



Appeal Decision

Hearing held on 12 March 2024

Site visit made on 11 March 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2024

Appeal Ref: APP/L5240/W/23/3332225

20-24 Mayday Road, Thornton Heath, London CR7 7HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mayday Road (20-24) against the Council of the London Borough of Croydon.
 - The application Ref is 23/01729/CONR.
 - The application sought planning permission for the demolition of existing buildings and redevelopment of site to provide 3 no. replacement buildings ranging from one to five storeys in height, comprising 57 new dwelling, with associated access, parking and landscaping without complying with a condition attached to planning permission Ref 21/05412/FUL, dated 8 March 2022.
 - The condition in dispute is No 2 which states that: The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below: FT-A-01 rev.V56, FT-A-02 rev.V56, FT-A-03 rev.V56, FT-A-04 rev.V56, FT-A-05 rev.V56, FT-A-06 rev.V56, FT-A-07 rev.V56, FT-A-08 rev.V56, FT-B-01 rev. V56, FT-B02 rev. V56, FT-B-03 rev. V56, FT-B-04 rev. V56, FT-B-05 rev. V56, FT-B-06 rev. V56, FT-B-07 rev. V56, FT-B-08 rev. V56, FT-B-09 rev. V56, FT-B-10 rev. V56, FT-B-11 rev. V56, FT-B-12 rev. V56, FT-B-13 rev. V56, FT-B-14 rev. V56, FT-B-15 rev. V56, FT-C01 rev. V56, FT-C-02 rev. V56, FT-C-03 rev. V56, FT-C-04 rev. V56, FT-C-05 rev. V56, FT-C-06 rev. V56, FT-C-07 rev. V56, FT-C-08 rev. V56, GA-E-E-A rev. V56, GA-E-E-B rev. V56, GA-E-E-C rev. V56, GA-E-N-A rev. V56, GA-E-N-B rev. V56, GA-E-S-A rev. V56, GA-E-N-C rev. V56, GA-E-S-B rev. V56, GA-E-S-C rev. V56, GA-E-W-A rev. V56, GA-E-W-B rev. V56, GA-E-W-C rev. V56, GA-P-A-L00-L02 rev V56, GA-P-A-L03-R04 rev V56, GA-P-B-L00 rev V56, GA-P-B-L01 rev V56, GA-P-B-L02 rev V56, GA-P-B-L03 rev V56, GA-P-B-L04 rev V56, GA-P-B-R05 rev V56, GA-P-C-L00 - L003 rev. V56, GAP-C-R04 rev V56, GA-P-L00 rev V56, GA-P-L01 rev V56, GA-P-L02 rev V56, GA-PL03 rev V56, GA-P-L04 rev V56, GA-P-R05 rev V56, GA-S-EW rev V56, GA-S-NSA&C rev.V56, GA-S-NS-B rev.V56
 - The reason given for the condition is: For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing buildings and the redevelopment of the site to provide 3 no. replacement buildings ranging from one to five storeys in height, comprising 57 new dwellings, with associated access, parking and landscaping at 20-24 Mayday Road, Thornton Heath, London CR7 7HL, in accordance with the terms of the application, Ref: 23/01729/CONR, dated 3 May 2023, without

compliance with Condition 2 previously imposed on planning permission Ref: 21/05412 dated 8 March 2021 and subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the 'Framework') was published after the appeal was submitted. The parties had an opportunity to address the amendments in their submissions and again at the event. I have taken the site address from the appeal form as this corresponds with the original decision notice.

Background and Main Issues

3. The appellant has applied to vary Condition 2 with the intention that amended drawings are substituted for those originally approved. The proposed amendments can be summarised as internal and external changes to increase the number of three-bedroom homes from 23 (40% of the mix) to 29 (51% of the mix) and external alterations to the fenestration and elevations of all three blocks. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit this appeal. The Council confirmed in its submissions, and again at the hearing, that it does not object to the proposed amendments. I have no reason to find otherwise, as the changes would not have any adverse impacts on the character and appearance of the area or living conditions.
4. As part of the application, the appellant has submitted a new planning obligation pursuant to s106 of the Town and Country Planning Act (as amended) (TCPA) in the form of a unilateral undertaking. They are not seeking to modify the planning obligation pertaining to application 21/05412/FUL and therefore an application under s106A of the TCPA has not been made. The new planning obligation carries over all of the terms of the original agreement (with some minor updates) save for the provision of affordable housing. The level of affordable housing now being offered is 0% rather than 35% of the total number of homes. The appellant has provided a viability case in support of this change. The viability case has been independently reviewed and agreed by Council appointed specialists. Because of this, there is common ground between the Council and appellant that the appeal scheme would be unviable with affordable housing. I have no reason to disagree.
5. The failure to provide affordable housing would not adhere to Policy SP2.5 of the Croydon Local Plan 2018 (CLP), which requires a minimum of 15%. However, the appeal scheme would adhere with Policies H4 and H5 of the London Plan (LP), which allows lower levels of affordable housing if underpinned by viability testing and subject to review mechanisms. Section 38(5) of the Planning and Compulsory Purchase Act 2004 confirms that conflicts such as this must be resolved in favour of the policy in the most recent document to become part of the development plan, which in this instance is the LP. Indeed, the situation is similar to that in a relevant appeal decision¹. Thus, and in this instance, a 0% contribution towards affordable housing would not be at odds with the development plan taken as a whole, or the Framework. This is also a point the Council and appellant agree on.

¹ APP/L5240/W/20/3266186

6. Nevertheless, the Council has confirmed through a putative reason for refusal that had it been able to do so, it would have refused the application. This is because, the Council's submits, an application under s73 of the TCPA is not the correct legal mechanism to alter the level of affordable housing previously secured through a planning obligation in the form of a s106 Legal Agreement. The Council developed its argument further at the hearing and explained that its principal concern is the absence of a link between the alterations being sought to the drawings and the amended level of affordable housing now proposed in the planning obligation. Accordingly, the main issue in this appeal is whether, in this instance, a s73 application is an appropriate means to reduce the level of affordable housing previously secured.

Reasons

7. It is common practice to impose a condition on planning permissions requiring implementation in accordance with approved drawings. It is possible to amend these drawings via an application made under a s73 of the TCPA². A limitation being that the operative part of the permission (the description of development) cannot be amended. That would not be the case here. Section 73(2) explains that when considering such applications, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. The practical consequences of discharging or amending a condition(s) is a material consideration. If an application pursuant to s73 is approved, then a standalone planning permission is created. The implication being that an applicant can choose to implement either the original or the new consent.
8. Planning obligations are freestanding legal instruments that do not form part of a planning permission. Consequently, any planning obligation completed during the assessment of the original permission would not be binding on the new s73 permission unless it is specifically drafted to do so. Thus, when contemplating whether to permit a s73 application, it is necessary to consider the desirability of entering into a new planning obligation. Indeed, a planning obligation may be necessary to make the amended scheme acceptable in planning terms. This can be achieved by modifying the existing obligation or submitting a new one. As a result, there is no need for a s73 application to also be accompanied by an application under s106A of the TCPA.
9. Caselaw has confirmed that the desirability of entering into a planning obligation appropriate to the terms of the new permission should be a contemporaneous decision based on the circumstances at the time³. The judgment also explains that sometimes in the context of a s73 application it will be appropriate or even essential for a planning obligation to have different terms to the original, and any disagreement flowing from this can be resolved through an appeal⁴. An example being a change in policy which requires an increased level of affordable housing⁵. It is of note that this example flows from a change in circumstances unrelated to amended drawings. This is an indicator that material changes in circumstances that are wider in scope than

² This is often referred to as a 'minor material amendment', although the reference to 'minor' is superfluous as per *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor* [2023] EWHC 176 (Admin).

³ *Norfolk Homes Limited v North Norfolk District Council & another* [2020] EWHC 2265

⁴ *Ibid* – see Paragraphs 58 and 127 in particular

⁵ *Ibid* – see Paragraph 118

an alteration to the scheme drawings can result in an appropriate justification for entering into a planning obligation in different terms to the original.

10. In this instance, a change in policy has not made it appropriate or essential to amend the obligation. However, there has been a significant change in circumstances relating to the viability of the scheme. It seems to me that it is a matter of planning judgment whether the change in circumstances makes it appropriate, essential or desirable to enter into a planning obligation in different terms to the original. Given the case law outlined above, the terms of a new obligation may be connected to or intertwined with the amendments sought to the drawings, but there is nothing of substance to suggest they must. Consequently, it would be going too far to suggest an amended obligation must be a consequence of, or directly related to, changes flowing from the proposed alterations detailed on the new drawings.
11. There is no dispute between the Council and appellant that since the original permission was approved, and the evidence underpinning it prepared, construction costs have rapidly risen whilst house prices have remained static. This has had a significant impact on the viability of the scheme. As mentioned above, the situation is so altered that the Council and appellant agree the scheme can no longer provide affordable housing and remain viable. Moreover, there is also common ground that the provision of affordable housing is not a benefit, alone or taken with other factors, which is required to outweigh any harmful impacts emulating from the scheme. Indeed, the Council has only identified limited harm in respect of the housing mix, which is outweighed by other considerations in any event. In these circumstances, altering the level of affordable housing would not be a fundamental change to the proposal.
12. Therefore, the current circumstances are such that there is a need for a planning obligation in different terms to the original to facilitate delivery. The altered terms of the planning obligation would be consistent with the development plan taken as a whole. The consequence being that the change would not have a bearing on whether the scheme would be acceptable. Thus, the amended planning obligation is necessary, reasonable, supported by development plan policy and proportionate in the context of the prevailing circumstances. Therefore, it is desirable, essential and appropriate to consider a planning obligation in different terms to the original, namely the provision of 0% affordable housing with a review mechanism as required by the LP. In conclusion, the s73 application is an appropriate means in this instance to reduce the level of affordable housing relative to that previously secured.

Other Matters

13. Policy DM1.1 of the CLP requires schemes such as that proposed to provide, as a minimum, 60% of the homes with 3 bedrooms or more. This is to support the provision of accommodation which can be occupied by families. The appeal scheme would provide 51%, which is a shortfall of around five 3-bedroom homes. As such, the appeal scheme would be at odds with Policy DM1.1.
14. However, the number of 3-bedroom homes now proposed would be higher than that previously permitted. The appeal site is also close to an area with a Public Transport Accessibility Level of 4 (where a lower % is required). In addition, the proposal would have several benefits including the delivery of a large number of homes, construction and post occupation expenditure and the re-use of previously developed land where marketing for a commercial use has been

unsuccessful. When considered in the round, the Council and appellant ultimately agreed at the hearing that the modest conflict with Policy DM1.1 would be outweighed by these material considerations.

Planning Obligation and Conditions

15. The Council has submitted a 'CIL Regulations Compliance Schedule' which sets out the obligations it is seeking in order to make the s73 application acceptable. The appellant has addressed all of these in the unilateral undertaking with some amendments to reflect the current evidence⁶. The Council has not objected to the obligation save for the absence of affordable housing, which I have already addressed. I have carefully considered this document and the policies and justifications underpinning the requirements. I am satisfied from the evidence before me that all of the obligations are necessary, directly related to the proposal and fair and reasonable in scale and kind to the appeal scheme. As a result, I have taken the obligations into account as part of my overall conclusion that the appeal should be allowed.
16. In respect of conditions, I have carefully considered the list provided by the Council and the reasons given. I have reimposed a drawings condition listing the amended drawings for the avoidance of doubt, and in the interests of proper planning. Furthermore, the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under s73 should restate the conditions imposed on the relevant earlier permission that continue to have effect. The Council and appellant have agreed that the original conditions should be imposed albeit with some updating to reflect the appeal scheme and details that have been approved since the original permission was granted. The evidence before me indicates that the conditions are still necessary and therefore I have reimposed them.
17. The appellant has provided written agreement to the pre commencement conditions, which are necessary because the matters to be approved may affect the design and/or layout of the proposal or they seek to mitigate impacts arising during the construction phase.

Conclusion

18. The appeal scheme would be at odds with Policy DM1.1 of the CLP. But, for the reasons already given, the breach would be outweighed by material considerations. The proposal would otherwise align with the policies of the development plan, including those relating to affordable housing. As such, the appeal scheme would adhere to the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Graham Chamberlain
INSPECTOR

⁶ Including alterations to the local employment and training strategy and the affordable housing review mechanism

APPEARANCES

FOR THE APPELLANT

Thomas Hill KC
Jeffrey Field MA MRTPI MRICS
Nick Bignall MRICS
Nick Lawrence MRTPI
Phoebe Juggins MRTPI
Mathew Evans

Counsel for the appellant
Planning Director, Lambert Smith Hampton
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FOR THE LOCAL PLANNING AUTHORITY

Ross Gentry
Christopher Grace
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Area Team Leader, LB Croydon
Senior Town Planner, LB Croydon
Planning Lawyer, LB Croydon

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

- Written copy of the legal submissions by Thomas Hill KC
- Copy of *Armstrong v Secretary of State for Levelling-Up, Housing and Communities & Anor [2023] EWHC 176 (Admin)*
- Policy DM1 of the CLP
- Final copy of the Planning Obligation dated 14 March 2024
- Email dated 15 March 2024 from Jeffrey Field on behalf of the appellant providing written agreement to the pre commencement conditions.

Schedule of Conditions

1. The development hereby permitted shall be begun within three years from 8th March 2022.
2. The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below FT-A-01 rev.V56, FT-A-02 rev.V56, FT-A-03 rev.V57, FT-A-04 rev.V56, FT-A-05 rev.V57, FT-A-06 rev.V56, FT-A-07 rev.V56, FT-A-08 rev.V56, FT-A-09 rev.V57, FTB- 01 rev. V56, FT-B-02 rev. V57, FT-B-03 rev. V56, FT-B-04 rev. V56, FT-B-05 rev. V56, FT-B-06 rev. V56, FT-B-07 rev. V57, FT-B-08 rev. V57, FT-B-09 rev. V56, FT-B-10 rev. V56, FT-B-11 rev. V56, FT-B-12 rev. V56, FT-B-13 rev. V56, FT-B-14 rev. V56, FT-B-15 rev. V56, FT-C-01 rev. V56, FT-C-02 rev. V56, FT-C-03 rev. V56, FT-C-04 rev. V56, FT-C-05 rev. V57, FT-C-06 rev. V57, FT-C-07 rev. V57, FT-C-08 rev. V56, GA-E-E-A rev. V57, GA-E-E-B rev. V57, GA-E-E-C rev. V57, GA-E-N-A rev. V57, GA-E-N-B rev. V57, GA-E-S-A rev. V57, GA-E-N-C rev. V57, GA-E-S-B rev. V57, GA-ES-C rev. V57, GA-E-W-A rev. V57, GA-E-W-B rev. V57, GA-E-W-C rev. V57, GA-PA-L00-L02 rev V56, GA-P-A-L03-R04 rev V56, GA-P-B-L00 rev V57, GA-P-B-L01 rev V57, GA-P-B-L02 rev V57, GA-P-B-L03 rev V57, GA-P-B-L04 rev V57, GA-P-B-R05 rev V57, GA-P-C-L00 -L003 rev. V57, GA-P-C-R04 rev V56, GA-P-L00 -L002 rev V57, GA-P-L03-R04 rev V57 GA-P-R05 rev V57, GA-S-EW rev V56, GA-S-NS-A&C rev.V56, GA-S-NS-B rev.V56.
3. The development shall be carried in accordance with the details contained within the Construction Logistics Plan (CLP) Document 2207850 01C dated Jan 2023 as approved under application ref 23/00148/DISC dated 22.03.23.
4. The development shall be carried out in accordance with the approved details contained within Phase 2 intrusive site investigation Geo- Environmental and Geotechnical Report Assessment (Ground Investigation Report) 2782J1947/TE 19. 01.2021 V2.0 (as approved under application 22/05073/DISC dated 24.01.23) and Remedial Strategy and Verification Plan P2782J1947/TE 08.12.2022 (as approved under application 22/05134/DISC dated 24.01.23). The developer shall notify the Local Planning Authority of any on site contamination not initially identified by the site investigation, so that an officer of the Council may attend the site and agree any appropriate remedial action.
5. Prior to the commencement of development (excluding demolition) the details of the remediation strategy hereby approved under Condition 4 including remedial measures required to render the site suitable for its intended use must be carried out.
6. The development shall be carried in accordance with the details contained within the Arboricultural Method Statement and Tree Protection Plan dated 07.02.23 PJC 6242 23 01 REV (as approved under application ref 23/00536/DISC dated 27.03.23).
7. The development shall be carried in accordance with the details contained within Drawings 1019063 00 1/ 2 and 2/2, the Southern Piling Health and Safety Policy, the Working Platform Design (including ramps and access

points) and the Southern Piling Risk assessments and method statements 09.02.23 (as approved under application 23/00597/DISC dated 22.03.23).

8. Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
a) Details of all external facing materials including physical samples (a typical façade comprising of materials, detailing and finishes including sample pallet of bricks, mortar). In addition, the Local Planning Authority shall be invited to view and approve any façade fabrication mock-ups the developer or their contractor might build as part of the normal design and construction process that would be limited to the following:
 - a) A typical panel of principal elevation treatment including vertical format
 - b) A typical parapet treatment
 - c) A typical panel of main entrance
 - d) A typical balcony with balustrade
 - e) A typical doubled glazed window unitThe development shall be carried out strictly in accordance with the details thus approved.
9. Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Detailed drawings in plan/elevation and section at 1:5 of typical windows and door recesses
 - b) Detailed drawings in plan/elevation and section at 1:5 of obscured glazed windows.
 - c) Detailed drawings in elevation and section at 1:5 of typical balustradingThe development shall be carried out strictly in accordance with the details thus approved.
10. Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Detailed drawings in elevation and section at 1:5 of enclosure/screening to balconies
 - b) Details drawings in elevation and section at 1:5 of any blinds
 - c) Detailed drawings in elevation and section at 1:5 of photovoltaics on roofThe development shall be carried out strictly in accordance with the details thus approved.
11. Prior to the commencement of above ground works, full details of the following fire requirements shall be submitted to and approved in writing by the Local Planning Authority
 - Demonstration of tenable conditions during the escape and fire-fighting stage;
 - Details to ensure the staircase and waiting areas outside of lift doors remains smoke free in all three blocks
 - Details of a cut-off switch for photovoltaic panels on the roof;
 - Details of fire doors, emergency lighting & emergency signage;
 - Details of wayfinding signage;
 - Details of sprinkler cut-off switches and the duration plate, balconies fire resistance.
 - Fire service vehicle arrangement

- Details of operations management plan
The development shall be carried out strictly in accordance with the details thus approved.

12. Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Hard landscaping materials (including permeable samples as appropriate) to all external areas, vehicle access routes (constructed to public highway standards), communal garden and roof terrace areas.
 - b) Soft landscaping details, including landscaped roof terraces, playspaces/communal garden areas, new planting treatment including species, size and density, maintenance and new tree planting scheme.
 - c) Boundary treatments with neighbouring properties to the east, west and south and along the front boundary of the site.
 - d) Play equipment to communal garden area
 - e) Vehicle sight lines along Mayday Road including point of entry/exit and visibility splay

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

13. Prior to the commencement of above ground works full details of the Biodiversity Enhancement Strategy for this site (including demonstration of how the scheme meets the 0.4 score Urban Greening Factor (UGF) and external lighting design to minimise light pollution) shall be submitted to and approved in writing by the Local Planning Authority:

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development and maintained for the lifetime of the development.

14. Prior to the commencement of above ground works full details of the Public Art to be provided shall be submitted to and approved by the Local Planning Authority. This shall be dealt with alongside the appropriate schedule of the s.106 legal agreement. The development shall be carried out strictly in accordance with the details thus approved.

15. Prior to commencement of above ground works hereby authorised begins, details of security measures shall be submitted and approved in writing by the Local Planning Authority and any such security measures shall be implemented prior to occupation in accordance with the approved details which shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

16. Details confirming the number and location of water butts and raised planters included in the final drainage scheme, or a robust justification to be provided as to why these measures cannot be included within the final design; in

addition to provision of an updated Layout Plan of the final drainage scheme, confirming locations of the proposed water butts & raised planters shall be submitted to the local planning authority for approval before commencement of works above ground. The development shall be completed and subsequently maintained in accordance with the approved Flood Risk Assessment and drainage Strategy Report by Ardent (dated October 2021 (ref: 2000731- 04 no.2000731) for the lifetime of the development.

- 17 Prior to first occupation, a detailed landscape and public realm management plan strategy to include all external areas within the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include, but not limited to:
 - a) Public realm (including external parking areas)
 - b) All external garden and pathways to the front and rear of the proposed buildings
 - c) Species, planting density and size of proposed new planting, including girth and clear stem dimensions of trees (including any trees including details of planters and means of securing trees)
 - d) Hard landscaping materials (including samples which shall be permeable as appropriate), including dimensions, bonding and pointing.
 - e) Details of junctions with area of public realm including drainage
 - f) All boundary treatments within and around the developmentThe development to be maintained for in accordance with the approved details for its lifetime unless otherwise approved in writing.
- 18 The noise level from any air handling units, mechanical plant, or other fixed external machinery should not increase the background noise level when measured at the nearest sensitive residential premises. This means the noise level from any new units should be at least 10dB below existing background noise levels.
- 19 Prior to first occupation of the buildings, details of a cleaning and maintenance strategy for the building (including window cleaning equipment) shall be submitted to and approved in writing by the Local Planning Authority. These shall be cleaned and maintained for the life of the development in accordance with the approved details.
- 20 Prior to first occupation of the buildings, details and specifications of any external lighting (including that in the public realm area and lighting on the building) shall be submitted to and approved by the Local Planning Authority in writing. The external lighting shall be installed as approved prior to first occupation and shall be maintained for the lifetime of the development.
- 21 Prior to first occupation of the buildings, full details of a Delivery and Servicing Plan shall be submitted and approved by the Local Planning Authority in writing. Vehicles servicing the site shall do so in accordance with the approved details for so long as the development remains in existence.
- 22 Prior to first occupation of the buildings, full details of a Car Park Management Plan shall be submitted and approved by the Local Planning Authority in writing. Vehicles using the site shall do so in accordance with the approved details for so long as the development remains in existence.

- 23 Prior to first occupation of the buildings, full details of a Refuse Storage and Waste Management Plan for the flats shall be submitted and approved by the Local Planning Authority in writing. The development shall be carried out strictly in accordance with the details thus approved.
24. Prior to first occupation of the buildings full details of the proposed cycle storage facilities for the flats shall be submitted to and approved in writing by the Local Planning Authority. The approved details to be permanently retained thereafter for the users of the development.
- 25 Prior to first occupation, full details of the 3 active electric Vehicle Charging Points (all parking spaces) shall be submitted to and approved by the Local Planning Authority. The electric vehicle charging points/disabled parking spaces shall be installed as approved prior to first occupation of the site and shall be maintained for the lifetime of the development.
- 26 The development shall achieve a water use target of 110 litres per head per day.
- 27 The windows in the south-western elevation of both Blocks A and C, as well as the southeastern elevation of Block B (Flat Type 5 living room only) shall, at first floor and above, be obscurely glazed prior to occupation of the development and retained as such for the lifetime of the development.
- 28 The development shall be completed and subsequently maintained in accordance with the recommendations, proposals and specifications of the Ardent Noise Assessment Report ref 2000731-01 dated October 2021
- 29 The development shall be completed and subsequently maintained in accordance with the findings and conclusions of the JAW Overheating Assessment Report Version 1 dated 21st October 2021.
- 30 6 (10%) of the approved flats shall be designed to be Category Part M4 (3) 'wheelchair user dwellings', 1 flat to be M4(3) 'wheel chair adaptable'. All the remaining units to be accessible and adaptable M4(2) dwellings with accessible lift provision throughout. These units shall be provided prior to any residential occupation within the building and shall be retained as such for so long as the development remains in existence.
- 31 The development shall be completed and subsequently maintained in accordance with the recommendation, proposals and specifications of the JAW Energy and Sustainability Statement dated 21st October 2021
- 32 The development shall be completed and subsequently maintained in accordance with the methodology, proposals and actions of the JAW Life-Cycle Carbon Assessment dated 21st October 2021 (Version 1).
- 33 The development shall be completed and subsequently maintained in accordance with the recommendations, proposals and specifications of the JAW Circular Economy Statement Version 1 dated 15th October 2021.

- 34 The development shall be completed and subsequently maintained in accordance with the approved Air Quality Assessment Report by Ardent (dated October 2021 (ref: 2000731-02) for the lifetime of the development.

End of Schedule