



Appeal Decision

Site visit made on 2 May 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/H5390/W/22/3306632

112-114 North End Road and 4 Challoner Crescent, West Kensington, London W14 9PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Hemal Amin, Continental Coachworks Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2022/00670/FUL, dated 8 March 2022, was refused by notice dated 20 July 2022.
 - The development proposed was described as 'demolition of existing building and erection of a replacement part one, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 38-bedroom hotel and associated works'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building and erection of a replacement building including a basement level with lightwells fronting Challoner Crescent, to provide a 38-bedroom hotel and associated works at 112-114 North End Road and 4 Challoner Crescent, West Kensington, London W14 9PP in accordance with the terms of the application Ref 2022/00670/FUL dated 8 March 2022 subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. At Part E of the appeal form, the description is given as 'demolition of existing buildings and erection of a replacement part two, part three, part four storey building including a basement level with lightwells fronting Challoner Crescent, to provide a 38 bedroom hotel (Use Class C1); and associated works'. This reflects the description stated on the Council's decision notice, although the appellant indicates that there was no formal agreement to the change.
3. However, neither of the application form or decision notice descriptions seem to me to be totally accurate in describing the storey heights of the development as it is shown on the submitted plans and details which indicate a part single, part two, part three, part four storey building with an additional basement level. As a result, and because I consider the height of the building to be satisfactorily illustrated by the submitted plans such that explicit reference in the description is unnecessary, I have modified the development description in my formal decision above to omit details of storey heights. This would not alter the development proposed, and I am satisfied that the change would not

prejudice any party. In making my decision, I have in any event considered the proposal on the basis of the development shown on the plans.

4. The appeal application was refused by the Council contrary to the officer recommendation that planning permission should be granted. The Council has not submitted an appeal statement or other detailed explanation outlining its position. I have therefore treated its reasons for refusal and the limited information contained in the minutes of the Planning and Development Control Committee meeting where the application was considered as forming the basis of the Council's case.
5. The evidence before me refers to a previous proposal for a hotel on the site which was dismissed at appeal¹ ('the Previous Appeal'). The appellant's evidence and the Council's officer report to Committee both indicate that the Previous Appeal was dismissed only on grounds of the effect of the proposal on the character and appearance of the surroundings, including the Barons Court Conservation Area ('the CA'). I have had regard to this Previous Appeal as a material consideration, although I have determined the appeal having regard to the individual merits of the development that is now before me.

Main Issues

6. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Barons Court Conservation Area and on the setting and significance of 3 Challoner Crescent, a locally designated Building of Merit; and
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook, noise and disturbance.

Reasons

Conservation Area and Locally Designated Building of Merit

7. The appeal site is located within the Barons Court CA between North End Road and Challoner Crescent, and has accesses from both streets. Near to the appeal site, North End Road includes buildings of varying scale and form with a mix of commercial and industrial uses at ground floor level. However, Challoner Crescent and the adjoining streets are generally characterised by cohesive groups of mostly residential buildings which are of similar form, scale and appearance to one another with few significant alterations apparent. These factors together with the typically fairly regular layout of the buildings provide for a distinctive sense of rhythm and uniformity to many of the street scenes which I consider makes a positive contribution to the character, appearance and significance of the CA.
8. Many of the buildings on streets in the CA to the west of North End Road have also been locally designated as 'Buildings of Merit' ('LBMs'), and therefore comprise non-designated heritage assets in their own right. These include 3 Challoner Crescent, a part single, part two-storey building located adjacent to the appeal site. No 3 is of distinctive appearance, including white painted brickwork, decorative moulding and parapet detailing, sash windows and a large arched window within the single-storey section. It is also notably smaller

¹ Appeal ref APP/H5390/W/21/3269139

than other nearby buildings around Challoner Crescent, and in my view these features contribute to the significance of the LBM.

9. The appeal building is set back from North End Road behind single-storey commercial units and a forecourt, and is of irregular shape. The appellant's Heritage Statement highlights that the appeal site is described within the Barons Court Conservation Area Profile as of unsympathetic appearance, and comments that it possesses negligible architectural interest and low historic interest. Having regard to the evidence before me and my observations at my visit, I agree; the building is of functional and in places unsightly appearance, and I have no firm reason to conclude that its demolition would in itself cause unacceptable harm to the significance of the CA.
10. The proposed development would be of greater maximum height and larger overall scale than the existing development on the site. However, it would not be significantly taller than other buildings in the North End Road street scene, and the stepping down in level to both sides of the building would ensure that the height would not be jarring against the neighbours on North End Road to either side. The building would also remain set back from North End Road and from the front of the neighbouring building at 116-128 North End Road, and I am satisfied that the overall scale, bulk and mass of the development would not be striking or visually prominent against the existing diversity in the form and scale of buildings in this street scene.
11. To the Challoner Crescent side of the site, the development would be lower than the neighbouring Challoner Mansions building. It would be of larger scale and maximum height than the neighbour at 3 Challoner Crescent, but the part of the building closest to No 3 and to the properties on Lanfrey Place to the rear would be of similar height to the closest part of the existing building on the site. Above this, there would be a fairly large set in to the second floor level, and then the third-floor would be set in again and accommodated within a mansard roof form of modest width.
12. In comparison to the Previous Appeal scheme, there would be an increased set in of the two uppermost storeys of the building from the floors below. As a result, they would be of markedly reduced overall scale, and there would be significantly greater separation between these storeys and the neighbouring buildings. The increased set in of the third floor would additionally provide greater visual distinction between the second floor and roof levels of the building which would help to break up the impression of the building's bulk and mass. In combination, these factors would result in a much more gradual transition in height across the development and a gentler stepping down from the tallest section towards No 3 and the two-storey buildings on Lanfrey Place than would have been the case under the Previous Appeal.
13. I have noted the computer generated images provided by the appellant, but I have considered the proposal on the basis of the submitted plans and my observations at my visit. In my judgement, the form and design now proposed would ensure that the rear section of the second floor and roof level elements of the development would no longer appear so prominent and starkly exposed in views from Challoner Crescent or in longer range views from Perham Road as would have been the case under the Previous Appeal. I also find that the stepping down in height of the building and the separation that would be maintained to No 3 and buildings on Lanfrey Place, particularly from the upper

floor levels of the development, would be sufficient to ensure appropriate respect for the surrounding buildings.

14. In addition, recessed elements with decorative bond brickwork would divide the building into bays of broadly similar width to other buildings on Challoner Crescent, providing a visual connection to nearby development in terms of its proportions. The inclusion of vertical climbers and detailing to the building would provide further visual relief, helping to soften its impression of overall scale and its visual impact. Having regard to these factors, I find that the scale of the building would not be striking against its neighbours, and the development would not appear unacceptably bulky or imposing in the Challoner Crescent street scene.
15. Furthermore, the existing building on the site is already of clearly different scale, appearance and use to its neighbours on Challoner Crescent, and the closest neighbouring buildings on Challoner Crescent also vary from one another. Although the height and massing of development on the site would change, the siting of the building would respect the existing street pattern, and the proposal would not disrupt an existing impression of rhythm or uniformity in this part of the CA.
16. The utilitarian appearance of the existing building on the appeal site also contrasts somewhat incongruously with the neighbours around Challoner Crescent, and the close positioning of the window and door abutting Challoner Mansions result in a fairly awkward visual relationship with this building. The proposed building would be of similar architectural design to that considered in the Previous Appeal scheme where the overall design approach was found to be acceptable. It would incorporate a partial mansard roof with modest dormers, embedded colonnades to the ground floor level of the Challoner Crescent elevation and architectural detailing that would add texture and visual interest to the building while drawing on existing features found locally such as the porches to the terraces on Challoner Crescent and Perham Road. That said, the detailing of the building would be simpler and more understated than No 3 such that it would not compete with the LBM. The indicated external materials would complement typical finishes nearby, and translucent cladding which was found in the Previous Appeal decision to be uncharacteristic is no longer proposed.
17. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the above reasons, I am satisfied that the development would sit comfortably on the site and within the CA. In my assessment, the design, siting, scale, massing, bulk and height of the building would assimilate sympathetically with its surroundings as a modern but appropriate addition that would make a positive contribution to the visual quality of the area in comparison to the existing site. Even where the development would be seen together with No 3, it would not dominate or draw focus away from the LBM and would instead present an appropriate degree of subservience and visual connection.
18. I conclude that the significance of the LBM would not be harmed through the development in its setting, and that the proposal would make effective use of the site while preserving the character, appearance and significance of the CA. Accordingly, the reasons for dismissal of the Previous Appeal have been overcome by the changes made to the development, and I find no conflict with

Policies D3 or HC1 of the London Plan 2021 ('the LonP') or Policies DC2 or DC3 of the Hammersmith and Fulham Local Plan 2018 ('the LP'). These policies include requirements broadly seeking high quality design and development that makes best use of land while responding positively to local character and distinctiveness, respecting heritage assets and conserving and enhancing their significance. For similar reasons, the proposal would accord with guidance provided within the Planning Guidance Supplementary Planning Document 2018 ('the SPD'), including that developments in conservation areas should be sympathetic to their context and contribute positively to the townscape and visual quality of the area to preserve or enhance character and appearance.

Living Conditions

19. Subject to suitable sound insulation measures which could be secured by planning conditions, I consider that the proposed hotel use would be unlikely to result in significant levels of noise or disturbance emanating from within the building that would be noticeable to nearby occupiers. This would include from the modest bar area which is proposed as part of the hotel rather than a separate use. A planning condition could also require details of plant and extraction equipment to ensure that this would not cause unacceptable noise or other disturbance to the surrounding area.
20. I acknowledge that a hotel use could result in people arriving or leaving the site at any time of night or day. However, doors to the rear of the building that would lead onto Challoner Crescent are shown to be emergency fire exits only, and all activity associated with the hotel including staff and guest access, deliveries, servicing and pick ups and drop offs would be via the North End Road entrance. It is not unusual in my experience for emergency exits to be secured or alarmed to prevent non-emergency use while still complying with fire and other regulations, and I am satisfied that use of these doors could appropriately and effectively be restricted to emergency exit use only by a planning condition. Any such emergency use could reasonably be expected to be rare, and I find on this basis that the proposal would not result in activity within Challoner Crescent that would cause levels of noise or disturbance that would unacceptably harm the living conditions of surrounding occupiers. Indeed, I consider the replacement of the existing development which currently has unrestricted access, including vehicular, from Challoner Crescent would be likely to result in an overall reduction in noise and disturbance around Challoner Crescent to be more compatible with adjacent residential uses.
21. The entrance to the development would be between ground floor commercial units on North End Road. While there appear to be residential uses at the upper floors of 116-128 North End Road, there are no windows to the flank elevation adjacent to the site which would reduce potential for noise transmission from around the hotel entrance. There are also no windows to the side of 110 North End Road, and the hotel entrance would additionally be set in significantly from the boundary with this neighbour. Furthermore, North End Road is a fairly busy thoroughfare with a mix of commercial uses nearby, including some open until late into the evening. I also saw that bus services passing the site include a night service. Given this context and the relatively small scale of the hotel, I find that comings and goings by staff, guests or visitors are unlikely to result in levels of noise or disturbance that would impact appreciably on any neighbouring occupiers.

22. The proposal also includes a Framework Delivery and Servicing Management Plan which outlines that a relatively low number of deliveries/collections are anticipated to be required to serve the development. The Plan further indicates that all deliveries and collections would be via on street servicing from North End Road between the hours of 1000 and 1600 Mondays to Saturdays which would reflect existing arrangements to other nearby uses. A final Delivery and Servicing Management Plan to require further details and implementation of agreed arrangements, including provision to prevent parking or servicing activities on Challoner Crescent and surrounding residential streets, could be secured by a planning condition. On that basis, I am satisfied that deliveries and servicing could be carried out without causing unacceptable noise or disturbance that would be detrimental to neighbouring occupiers.
23. For these reasons and subject to the conditions noted above, I find that the proposal would not result in noise or disturbance that would harm living conditions for neighbouring occupiers.
24. The Council's third reason for refusal raises additional concerns that the development would be overbearing and result in an increased sense of enclosure and loss of outlook for occupiers in Lanfrey Place. The dwellings on Lanfrey Place have fairly short rear gardens, and the development would not comply with the guidance within Key principle HS6 of the SPD setting out that, as a general rule, development should not result in an infringing angle of more than 45 degrees to neighbouring properties. However, the SPD confirms that the impact of development extending beyond these lines on neighbouring properties will be a matter of judgement.
25. In this case, there is already a high wall along the boundary of the site with the properties on Lanfrey Place that infringes a 45 degree angle, and the height of development along this boundary would not be increased. There would be an increase in the maximum height and in the overall bulk and mass of development on the site from the existing situation through the inclusion of the second and third floors. However, the second floor would be set in from the boundary with Lanfrey Place, and the roof containing the third floor would be set in even further. The set backs would be sufficient to ensure that the second and third floors would be largely screened to views from the gardens and ground floor windows of the properties on Lanfrey Place by the retained development along the boundary. As a consequence, there would be no meaningful change to outlook or the degree of enclosure experienced by occupiers in these views.
26. The upper parts of the building could be visible from the first and second floor windows of properties on Lanfrey Place, but such relationships are not unusual in built up areas such as this. I consider having regard to the context of the site that the separation provided would be sufficient to ensure that the greater height and the mass and bulk of the upper part of the building would not cause a harmful increase in the perception of enclosure. The planting to the side of the second floor would further help to soften the visual impact of the building. Although some views may change, I am satisfied that the development would not be unduly dominant or overbearing in views from neighbouring properties, and there would not in my assessment be a harmful loss of outlook for occupiers of properties on Lanfrey Place in comparison to the existing situation.

27. Notwithstanding that the development would infringe a 45 degree angle from properties on Lanfrey Place, I therefore find that the effect of the proposal on the living conditions of these neighbours would be acceptable.
28. While not determinative, I note that the Previous Appeal was not dismissed on grounds of effects on the living conditions of neighbouring occupiers. From the information before me and noting also the changes made to the proposed development, in particular the reduced scale of the building closest to Lanfrey Place and the reduced number of hotel rooms, I find no compelling reason to reach a different conclusion.
29. For the reasons above, I conclude that the development would not result in unacceptable harm to the living conditions of neighbouring occupiers through noise, disturbance or loss of outlook. As a consequence, I find no conflict with Policies D3, D13 or T7 of the LonP or Policies DC2, E3 or HO11 of the LP insofar as they include requirements broadly for development to be designed to respect and protect residential amenity and to deliver appropriate outlook, and the mitigation and management of noise impacts.
30. The Council's fourth reason for refusal asserts that the proposal would also be contrary to Policy E10(G) of the LonP. However, Part G of Policy E10 sets out that serviced accommodation should be promoted in town centres and within Opportunity Areas in outer London and in inner London outside of the Central Activities Zone where they are well-connected by public transport, particularly to central London. In the absence of further supporting evidence in explanation from the Council, I do not find Policy E10(G) offers a basis to come to a different view on this main issue.

Planning Obligation

31. The appellant has submitted a signed and executed Unilateral Undertaking dated 7 June 2023 ('the UU'). The UU includes obligations providing for a travel plan and monitoring of it; a restriction on applications for parking permits and coaches stopping on North End Road; provision for employment, training and local procurement; and financial contributions towards carbon offsetting, air quality monitoring, micro-mobility parking, law enforcement and footway works.
32. The Council has indicated that the UU is agreed subject to a requested amendment to insert an additional requirement for the developer to notify the Council of implementation of the development. The appellant argues that the UU already includes a requirement for the developer to notify the Council of the commencement of development. However, I note that the definition of commencement within the UU is slightly different to that of implementation, and commencement would exclude works consisting of demolition, site clearance, investigations of the purpose of assessing ground conditions, the diversion and laying of services, the erection of scaffolding or any temporary means of enclosure and the temporary display of site notices or advertisements. That said, and while I acknowledge that some of the obligations in the UU do refer to implementation as a trigger for action, I can see no firm reason that these obligations would be rendered unenforceable or insufficiently clear as to what is required in the absence of notification of implementation. In my judgement, the fact that the UU does not require notification of the implementation of development would not be fatal to the effectiveness of the obligation in securing what is intended.

33. I have also considered the UU in light of the Community Infrastructure Levy (CIL) Regulations 2010 which set a number of tests for planning obligations. These tests are reflected in the National Planning Policy Framework ('the Framework'), and require that obligations must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
34. The Travel Plan, footway contribution and micro-mobility parking contribution would support and encourage use of sustainable modes of transport in accordance with objectives within the Framework, and would be necessary given that there is no provision for vehicle parking at the site.
35. Schedule 6 of the UU sets out a range of obligations to provide for employment, training and local procurement as part of the construction of the development. These would be necessary to address the requirements of Policy E11 of the LonP and Policy E4 of the LP. The financial contributions towards carbon offsetting and air quality monitoring would also be necessary to meet the requirements of the development plan, and in particular Policy GG6 of the LonP and Policies CC1 and CC10 of the LP.
36. The law enforcement contribution would support measures to improve local neighbourhood safety in West Kensington, including through reducing environmental crime and anti-social behaviour in the borough. From the information before me, and noting the nature of the use as a hotel with short duration stays and the proximity of the site to the town centre, I consider that this contribution would be reasonable and necessary to address requirements within Policy D11 of the LonP to ensure a safe and secure environment.
37. The provisions restricting applications for parking permits and coaches stopping on North End Road would be necessary in the interests of highway safety and convenience. The UU is made pursuant to powers including Section 16 of the Greater London Council (General Powers) Act 1974 which are more wide ranging in scope than Section 106 of the Town and Country Planning Act 1990 (as amended), and I am consequently satisfied that the obligations would in this case be enforceable.
38. In light of the supporting information and the evidence that is before me, I find that each of the obligations within the UU would meet the tests set out in the CIL Regulations and the Framework, and can be given weight. I have taken them into account as material considerations.

Conditions

39. I have considered suggested conditions in light of the tests at paragraph 56 of the Framework. Where necessary, I have made minor amendments for clarity, brevity, consistency or to ensure compliance with the relevant tests including to omit unnecessary prescription of guidance/details that would be a matter for the Council to consider as part of the assessment of future submissions. I have also combined some conditions in the interests of succinctness, and I have avoided the use of pre-commencement conditions where this is not necessary for a condition to achieve its purpose.
40. I have imposed the standard time limit (1), and a condition specifying the approved plans (2) for the avoidance of doubt and in the interest of certainty.

41. Details of how demolition and construction will be managed (3) are necessary in the interests of highway safety and the living conditions of nearby occupiers, although I have combined the Council's suggested conditions referring separately to a Demolition Method Statement and a Construction Management Plan and a Demolition and Construction Logistics Plan to avoid duplication. Details of how impacts of the development on air quality will be managed and mitigated (4) are also necessary in the interests of air quality and health. However, I have combined the suggested separate conditions relating to the demolition and construction phases to again avoid duplication. I have also omitted a requirement for use of Ultra Low Emission Zone compliant vehicles. This is because I am not satisfied from the limited information provided that this would be necessary or reasonable, particularly given that there is in any event a separate requirement within the condition for details of mitigation and control measures.
42. There is potential for ground contamination at the site given the past uses including as a garage. Conditions to require a preliminary risk assessment for this development (5), further site investigation (6) as well as quantitative risk assessment (7), remediation (8), verification (9) and monitoring (10) in respect of contamination are therefore necessary to safeguard health and the environment. Details of sewer surcharge flood mitigation (11) are necessary in the interests of flood risk.
43. A condition to require details of the build contract (12) is required to ensure that there would not be undue delay in construction works following demolition on the site in the interests of the character and appearance of the CA. Further conditions to require details of external materials (13), windows and doors (14), provision of 'ghost windows' to the east elevation (15) and restrictions on additional alterations to the exterior of the building (38), and the placing of telecommunications equipment/aerials (39) are necessary to secure a satisfactory appearance.
44. Conditions relating to ventilation of the development (16), provision for sound insulation and other mitigation measures (17), details of plant equipment (18) and anti-vibration measures (19) are necessary in the interests of the living conditions of neighbouring occupiers and to provide a satisfactory internal environment. The conditions require implementation of the approved details, and it is unclear from the information before me why a condition to require a further post installation report in respect of the approved ventilation strategy would be necessary. I have not therefore imposed it.
45. Further details of security measures (20) are necessary to minimise the risk of crime and to meet the security needs of the development. Details of external artificial lighting (21) and measures to minimise light trespass from internal or reflected artificial light (22) are required in the interests of neighbouring living conditions and the character and appearance of the area. A revised Sustainable Drainage Strategy (23) is necessary in the interests of flood risk.
46. Provision for obscure glazing to the upper floor rear windows (24) and to prevent use of flat roof areas as terraces (40) are necessary in the interests of the living conditions of neighbouring occupiers. A restriction on use of the doors to Challoner Crescent to emergency use only (25) is necessary for the same reason, although I have included a requirement to submit details of measures to provide that the doors would remain in emergency use only to ensure that

the condition is effective. A final Delivery and Servicing Plan (26) is required in the interests of neighbouring living conditions and the safe and efficient operation of the highway network.

47. The submitted details indicate provision of 5 wheelchair accessible rooms which would meet, and slightly exceed, the required level under Policy E10 of the LonP. From the information before me, a further requirement to provide additional adaptable rooms would not be reasonable or necessary, although a condition to require delivery of the indicated provision (28) is necessary to ensure sufficient choice for people who require an accessible bedroom.
48. Conditions to require implementation of zero emission air/water source heat pumps or electric boilers (27) and that development takes place in accordance with the submitted Energy Strategy and Sustainability Statement (35), Whole Lifecycle Carbon Assessment (36) and Circular Economy Statement (37) are necessary in the interests of air quality and to comply with requirements of the development plan. Conditions to require the implementation of structural waterproofing to the basement (29), flood prevention and mitigation measures (30) and fire safety measures (31) as identified in the submitted Basement Construction Statement, Flood Risk Assessment and Fire Statement are necessary to ensure that flood and fire risk would not be increased. I have also imposed conditions to require implementation of indicated green infrastructure (32), waste storage (33) and cycle storage (34) which are necessary to ensure satisfactory provision and in the interests of character and appearance and supporting sustainable travel choices.
49. Finally, conditions restricting use of the building to hotel use only (41), the number of hotel bedrooms (42) and maximum stay duration (43) are necessary in the interests of certainty and in the interests of the character and appearance of the area, the living conditions of future and neighbouring occupiers and highway safety and convenience amongst other interests.
50. Conditions 3-12 are pre-commencement conditions as details need to be agreed before any works take place to ensure that they are satisfactory given that they will either inform the construction process or relate to works below ground level. The appellant has provided written agreement to these conditions.
51. I have not imposed a suggested condition in respect of music and amplified voices as this would be addressed by the requirements for sound insulation and other legislation. Suggested conditions referring to delivery times, a waste management plan, waste removal times and a Low Emission Delivery and Servicing Plan would duplicate matters forming part of the Delivery and Servicing Plan and the requirement for provision of the indicated waste storage, and I have not attached them. Given the Delivery and Servicing Plan requirements and the scale of the proposal, I am also not persuaded that it would be reasonable or necessary to require aerobic food digester provision which is suggested to mitigate the impact of vehicles associated with the removal of food waste on air pollution.
52. The display of advertisements is subject to control through the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 (as amended). In the absence of compelling evidence to explain why it would be necessary to control advertisements at the appeal site beyond the scope of the Regulations, I have not imposed suggested conditions in respect of the placing of advertisements.

Other Matters

53. I have no substantive reason to find that the appellant's technical evidence on daylight, sunlight and overshadowing is not suitably robust or representative. Having regard to guidelines provided by the Building Research Establishment, the evidence indicates that levels of daylight to existing surrounding properties would not be adversely affected, with all continuing to meet guideline standards for vertical sky component. There would be a few instances where sunlight to windows would not comply with guideline levels, but the shortfall would be fairly modest. While there would be some increase in overshadowing to the garden of No 110, there would remain adequate direct sunlight during the summer period when it is most likely to be used by occupiers. Having regard to the degree of the shortfalls below guideline levels and noting the urban context of the area, the effects on daylight, sunlight and overshadowing would not in my judgement cause meaningful harm to neighbouring living conditions that would justify the refusal of permission.
54. No windows are proposed to the sides of the building, and there would be sufficient separation between windows to the front and neighbours opposite to prevent harmful overlooking. There would be lesser separation between some of the windows to the rear of the building and neighbouring properties, but the appellant has proposed that those to the upper floors would be obscure glazed and non-opening. This would be secured by a planning condition, and would ensure that the development would not overlook nearby occupiers. The flat roof sections of the building are not proposed as terraces, and a planning condition would ensure that they were not used in this way. On this basis, there would not be harmful overlooking or loss of privacy for neighbouring occupiers.
55. There would be potential for noise and disturbance during the demolition and construction period, including as the basement was constructed. However, any effects would be short term, and could be mitigated by careful construction management. In this regard, the Basement Construction Statement details how construction will be managed to control and monitor effects including noise, vibration, dust and ground movement. Further details, including of vehicle access and measures to control noise, dust and other disturbance during demolition and construction can also be secured by planning conditions to mitigate effects on all surrounding users.
56. Protected characteristics include age and disability and the information before me indicates that residents in the vicinity of the site include some persons who may share protected characteristics. I have therefore had due regard to the duties under section 149 of the Equality Act 2010, including the need to eliminate discrimination, and to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. However, I am satisfied that the above measures would minimise the impact of development on neighbouring occupiers, including those with relevant protected characteristics. I am also satisfied that demolition and construction effects would not unacceptably interfere with neighbouring occupiers' rights to peaceful enjoyment of their possessions and respect for private and family life and home under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. It is proportionate in the circumstances to allow the appeal.

57. No vehicle parking is proposed on the site, and there would be a restriction on eligibility for parking permits in the local area through the UU. There would be some vehicle movements associated with deliveries and servicing, but these would be relatively small in number, and the proposal would not generate significant traffic. Subject to management through the Delivery and Servicing Plan to be required by condition, including the hours during which activity may take place, I am satisfied that deliveries and servicing need not result in harm to the safe or efficient operation of the surrounding highway network. The access to the hotel from North End Road would be via a shared forecourt, but this is currently used by the existing operation on the site. While numbers of pedestrian movements may be increased by the proposal, the distance to the highway is short with reasonable visibility, and I consider that movements would be unlikely to result in unacceptable conflict with vehicles or other users of the forecourt with consequent danger to hotel guests or staff or other users of the space.
58. Construction could be managed to minimise effects on a nearby tree to the rear of Challoner Mansions, and the development would furthermore be no closer than the existing building. Although the obscure windows to the rear of the building would restrict outlook for occupiers of the rooms served, this would not cause unacceptable harm given the short-term nature of occupiers' stays within the rooms, and alternative means of ventilation are proposed to allow adequate ventilation without need to open windows.
59. Following consideration of the appellant's Air Quality Assessment, the Council and its Environmental Quality team have raised no objections in relation to air quality, and I have no firm reason to take a different view. The UU includes provision towards law enforcement, and there is no substantive evidence to demonstrate that the proposed use would diminish the existing sense of community in the area, nor that rates of crime, antisocial behaviour or littering would increase or that there would be undue strain on local services and infrastructure including drainage. The submitted Flood Risk Assessment and a number of planning conditions suggested by the Council would also address potential for contamination at the site and flood risk.
60. I have noted comments that it is difficult for small hotels to be profitable, but there is little before me to show that the appeal development would not be viable, and I have no firm reason to doubt the appellant's evidence of demand for hotel accommodation in the area.
61. The grant of planning permission would not negate or override any private legal rights relating to land ownership or rights of access, and any damage caused to property during construction would be a private matter between the parties involved. In addition, the planning system is concerned with land use in the public interest, rather than purely private interests such as effects on the value of neighbouring land or property or lease terms.
62. I note that there have been previous applications and proposals for development of the adjacent frontage between the appeal site and North End Road which is currently occupied by single-storey premises, although the information before me indicates that no planning permission has been granted. The proposal could represent a factor to be considered in any potential future scheme for development at the adjacent site. However, that is not to say that it would prevent effective redevelopment of the adjacent site. Moreover, while I

acknowledge that development on the adjacent site could potentially contribute to the delivery of housing and commercial space, and infill somewhat of a gap in the street frontage, I have not been made aware that the adjacent site is allocated for development or necessary to deliver requirements within the development plan.

63. An interested party indicates that it is intended to bring forward a new scheme on the adjacent site, but I do not have substantive details of any proposal. In addition, the information before me indicates that the Council has previously raised concerns in relation to the effect of development here on the occupiers of 110 North Road and the provision of suitable living conditions for future occupiers, in addition to the effect on development of the appeal site. Despite reference by an interested party to the provision of homes and repair to the street scene, I cannot therefore be sure that development of the adjacent site would be acceptable, and if so, what form it would take or timescales for it to materialise.
64. In my view, the appeal scheme could deliver benefits including contributing to the local economy, making effective use of the site and providing a use that would be more compatible with neighbouring dwellings than the existing use on the site relatively quickly. Against this context and on the basis of the evidence before me in relation to this appeal, I find there are insufficient grounds to conclude that the proposal would unreasonably prejudice future development at the adjacent site or the optimisation of site capacities as sought by Policy D3 of the LonP.

Conclusion

65. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: B1_02_0000 Rev 01; B1_02_0001 Rev 01; B1_02_0002 Rev 01; B1_02_2000 Rev 01; B1_02_2001 Rev 01; B1_02_2002 Rev 01; B1_02_2199 Rev 06; B1_02_2200 Rev 07; B1_02_2201 Rev 07; B1_02_2202 Rev 07; B1_02_2203 Rev 09; B1_02_2204 Rev 09; B1_04_2000 Rev 01; B1_04_2001 Rev 01; B1_04_2200 Rev 06; B1_04_2201 Rev 04; B1_04_2202 Rev 02; B1_04_2203 Rev 00; B1_04_2204 Rev 00; B1_05_2000 Rev 01; B1_05_2200 Rev 04 and B1_05_2201 Rev 01.
- 3) Prior to the commencement of the development hereby permitted, a Demolition and Construction Management and Logistics Plan ('DCMLP')

shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, details (including where relevant for the demolition phase of the development) of:

- i) site logistics and operations;
- ii) the routing of construction vehicles to the site;
- iii) the estimated number and size of construction vehicles per day/week;
- iv) the compliance of vehicles with the Ultra Low Emission Zone;
- v) access and egress arrangements and delivery locations at the site;
- vi) any vehicle holding areas;
- vii) any traffic management;
- viii) efficiency and sustainability measures to be adopted as part of the works;
- ix) basement construction methods;
- x) control measures for dust, noise, vibration and lighting;
- xi) hours of work and all associated activities audible beyond the site boundary;
- xii) advance notification to neighbours and other interested parties of proposed works;
- xiii) public display of contact details including accessible phone contact to persons responsible for the site works for the duration of the works; and
- xiv) membership of the Considerate Contractors Scheme.

The approved details and DCMLP shall be adhered to throughout the demolition and construction period.

- 4) Prior to the commencement of the development hereby permitted, an Air Quality Dust Management Plan or Plans ('AQDMP') covering each or both of the demolition and construction phases shall be submitted to and approved in writing by the Local Planning Authority.

The AQDMP(s) shall include the following details for the relevant phase or phases:

- i) a site location plan indicating sensitive off-site receptors within 50m of the red line site boundary;
- ii) a construction site and equipment layout plan;
- iii) an inventory and timetable of dust generating activities;
- iv) an Air Quality Dust Risk Assessment that considers the potential for dust soiling and PM10 (human health) impacts for sensitive receptors off-site of the development within 250m of the site boundaries in compliance with the methodology contained within the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance 2014 or any subsequent amended version if replaced;
- v) site specific dust and NOx emission mitigation and control measures including mitigation for on-road and off-road construction traffic in a table format;
- vi) site particulate (PM10) 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 Site Action Level of 190 $\mu\text{g}/\text{m}^3$, measured as a 1-hour mean, calibration certificates of MCERTS compliant PM10 monitors and provision for access to data from PM10 monitoring, including real-time access;

- vii) Non-Road Mobile Machinery ('NRMM') to be used on the site with CESAR Emissions Compliance Verification 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 for both variable and constant speed engines for both NOx and PM. An inventory of all NRMM for the first phase of demolition/construction (as applicable) shall be registered on the NRMM register <https://london.gov.uk/non-road-mobile-machinery-register> prior to commencement of the relevant phase of works and thereafter retained and maintained until occupation of the development;

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 and measures shall be fully implemented and permanently retained and maintained during the demolition and construction phases of the development.

- 5) Prior to the commencement of the development hereby permitted, a preliminary risk assessment report, in connection with land contamination, shall be submitted to and approved in writing by the Local Planning Authority. The assessment and report shall be undertaken by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination 2004, or equivalent Model Procedures if replaced, and shall comprise:
 - i) 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;
 - ii) a site reconnaissance;
 - iii) a conceptual model indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site;
 - iv) 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; and
 - v) a statement of whether a site investigation is necessary to address these potentially unacceptable risks.
- 6) Where the preliminary risk assessment approved pursuant to condition 5 indicates that a further site investigation is required, no development shall commence until a site investigation scheme has been submitted to and approved in writing by the Local Planning Authority. The site investigation scheme shall be based upon and target the risks identified in the approved preliminary risk assessment and shall make provision for the sampling of soil, soil vapour, ground gas, surface and groundwater as relevant.

The site investigation shall then be carried out in accordance with the approved site investigation scheme, and all works shall be undertaken by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination 2004, or equivalent Model Procedures if replaced.

- 7) Where the preliminary risk assessment approved pursuant to condition 5 indicates that a further site investigation is required and unless the Local Planning Authority has agreed in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until site investigation has been carried out in accordance with the details approved pursuant to condition 6 and a quantitative risk assessment report has been 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 approved preliminary risk assessment based on the information gathered through the approved site investigation to confirm the existence of any remaining pollutant linkages which would require the submission of a remediation method statement; and determine the remaining risks posed by any contamination to human health, controlled waters and the wider environment. All works shall then be carried out in accordance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination 2004, or equivalent Model Procedures if replaced.
- 8) Where the quantitative risk assessment report approved pursuant to condition 7 indicates that remediation is required and unless the Local Planning Authority has agreed 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 has been submitted to and approved in writing by the Local Planning Authority. This statement shall detail any required remediation works which shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment; and shall include a plan to verify that the required remediation works are undertaken in accordance with the remediation method statement which shall be compiled into a verification report. The remediation shall then be carried out in accordance with the approved remediation method statement, and all works shall be carried out by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination 2004, or equivalent Model Procedures if replaced.
- 9) Where the quantitative risk assessment report approved pursuant to condition 7 indicates that remediation is required and unless the Local Planning Authority has agreed in writing that a set extent of development must commence to enable compliance with this condition, no development shall commence until remediation has been carried out in accordance with the remediation method statement approved pursuant to condition 8 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 appropriate waste Duty of Care

documentation and the validation of gas membrane placement. If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority is to be informed immediately and no further development 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 approved in writing by, the Local Planning Authority. Any required remediation shall be detailed in an amendment to the remediation method statement which shall be submitted and approved by the Local Planning Authority and verification of these works shall be included in the verification report. All works shall be carried out in accordance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination 2004, or equivalent Model Procedures if replaced.

- 10) Where the site investigation scheme, quantitative risk assessment report, remediation statement or verification report approved pursuant to conditions 7, 8, or 9 indicate that onward long-term monitoring is required and unless the Local Planning Authority has agreed 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 has been submitted to and approved in writing by the Local Planning Authority setting out where further monitoring is required after the completion of development works to verify the success of the remediation undertaken. If required by the approved report, a verification report of these monitoring works shall then be submitted to and approved in writing by the Local Planning Authority to demonstrate that no residual adverse risks exist. All works shall be carried out in accordance with the approved details and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination 2004, or equivalent Model Procedures if replaced.
- 11) Prior to the commencement of the development hereby permitted, details of sewer surcharge flood mitigation to guard against sewer flows surcharging back up the system into the basement shall be submitted to and approved in writing by the Local Planning Authority. The sewer surcharge flood mitigation shall be provided in accordance with the approved details before the development is first used or occupied, and shall be permanently retained as such thereafter.
- 12) Prior to the commencement of the development hereby permitted, a build contract for the redevelopment of the site in accordance with this planning permission shall be entered into, and a copy shall be submitted to and approved in writing by the Local Planning Authority. Written notice of the demolition works shall be submitted to the Local Planning Authority prior to the commencement of the relevant works.
- 13) Prior to the commencement of relevant works, full details of all external materials and a sample panel 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 shall be permanently retained as such thereafter.
- 14) Prior to the commencement of relevant works, drawings at a scale of 1:20 in plan, section and elevation of all external windows and doors

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 shall be permanently retained as such thereafter.

- 15) Prior to the commencement of relevant works and notwithstanding the approved plans, drawings at a scale of 1:20 in plan, section and elevation of the eastern elevation of the development (fronting North End Road), shall be submitted to and approved in writing by the Local Planning Authority. The drawings should include the introduction of ghost windows at first floor level with reveals to a minimum depth of 225mm. The development shall be carried out in accordance with the approved details, and permanently retained as such thereafter.
- 16) Prior to the commencement of works above proposed ground level, a Ventilation Strategy Report shall be submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall be designed to prevent summer overheating and minimise energy usage, and the report shall include the following:
 - i) details and locations of the ventilation intake locations at rear roof level or on the rear elevations of all floors;
 - ii) details of restricted opening windows (maximum 200mm for emergency purge ventilation) for all hotel guest rooms on all floors;
 - iii) details and locations of ventilation extracts, to demonstrate that they are located a minimum of 2m away from the air ventilation intakes in order to minimise the potential for the recirculation of extract air through the supply air ventilation intake; and
 - iv) details of the independently tested mechanical ventilation system with Nitrogen Dioxide (NO₂) and Particulate Matter (PM_{2.5}, PM₁₀) filtration with ventilation 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).

The ventilation strategy shall be implemented in accordance with the approved details before the development is first used or occupied and shall be permanently retained as such thereafter with maintenance and cleaning of the systems undertaken regularly in accordance with manufacturer specifications.

- 17) Prior to the commencement of works above proposed ground level, details of sound insulation of the building envelope and other mitigation measures as appropriate including installation of acoustic lobbies to entrances and exits, to demonstrate that noise from uses and activities within the building/development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/ habitable rooms and private external amenity spaces shall be submitted to and approved in writing by the Local Planning Authority. All approved measures shall be fully implemented in accordance with the approved details before the development is first used or occupied and shall be permanently retained as such thereafter.
- 18) Prior to the commencement of works above proposed ground level, details of proposed plant/ machinery/ extract equipment including the external sound level emitted and noise mitigation measures as appropriate, shall be submitted to and approved in writing by the Local

Planning Authority. 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. The assessment shall be made in accordance with BS4142:2014 (or equivalent standard if replaced) at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. The development shall be carried out in accordance with the approved details and measures before the development is first used or occupied and shall be permanently retained as such thereafter.

- 19) Prior to the commencement of works above proposed ground level, details of anti-vibration measures to ensure that plant/ machinery/ extract equipment/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and that fan motors are vibration isolated from casing 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 measures before the development is first used or occupied and shall be permanently retained as such thereafter.
- 20) Prior to the commencement of works above proposed ground level, details of security measures including to minimise the risk of crime and to address the specific security needs of the development 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 measures before the development is first used or occupied and shall be permanently retained as such thereafter.
- 21) The development hereby permitted shall not be first used or occupied until details of external artificial lighting have been submitted to and approved in writing by the Local Planning Authority. Details shall include lighting contours to demonstrate the vertical illumination of neighbouring premises, and measures to minimise use of lighting and prevent glare and sky glow. External artificial lighting shall be provided in accordance with the approved details before the development is first used or occupied, and shall be permanently retained as such thereafter.
- 22) The development hereby permitted shall not be first used or occupied until details of façade glazing or external membrane within the area/structure on the south west elevations of the development and mitigation measures to minimise light trespass, glare and sky glow from internally transmitted or reflected artificial light 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 measures before the development is first used or occupied, and shall be permanently retained as such thereafter.
- 23) The development hereby permitted shall not be first used or occupied until a revised Sustainable Drainage Strategy ('SuDS Strategy') which details how surface water will be managed on-site has been submitted to and approved in writing by the Local Planning Authority. The SuDS Strategy shall include details of the design, location and attenuation capabilities of all proposed SuDS features, including full details and drainage plans for any permeable paving and attenuation tanks/crates, and maintenance information for all SuDS features. The SuDS Strategy

shall be implemented in accordance with the approved details before the development is first used or occupied, and shall be permanently retained as such thereafter and maintained in accordance with the approved details.

- 24) The development hereby permitted shall not be first used or occupied until all upper floor windows at first, second and third floor levels of the south west elevation of the building (facing Challoner Crescent) have been installed so as to be non-openable and with obscure glazing to a height of 1.7m from the internal floor level in accordance with details and a sample which have first been submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be permanently retained in accordance with the approved details.
- 25) The exits between the building and Challoner Crescent shall be used only for emergency access/egress and for no other purpose. The development hereby permitted shall not be first used or occupied until details of measures to prevent any use of the exits between the building and Challoner Crescent other than in an emergency, and to ensure that the doors to these exits will remain closed at all times other than for use as an emergency access, have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved details before the development is first used or occupied, and shall thereafter be permanently maintained in accordance with the approved details.
- 26) The development hereby permitted shall not be first used or occupied until a final Delivery and Servicing Plan ('DSP') has been submitted to and approved in writing by the Local Planning Authority. The DSP shall detail the management of deliveries; emergency access; storage, transfer and collection of waste and recyclables; times and frequencies of all deliveries and collections; provision for use of Zero Exhaust Emission Vehicles; details of quiet loading/unloading mitigation including silent reversing methods; location of loading bays; and vehicle movements; and shall demonstrate that all servicing and deliveries shall take place from existing loading bays on North End Road. The development shall be operated in accordance with the approved details.
- 27) The development hereby permitted shall not be first used or occupied until details of the installation and commissioning of Air/Water Source Heat Pumps or boilers to be provided for space heating and hot water have been submitted to and approved in writing by the Local Planning Authority. The Air/Water Source Heat Pumps or boilers shall be permanently retained in accordance with the approved details.
- 28) The development hereby permitted shall not be first used or occupied until at least 10% of the hotel bedrooms have been provided as fully accessible for wheelchair users in accordance with the approved plans and the requirements of 19.2.1.2 of British Standard BS8300-2:2018 (or any updated version of this guidance if replaced). The hotel bedrooms shall thereafter be permanently retained in this arrangement.
- 29) The development hereby permitted shall not be first used or occupied until structural water-proofing measures within the approved Basement Construction Statement have been carried out in accordance with the

- approved details, and the measures shall be permanently retained as such thereafter.
- 30) The development hereby permitted shall not be first used or occupied until all flood prevention and mitigation measures within the Flood Risk Assessment and Sustainable Drainage Strategy by GTA dated September 2020 (ref. 10440) including a water exclusion and water entry strategy to prevent a risk to life in the event of fluvial flooding have been installed in accordance with the approved details, and the measures shall be permanently retained as such thereafter.
- 31) The development hereby permitted shall not be first used or occupied until all mitigation, measures and means of escape within the approved Fire Statement by Design Fire Consultants, dated 18 February 2022 have been carried out in accordance with the approved details, and the mitigation, measures and means of escape shall be permanently retained as such thereafter.
- 32) The development hereby permitted shall not be first used or occupied until all green infrastructure (including paving, external hard surface, green walls and green/brown roof) shown on the approved plans and details has been constructed and planted up in accordance with the approved details. The green infrastructure shall be permanently retained and managed in accordance with the approved details thereafter.
- 33) The development hereby permitted shall not be first used or occupied until waste and recycling storage has been provided in accordance with the details shown on approved plan no. B1_02_2200 Rev 07, and the storage shall be permanently retained as such thereafter.
- 34) The development hereby permitted shall not be first used or occupied until the employee cycle storage at ground floor level has been provided in accordance with the details shown on approved plan no. B1_02_2200 Rev 07, and the storage shall be permanently retained as such thereafter.
- 35) The development hereby permitted shall not be first used or occupied until sustainable design and construction measures, energy efficiency, low carbon and renewable energy measures have been provided in accordance with the approved Energy Strategy Report by Syntegra Consulting dated February 2022 (Ref 19-6562), and the measures shall be permanently retained as such thereafter.
- 36) The development hereby permitted shall be implemented in accordance with the commitments in the approved Whole Life-Cycle Carbon Assessment by Syntegra Consulting dated February 2022 (Ref 19-6562), and the measures shall be permanently retained as such thereafter.
- 37) The development hereby permitted shall be implemented in accordance with the commitments in the approved Circular Economy Statement by Syntegra Consulting dated February 2022 (Ref 19-6562), and the measures shall be permanently retained as such thereafter.
- 38) No external rainwater goods, air-conditioning units, ventilation fans, extraction equipment, flues or other plant equipment and associated external pipework or ducting shall be fitted to the exterior of the building unless otherwise shown on the approved drawings.

- 39) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any external part of the building hereby permitted.
- 40) No part of any roof of the building 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 any roofs, no railings or other means of enclosure shall be erected on any roof, and no alterations shall be carried out to any elevation of the development hereby approved to form access onto any roof.
- 41) The development hereby permitted shall only be used as a hotel, and shall be used for no other purpose whatsoever, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any subsequent Order or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 42) The Class C1 hotel development hereby permitted shall have a maximum of 38 bedrooms.
- 43) The hotel hereby permitted shall not be used as the sole or main residence of any occupier(s) and no person shall occupy the hotel for a continuous period of more than 30 days. A detailed register of all occupants shall be kept including names and contact details of individuals and the length of occupation. A copy of the register shall be made available at the request of the Local Planning Authority.

End of Schedule