



Appeal Decision

Site visit made on 14 June 2023

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2023

Appeal Ref: APP/H5390/W/21/3288332

12 Wellesley Avenue, London W6 0UP

- 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 Latifia Investments Limited against the decision of the London Borough of Hammersmith and Fulham.
 - The application Ref 2021/00773/FUL, dated 3 March 2021, was refused by notice dated 22 October 2021.
 - The development proposed is demolition of existing car repair workshop (Use Class B2), construction of a new office building (Use Class E) including basement, ground and first floors and associated alterations to the existing garage forecourt, including erection of a boundary wall.
 - This decision supersedes that issued on 31 August 2022. That decision on the appeal was quashed by Order of the High Court.
-

Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing car repair workshop (Use Class B2), construction of a new office building (Use Class E) including basement, ground and first floors and associated alterations to the existing garage forecourt, including erection of a boundary wall at 12 Wellesley Avenue, London W6 0UP in accordance with the terms of the application, Ref 2021/00773/FUL, dated 3 March 2021, subject to conditions set out in the attached schedule.

Applications for costs

2. An application for an award of costs has been made by Latifia Investments Ltd against the Council of the London Borough of Hammersmith and Fulham. This is the subject of a separate Decision.

Preliminary Matters

3. The proposal follows the refusal of permission and dismissal at appeal of two similar proposals for larger developments at the site: Application 2017/02065/FUL (appeal ref. 3200901 dismissed in February 2019) (the 2019 decision) and Application 2019/03018/FUL (appeal ref. 3251291 dismissed in January 2021 (the 2021 decision)).
4. The 2021 decision related to a three-storey building. The appeal was dismissed only in relation to the effect of the second floor on the character and appearance of the area. The second floor has been removed from the current proposal. The Council considers that scheme amendments have satisfactorily addressed previous concerns raised at appeal. Its refusal of permission to the current proposal relates to an issue not previously forming a refusal in the previous proposals.

Main Issues

5. The main issues are (a) whether the proposal should make provision for flexible and affordable workspace and (b) whether the planning obligation makes adequate provision for any additional need arising from the development.

Reasons

Flexible and affordable workspace

6. The appeal relates to the redevelopment of a vacant car repair garage for a new office building. The proposal does not include express reference to how the building would be occupied. The Council does not oppose offices as an alternative employment use but contends that an element of flexible and affordable workspace ought to be provided to meet the needs of start-up businesses and small and medium sized enterprises.
7. Policy E1 of the Hammersmith & Fulham Local Plan (2018) (HFLP) states that the Council *"will require flexible and affordable space suitable for small and medium enterprises in large new business developments, unless justified by the type and nature of the proposal and subject to viability"*. The policy does not set out a clear size threshold for *"large new business developments"*, but in its final paragraph states that *"the borough's three town centres and the White City and Earl's Court and West Kensington Opportunity Areas will be the preferred locations for new office development above 2,500m²"*.
8. The Council contend that there is no size threshold for large new business developments, that the policy is to be interpreted flexibly, but that it would be appropriate for this *"Major scheme"* to provide a proportion of flexible and affordable workspace. The proposal would result in an increase in floor area from 573m² to 1405m² and so would exceed the 1000m² or more threshold for non-residential development amounting to a *"Major Development"* in the glossary to the National Planning Policy Framework (the Framework). Policy E1 does not refer to *"Major Developments"*. There is no justification provided that this should be a relevant threshold within a flexible interpretation. The proposal would be a new business development but below the 2,500m² threshold for directing new office developments to specified locations.
9. The policy creates uncertainty on its applicability if a size threshold is not stipulated. The smaller the size of the business development created, the lesser the scope for subdivision to provide for flexible and affordable workspaces. A large business development for the purposes of Policy E1 has to be capable of accommodating more than a single medium sized business if affordable workspace is intended to be simply part of the development and is phrased as being for *"small and medium"* businesses. This strengthens applicability of the threshold of 2,500m² contained elsewhere in the policy.
10. The development plan also includes the London Plan (2021), adopted after the HFLP. Policy E2 of the London Plan encourages provision of a range of suitable business space. Section D states *"Development proposals for new B Use Class business floorspace greater than 2,500 sq.m (gross external area), or a locally determined lower threshold in a local Development Plan Document, should consider the scope to provide a proportion of flexible workspace or smaller units suitable for micro, small and medium-sized enterprises"*.

11. This policy therefore encourages the provision of flexible and affordable workspaces but reinforces the threshold of 2,500m² in Policy E1 of the HFLP unless a lower threshold has been adopted. The Council's initial appeal submissions referred to a draft Affordable Workspace Supplementary Planning Document (SPD) which set a threshold of 1,000m² gross floorspace above which discounted rents and floorspace would be required in specified locations.
12. The Council adopted the Affordable Workspace SPD in October 2022. It acknowledges that the adopted version is reduced in scope, less prescriptive in removing the 1,000m² threshold but contends that it should be given more weight as a guide to the review of proposals on a case-by-case basis. But it continues to exclude Ravenscourt Park where the appeal site is located as a location where affordable workspace is needed in relation to the extent of the viability study underpinning the SPD (paragraph 5.10).
13. However, the SPD cannot create additional requirements beyond those set in development plan policy and can only provide guidance in circumstances where a requirement in policy is triggered. There have been no changes to the development plan since determination of the appeal application. Whilst the Council maintain that it is legitimate to regard Policy E1 as not setting a threshold, and that a case-by-case approach is appropriate, there has not been a subsequent Development Plan Document to provide for a locally determined lower threshold than the 2,500m² set by London Plan Policy E2.
14. Based on the information before me, it is my judgement that there is not a formal requirement for the proposal to make provision for flexible and affordable workspace. I acknowledge that additional information sought by the Council in relation to the Benchmark Land Value, the grade finish and anticipated rents have not been provided to help in scoping possible provision of flexible and affordable workspace; but having regard to the proposal's limited floor area there is not a requirement in development plan policy that these matters should be provided.
15. The proposal would be compatible with Policy E1 of the HFLP in providing for a range of employment uses and with London Plan Policy E2 on providing suitable business space. There would not be any conflict with Policy E3 of the London Plan which defines circumstances in which planning obligations may be used to secure affordable workspace when it is formally required.

Planning Obligation

16. The appellant has submitted a Unilateral Undertaking (UU) which includes a payment towards affordable workspace in lieu of on-site provision if it is determined provision is a policy requirement. However, I have determined that it is not. Therefore, it is not necessary for me to examine the reasoning behind the level of payment offered. There is a mechanism within the UU in which any obligations that do not pass the statutory tests shall have no effect (a so-called 'blue pencil' clause at 6.5). I shall therefore dis-apply the provision within the UU for the commuted payment towards affordable workspace.
17. The UU includes financial contributions towards employment and skills in the borough, local procurement, and carbon offsetting. Also included is a 'Jobs, Employment and Training Strategy' (JETS) and provision to secure highways works to include repaving two redundant cross-overs plus the extension of on-street parking bays.

18. I have noted the evidence provided by the Council to support the requirement for the other obligations and contributions. I am satisfied that these meet the three statutory tests at Regulation 122(2) of the Community Infrastructure Regulations (2010) repeated at Paragraph 57 of the Framework in that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to it in scale and kind.
19. The UU, at Schedule 1, also includes a Travel Plan. I consider it unnecessary to include the Travel Plan in the UU as this matter can be covered by a planning condition as the Council has suggested. I shall therefore remove this requirement from the UU in accordance with clause 6.5.
20. I am satisfied with the legality of the obligation. It has been dated and includes a plan identifying the appeal site. It has not been witnessed but includes the signature of an authorised signatory acting under the authority of the appellant company in accordance with the laws of the British Virgin Islands as the appellant company is an offshore entity. My understanding is that this is the form of execution required by Land Registry for all offshore entities for any deed or document.

Other Matters

21. Many representations against the appeal proposal have been submitted at application and appeal stages. I acknowledge the sense of frustration expressed by some residents at having to respond to repeated applications for similar proposals. But the findings of the 2019 and 2021 appeal decisions are material to the determination of the current proposal. The 2021 decision found fault only with the scale of the building then proposed.
22. The second floor has been removed from the current proposal. The existing building has an incongruous appearance in relation to surrounding housing and does not enhance the character and appearance of the area. I concur with the Council's view that the proposed two-storey scheme responds appropriately to its immediate townscape setting and would preserve the character and appearance of the Ravenscourt and Starch Green Conservation Area. The proposal would be compliant with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which seeks to preserve or enhance the character or appearance of the conservation area.
23. The 2021 appeal decision established that the overall number of vehicle movements would be likely to be less than that potentially generated by use of the garage by a new business. The current proposal is smaller than that previously proposed. There would not be an unacceptable impact in relation to traffic, parking, deliveries, noise or pollution along Wellesley Avenue.
24. The south-east corner of the building would be close to dwellings at 29-35 Dorville Crescent. However, having regard to the building's reduced massing and high-level fenestration around this corner, there would not be material harm to the living conditions of residents in relation to loss of privacy, loss of light or overshadowing.
25. In relation to energy efficiency, the appellant's Energy Strategy has confirmed that the proposal would include heat pumps at basement level and would be compliant with adopted development plan policies on energy.

26. Some residents have commented that there is not a need for offices and would favour a mixed residential and commercial scheme with parking. But it is necessary for me to determine the scheme before me which I have found to be compliant with development plan policies for redevelopment of this site which has long been in commercial use.

Conditions

27. In reviewing the conditions suggested by the Council if the appeal is allowed, I have had regard to the appellant's comments and to the advice in Planning Practice Guidance (PPG) on the use of and tests for planning conditions. In addition to the standard 3-year condition within which development has to be commenced a condition is necessary to list the approved plans in the interests of certainty and proper planning.
28. Several pre-commencement conditions are necessary. Firstly, a demolition method statement and construction management plan need to be approved to safeguard the proper use of the highway and amenities of local residents; this condition could include the Council's temporary fencing condition. For the same reasons, a demolition and construction logistics plan should be submitted for approval. Details of non-road mobile machinery to be used on site need to be approved in the interests of improving air quality. As the site has been used for car repairs, it is necessary to include a set of conditions to ensure that any contamination is identified and treated appropriately. The site is in a mainly residential area, close to neighbouring dwellings; it is therefore necessary for details of noise and vibration from any plant or machinery to be approved. A travel plan should be approved in the interests of sustainability. A condition to approve an office management plan to safeguard residents' amenities is needed and could reasonably include its ordinary opening hours.
29. I have included the Council's suggested accessibility condition, to ensure that the development provides suitable facilities for all users; but I have excluded the clause on accessible parking bays as this is a car-free development and the clause is not necessary to make the development acceptable in planning terms. Similarly, I have excluded the Council's suggested condition for an audit of the pedestrian environment in the vicinity of the site as this could extend well beyond the site boundaries; it would not be reasonable for the appellant to fund this. Moreover, the planning obligation includes measures to replace the redundant crossovers, repave and provide street parking bays.
30. The approval of details before development exceeds ground level is necessary in relation to external materials, the detailed design of bays and in relation to hard and soft landscape measures to ensure a satisfactory final appearance to the development as the site is in a conservation area. A condition relating to Secured by Design measures is needed to ensure a safe and secure environment for users and occupiers of the development.
31. The basement floor plan shows details of a refuse store and cycle racks but not of shower and changing facilities for staff choosing to cycle to the site. If the site is to operate as intended conditions are needed to ensure provision of these facilities. Once an occupier or occupiers have been arranged, a service and delivery management plan should be approved to preclude undue congestion on the highway. Conditions are required to ensure that the development complies with submitted flood resilient measures and sustainable drainage measures in the interests of proper planning.

32. To ensure that the nearest residents are not unduly affected by noise or disturbance, conditions are needed in relation to noise levels within the building and to preclude any part of the roof being used as a terrace or other form of open amenity area. The Council's suggested condition on obscured glazing to rear facing windows is not necessary; a second floor is no longer included in the proposal and first floor rear windows proposed are shown to be high level.
33. A condition is needed to ensure tree works are carried out in accordance with the submitted arboricultural statement to preclude any adverse tree impacts.
34. In the interests of reducing the development's carbon emissions and resource use, conditions are necessary to ensure compliance with measures in the submitted sustainability statement and energy strategy report. It would be appropriate for a BREEAM post construction report to be triggered within six months of first occupation rather than prior to occupation to enable more effective reporting of the building's performance. The Council's suggested condition on zero-emission combustion plant is unnecessary given these conditions relating to compliance with the sustainability statement and energy strategy report.
35. I have excluded the Council's suggested condition for approval of an ultra-low emission strategy for the operational phase of the development to mitigate the impact of air pollution. The requirement to submit an annual monitoring report in perpetuity on compliance with a strategy on on-road vehicle transport would exceed requirements set in Policy CC10 of the HFLP on air quality and would not be necessary to make the development acceptable in planning terms.
36. I have not included the Council's suggested condition precluding any external installation without first obtaining planning permission. It would fail the tests on necessity and reasonableness as no justification has been provided for approval of minor works that would not constitute development. Permission would be required in any case for more substantive works. Similarly, I have not included the suggested condition to remove permitted development allowances in relation to telecommunications equipment. Such equipment may be reasonably required in relation to the business use of a future occupier. PPG advises that such conditions restricting national permitted development allowances may not pass the tests of reasonableness or necessity without clear justification.

Conclusion

37. My conclusions are that there is not a policy requirement for the proposal to make provision for flexible and affordable workspace and that the planning obligation makes adequate provision for additional needs arising from the development. The proposal would enable this neglected brownfield site to be redeveloped in a sustainable way that would not be detrimental to the character and appearance of the area or to the living conditions of nearby occupiers.
38. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 559/FS01 Rev A; 559/FS02 Rev A; 559/FS03 Rev A; 559/104 Rev G; 559/105 Rev D; 559/106 Rev E; 559/107 Rev E; 559/109 Rev D; 559/111 Rev E; 559/112 Rev E; 559/113 Rev E; 559/114 Rev H.
- 3) No development shall take place, including any works of demolition, until a Demolition Method Statement and Construction Management Plan have been submitted to, and approved in writing by the local planning authority. These shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of temporary fencing and any security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to control noise, vibration and lighting;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Demolition Method Statement and Construction Management Plan shall be adhered to throughout the demolition and construction phases of the development.

- 4) Prior to commencement of the development hereby approved, a Demolition and Construction Logistics Plan shall be submitted to and approved in writing by the local planning authority. The plan shall be in accordance with Transport for London (TfL) requirements. This should seek to minimise the impact of demolition and construction traffic on nearby roads and restrict construction trips to off peak hours only. The approved details shall be implemented throughout the project period.
- 5) Prior to the commencement of (a) the demolition phases of the development and (b) the construction phases of the development hereby permitted, details of Nitrogen Oxides (NO_x), and Particulates (PM₁₀, PM_{2.5}) emission control of Non-Road Mobile Machinery (NRMM) and On Road Vehicles to mitigate air pollution shall be submitted to and approved in writing by the local planning authority. The submitted details shall include:
 1. 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 NOx and PM. An inventory of all NRMM for the first phase of demolition 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.

2. Details of the use of on-road London Ultra Low Emission Zone (ULEZ) compliant vehicles from on-site contractors and suppliers of services and materials to the site e.g. minimum Petrol/Diesel Euro 6 (AIR Index <https://airindex.com> / Urban NOx rating A) and Euro VI.

Developers should ensure that on-site contractors follow best practicable means to minimise dust, particulates (PM10, PM2.5) and NOx emissions at all times in compliance with the Mayor of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014. Approved details shall be fully implemented and permanently retained and maintained during the construction phases of the development.

- 6) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.

The assessment shall include:

- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to: human health; property (existing or proposed) including buildings, pets, and service lines and pipes; adjoining land; ground waters and ecological systems.
- 7) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the development is occupied.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the

- part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or part of development is resumed or continued.
- 9) No development shall take place until a monitoring and maintenance scheme to demonstrate the effectiveness of the proposed remediation shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented, and the reports submitted to the local planning authority within a timetable to be agreed with the local planning authority. If any of these reports identifies any discrepancy with the verification report then a protocol, including timescales, for the necessary remediation shall be submitted to the local planning authority. Thereafter, any necessary remediation and verification shall be carried out in accordance with the approved protocol.
 - 10) 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. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
 - 11) 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. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
 - 12) Prior to commencement of the development, a Travel Plan shall be submitted to, and approved in writing by, the local planning authority. The use hereby permitted shall not be carried out or operated other than in accordance with the approved Travel Plan.
 - 13) Prior to first use or occupation of the offices hereby approved, an Office Management Plan shall be submitted to, and approved in writing by, the Council. The Office Management Plan shall include details of the following:
 - Opening hours 07:00-22:00 Mondays to Friday, 07:00-13:00 Saturdays, excluding Bank Holidays.
 - 'Out of hours' access arrangements.

- Location of designated smoking areas if required.
- Details of how management of artificial lighting will be managed.
- Neighbour liaison arrangements including with regards to any complaints regarding noise/disturbance or litter.

Thereafter the offices shall not be operated other than in accordance with the approved Office Management Plan.

- 14) Prior to the commencement of development, a detailed accessibility statement shall be submitted to and approved in writing by the Council. The statement shall include the following information:
- a) details of the layout and fixtures and fittings within the accessible bathrooms, confirming that they meet required standards;
 - b) details of how disabled customers would use circulation spaces, including corridor widths and levels, status of internal doors to corridors, and lift dimensions; and
 - c) procedures for evacuating disabled customers in an emergency or in case of lift break down.
- 15) No development above ground level shall commence until details or samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 / samples.
- 16) No development above ground level shall commence until detailed drawings (in plan, section, and elevation at a scale of not less than 1:20) of typical bays on the front and rear elevations of the new building have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be built in accordance with the approved drawings.
- 17) No development above ground level shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, including the front boundary wall. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 18) No development above ground level shall commence until a statement of how Secured by Design requirements are to be adequately achieved within the development has been submitted to and approved in writing by the local planning authority. The approved details shall be carried out prior to occupation of the development and permanently maintained thereafter.
- 19) The development shall not be used or occupied until full details of the cycle storage arrangements for the new office, including dimensions and type of spaces and details of shower and changing facilities for staff, have been submitted to, and approved in writing by the local planning

- authority. The facilities shall be built in accordance with the agreed details and be permanently retained as such thereafter.
- 20) The development shall not be used or occupied before the refuse storage arrangements as shown on the approved drawings have been fully implemented. All refuse/recycling generated by the development hereby approved shall be stored within the approved refuse store and this area shall be permanently retained for this use.
 - 21) Before the development hereby permitted is first brought into use, a Servicing and Delivery Management Plan shall have been submitted to and approved in writing by the local planning authority. Details shall include times and frequency of deliveries and collections, vehicle movements, location of loading bays and quiet loading/unloading measures. The use hereby permitted shall thereafter be carried out and operated in accordance with the approved Plan.
 - 22) The development hereby permitted shall not be occupied or used until the flood resilient design measures identified in the Flood Risk Assessment (FRA) by Price and Meyers (V.07, February 2021) are fully implemented. The measures shall thereafter be permanently retained.
 - 23) The development hereby permitted shall not be occupied or used until the submitted Sustainable Drainage Systems (SuDS) Strategy has been implemented and thereafter permanently retained and maintained in line with the submitted details.
 - 24) No part of any roof of the development shall be used as a terrace or other form of open amenity space. No alterations shall be carried out; nor planters or other chattels placed on the roofs. No railings or other means of enclosure shall be erected on the roofs, and no alterations shall be carried out to the elevations of the new buildings at any time to form access onto the roofs.
 - 25) Noise from uses and activities within the development site shall not exceed the criteria of BS8233:2014 at neighbouring noise sensitive/habitable rooms and private external amenity spaces.
 - 26) The development hereby permitted shall not be occupied or used until the carbon reduction measures identified in the Energy Strategy Report (JAW Sustainability, 23 February 2021) have been fully implemented.
 - 27) The development hereby permitted shall not be occupied or used until the carbon reduction measures identified in the Sustainability Statement (Price and Myers v2. 19 February 2021) have been fully implemented; a BREEAM Post-Construction Report shall be submitted to, and approved in writing by, the local planning authority within six months of first occupation of the building.
 - 28) All work to trees in association with the development shall be limited in extent to the pruning works specified in the Arboricultural Appeal Statement (Aecom, March 2018) and all pruning works shall be carried out in accordance with BS3998:2010: Tree Work.