



Appeal Decision

Site visit made on 1 August 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2023

Appeal Ref: APP/N5090/W/23/3314987

Dawlish Court and 63 Daws Lane, Mill Hill, London NW7 4SG

- 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 KDS Estates Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 20/4355/FUL, dated 27 January 2022, was refused by notice dated 21 July 2022.
 - The development proposed is demolition of the existing dwellings and erection of a three storey building to provide 9no self-contained flats. Associated parking, cycle store, refuse and recycling store and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwellings and erection of a three storey building to provide 9no self-contained flats, associated parking, cycle store, refuse and recycling store and amenity space at Dawlish Court and 63 Daws Lane, Mill Hill, London NW7 4SG in accordance with the terms of the application, Ref 20/4355/FUL, dated 27 January 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the address in the banner heading above from the Council's decision notice, which was also used in the appeal form, as it more accurately describes the location of the proposal.
3. Two application forms were submitted with the application. The first application form includes a signed certificate A by the appellant as the owner of the appeal site. This was amended and the second application form dated 27 January 2022 includes a signed certificate B in respect of ownership. An interested party queries the legitimacy of the ownership of the appeal site. However, there is no compelling evidence before me to indicate the incorrect certificate has been used and the Council accepted the application on this basis as do I.
4. Following the Council's decision, a Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 was submitted and amended during the appeal. The UU contains an obligation to pay the Council a tree planting and monitoring contribution in mitigation for the loss of trees and biodiversity at the site. I comment upon the UU later in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is currently occupied by a two storey detached dwelling (63 Daws Lane (No.63)) and a two storey detached building containing 3 flats (Dawlish Court).
7. The site lies in a predominantly residential area at the transition between commercial buildings in the centre of Mill Hill and the parkland setting around Mill Hill School. There is a slight incline along Daws Lane from its junction with Watford Road towards Wise Lane. Mill Hill park and its car park are opposite the site. The park hosts a large open green space, a café, children's play area, and a multitude of sports facilities. Residential properties along the tree-lined part of Daws Lane between the site and Wise Lane face the park and are generally two storey moderately large semi-detached and detached dwellings.
8. Buildings that lie between the site and Watford Road to the west vary in terms of use and character. There is a hair salon adjacent to No.63 with a primary school opposite, next to which is a 3-storey Royal Mail building. Streets to the rear of the site are residential and comprise of mainly two storey semi-detached and terraced dwellings. Most residential properties in the vicinity are characterised by varying aged buildings of different sizes and forms.
9. The proposed development would create a building with accommodation over three floors and car parking at the rear of the site. No.63 and Dawlish Court are set back from Daws Lane behind front gardens and sit above pavement level with adjoining sloping driveways. The proposed building would be positioned at a similar level and front building line to 71 Daws Lane (No.71) and would be set back slightly from 61 Daws Lane (No.61).
10. The National Design Guide¹ advises well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. This includes layout, form, scale, appearance, details, and materials. In terms of form and scale, whilst the building would occupy a large proportion of the site, it would be designed to appear as two separate buildings with a glazed link between. This would somewhat diminish the overall bulk of the building and retain the rhythm of the street. The building would have a greater depth than the current dwelling at No.63, however, it would be a similar depth to Dawlish Court and No.61.
11. Whilst the proposal would close the current gap between No.63 and Dawlish Court, separation would be retained to each side of the proposed building and the neighbouring properties, thereby maintaining the spacing found between dwellings along the street. The layout would include parking to the rear, which currently occurs to the rear of Dawlish Court and is therefore not an unusual feature of the site.
12. From the evidence before me, while the number of residential units on the site would increase, the internal minimum space standards of each of the proposed flats would meet the requirements of the London Plan 2021 (LP). Internal storage areas are provided for each flat. Even if the private outdoor amenity space standards of the Council's Sustainable Design and Construction Supplementary Planning Document 2016 would not be fully met, I note that a communal area of outdoor amenity space would be provided and a large public

¹ National Design Guide, Ministry of Housing Communities and Local Government 2021

park is located opposite the site. I also note the Council's Highways department have raised no objection to the level of car parking having regard to the location of the site, the PTAL rating and the availability of on-street parking spaces in the area.

13. Given the site lies at a transitional point along Daws Lane between mixed community, commercial and residential development, including flats, to the west and family dwellings to the east, the proposal would not harm the prevailing pattern of development in the area, including building plot sizes and widths. It would not therefore constitute over-development of the site.
14. In terms of the appearance of the proposed development, having regard to the relatively mixed urban character and appearance of the area, the proposed development would introduce a modern building that would not be incongruous with its surroundings. The eaves height and hip roof would reflect similar rooflines in the area and visually reduce the scale of the building. The side roof dormers would similarly reflect those found in the vicinity of the site and would not be excessive in scale.
15. Although the large glazed front gable features would be dominant and wide, in the context of other double bay gabled windows in the street, they would represent a modern form of projecting bays on the front elevation. They would be similar in proportion to No.63 and to other double bays evident along Daws Lane, albeit the proposed glazing would extend to fill the gable pediment. The central recessed glazed link would be seen as a lightweight structure separating the two brick flatted elements.
16. Even though the proposed building would be positioned slightly forward and lower than the existing buildings on the site, it would not project beyond the front building line of adjacent properties. An enclosed front garden would be retained which would be commensurate in size with neighbouring residential properties and would help to integrate the development into its surroundings and screen the bin store.
17. I observed at my site visit that there were a number of fruit trees and other small trees and vegetation at the rear of the site, although the area to the rear of Dawlish Court was predominantly laid to hardstanding and incorporated garaging. Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.
18. I note the Council's tree officer advised that insufficient evidence had been presented with the application to properly evaluate the proposal with regards the loss of trees. Whilst there would be some conflict with Policies DM01 of the Barnet Local Plan Development Management Policies 2012 (BDMP) in this regard, given there are no protected trees on the site, nor is the site in a conservation area, the Council accept that suitable mitigation for the reduction in tree cover at the site could be achieved by the planting of 10 trees in the locality.
19. There is no compelling evidence before me to indicate that the reduction in tree cover would result in a reduction in overall biodiversity at the site, particularly given a new landscaping scheme could be designed to incorporate suitable native species to encourage habitat creation and the planting of additional trees in the locality would provide appropriate mitigation in this regard. I note the Council's ecologist has not objected to the scheme on this basis.

20. The appellant has submitted a completed UU signed and dated 2 October 2023 that includes a sum of £6,000 and a monitoring fee to be provided as a contribution for the planting of trees. I find the UU would meet the three tests of necessity, being directly related to the development and fairly and reasonably related in scale and kind as set out in paragraph 56 of the Framework. I can therefore take the UU into account in my decision.
21. The Framework² confirms that great importance should be attached to the design of the built environment and seeks to encourage well-designed, beautiful places, which are a key component of sustainable development. Policies D3 and H2 of the LP both aim to ensure additional housing on small sites is secured, having regard to local character which evolves over time.
22. The proposed development would amalgamate two buildings effectively into one large building and would result in a reduction in tree cover to the rear of the site. However, I consider the UU provides suitable mitigation in terms of soft landscaping and the proposed development would respond positively to local character, while not preventing or discouraging appropriate innovation or change. In this respect the appearance of the proposal would add interest to the street scene and serve to underline the distinction between old and new without being starkly at odds with its surroundings.
23. Indeed, in my judgment, even though the design and materials used in the proposal are moderately different to other buildings in the area, the objective matters of design set out above lead me to conclude that, in the context of the surrounding area, the proposed development would not appear out of character or appearance in this particular varied street scene.
24. Therefore, the proposed development would not harm the character or appearance of the area. Accordingly, I find no conflict with Policy CS5 of the Barnet Local Plan Core Strategy 2012, Policies DM01, DM02 and DM16 of the BDMP and Policies D3, D4, G6 and G7 of the LP which collectively seek to ensure, amongst other things, that the borough's high quality suburbs and historic areas are enhanced through the provision of buildings of the highest quality that are sustainable and adaptable and respect local context and the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
25. The proposal would also be consistent with guidance in the Framework and the Council's Residential Design Guide Supplementary Planning Document 2016. Together these, amongst other things, seek to optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development whilst ensuring development maintains a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Other Matters

26. I have considered the other concerns about the scheme from interested parties which cover a range of topics. I have also had regard to the photographs and case law provided by an interested party.
27. Whilst I note the suggestion that the site floods from surface water and may be contaminated, there is no cogent evidence to support this, particularly in the

² National Planning Policy Framework 2021

context of the existing residential site being outside of any flooding constraint area and I note there has been no objection in relation to these matters from the Council's Scientific Officer or the Lead Local Flood Authority. A condition could be attached to any permission resulting from this appeal requiring details of an appropriate drainage strategy for the site, based on the hierarchy of sustainable drainage principles. In the interests of water efficiency, a condition could be imposed to ensure each proposed flat incorporates water saving and efficiency measures.

28. There is concern that the scheme would create additional parking stress in the area. Although a bus stop is located directly outside the site, I recognise that the site has poor public transport accessibility and during times when there are events at Mill Hill park and at the beginning and end of a school day, the availability of on-street parking in the area would be limited. Nonetheless, having regard to the scale of the proposal, the minimal shortfall in parking spaces, the presence of a public car park opposite the site for visitors and the, albeit limited at times, availability of on-street parking on surrounding roads, I am satisfied the proposed parking provision would be acceptable. Furthermore, I note the Council's Highways department have raised no objection to the proposal subject to the imposition of conditions.
29. I have carefully considered the concerns raised regarding overlooking, outlook and levels of sunlight and daylight in relation to overshadowing for neighbouring residents, particularly those at No.71. Given the current scale of the building at Dawlish Court and its relationship to No.71, whilst the proposal would be higher, I agree with the Council's conclusions that the proposal would not be detrimental to the living conditions of neighbouring occupiers, provided a number of conditions are imposed in this regard. These would relate to the provision of obscure glazing, privacy screens to external balconies, plant noise, drainage and clarification of boundary treatment.
30. Given the sloping topography of the site and neighbouring land, concerns relating to land stability have been raised. A condition could be imposed requiring details of a construction structural management plan to be agreed with the Council prior to the commencement of development. Such a condition could safeguard the structural stability of adjoining land and property. Any effects from the demolition and construction period would be short-term and could be mitigated by careful construction management.
31. I am satisfied that the site is clearly geographically identified by the address provided and the red edge boundary on the submitted location plan. Regardless of the photographs submitted with application, which an interested parties suggests are out of date, I observed the current road layout at my site visit.
32. Though none of the 9 residential units would be units of affordable housing, the development plan policies do not require the provision of such below the relevant threshold.
33. I acknowledge the content of the Framework regarding early engagement of all interested parties in the development process. However, the Local Planning Authority cannot require that a developer engages with them or neighbouring residents before submitting a planning application.
34. This appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given above. The decision would not set a precedent

for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.

Conditions

35. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the Planning Practice Guidance³ in terms of the use of planning conditions. I have undertaken some minor editing and rationalisation of the conditions suggested by the Council in the interests of precision and clarity. Both main parties have had the opportunity to review the proposed conditions.
36. In addition to the standard time limit condition (1), a condition (2) requiring the development to be carried out in accordance with approved plans is needed in the interests of proper planning and for the avoidance of doubt. Necessary conditions relating to the construction phase, including structural stability and a demolition and construction works logistics plan, hours of work, construction machinery are included as pre-commencement conditions to ensure appropriate management of the demolition and construction phases at an early stage, to protect neighbouring living conditions and the environment and to ensure details are available to contractors before work commences. Given the removal of small trees on the site, in the interests of biodiversity, a condition requiring measures to secure biodiversity net gain on the site is necessary (3,4,5,6 and 7). The appellant has not objected to the inclusion of these pre-commencement conditions.
37. Given the development is flatted and includes ventilated rooms, a sound insulation condition is necessary to protect the living conditions of neighbouring and future occupants (8 and 9). Two of the Council's suggested conditions relating to noise are not necessary because the site is in existing residential use and is not located adjacent to a railway or busy road.
38. Conditions (10 and 11) are necessary in the interests of achieving a high quality design and certainty about the slab levels and any retaining features, due to the topography of the site and to safeguard the character and appearance of the area.
39. Whilst not a condition suggested by the Council, the Council's officer report refers to the need for a surface water drainage condition. I have imposed such a condition as it is necessary to secure sustainable and properly managed surface water drainage of the site (12).
40. In the interests of the safety and free flow of traffic on the highway, a condition is necessary to secure approval of details of the site access and necessary works to the highway (13). I have removed part of the Council's suggested wording for this condition as the costs of the highway access works are not relevant in this case.
41. Conditions required prior to occupation of the development include those in relation to the transport-related aspects such as securing the necessary vehicular and cycle parking on the site (14 and 15). In terms of the need to transition to a low carbon future, I am mindful that the new Part S of the Building Regulations now governs the installation of electric vehicle charging

³ PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019

points in new housing developments and so it is not necessary to impose the Council's suggested condition on this matter.

42. Other conditions required prior to occupation relating to refuse and recycling, means of enclosure and landscaping are necessary to protect the character and appearance of the area and in the interests of nature conservation (16,17 and 18).
43. In order to ensure the living conditions of occupiers of No.61 and No.71 are not harmed with regards overlooking, conditions are necessary relating to privacy screens and obscure glazing (19 and 20).
44. The quality of development for future occupiers, including in relation to emissions, water efficiency and accessibility are necessary in the interests of minimising carbon dioxide emissions, water use and to ensure homes meet diverse and changing needs (21,22 and 23). The Council's suggested conditions relating to sound insulation certification and sub-division of the rear outdoor amenity space are not necessary as certification is covered by other legislation. The division of a small communal garden to ensure each flat has a private area of outdoor amenity space is not would result in several fences in a small space which would harm the appearance of the site. A communal garden for use by occupants of 6 flats would be acceptable in this location, which is also opposite a large public park.

Conclusion

45. For the reasons given above, and having regard to all matters raised, I conclude the appeal should be allowed.

A Veervers

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:
 - U-J11311-A-1.1 Location Plan
 - U-J11311-A-1.2 Block Plan
 - U-J11311-A-2.2 Existing Ground Floor
 - U-J11311-A-2.3 Existing First Floor
 - U-J11311-A-4.1 Existing Elevation
 - U-J11311-A-4.2 Existing Elevation
 - U-J11311-A-6.1 Proposed Ground Floor
 - U-J11311-A-6.2 Proposed First Floor
 - U-J11311-A-6.3 Proposed Loft
 - U-J11311-A-6.4 Proposed Roof
 - U-J11311-A-7.1 Proposed Section
 - U-J11311-A-8.1 Proposed Elevation
 - U-J11311-A-8.2 Proposed Elevation
 - U-J11311-A-9.1 Proposed Visualisation
 - U-J11311-A-9.2 Proposed Visualisation
 - U-J11311-A-9.3 Proposed Visualisation
 - U-J11311-A-9.4 Sections Through Windows
3. No demolition or construction works shall take place until a structural method statement prepared by a suitably qualified civil or structural engineer, has been submitted to and approved in writing by the Local Planning Authority demonstrating how the excavation, demolition and construction work (including temporary propping or other temporary works) are to be carried out whilst safeguarding the structural stability of the adjoining footpath on Daws Lane and of neighbouring properties. Construction shall be carried out in accordance with the approved details.
4. a) No site works including demolition or construction work shall take place until a Demolition and Construction Management and Logistics Plan (DCMP) has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures approved within the DCMP.
5. No demolition or construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.
6. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>.
7. a) No site works, (including any temporary enabling works, site clearance, removal of existing vegetation, demolition or any investigative works referred in any other conditions, or development) shall commence until details of measures to secure net biodiversity gain on the site in accordance with guidance set out within BS42040:2013: Biodiversity - Code of practice for planning and development, and guidance documents provided by the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Royal Town Planning Institute (RTPI) have been submitted to and approved in writing by the Local Planning Authority. Such details shall also incorporate mitigation measures as set out in the submitted 'Bat Emergence and Re-entry Surveys' by Arbtech, dated 19 July 2021.
- b) The development shall be implemented in full accordance with the details approved under this condition.
8. a) No development other than demolition works shall take place until details of mitigation measures to show how the development will be constructed so as to provide sufficient air borne and structure borne sound insulation against internally and externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority. This sound insulation shall ensure that the levels of noise generated from the ^IN; as measured within habitable rooms of the development shall be no

higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

9. a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

10. a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

11. a) No development other than demolition works shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

12. The development hereby approved shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
13. Prior to occupation of the development hereby approved the applicant shall submit an application under Section 184/278 of the Highways Act (1980) for the proposed vehicular access. The approved access highway works shall be implemented before the development is occupied.
14. Prior to occupation of the development hereby approved, the parking spaces shown on Drawing No. U-J11311-A-1.2 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.
15. a) Prior to occupation of the development hereby approved, details of covered cycle parking in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards - including the type of stands, gaps between stands, location of cycle parking and type of store proposed - shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
16. a) Prior to occupation of the development hereby approved, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins, quantum of bins, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.
17. a) Prior to occupation of the development hereby approved, details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat

- c) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.
18. a) A scheme of hard and soft landscaping across the whole site, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
19. a) Notwithstanding the submitted details, prior to occupation of the development hereby approved, details of privacy screens to be installed on the external balconies shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation and retained as such thereafter.
20. Prior to occupation of the development hereby approved, the first floor side elevation window serving unit 6 and roof level side dormer windows serving the main living spaces of units 8 and 9 facing nos. 61 and 71 Daws Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.
21. Prior to occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.
22. Prior to occupation of the development hereby approved each flat shall have been constructed to have 100% of the water supplied by the mains water infrastructure provided through a water meter or water meters and each flat shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

23. Prior to occupation of the development hereby approved each flat shall have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) with the exception of the provision of lifts. The development shall be maintained as such in perpetuity thereafter.

END