CESAR Emissions Compliance Verification (ECV) identification that shall comply with the minimum Stage IV NOx and PM10 emission criteria of The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018 and its subsequent amendments. This will apply to both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of construction shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of demolition works and thereafter retained and maintained until occupation of the development;
8. Details of the use of on-road Ultra Low Emission Zone (ULEZ) compliant vehicles e.g. minimum Petrol/Diesel Euro 6 (AIR Index Urban NOx rating A, B) and Euro VI.

Developers must ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

LAND CONTAMINATION

- 40 No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses; a site reconnaissance; and a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks arising from the identified pollutant linkages to human health, controlled waters and the wider environment including ecological receptors and building materials. All works must be carried out in compliance with 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.
- 41 No development shall commence until a site investigation scheme is submitted to and approved in writing by the Local Planning Authority. This scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall provide provisions for, where relevant, the sampling of soil, soil vapour, ground gas, surface and groundwater. All works must be carried out in compliance with 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.
- 42 Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, following a site investigation undertaken in compliance with the approved site investigation scheme, a quantitative risk assessment report is submitted to and approved in writing by the Local Planning Authority. This report shall: assess the degree and nature of any contamination identified on the site through the site investigation; include a revised conceptual site model from the preliminary risk assessment based on the information gathered through the site investigation to confirm the existence of any remaining pollutant linkages and determine the risks posed by any contamination to human health, controlled waters and the wider environment. All works must be carried out in compliance with 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.
- 43 Unless the Local Planning Authority agree in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until, a remediation method statement is submitted to and approved in writing by the Local Planning Authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. All works must be carried out in compliance with 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.

- 44 Unless the Local Planning Authority 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 and a verification report confirming these works has been submitted to, and approved in writing, by the Local Planning Authority. 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 waste management documentation showing the classification of waste, its treatment, movement and disposal; and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development (unless otherwise agreed in writing by the Local Planning Authority) 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 Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation statement and verification of these works included in the verification report. All works must be carried out in compliance with 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.
- 45 Unless the Local Planning Authority 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 Local Planning Authority where further monitoring is required past the completion of development works to verify the success of the remediation undertaken. A verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with 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.

OTHER

- 46 The development hereby permitted shall not be occupied until details and samples of the screening to the second floor terrace, and which shall be at least 1.7m high above finished floor level, have been submitted to, and approved in writing by, the Local Planning Authority. The screens shall be installed as approved prior to the occupation of the roof extension hereby approved and maintained in this form thereafter.

THAMES WATER CONDITIONS

- 47 No development shall be occupied until confirmation has been provided that either:
1. Capacity exists off site to serve the development, or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water.

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or

3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

- 48 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

*****End of Schedule*****