



Appeal Decision

Site visit made on 7 November 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/A2280/W/23/3314655

The Green Lion, 104 High Street, Rainham, Gillingham ME8 8AD

- 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 Messrs Plumbly and Bueno of Totteridge Developments Ltd against the decision of Medway Council.
 - The application Ref MC/22/1824, dated 20 July 2022, was refused by notice dated 24 November 2022.
 - The development proposed is the construction of a terrace of six two-storey three-bedroom dwellings with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a terrace of six two-storey three-bedroom dwellings with associated parking at The Green Lion, 104 High Street, Gillingham ME8 8AD in accordance with the terms of the application, Ref MC/22/1824, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Messrs Plumbly and Bueno of Totteridge Developments Ltd against Medway Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. A completed legal agreement by way of unilateral undertaking ("UU") was submitted during the appeal. It is intended to secure the provision of a financial contribution to address the effects of the development on the Thames Estuary and Marshes Special Protection Area and Ramsar, and on the Medway Estuary and Marshes Special Protection Area and Ramsar. I have taken this UU into account in reaching my decision, and return to it in the "other matters" section below.
4. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

5. The main issues are:

- Whether nearby protected trees would have an adverse effect on living conditions for future occupiers of the proposed development with regard to sunlight in rear gardens, and the potential impact of the proposal on the retention of those protected trees; and
- The effect of the proposed development on highway and pedestrian safety.

Reasons

6. The appeal site is the car park to the rear of the Green Lion public house, on the eastern side of Rainham's town centre; the public house building itself is outside the "red line" site boundary, though shown on the site plan as being in the appellants' ownership. The proposed development is the construction of a terrace of six two-storey three-bedroom dwellings, on a roughly north-south alignment towards the southern end of the site, and the laying out of associated parking areas at the northern end of the site.

Trees

7. There are various trees and shrubs growing within the rear gardens of housing south and west of the appeal site. Just south of the appeal site boundary are two mature lime trees referred to in the Council's decision notice. By the appellants' description, they stand around 20m tall.
8. Both main parties referred to the BRE's *Site layout planning for daylight and sunlight*¹ guidance ("the BRE guidance"). This is advisory rather than a part of the development plan, but it is nevertheless a useful guide to assessing matters of daylight and sunlight. Among other things, the BRE guidance advises that "the availability of sunlight should be checked for all open spaces where it will be required", including gardens. It goes on to say that "trees and shrubs are not normally included in the calculation [of overshadowing] unless a dense belt or group of evergreens is specifically planned as a windbreak or for privacy purposes" (which is not the case here), although it also concludes that "if the whole of the garden is shaded by trees for a lengthy period of time in summer, [it] is probably too shady".
9. There is no doubt or disagreement that the two trees would cast shadows across the rear gardens of some of the proposed dwellings for at least some of the time. The garden of the southernmost house on the appeal site (plot 6) would be the most affected by overshadowing, with plots 5 and 4 (moving northwards) affected to a lesser extent. However, even the garden of plot 6 would have considerable periods during the summer months when it would not be within the trees' shadow, especially through the afternoon into the evening.
10. The Council observed that larger areas of the gardens would be in the trees' shadow at other times of the year when the sun is lower in the sky and shadows would be longer; I do not disagree. Even so, having regard to all the evidence on this matter, including my observations on site, as well as the BRE guidance, I am satisfied that the trees would not lead to the proposed rear gardens being excessively overshadowed. There is no suggestion before me

¹ Site layout planning for daylight and sunlight: A guide to good practice, BRE 2022

that the trees would lead to there being inadequate sunlight *within* the proposed houses.

11. The Council also raised the question of the potential for there to be pressure for the two lime trees to be heavily pruned or removed as a result of their effect on sunlight in the new dwellings, and the potential impact this could have on the character and appearance of the area. For the reasons I have just set out, I am satisfied that the trees would not lead to a significant lack of sunlight in the proposed development. In any case, it is relevant that the two trees are also the subject of a Tree Preservation Order², and any proposal to heavily prune or remove them would require the consent of the Council. It would therefore be able to weigh up any benefits of such a proposal against its impact on the wider area, and grant or deny consent as it considered appropriate.
12. Taking these points together, I conclude that the nearby protected trees would not have a significant adverse effect on living conditions for future occupiers, and the proposed development would not have a significant adverse impact on the protected trees. The development would therefore comply with Policies BNE2 and BNE43 of the 2003 Medway Local Plan ("the MLP") which respectively seek to protect living conditions for future occupiers of proposed development, and to protect trees on and around development sites. There would also be no conflict with the relevant provisions of the Framework, notably Paragraphs 135 (which seeks to create places with a high standard of amenity for existing and future users) and 180 (which seeks to ensure that planning decisions contribute to and enhance the natural and local environment).

Highway Safety

13. The appeal site provided around 30 car parking spaces for customers of the Green Lion, as well as space for vehicles serving the pub to load and unload off the main road. These spaces would be lost as a result of the proposed development. The High Street passing the appeal site is a busy A-road with double yellow line waiting restrictions extending a considerable distance in both directions. I saw that on many streets in and around Rainham town centre parking is restricted, either for permit holders or for short stays (and, in some bays, for both purposes). It is evidently facing some traffic and parking pressures. I note the Council's observation that "the site is in a sustainable location and therefore is suitable for a reduction in parking provision"; even so, it has concerns about the impact of the development.
14. The Green Lion ceased trading during 2019. Since then, the pub part of the building has been unused, although the flats on the upper floors have continued to be let. There is nothing before me to indicate that the lawful use of the building has changed since 2019, so the pub use could (in theory at least) be resumed at any time. An alternative use for the Green Lion itself does not form part of this appeal scheme, and the consideration of any such proposal would be a matter for another decision maker. At the same time, I note the appellants' comments on the likelihood of the Green Lion reopening as a public house (which they describe as "infinitesimal"), and the evidence (including marketing evidence) which they have put forward to support that view.

² The Borough of Gillingham (Land to Rear of 44/46 Cherry Tree Road) Tree Preservation Order No. 140/1993

15. The submitted Transport Statement³ did not look at on-street parking in Rainham. Its survey data did, however, show that two nearby off-street car parks (the High Street car park 300m or so east of the site, and the Cricketers car park some 250m to the west) had plenty of unoccupied spaces, an assessment borne out by my observations during my site visit. I note also that many pubs and similar business in, or close to, town centres operate successfully without dedicated customer car parking. Given the proximity of alternatives, I am satisfied that any displaced customer car parking demand which might arise if the pub were to resume trading could be accommodated in nearby public car parks.
16. The TS shows that vehicles up to the size of a panel van would be able to enter and leave the site to service the proposed houses. However, the submitted drawings do not show space for vehicles servicing the Green Lion to load or unload. Were the pub to resume trading, it is likely that deliveries – certainly from larger vehicles – would need to be made to the front of the building, at which point the High Street is a busy single carriageway. There would therefore be some obstruction to the free flow of traffic, at least for limited periods. For two reasons, however, I am satisfied that this would be unlikely to have an unacceptable impact on highway safety.
17. Firstly, there is the likelihood of the Green Lion reopening as a public house. This may not quite be “infinitesimal”, but on the balance of evidence before me – and again with the proviso that it is not within the scope of this appeal for me to attempt to assess this definitively, or to consider whether alternative uses may be acceptable or appropriate – it seems to me that the likelihood is small. The consequent need for loading and unloading to take place as described would also be small. Secondly, the drop hatch into the beer cellar of the Green Lion is on the footway in front of the building, so it is likely that servicing from the High Street – certainly for deliveries and collections of kegs/barrels and so on – was the established practice while the pub was trading. Even if the pub were to be reopened, therefore, it appears that this aspect of its operations would represent a return to the way things were done before 2019> there is no evidence before me to indicate that this practice led to any collisions or other accidents.
18. The Council questioned some of the trip generation figures provided in the TS, notably suggesting that it overstated vehicle movements into and out of the appeal site during the morning peak period while it was in use as the pub car park. The evidence before me does not definitively resolve the dispute. Even so, if the figures questioned by the Council are excluded⁴, the TS indicates that there would be a net reduction in vehicular trips compared to the position when the site served the trading Green Lion. The development would not lead to a significant increase in traffic.
19. Turning briefly to forward visibility for vehicles leaving the appeal site onto the High Street, the footway in front of the adjacent car dealership on the right-hand side of the exit (as seen from within the site) is around 4m deep, while that in front of the Green Lion building (on the left) is around 2m deep. I recognise that the access to the appeal site is not what would be built today if it were to be designed from scratch. However, I saw on my site visit that this layout offers acceptable visibility of oncoming traffic in both directions. The

³ Transport Statement (Ref: 4739) – ADL Traffic & Highways, 22 March 2022

⁴ These related to customers visiting the pub for breakfast, and to bakery and grocery deliveries.

relatively tight turn into the access way means that vehicles entering or leaving the appeal site would necessarily be travelling slowly, so while the site entry would be shared by pedestrians and vehicles, this would not be likely to lead to significant risks to pedestrian safety.

20. To conclude on this matter, the proposed development would not lead to significant harm to highway or pedestrian safety. It would therefore comply with Policies BNE2, T1 and T2 of the MLP which together, and among other things, seek to ensure that development does not lead either to unacceptable levels of traffic generation, to an increase in the risk of road traffic accidents, or to the unsafe intensification of the use of an existing access to the highway. I also find no conflict with the relevant provisions of the Framework, notably Paragraphs 115 (which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe), and 117 (which requires development which would generate significant amounts of movement – which is not the case here – to provide a travel plan).

Other Matters

Protected sites

21. The appeal site is within the buffer zone of the Special Protection Areas and Ramsars identified in paragraph 2 above (together “the protected sites”). These are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, as the “competent authority”, it is necessary for me to carry out an Appropriate Assessment as part of my decision.
22. The proposed development would lead to an increase in urbanisation and associated recreational pressures. At six dwellings, the appeal scheme is small but, in combination with other plans or projects in the area, it would be likely to have significant adverse effects upon the protected sites and the wildlife which rely upon them. The Council’s assessment is that this would be particularly likely to arise from recreation disturbing over-wintering birds. Bearing in mind the location and nature of the appeal site, I agree; this would compromise the conservation objectives of the protected sites.
23. Natural England has advised the Council that an appropriate tariff of £275.88 per dwelling (as well as legal and monitoring costs, which separately total £550) should be collected to fund strategic measures across the protected sites, in line with the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy⁵ which would be effective and reliable in preventing harmful effects.
24. The planning application did not provide any mechanism for a financial contribution, but the Council indicated that, were such a mechanism to be provided, their concern on this matter, and their third reason for refusal, would fall away. Given the evidence before me, I am satisfied that the UU which has subsequently been provided will secure the necessary mitigation measures, that the contributions would be used for their intended purpose, and that the

⁵ Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy, Footprint Ecology, July 2014

intended mitigation would be effective to adequately overcome any adverse effects of the proposal.

25. In light of this, I find that the proposal would not adversely affect the integrity of the SPA/Ramsar sites.

Designated heritage assets

26. The appeal site straddles the boundary of the Rainham Conservation Area ("the RCA"), while the Green Lion itself is a Grade II listed building. I have statutory responsibilities in respect of these designated heritage assets, and in determining these appeals I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. So far as it relates to this appeal, the significance of the RCA is derived from its collection of historic buildings that comprise the historic village centre as a once semi-rural settlement with a strong agricultural economy and part of the North-Kent Fruit Belt. Turning to the Green Lion, no works are proposed to the listed building itself; the development would take place within its setting, on an area where, historically, there appear to have been various ancillary buildings, although these were replaced by a garden/bowling green then a car park during the 20th century.
28. The Council summarised the design of the proposed dwellings as "well thought out and carefully designed", with "well proportioned and located" windows and doors, as well as "non-standard features such as the size of the ground floor windows and the mock garage doors, parapet divisions between properties in the roof and chimneys, which gives the development a feeling of an industrial building conversion, which is considered to be a unique and positive contribution to the area".
29. Overall, I agree with the Council's assessment of these aspects of the scheme; the dwellings would be well-designed and of appropriate materials, and would make an attractive contribution to the setting of the Green Lion whether seen from within the site or from the High Street. I am satisfied that the character and appearance of the RCA, and the setting of the Grade II listed building, would be preserved.

Planning Balance

30. The Council acknowledges that at the present time it is unable to demonstrate a five-year supply of deliverable housing land. The "tilted balance" described in Paragraph 11 d) of the Framework is therefore engaged. This indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
31. The proposed development would contribute to the supply of housing in the area, and there would be economic benefits arising in the short term from the construction of the dwellings, although the provision of only six dwellings means that both of these benefits would be limited. In the longer term, the future occupiers would be likely to use and support shops, businesses and other services in the local area, although again the scale of such benefits arising from six additional dwellings would be modest. Nonetheless, while the total benefits arising from the development would be small, I have not found

that the development would have adverse impacts when assessed against the policies in the Framework taken as a whole. The requirements of Paragraph 11 of the Framework therefore indicate that planning permission should be granted.

32. Furthermore, I have found that the proposal would be acceptable in relation to protected trees, and in respect of highway and pedestrian safety, and have therefore concluded that there is no conflict with the development plan on these matters. This adds weight to my overall conclusion that the appeal should be allowed.

Conditions

33. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance ("the PPG"), as well as the appellant's comments on the suggested conditions. Where necessary I have made changes to the wording or ordering of conditions in the interests of clarity and effectiveness.
34. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).
35. Conditions relating to the investigation and remediation of contamination which may be present on the site (3 to 6) are necessary to protect health, to avoid contamination of watercourses or groundwater, and to ensure that any contamination is properly remediated, and to comply with Policy BNE23 of the MLP which addresses contaminated land. A condition requiring a Construction Management Plan to be submitted and complied with (7) is necessary to protect living conditions for nearby residents, in line with the requirements of Policy BNE2 of the MLP. A condition relating to the protected trees (8) is necessary to ensure that they are not harmed by development work. These six are pre-commencement conditions, as they are fundamental to ensuring that the development can be carried out safely, without causing unacceptable disturbance to neighbours, or without causing unacceptable harm to the character and appearance of the area.
36. A condition relating to the approval of details of any gas-fired boilers (9) is necessary to protect air quality and living conditions for occupiers of the development and surrounding housing. I have used a slightly different wording to that suggested by the Council, as it is not necessary for it to be a pre-commencement condition.
37. Conditions relating to materials (10) and hard and soft landscaping (11 and 12) are necessary to protect the character and appearance of the area. Conditions relating to energy efficiency (13), the provision of electric vehicle charging points (14) and biodiversity (15) are necessary in the interest of supporting sustainable development and reducing impacts on climate change, wildlife and habitats.
38. A condition relating to the provision and retention of car parking (16) is necessary to prevent an unacceptable increase in demand for on-street parking in the area, and to comply with Policy T13 of the MLP. A condition relating to cycle and refuse storage (17) is necessary to ensure that those facilities are provided in a safe, convenient and attractive way. A condition restricting the

approved dwellinghouses to that use only is necessary to protect living conditions in the area.

39. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so, and the PPG advises that conditions restricting the future use of permitted development rights or changes of use “may not pass the test of reasonableness or necessity”. I have also had regard to the appellants’ comment that the site is not within the RCA, though in fact as I have described above the boundary of the conservation area cuts through the appeal site. In this case, I consider that it is necessary to remove certain permitted development rights in respect of extensions, roof alterations, and outbuildings, in order to protect the character and appearance of the area, and to control the effect of the development on the RCA and its setting, and the setting of the nearby Grade II listed building. As such, a condition restricting the permitted development rights of the dwellings (18) would be in accordance with the Framework and the PPG.
40. I have not imposed the suggested separate condition⁶ which restated the timescales for conditions 3, 5 and 6 as it was not necessary, although I have altered the wording for condition 6 so that it includes the requirement for development work to stop in the event of previously unexpected contamination being found. I have also not imposed the suggested conditions relating to noise surveys and the mitigation of road traffic noise in internal and external spaces⁷; based on all the evidence, including the distance by which the dwellings and gardens would be set back from the High Street and the screening of traffic noise which would be provided by the Green Lion building, I am not satisfied that they are necessary.

Conclusion

41. For the reasons given above I conclude that the appeal should be allowed and planning permission granted, subject to the conditions in the attached schedule.

M Cryan

Inspector

⁶ This was “condition 3” in the Council’s list of suggested conditions.

⁷ Conditions 8 and 9 in the Council’s list of suggested conditions.

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:
 - Site location plan
 - 526/AND/V1/00/DR/A/1001 Rev G Proposed site plan
 - 526/AND/V1/00/DR/A/1003 Rev E Proposed ground and first floor plans (properties 1,3 and 5)
 - 526/AND/V1/00/DR/A/1004 Proposed ground and first floor plans (properties 2, 4 and 6)
 - 526/AND/V1/00/DR/A/1012 Rev A Proposed front and rear elevation
 - 526/AND/V1/00/DR/A/1013 Rev A Proposed side elevation
 - 526/AND/V1/XX/DR/A/1020 Rev C Section B:B
 - 526/AND/V1/XX/DR/A/1021 Rev B Section A:A
 - 526/AND/V1/XX/DR/A/1022 Rev B Proposed house section
- 3) No development shall take place until an intrusive investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:
 - i. a survey of the extent, scale and nature of contamination;
 - ii. an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination, CLR 11*.

- 4) No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- 5) No development shall take place (other than development required to enable the remediation process to be implemented) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 7) No development shall commence until a Construction Environmental Management Plan ("CEMP") has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. Measures to minimise the impact on air quality should include HGV routes avoiding Air Quality Management Areas and avoid vehicle idling. The construction works shall thereafter be carried out at all times in accordance with the approved CEMP.
- 8) Notwithstanding the submitted tree protection measures set out in the arboricultural report by B J Unwin Forestry Consultancy Limited, no development and no clearance of the site shall take place until tree protection measures that include protection area to trees T1 and T2 as identified on drawing titled Tree Retention and Protection Plan – TGLTRP-FEB22 have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be implemented on site prior to any site clearance and construction of the development and shall remain throughout the construction phase of the development.
- 9) No development shall take place above slab level until full details of the following air quality mitigation measures have been submitted and approved in writing by the Local Planning Authority:
- All gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh

All works, which form part of the approved details, shall be completed before any individual building is occupied and shall thereafter be maintained in accordance with the approved details.

- 10) No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 11) Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme shall be submitted to and approved in writing for all areas except for privately owned, domestic gardens. The submitted details shall include:
 - i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, landscape overlaid on the lighting and services (including drainage) plans, tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of a planting and soil statement that confirms the soil profile / build-up of the landscape proposals and demonstrates its interface with the ground capping layer, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
 - ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within soft and hard landscape as well as, raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
 - iii. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

- 12) Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including communal amenity (except for small, privately owned, domestic gardens) for a minimum period of five years, with arrangements for implementation and future review. The development shall thereafter be managed in accordance with the approved details.

- 13) The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Energy and Sustainability Strategy Statement, by Briary Energy (dated September 2022) received on 27 September 2022. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.
- 14) No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.
- 15) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include native species landscaping and provision of multiple swift nesting boxes. The approved details will be implemented and thereafter retained.
- 16) No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.
- 17) No dwelling shall be occupied until elevation details and materials of the cycle storage and refuse storage have been submitted to and approved in writing by the Local Planning Authority. The cycle and refuse storage shall be implemented in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.
- 19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A, B and E of that Order unless planning permission has been granted on an application relating thereto.