The Planning Inspectorate

Appeal Decisions

Hearing held on 14 May 2024

Site visit made on 14 May 2024

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal A Ref: APP/A2280/C/21/3280974
Flat Block at the rear of Ingram Court, 89 Ingram Road, Gillingham, Kent, ME7 1SH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Windmill Construction Ltd against an enforcement notice issued by Medway Council.
- The notice was issued on 16 July 2021.
- The breach of planning control as alleged in the notice is without the benefit of planning permission the construction of a block of 9 flats and external refuse storage areas.
- The requirements of the notice are to: (i) Cease the use of the block of 9 flats for residential purposes (ii) Demolish the block of 9 flats and external refuse storage areas on the site, or (iii) Make alteration to the block of flats in accordance with the approved plans in planning application MC/19/2588 (iv) Remove all resultant debris and associated materials from the Property.
- The periods for compliance with the requirements are: 6 months for the first requirement, 8 months for the second and third requirements and 9 months for the fourth requirement.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
- This decision supersedes that issued on 22 March 2023. That decision on the appeal was remitted for re-determination by consent order of the High Court.

Summary of decision: Appeal A is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out in the Formal Decision below.

Appeal B Ref: APP/A2280/W/21/3280975
89 Ingram Road, Gillingham, ME7 1SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Windmill Construction Ltd against the decision of Medway Council.
- The application Ref is MC/20/1180.
- The development proposed is 'Internal alterations to Block A (front block) to provide 2 no parking spaces. Internal alterations to rear block to provide additional 4 no apartments within the built volume. Construction of apartment referred to as Block B (application MC/19/2588). External cycle and refuse store.
- This decision supersedes that issued on 22 March 2023. That decision on the appeal was remitted for re-determination by consent order of the High Court.

Summary of Decision: Appeal B is allowed.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 July 2024.

Applications for costs

1. Appeals A & B were subject of a full application for costs brought by the appellant against the Council, and a partial application for costs brought by the Council against the appellant. These applications are the subject of two separate decisions.

Preliminary Matters

Re-determination

2. The original decision letter in respect of Appeals A & B was challenged under s288 and s289 of the Town and Country Planning Act 1990 ("the 1990 Act"). The consent order of the High Court confirmed that the planning merits of the proposed developments had not been assessed in accordance with the development plan as a whole. The Court ordered that the decisions be re-determined in accordance with these findings.

3. I have taken into account the written submissions made during the course of the original planning application and original appeals but also given the parties were given the opportunity to update their cases. Accordingly, a further hearing was held on 14 May 2024 and both main parties provided additional evidence regarding parking and highways. The quashed decision may also be a material consideration in the redetermination.

Appeal A on Ground (e)

4. This ground of appeal was withdrawn.

Site History and the Appeals

5. The appeal site is in close proximity to the town centre and transport links including the train station with regular services to London and elsewhere. The wider site has two blocks of flats: Block A which has 17 flats and Block B which has 9 flats. There are 20 parking spaces in the development as built.

6. The most relevant events in planning history of the site for the purposes of these appeals are:

    - MC/17/3455 – granted on 2 May 2019 for the demolition of existing buildings and redevelopment of the site to provide 22 residential apartments alongside associated parking, access and infrastructure ("the 2019 Permission"). The approved apartments were to be housed in two block, with 15 units in Block A and 7 units in Block B and 22 parking bays overall.

    - MC/19/2588, variation of condition 2 which specified approved plans granted on 20 May 2020. Amongst other alterations, this permitted the redistribution of the units with 17 flats in Block A and 5 flats in Block B and a reduction to 20 parking bays to serve all 22 flats (ratio 0.91 bays per unit). ("the 2020 Permission");

    - The development was not built as approved; there are an additional four flats, making nine in total in Block B, and there have also been changes to the approved refuse and cycle stores. This led to application which is the subject of Appeal B namely MC/20/1180, retrospective application for 26 units initially with 22 bays (0.85 ratio), 17 flats in Block A and 9

flats in Block B ("the 2020 Application"). The description of development, as set out in the banner heading above, refers also to internal alterations to Block A, but those were omitted from amended plans which were submitted by the appellant and accepted by the previous Inspector; and

- The issue of enforcement notice relating to Block B on 16 July 2021 which is the subject of Appeal A.

7. Appeal B relates to the same site which was subject to the 2019 Permission, meaning that it encompasses Blocks A and B. I shall refer to this as the 'wider site'. Only part of the wider site, however, is subject to the enforcement notice and Appeal A. I shall refer also to the 'enforcement site' which is limited to Block B, the parking spaces which serve it and the access to it. The 2020 Permission relates to the wider site also.

8. Two amended plans have been submitted showing changes to the external site layout:

    - DRG No.8K23/7/21 ("New Plan 1") which includes 20 car parking spaces of which 8 are allocated to Block B and within the enforcement site. This is the plan on which the last decision was based.

    - 2021/02/PO2 submitted with Appeal B provided as part of this determination and shows 21 car parking spaces across the wider site.

9. The appellant wishes both of these plans to be considered as options in these appeals.

10. Like the previous Inspector, I am satisfied that I can determine Appeal B on the basis of the amended plans because they do not make a substantial difference to what is proposed, and the interested parties had the opportunity to consider the proposed changes and comment during the appeal process, including at the hearing. The description of development (as set out in the banner heading above) needs to be amended so as to deleted the reference to internal alterations to Block A, but I do not need to follow the Council in re-writing the description otherwise.

11. I can also take account of the revised plans in my decision on Appeal A. There are differences between what is on the ground (and being enforced against) and what is shown in New Plan 2, but the changes would fall within the whole or part of the alleged breach and can be considered as part of the deemed planning application without causing injustice to any party. However, as discussed later, there is no mechanism to incorporate any plans – revised or otherwise – into any permission granted pursuant to a deemed planning application arising from a ground (a) appeal against an enforcement notice.

12. I also note here that the parcel of land comprising Block A and its 12 allocated parking spaces shown on the revised plans has been sold to Medway Council. They now own and let the 17 flats within Block A. Notwithstanding that Appeal B relates to the wider site, any permission granted pursuant to either appeal before me would not result in any changes to the number of flats in Block A of the number of parking spaces on the land owned by the Council.

Appeal A on Ground (a), the Deemed Planning Application and Appeal B

Introduction

13. Although the description of development is different for Appeals A and B, the substantive proposal and the planning issues raised are effectively the same. References to 'the development' below should be taken as meaning the construction of the block of flats and refuse storage areas as described in the notice and/or the internal alterations etc subject to Appeal B.

14. The Council's planning concerns relate to the impacts of an increase in the number of residential units in Block B. I have no remit, therefore, to consider whether planning permission should have bene granted from Block B in the first place or matters related to the external design of the building.

Main Issues

15. From the written representations and following discussion at the hearing, I consider that the main issues are:

    - Whether the development harmfully gives additional pressure for on-street parking in the locality so as to give cause unacceptable harm in relation to highway safety and the living conditions of nearby occupiers; and

    - Whether development results in unacceptable living conditions for the occupiers of Flat 18.

Parking

16. As noted above, the development has resulted in the provision of nine flats in Block B alongside the permitted 17 in Block A. there are 20 parking spaces on the ground, across the wider site, and would be 21 if permission is granted for the development on the basis of the revised plan.

17. The Council has two concerns relating to on-street parking in the area and which they say is made worse by the development. They say that the development causes highway safety issues through an increase in on-street parking and that separately, it also causes detrimental impacts in terms of local living conditions.

18. The main parties agreed at the hearing that the parking issues have to be approached in two stages. Firstly, assess whether the development provides sufficient parking within the appeal site, and only if it does not do you then consider the effect on the on-street parking in the vicinity. I will structure my reasoning below on that basis but note that any effect of the development on on-street parking would be affected on whether there is sufficient parking within the site.

Planning Policy

19. The Medway Local Plan 2003 ("the MLP"), which is part of the development plan for the area includes several saved polices which are relevant to these appeals. Policy T1 permits development that will not significantly add to the risk of road traffic accidents or traffic movements are unsocial hours in residential roads that would be likely to cause of loss of residential amenity. Policy BNE2 advises that development should secure the amenities of future

occupants as well protect as protect amenities enjoyed by nearby and adjacent properties.

20. The National Planning Policy Framework ("the Framework") similarly expects development to provide safe and suitable access to the site for all users and to create a high standard of amenity for existing and future users.

21. Policies T4 and T13 of the MLP expect development to provide secure cycle parking and associated facilities and vehicle parking provision in accordance with the parking standards. Those are that development should provide, as a minimum, 1 parking space and 1 cycle parking space per one-bedroom dwelling, and 1.5 parking spaces plus 1 cycle parking space per two-bedroom dwelling.

22. The parking standards also specify that reductions of those standards will be considered if the development is within an urban area that has good links to sustainable transport, and where day-to-day facilities are within easy walking distance. The Framework expects that local parking standards take account of matters such as the accessibility, type, mix and use of the development; the availability of an opportunities for [use of] public transport; and local car ownership levels.

Sufficiency of Parking

23. The development is in a sustainable location where there is easy access by walking and cycling to public transport and other amenities including Gillingham town centre. Cycle parking is also provided on the site. The Council therefore accepts that the parking standards should be relaxed in relation to the on-site provision. Indeed the 2018 Permission included a ratio of 0.91 bays per unit, although the Council's position in these appeals is that there should be one bay per unit. They base this assessment on an unrestricted residential use permitted across Blocks A and B which would then require 26 bays across the wider site.

24. However, the commercial reality is that Block A has now been sold to the Council with only 12 parking bays which, under the proposed New Plan 1 and New Plan 2 layouts, would provide either 8 or 9 parking bays respectively to be used by Block B. Whilst I appreciate that the Council's highways evidence is that it is better to have unallocated spaces across both blocks so that there is increased flexibility this is not what is happening as a matter of fact as the two blocks are in different ownerships with their own separate parking spaces. The residents of Block A are not allowed to park in the parking spaces in the appeal site identified in the notice.

25. It is necessary to consider the extent to which parking standards could be reduced at this development, and whether New Plan 2 shows sufficient parking spaces can be assessed in two ways:

    - Whether nine parking spaces would be sufficient for the nine flats in Block B; and

    - Whether 21 spaces would suffice for all 26 flats across the wider site.

26. The Council argue that the Parking Management Plan submitted to discharge the condition on the 2019 Permission refers to unallocated spaces across the whole original site. They say that the intention is for Block B to also be

purchased by the Council as part of its housing function and used so that the current ownership of the associated parking spaces is not relevant. However, nothing has been provided to show that there is a binding agreement or arrangement regarding this, and neither party stated this to be the case during the hearing (although the appellant did indicate that they hoped it would happen).

27. If the **Council does not purchase Block B**, the flats therein and the adjacent parking spaces would remain in separate land ownership. The flats in Block B would probably be let at market rates. I would expect – as is the case now – that the residents of Block A would not be allowed to park next to Block B.

28. I realise that the Parking Management Plan stated that spaces should not be allocated to individual units, but it preceded the subdivision of the wider site into areas of separate ownership, and it did not require that all spaces are available for all residents of both blocks at all times. The question in the event that the Council does not purchase Block B should be whether nine parking spaces would suffice for nine flats.

29. The Council's parking standards would not be met, since some of the flats have two-bedrooms, and Census 2021 data shows that car ownership is higher locally where dwellings are privately rented. However, here would still be one space per dwelling. The provision would exceed that of the 2020 permission, granted by the Council on the basis of there being 0.91 bays per unit albeit for the whole site. Given the accessible location of the site, I consider that there would be sufficient parking spaces in principle.

30. If the **Council does purchase Block B** then all 26 flats would be let on a social rent basis. And, as the Framework notes, car ownership levels are influenced by those existing locally and dwelling tenure. The appellant contends, based on Census 2021 data (not available to the previous Inspector) that only 18 parking spaces would be needed on the wider site if the flats were all in 'social rent' tenure. The Council does not directly disagree.

31. On that basis, the proposed provision of 21 parking spaces as shown in New Plan 2 would more than suffice for both Blocks A and. Indeed, it would mean that three spaces are available for visitor parking. I consider that, given the accessible location of the site, and whether the flats in Block B are let on the open market or on a social rent basis, the parking provision shown in New Plan 2 would suffice for the development and not conflict with MLP Policy T13.

Effects of Parking in the Area

32. I heard significant and compelling evidence from local residents that there is severe on-street parking stress in the local area. The issue was discussed at length by the previous Inspector. I understand that a lack of on-street parking spaces can give rise to congestion which increases the risk of accident while compromising residential amenity. I understand why local residents feel frustrated and distressed by the prospect of development which makes those problems worse.

33. However, this is a busy residential area which, as noted above, is close to the town centre. In my view, that is the key reason for the competition for on-street parking spaces. Interested parties have seen people from the site parking on nearby streets but there is no little to show how often that happens

or what block those people may have come from. The evidence before me does not show that the four additional flats in Block B have materially increased parking stress in the area. The enforcement notice does not relate to Block A or prevent the use of Block B for five flats.

34. The evidence from the 2021 Parking Beat Survey showed that there were spaces available on-site during all of the surveyed periods, across three different time periods and three different days, including one weekend day. At this time both blocks were fully occupied with – as now – Block A providing social rented accommodation and the Block B flats let out privately.

35. This is important because, but there was still availability within the on-site parking spaces even with Block B being privately rented at that time. And whilst I appreciate that these dates may still have been affected as a result of Covid there was no compelling explanation provided as to why this might skew the numbers of vehicles parked between 6 am and 7 am in the morning.

36. The Council accepts that the data captured between 6 am and 7 am is likely to be similar to the results of an overnight survey, although the numbers may be slightly reduced due to some early departures. However, the number of spaces available at that time was between 4 and 7 which suggests that there was sufficient capacity generally. Some of those dates may also have fallen within the school holidays but there was no persuasive explanation as to why that might increase or decrease the number of vehicles parked at the various times.

37. There were also spaces available on the site during my site visit, the previous inspector's site visit and on the various photographs submitted which were taken at different times over the last few years. I accept that the majority if not all of those site inspections were carried out during a working weekday so it is expected that there will be fewer cars parked at those times. Nonetheless, the evidence of spaces being available on site adds weight to my above findings that the provision is acceptable in principle and the development has not demonstrably exacerbated on-street parking stress in the area.

Conclusion on Parking

38. The Council has powers to impose controlled parking zones and other road safety measures in the area as appropriate. That would not be good reason to allow these appeals, if it was shown that the development causes an unacceptable increase in local parking problems. However, the previous Inspector also recognised that the indiscriminate parking that he saw in the area could not be said to originate from the development.

39. I conclude that, given the highly sustainable location of the development, the Census Data and the Parking Beat Survey, the development does not give rise to additional pressure for on-street parking in the locality so as to cause unacceptable harm in relation to highway safety and the living conditions of nearby occupiers. This is the case whether the flats in Block B are rented on the open market and served by nine parking spaces, or whether the flats in Blocks A and B together are socially rented and served by 21 parking spaces.

40. The development does not conflict with MLP Policies T1, BNE2, T4 or T13, or with the Framework. However, any permissions granted should be subject to condition to ensure that 21 parking spaces are laid out as per New Plan 2 and

retained thereafter. I discuss the mechanism for doing so in respect of Appeal A below.

Living conditions of Flat 18

41. Flat 18 was adjacent to the waste storage area in the as built development which is inappropriate in terms of the living conditions of the occupants of that flat. The previous inspector accepted, and I see no reason to disagree, that the concern over the residential amenity of the occupiers of Flat 18 are overcome by the amended layout plan which relocates the bin store so the there is sufficient distance between them and Flat 18, and provides some additional soft landscaping. This therefore means that the layout shown on New Plan 2 causes no conflict with Policy BNE2.

Other Matters

42. Planning obligations have been provided which covenant to provide, in the event that planning permission is granted, financial contributions to mitigate against the impact of the additional flats. The financial contributions would be used towards the provision and improvement of local health, education and recreational facilities and mitigation within the North Kent SPA. They are acceptable to the Council and I am satisfied that they are necessary to make the development acceptable in planning terms, directly related to the development and are reasonably related in scale and kind.

43. As referred to previously, Block A is currently social rented accommodation and as such provides affordable housing in the area. There is nothing before me to suggest that the Council will not remain the landowner and indeed it is accepte that there will continue to be a need for social rented accommodation in the district.

44. Concerns were raised regarding whether the proposed parking layout was sub-optimal for the bin wagon. However, the only information before me is that the bin lorries are able to reverse in without any issues, and have now been doing so for some time without a problem. It was not shown that this factor alone would cause an unacceptable impact on highway safety.

45. It was agreed during the hearing that secure cycle storage could be accommodated on the site. Having considered this, and seen the site, I am satisfied that a condition could secure the details, implementation and retention of an appropriate scheme for cycle storage.

46. I have had regard to other concerns raised by the interested parties, including that Block B was built with an additional 4 units without permission, and this may have been pre-meditated. However, the appellant has sought to regularise the situation by seeking planning permission and they have presented revised plans to mitigate the harm.

47. Clearly the four additional flats increases the number of people living in Block B, but only one of these flats is on the first floor with the other three located on the ground floor. The increase to any potential for and increase in the overlooking of the rear gardens of Gillingham Green is therefore small (when compared to the consented scheme). I afford it some weight but this is limited due to the fall-back position which exists in relation to the consented development.

48. Whilst I note that the change in the location of the bin store means that it is closer to the site boundary and adjoining houses, any issues regarding refuse and public nuisance is dealt with under the environment protection regime. Details regarding the refuse storage can be secured by the imposition of a condition requiring a scheme to be agreed, implemented and retained. In addition, the amount of amenity space provided is not materially different to that shown on the consented schemes. I therefore accord these two issues very limited weight.

Conclusion

49. For the reasons that I have set out above, I have not found that the development causes harm, and it is therefore not in conflict with the development plan as a whole. The combined weight of the material considerations do not indicate that the decision should be taken other than in accordance with the development plan, and ground (a) of Appeal A and Appeal B succeed, and permission should be granted under the deemed planning application, subject to the conditions set out in this decision.

Conditions

50. It is reasonable and necessary to allow Appeal B and grant planning permission subject to conditions requiring that the development is carried out in accordance with the submitted plans (including New Plan 2) and other details provided by the appellant. The reasons for the conditions are to provide certainty and ensure that the development has an acceptable impact on the character and appearance of the area.

51. As indicated above, however, I could not tie any planning permission granted via Appeal A, in respect of the development alleged in the notice, to those plans. Conditions should alternatively be imposed on this permission to require the submission and subsequent approval and implementation of the relevant details.

52. In relation to both appeals, it is reasonable and necessary – in the interests of highway safety and living conditions – to require that the parking spaces are properly laid out, surfaced and drained, and retained thereafter; and that a parking management plan plus full details of the cycle parking and refuse storage facilities are submitted to and approved in writing by the local planning authority and implemented as approved.

53. Those conditions will set out 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 before the development takes place.

54. The conditions will ensure that the development can be enforced against if the required 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.

55. I have not imposed a condition regarding the use of Block B as affordable housing as it is not necessary.

Conclusion for Appeal A on Ground (a) , the Deemed Planning Application and Appeal B

56. For the reasons given above, I conclude that Appeal A succeed on ground (a). I shall grant planning permission for the operations as described in the notice. The enforcement notice will be quashed. Appeal B is also allowed.

57. In these circumstances Appeal A on grounds (f) and (g) do not fall to be considered.

Formal Decisions

Appeal A

58. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the construction of a block of 9 flats and external refuse storage area and associated parking at 89 Ingram Road, Gillingham, ME7 1SH as shown on the plan attached to the notice and subject to the conditions in the attached schedule

Appeal B

59. The appeal is allowed and planning permission is granted for Internal alterations to rear block to provide at 89 Ingram Road, Gillingham, ME7 1SH in accordance with the terms of the application, Ref MC/20/118, subject to the conditions in the attached schedule.

Zoë Franks

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Miss Noemi Byrd, Barrister

Mr Lee May, Solicitor, Brachers LLP

Mr Paul Giles, Director, Windmill Construction Limited

Mr Darren Stoneman, Windmill Construction Limited

Mr John Collins MBA BA Hons MRTPI, Director, DHA Planning

Mr Gareth Elphick, Senior Transport Planner, Stantec

FOR THE LOCAL PLANNING AUTHORITY:

Mr Nick Grant, Barrister

Mr Nick Roberts, Senior Planner, Medway Council

George Stow, Principal Transport Planner, Project Centre CHECK

Alison Munch, Senior Enforcement Officer, Medway Council

INTERESTED PARTIES:

Marie Wingrove

Cllr Adam Price

Cllr Lea Mandaracas

SCHEDULE OF CONDITIONS:

APPEAL A

1) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 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, schemes for: a) Parking Management (including details of how the parking spaces within the development are to be provided, managed and preserved for use by future residents and their visitors to deter on street parking); b) secure private cycle parking provision; c) refuse storage; d) the layout of the site (including parking bays) and elevational, floor and roof plans and external materials of Block B, ecological enhancements and boundary treatments; e) external lighting and f) scheme of acoustic protection; shall have been submitted for the written approval of the local planning authority. The scheme shall include timetables for their implementation.

ii. If within 11 months of the date of this decision the local planning authority refuse to approve the schemes 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 schemes shall have been approved by the Secretary of State.

iv. The approved schemes shall have been carried out and completed in accordance with the approved timetables.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained or remain in use.

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.

APPEAL B

1)The development hereby permitted shall be carried out in accordance with the following approved plans:
2021/02/P02 Rev T (New Plan 2)
2019/02/P03 Rev H - Elevations
2019/02/P04 Rev K – First Floor Plans
2019/02/P05 Rev K – Second Floor Plans
2019/02/P06 Rev J – Third Floor/Roof Plan

2) The development hereby permitted shall be retained in accordance with the external materials approved by letter dated 26 February 2021 (reference MC/20/2110).

3) The external lighting details, ecological enhancements, boundary treatments, and scheme of acoustic protection shall be implemented and maintained in

accordance with the details approved by letter dated 26 February 2021 (reference MC/20/2110).

4) Within 3 months of the date of his decision, the area shown on the submitted layout 2021/02/02/P02 Rev T (New Plan 2) as vehicle parking spaces have been provided, surfaced and drained. 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 and garaging.

5) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 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 schemes for: a) Parking Management (including details of how the parking spaces within the development are to be provided, managed and preserved for use by future residents and their visitors to deter on street parking); b) secure private cycle parking provision; and c) refuse storage shall have been submitted for the written approval of the local planning authority. The schemes shall include a timetable for its implementation.

ii. If within 11 months of the date of this decision the local planning authority refuse to approve the schemes 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 schemes shall have been approved by the Secretary of State.

iv. The approved schemes shall have been carried out and completed in accordance with the approved timetables.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained or remain in use.

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.