



Appeal Decision

Site visit made on 13 September 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st October 2023

Appeal Ref: APP/H5390/W/23/3318461

75-77 Boot Court, Jeddo Road, Hammersmith and Fulham, London W12 9ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr B Doherty of Flanchford Developments against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application Ref 2022/03252/VAR, dated 7 November 2022, was refused by notice dated 9 February 2023.
- The application sought planning permission for the demolition of existing three storey building; erection of replacement three storey high building to provide replacement accommodation in flexible form of 487 sq.m of Class B1(a) or B1(c) floorspace and a 27 sq.m retail unit (Class A1) at ground floor level, and 8 no. residential units (2 x 1 bed, 5 x 2 bed, 1 x 3 bed) at first floor level and above; with associated external rear terrace areas and provision of on-site cycle storage without complying with conditions attached to planning permission Ref 2018/03682/FUL, dated 28 February 2019.
- The conditions in dispute are Nos 30, 31 and 32 which state that:
Condition 30 – The new residential units hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the dwellings. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.
Condition 31 – No occupiers of the new residential Units Nos. 4, 7 and 8 hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written receipt.
Condition 32 – The new residential Units Nos. 4, 7 and 8 hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the local planning authority to ensure that all occupiers of three of the new flats, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The relevant dwellings shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.
- The reasons given for the conditions are:
Condition 30 – In order that the Council can update its records to ensure that parking permits are not issued to the occupiers of three of the new units hereby approved, and thus ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).
Condition 31 – In order to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).

Condition 32 – In order that the prospective occupiers of the residential units concerned are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that the development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on-street car parking stress in the area, in accordance with Policy T4 of the Local Plan (2018).

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing three storey building; erection of replacement three storey high building to provide replacement accommodation in flexible form of 487 sq.m of Class B1(a) or B1(c) floorspace and a 27 sq.m retail unit (Class A1) at ground floor level, and 8 no. residential units (2 x 1 bed, 5 x 2 bed, 1 x 3 bed) at first floor level and above; with associated external rear terrace areas and provision of on-site cycle storage at 75-77 Boot Court, Jeddo Road, Hammersmith and Fulham, London W12 9ED in accordance with the application Ref 2022/03252/VAR dated 7 November 2022, without compliance with condition numbers 30, 31 and 32 previously imposed on planning permission Ref 2018/03682/FUL dated 28 February 2019 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant has submitted a recent planning approval¹ from the Council, which allowed the removal of similar conditions to those being considered as part of this appeal. The appellant could not have submitted the additional information within the appeal timescales, due to the date of decision. The Council have been provided with an opportunity to comment and I am satisfied that they have not been prejudiced by my acceptance of this late evidence.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 5 September 2023, replacing the version published on 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

4. The main issue is whether or not conditions 30, 31 and 32 are reasonable, necessary and relevant to planning, having regard to on-street car parking provision in the area and the impact on air quality.

Reasons

5. The appellant, in support of the appeal, has drawn my attention to a number of appeal decisions in the London Borough of Hammersmith and Fulham. All of these appeals were against the refusal to remove similar conditions from permissions for residential development, which sought to restrict the ability of future occupants to apply for and hold a parking permit. The Council has had an opportunity through the appeal process to comment on these decisions, but

¹ Planning application reference 2023/01773/VAR

no comments in this regard have been received. While each appeal is required to be determined on its merits, the conditions the subject of these previous appeals are substantially the same as those the subject of the current appeal. As they are also relatively recent, these previous decisions, and the recent planning approval, are relevant material considerations in the assessment of this appeal.

6. The Framework makes clear that conditions attached to planning permissions should be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance (PPG) refers to this guidance as the six tests.
7. Policy T1 of the Hammersmith and Fulham Local Plan February 2018 (HFLP) seeks, amongst other things, to encourage a modal shift away from private vehicles and ensure traffic generated by new development is minimised. These measures seek to improve congestion and air quality and ensure development does not add to parking pressures on local streets or congestion.
8. HFLP Policy T4 requires, among other things, car parking permit-free measures on all new development, unless evidence is provided to show that there is a significant lack of public transport available. The supporting text to this policy states the Council will only consider the issuing of permits for on-street parking in locations where the Public Transport Accessibility Level (PTAL) is considered 2 or lower. Supporting this, Key Principle TR3 of the Council's Planning Guidance Supplementary Planning Document, 2018 (the SPD) advises that development in areas well connected by public transport will be expected to be car-free, with no parking provided, other than for disabled people. It also provides guidance on the assessment required for a residential parking permit in areas of PTAL 1-2.
9. While acknowledging the site is within close proximity to PTAL 3, it nevertheless lies within PTAL 2 which, according to this level, benefits from poor transport links. I note that the nearest tube station is approximately 1km away and the nearest train station is over 1km away. However, the site is located within a reasonable walking distance of a number of bus services that run along Askew Road. Based on the evidence before me, I am satisfied that there is not a significant lack of public transport available. As such, this is a location where LP Policy T4 and Key Principle TR3 of the SPD would require new residential development to have car parking permit free measures.
10. LP Policy CC10 seeks to reduce the potential adverse air quality impacts of new development and requires mitigation measures to be implemented to reduce emissions.
11. Policy T6 of the London Plan March 2021 (LP) seeks, among other things, to restrict car parking in line with levels of existing and future public transport accessibility and connectivity.
12. Neither party has provided substantive evidence demonstrating on-street parking stress within the area and the numbers of additional private car usage the development is likely to generate, including any associated air quality impacts. During my site visit, I observed on-street parking spaces available on Jeddo Road and neighbouring streets. Although my site visit was only a snapshot in time, and having regard to representations made from third parties, further evening demand would be likely to come from residents

returning from work. I acknowledge therefore that there may well be on-street parking stress and congestion in the area.

13. Having regard to the above, I have no reason to doubt the aims and requirements of LP Policies T1, T4, HO2, HO11 and CC10 and the advice in Key Principle TR3 of the SPD.
14. Condition 30 requires the postal address of the residential units to be submitted to the Council prior to occupation. This condition is not relevant to planning as it is not directly related to the use of land and buildings. Furthermore, as this condition seeks to assist the Council in updating its records, it would not prevent the Council from issuing parking permits. This condition does not therefore meet the test of necessity.
15. Condition 31 prevents future occupiers of residential unit Nos 4, 7 and 8, with the exception of disabled persons who are blue badge holders, from applying to the Council for a parking permit or retain such a permit. Planning permission, and any associated conditions, runs with the land or building, not an individual. It is not the role of the planning system to control the actions of an individual, namely future occupiers of the property, in this way by preventing them from apply for parking permits. As such, the condition fails to meet the test of reasonableness.
16. Condition 32 requires a scheme to be submitted to the Council to inform occupiers of residential unit Nos 4, 7 and 8, other than those with disabilities who are blue badge holders, that they have no entitlement to apply for parking permits. The scheme also seeks to ensure occupiers are informed prior to occupation and that the unit is not occupied otherwise than in accordance with the approved scheme. The condition seeks to control the actions of an individual, rather than the land or building. As such, the condition fails to meet the test of reasonableness.
17. The Council have made reference to a suitable legal agreement to replace conditions 30, 31 and 32. I am not aware that any such agreement was requested during the consideration of the application, and, in any case, no further details have been submitted for consideration as part of this appeal.
18. While noting the objectives of the development plan, the disputed conditions 30, 31 and 32 do not meet the tests for the use of conditions and are not therefore an appropriate mechanism to secure these objectives.

Other Matters

19. The Council has referenced a number of recent appeal decisions which considered the same conditions, including APP/H5390/W/22/3294364 and APP/H5390/W/22/3292592, whereby the Inspector agreed the conditions were necessary. However, I have not been provided with full details of these cases. Consequently, based on the evidence before me, I cannot be certain the cases are directly comparable. Furthermore, I have been provided with a number of other more recent cases, including one² quoted in the Council's recent approval, in which the Inspector concluded the conditions did not meet the condition tests. In any case, I have determined this appeal on its own merits.

² Appeal reference APP/H5390/W/22/3311131

Conditions

20. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
21. Conditions 11 and 21 are imposed to ensure that the required contamination and drainage details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matter before the development takes place.
22. The conditions will ensure that the development can be enforced against if the required contamination and drainage details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

Conclusion

23. For the reasons given above, I conclude that the appeal should be allowed.

S Pearce

INSPECTOR

Schedule of conditions

- 1) The development shall be carried out and completed in accordance with the following approved drawings:

JRS/P15/20 Demolition Plan Ground Floor;
JRS/P15/21 Demolition Plan First Floor;
JRS/P15/22 Demolition Plan Second Floor;
(All received 28.02.2019)
JRS/P17/10 Rev A Proposed Ground Floor Plan;
JRS/P17/11 Rev A Proposed First Floor Plan;
JRS/P17/12 Rev A Proposed Second Floor Plan;
JRS/P17/13 Rev A Proposed Third Floor Plan;
JRS/P17/14 Rev A Proposed Roof Plan;
JRS/P17/15 Proposed Sectional Elevations A-A, B-B and G-G;
JRS/P17/16 Rev A Proposed Elevations C-C and D-D;
JRS/P17/17 Rev A Proposed Section E-E and Elevation F-F;
JRS/P17/18 Rev A Proposed Elevations H-H and J-J;
JRS/P17/19 Proposed Sections K-K and L-L; and
545-P-300 Rev C.
- 2) The temporary enclosure of the construction site, in the form of a timber hoarding, shall be erected in accordance with the details shown on

- approved drawing no. 545-P-190 A. The approved temporary fencing and/or enclosure shall be retained for the duration of the building works. No part of the temporary fencing and/or enclosure of the site shall be used for the display of advertisement hoardings.
- 3) Within 3 months of the date of this decision, particulars and samples of all materials to be used in the external faces and roof coverings of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 4) The hereby permitted development shall be carried out in full accordance with the following detailed drawings of typical bays on the rear elevation in plan, section and elevation, and permanently retained as such thereafter:
- 545-P-196 A
545-P-197a A
545-P-197b A
545-P-197c A
545-P-198a A
545-P-198b A
545-P-198c A
545-P-199 A
545-P-301 A
545-P-302 A
- 5) No alterations shall be carried out to the external appearance of the hereby permitted development, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being obtained.
- 7) Within 3 months of the date of this decision, a statement of how Secured by Design requirements are to be adequately achieved shall be 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.
- 8) The hereby permitted residential units shall be created to meet M4(2) Category 2: 'Accessible and adaptable dwellings' of the Building Regulations 2010 Approved Document M 'Access to and use of buildings' (2015 Edition); and be permanently retained as such thereafter.
- 9) Within 3 months of the date of this decision, further details of how Sustainable Urban Drainage Systems (SUDS) will be incorporated into the

- hereby permitted development and maintained thereafter, shall be submitted to and approved in writing by the Local Planning Authority. The SUDS scheme shall be implemented in accordance with the approved details prior to occupation of the development hereby permitted, and thereafter permanently retained and maintained in line with the agreed plan.
- 10) Within 3 months of the date of this decision, detailed drawings of the existing and proposed front elevation in plan, section and elevation at a scale of 1:20 shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the details approved.
- 11) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within 3 months of the date of this decision a quantitative risk assessment report, a remediation method statement, verification report, onward long-term monitoring methodology report and verification report of the monitoring works shall have been submitted for the written approval of the Local Planning Authority and shall include a timetable for its implementation. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
 - ii) If within 11 months of the date of this decision the Local Planning Authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.
 - v) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 12) Prior to occupation or use of the hereby permitted development, all entrance doors to the ground floor commercial units and the ground floor residential entrance shall have level thresholds installed at the same level as the areas fronting the entrances.
- 13) Prior to occupation of the hereby permitted development, the obscurely glazed terraced screens shall be installed in those locations identified on the approved drawings and in accordance with the details shown on drawing no. 545-IP-192 and the "Pilkington 'Optifloat' Opal specification brochure (ref. 8961 April 2016). The use of the terraces shall not

- commence until the screens have been installed in accordance with the approved details and permanently retained as such thereafter.
- 14) With the exception of the terraces indicated on the approved drawings, no part of any other roof of the approved building shall be used as a terrace or other amenity space.
 - 15) The hereby permitted development shall not be used or occupied before the refuse storage arrangements as shown on approved drawing no. JRS/P17/10 Rev A have been fully implemented. All refuse/recycling generated by the residential development hereby approved shall be stored within the approved areas. These areas shall be permanently retained for this use.
 - 16) The hereby permitted development shall not be used or occupied the proposed cycle spaces, as shown on the approved drawings JRS/P17/10 Rev A, 00304-1 Rev C and 545-P-193-A (as approved under application reference 2018/01936/DET) have been installed. The cycle storage facilities shall be permanently retained thereafter.
 - 17) Within 3 months of the date of this decision, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/ uses in adjoining dwellings. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
 - 18) Within 3 months of the date of this decision, details shall be submitted to and approved in writing by the Council, of the external sound level emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted from plant, machinery/ equipment will be lower than the lowest existing background sound level by at least 10dBA in order to prevent any adverse impact. The assessment shall be made in accordance with BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. A post installation noise assessment shall be carried out where required to confirm compliance with the sound criteria and additional steps to mitigate noise shall be taken, as necessary. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
 - 19) Within 3 months of the date of this decision, details of anti-vibration measures shall be submitted to and approved in writing by the Council. The measures shall ensure that machinery, plant/ equipment, extract/ ventilation system and ducting are mounted with proprietary anti-vibration isolators and fan motors are vibration isolated from the casing and adequately silenced. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
 - 20) Within 3 months of the date of this decision, details shall be submitted to and approved in writing by the Council, of the sound insulation of the floor/

- ceiling/ walls separating the commercial part(s) of the premises from dwellings. Details shall demonstrate that the sound insulation value $D_{nT,w}$ is enhanced by at least 10dB above the Building Regulations value and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.
- 21) The building hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within 3 months of the date of this decision a drainage strategy shall have been submitted for the written approval of the Local Planning Authority and the scheme shall include a timetable for its implementation. No discharge of foul or surface water from the site shall be accepted into the public system until any necessary drainage works agreed in the strategy have been completed.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.
 - v) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 22) No impact piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.
- 23) The development hereby permitted shall not be occupied or used until the flood resilient design measures identified in the Flood Risk Assessment (FRA) submitted with this application (dated February 2017) are fully implemented. The measures shall thereafter be permanently retained.
- 24) The flats hereby approved shall only be used as residential units falling within Class C3 of the Town & Country Planning (Use Classes) Order 1987 (as amended). The flats shall not be used as housing in multiple occupation falling within Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 25) The use of any of the ground and first floor commercial units hereby permitted shall not be subsequently converted to residential use, under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification), without planning permission first being obtained.

- 26) The hereby permitted development shall be carried out in full accordance with the following documents, as approved under application reference 2018/03844/DET:

Demolition and Construction Logistics Plan
(Ref. T&PPB7113R001D0.1, dated 22nd January 2019).
Demolition and Construction Management Plan
(Ref. T&PPB7900R001D0.1, dated 1st June 2018).

- 27) Within 3 months of the date of this decision, an Air Quality Dust Management Plan (AQDMP) shall be submitted to and approved in writing by the Council. The AQDMP must include an Air Quality Dust Risk Assessment (AQDRA) that considers residential receptors on-site and off-site of the development and is undertaken in compliance with the methodology contained within Chapter 4 of the Mayor's of London 'The Control of Dust and Emissions during Construction and Demolition', SPG, July 2014 and the identified measures recommended for inclusion into the site specific AQDMP. The AQDMP submitted must comply with and follow the chapter order (4-7) of the Mayors SPG and should include an Inventory and Timetable of dust generating activities during demolition and construction; Dust and Emission control measures including on-road construction traffic e.g. use of Low Emission Vehicles; Non-Road Mobile Machinery (NRMM). Details of all the NRMM that will be used on the development site will be required and the NRMM should meet as minimum the Stage IIIB emission criteria of Directive 97/68/EC and its subsequent amendments. This will apply to both variable and constant speed engines for both NO_x and PM. An inventory of all NRMM must be registered on the NRMM register <https://nrmm.london/user-nrmm/register>. Air quality monitoring of PM₁₀ should be undertaken where appropriate and used to prevent levels exceeding predetermined Air Quality threshold trigger levels. Developers must ensure that on-site contractors follow best practicable means to minimise dust and emissions at all times. The development shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.
- 28) Within 3 months of the date of this decision, a Low Emission Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Low Emission Strategy must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. abatement technology for energy plant, design solutions). This Strategy must make a commitment to implement the mitigation measures (including NO_x emissions standards for the chosen energy plant) that are required to reduce the exposure of future residents to poor air quality and to help mitigate the development's air pollution impacts, in particular the

- emissions of NO_x and particulates from on-site transport during Demolition, Construction and Operational phases e.g use of Low Emission Vehicles, and energy generation sources. The strategy must re-assess air quality neutral in accordance with the Mayor of London SPG 'Sustainable Design and Construction' (April 2014) guidance. It must also identify mitigation measures as appropriate to reduce building emissions to below GLA benchmark levels. The approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
- 29) Within 3 months of the date of this decision, details of the Ultra Low Nox Gas fired boilers to be provided for space heating and domestic hot water shall be submitted to and agreed in writing by the Local Planning Authority. The Gas fired boilers to be provided for space heating and domestic hot water shall have dry NO_x emissions not exceeding 40 mg/kWh (at 0% O₂). Where any installations do not meet this emissions standard it should not be operated without the fitting of suitable NO_x abatement equipment or technology as determined by a specialist to ensure comparable emissions. Following installation, emissions certificates shall be provided to the council to verify boiler emissions. The development shall not be occupied until the scheme has been carried out in accordance with the approved details, and it shall thereafter be permanently retained as such.
- 30) Within 3 months of the date of this decision, details, including samples and drawings in elevation and section at a scale of 1:20, of all new and replacement windows and rooflights 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.
- 31) Within 3 months of the date of this decision, full details, including drawings in elevation and section at a scale of 1:20, of the photovoltaic (PV) solar panels to be installed on the rear flat roof of the building 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.
- 32) The development hereby permitted shall not be occupied or used until the carbon reduction measures identified in the submitted Sustainability and Energy Statement (dated 26/01/17) have been fully implemented. The measures shall thereafter be permanently retained.
- 33) The use of the ground and first floor commercial units hereby permitted shall only be used for a purpose falling within Class B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 and shall not be converted to any other use falling outwith Class B1 without planning permission first being obtained.
- 34) The development hereby permitted shall not be occupied until the hard and soft landscaping of all areas external to the building has been implemented in accordance with approved drawing nos. 545-P-401, 00304-1 Rev C; and 00304-2 Rev B (as approved under planning application reference 2018/01936/DET). The approved planting shall be carried out in the first planting season following first use of the

development. Any planting removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced in the next available planting season with a tree or shrub of similar size and species to that originally required to be planted.

- 35) No part of the hereby permitted development shall be used or occupied prior to the completion of works for the removal of the existing vehicle crossover on the Jeddo Road and reinstatement and making good of the highway.

End of Schedule