

Appeal Decision

Site visit made on 15 July 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/H5960/W/24/3337576

206-212 Garratt Lane, London SW18 4EB

- 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 Mr Graham Barrett (Protean Developments Limited) against the decision of the Council of the London Borough of Wandsworth.
 - The application reference is 2021/5780.
 - The development proposed is the demolition of the existing single storey building and the erection of a part 3, part 4 storey mixed use building comprising a light industrial use (Class E) on the lower ground and ground floors and residential dwellings (Class C3) on the ground and upper floors (7 x 2-bedroom and 2 x 1-bedroom flats).
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing single storey building and the erection of a part 3, part 4 storey mixed use building comprising a light industrial use (Class E) on the lower ground and ground floors and residential dwellings (Class C3) on the ground and upper floors (7 x 2-bedroom and 2 x 1-bedroom flats), at 206-212 Garratt Lane, London SW18 4EB in accordance with the terms of the application, Ref 2021/5780, subject to the conditions set out in the attached schedule.

Preliminary Matter

2. On 30 July 2024, the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation", alongside a Written Ministerial Statement entitled "Building the homes we need". These are material considerations in the assessment of the appeal. I have sought the views of the main parties in respect of these publications and have taken into account the responses received.

Main Issue

3. The main issue is whether the proposal would represent a suitable location for the development, having regard to development plan policy relevant to its location within a designated Locally Significant Industrial Area (LSIA) and other material considerations.

Reasons

Development Plan

4. The appeal relates to a site on the western side of Garratt Lane, between Wardley Street to the north and Lydden Road to the south, containing a vacant, single storey building indicated to have been formerly in use as a tool shop but vacant for several years. Immediately next to the site are a short row of terraced dwellings fronting Wardley Street. Two public houses, the Grosvenor Arms and the Jolly Gardeners, both locally listed, flank the site on either side on the adjacent side of Garratt Lane. The modern buildings of the Floreat School stand immediately opposite the site.
5. The site lies to the north-eastern corner of the Lydden Road LSIA, which encompasses the industrial and commercial uses on both sides of Lydden Road, Bendon Valley and Lyddon Grove. The designation includes the Jolly Gardeners public house and the dwellings to the west of the appeal site.
6. Policy LP34 of the Wandsworth Local Plan (July 2023) (the WLP) relates to industrial land. Part A supports the use of land and premises for specified industrial and distribution uses in appropriate locations. Part B seeks to protect and retain the strategic reservoir of industrial land, comprised of the borough's Strategic Industrial Locations (SILs) and LSIAs. In these locations, redevelopment of sites must provide at least the full replacement of existing industrial floor space, with B8 floorspace preferred. The intensification of sites for industrial purposes is also strongly encouraged.
7. The policy does not support other uses in these locations except in certain circumstances where the use does not erode the effective operation of the industrial function of the LSIA. Of relevance to this appeal is part B(4)(c), which states that in limited circumstances, non-industrial uses may be appropriate if they are small-scale and cater for the local needs of people working in the area.
8. The proposal would replace the existing 196sqm of Class E retail floor space, with 230sqm Class E light industrial floor space. This would result in a 17.3% increase in overall Class E floor space, or a 100% increase in employment floorspace given the previous use of the premises as retail. The Council acknowledges that the proposal would facilitate the intensification of industrial floor space at the site in accordance with paragraph B(3) of Policy LP34. The Council also accepts that the proposal would not erode the effective operation of the industrial function of the LSIA, which is an overarching requirement of paragraph B(4). Given that the site did not operate as an industrial use when last occupied, and having regard to its position at the edge of the LSIA and detached from the existing industrial uses by the aforementioned dwellings and public houses, I agree with this assessment.
9. The Council's concern is the provision of nine residential units to the upper floors of the proposed building, which it regards as beyond the small scale of non-industrial uses permitted under paragraph B(4)(c). There is no definition of 'small scale' for the purposes of the policy. The appellant points to the proposal falling within the scope of 'minor' development, being for fewer than 10 dwellings, however there is nothing before me to suggest this is how

the Council interprets small scale, even as a rule of thumb. I accept that a scheme of nine units would be smaller in scale than many housing developments, but equally, in a built-up urban environment, it would also exceed the scale of many schemes, particularly infill or redevelopments of constrained sites. This aside, the essence of Policy LP34 is that non-industrial uses are supported where they are ancillary to and complement the industrial function of the LSIA. I am not of the view that the proposal, being majority residential, would therefore amount to small scale for the purposes of Policy LP34.

10. Even if one were to disagree with this assessment, Part B(c) further requires that the non-industrial uses cater for local needs of people working in the area. The supporting text at Paragraph 18.30 sets out that these uses comprise either those which are ancillary to the primary industrial function or where they provide services to people working in the LSIA and support businesses in the area, such as small-scale cafés, creche facilities or training centres that relate to industrial or transportation businesses. This list is not exhaustive, but preceding it the text states that the encroachment of residential uses into these industrial areas can harm their operation and limit their capacity. Thus, to protect the strategic reservoir, LSIA's are not appropriate locations for any sort of residential use. In view of this, the inclusion of residential development, at the scale and proportion proposed, would conflict with Part B(4)(c) of Policy LP34.

Other Material Considerations

Viability

11. The Council further argues that the inclusion of residential development means that the appellant has failed to maximise the potential intensification of industrial uses on the site. However, the proposal has been supported by viability assessments which show that a replacement, single storey light industrial unit or a multi-storey light industrial building to the same massing as the appeal scheme would both be economically unviable. On the other hand, the appeal scheme was shown to be marginally viable. The evidence indicates that further testing at the Council's request with a lower profit margin and the removal of one unit from the scheme both showed the appeal scheme becoming unviable.
12. These findings were agreed in overall terms by the Council's appointed visibility consultant, and the Council concluded in its delegated report that an industrial development at this particular site could not be viably delivered without residential units at the present time.¹ Indeed, in a signed statement of common ground, this is listed as an agreed matter.
13. However, at appeal stage, the Council has sought to argue that the appellant has not exhaustively considered all potential development options, and opines that it cannot be concluded that an industrial development would not be viable in the future. I cannot agree with the Council's position in these respects. Firstly, as pointed out by the appellant, the prevailing guidance

¹ Page 6, penultimate paragraph

regarding viability testing² sets out that assessments should be based on current day values and costs, with growth assumptions undertaken by way of a sensitivity analysis. The appellant states that it followed this guidance and at no time did the Council or its viability consultant dispute the methodology or request the sort of assessment now being argued as necessary. Moreover, the Council's position is vague in that it does not indicate any timescale such an assessment should cover and goes beyond what should reasonably be expected of a viability assessment by seeking to account for an unknown number of future scenarios. Notably, this doubt has not arisen from the Council's appointed viability consultant, but has arisen from officers at appeal stage.

14. This aside, it is clear from the viability testing that the present value of industrial development is considerably lower than residential development. The appellant points to the values of the industrial floorspace having to increase by at least 45% to achieve a viable scheme without residential floorspace. Other variables, most notably increases in build costs, could push this figure higher. The Council has offered no evidence of a potential scenario where this could be achieved that would robustly counter the appellant's evidence.
15. There is also little evidence to suggest that the site is of such high potential that it is likely to generate the kind of values required to negate the need for enabling residential development. A multi-storey light industrial use has been considered and ruled out as unviable. The Council does not elaborate on what type of use it would support, but given the physical constraints of the site, which is surrounded tightly on three sides by the public highway and on the fourth side by residential development, any further increase in floorspace to try to achieve a viable scheme would necessitate building further upwards, which would have inevitable effects on the townscape and potentially neighbours' living conditions. The site constraints would also limit the range of potential users, particularly those requiring open space for loading and unloading of stock and materials, something further impeded by on-street parking to the surrounding streets.
16. In light of these factors, I am satisfied that the evidence before me robustly demonstrates that the inclusion of the proposed residential units is necessary to achieve a viable scheme that would deliver the increased Class E floorspace on the site. This is a material consideration of significant weight.

Housing Supply

17. The Council is presently able to demonstrate in excess of a five year supply of deliverable housing sites, though I note the appellant's submissions which suggest the Council would face significantly higher housing targets under the updated standard method outlined in the WMS and draft Framework. Whilst this is not yet in place, the existing housing requirement is not an upper limit on housing delivery and the proposal would contribute to the Framework aims of significantly boosting the supply of housing nationally, of making effective use of brownfield land and of locating homes in the most

² Planning Practice Guidance – Viability Chapter; The RICS Professional Standard "Assessing Viability in planning under the National Planning Policy Framework 2019 for England" (dated March 2021, effective July 2021); Greater London Authority Affordable Housing and Viability Supplementary Planning Guidance 2017

sustainable locations where residents have access to services and facilities by means other than the private car. These factors also weigh in favour of the proposal.

Design, Character and Appearance

18. The building would comprise three principal storeys above ground level with a recessed fourth storey at roof level and a basement level below ground. The scale of the building would relate well to that seen along Garrett Lane, which includes a number of sizeable buildings, including the Mauritius Building and Floreat School, and improve upon the existing, low height industrial building that appears as something of an anomaly within the streetscape. The proposal would also restore the building line to this side of Garratt Lane and reinforce the continuity of the townscape. To the rear, the corners would pinch in to respect the shallower depth of the adjoining residential terrace.
19. The use of different materials would distinguish the base, centre and roof level elements, whilst the tall, narrow windows would create vertical emphasis. These elements would express a clear hierarchy and considered overall composition to the building. The flat facades would be further articulated by a toothed brickwork string course at eaves level, brick lintels and steel balustrades. This sensitive design and scaling would achieve a high quality appearance that would help the building to integrate into its surroundings without being physically or visually dominant. In doing so, it would preserve the existing townscape settings of the locally listed public houses to either side.
20. Overall, the proposal would represent good design that would enhance the appearance of the site and surrounding townscape, in accordance with the aims of the Framework. This is a matter of positive weight in the planning balance.

Neighbours' Living Conditions

21. The evidence before me indicates that the proposal would not lead to a material loss of sunlight or daylight for occupants of the dwellings in Wardley Street. I concur that the separation distance of 12 metres to the upper floor flats above the public houses to either side is typical of an urban setting such as this, and would not lead to a harmful loss of outlook for occupants. The recessed design to the building's south-western corner would ensure it does not breach the 45 degree line of the nearest windows to 1 Wardley Street, and so would not result in a harmful loss of outlook.
22. In terms of privacy, no windows would directly face the dwellings in Wardley Street, but use of the first and second floor balconies to the south-western corner may allow for overlooking of rear gardens in Wardley Street. Therefore, it would be necessary to require screening to these balconies by condition to protect the privacy of neighbouring occupants.
23. The proposed light industrial use is, by definition, one which can be carried on within a residential area detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As such,

there is no reason to consider the proposal would cause harm to neighbours' living conditions.

Other Matters Assessed

24. Having regard to the evidence before me, I am satisfied that the proposal would accord with relevant policies and guidance in respect of the standard of accommodation to be provided in the flats and the industrial floorspace.
25. No objection has been raised in respect of the effects on highway safety. Whilst the site is located within a controlled parking zone (CPZ), Policy DMT1 only requires developments of 10 or more dwellings to be restricted from eligibility for parking permits within the CPZ. I also note the relatively good public transport accessibility and the conclusions of the appellant's Transport Statement that additional car use by occupants would be minimal with no material impact on the capacity of the surrounding network. I have no compelling evidence to disagree with these conclusions.
26. The proposal would also be capable of meeting with the Council's policy expectations regarding flood risk, energy efficiency, waste management, archaeology, fire safety and biodiversity. I have no reasons to conclude otherwise. Where no harm has been identified, these are neutral factors in the planning balance.

Planning Balance

27. The proposal would not fully accord with the requirements of Policy LP34 due to the introduction of residential use into the LSIA. However, this harm is tempered as I have found that the proposal would replace and slightly increase the amount of Class E floorspace on the site. Moreover, the residential units have been demonstrated to be necessary to make the development economically viable and deliver the increase in Class E floorspace.
28. In addition, the Council points to a shortfall in land to meet its targets for development of industrial land within the WLP and to the significant weight placed by the Framework on the need to support economic growth and productivity. However, in this case the proposal would not lead to any loss of industrial land within the LSIA. It is also accepted by the Council that it would not jeopardise existing industrial uses. As a standalone site, it would not represent piecemeal development of a larger site that would undermine a larger, strategic scheme. In these respects, the proposal would cause no material harm to the overall contribution of the LSIA to the borough's supply of industrial land. It would not erode the effective operation of the industrial function of the LSIA and it would not frustrate the wider aims of the WLP to deliver additional development for industrial uses in the borough.
29. On the contrary, the proposal would deliver economic benefits through the construction of the building, and thereafter through residents of the flats patronising local businesses and in the employment and business generated by the light industrial floorspace, which would accord with the support of the Framework towards economic growth.

30. Moreover, the proposal would have a positive effect on the character and appearance of the area and deliver increased density of development, in accordance with the aims of the Framework to achieve high quality and sustainable buildings and places and to make effective use of brownfield land, an approach given further impetus and importance in the WMS and draft Framework.
31. The addition of nine residential units in an accessible location would also accord with the Framework aims of boosting the supply of housing nationally and addressing climate change by reducing reliance on the private car.
32. Overall, the positive aspects of the development, taken together, indicate that the proposal would be a sustainable form of development, having regard to the Framework as a whole. These material considerations weigh sufficiently in favour of the proposal to outweigh the conflict with Policy LP34 and justify a decision other than in accordance with the development plan in this case.

Conditions

33. I have had regard to the conditions put forward by the Council in its Statement of Case, and to responses of both main parties to my request for clarification in respect of some conditions. Where necessary, I have amended the wording in the interests of precision and clarity. The appellant has indicated their agreement to conditions which would be pre-commencement. The bracketed numbers below refer to the condition number.
34. In addition to the standard time limit for implementation [1], a condition specifying the approved drawings is necessary to provide certainty as to the development permitted [2].
35. In this case the acceptability of the proposal is dependent on the provision of replacement light industrial floor space within the LSIA. This falls within the wider E Use Class, which would permit the floorspace to be used for a range of different non-industrial uses without a further grant of planning permission. This has the potential to undermine the function of the LSIA, contrary to the approach of the development plan. Therefore, it is necessary in this case to restrict the permitted development rights regarding change of use and to restrict the use of the non-residential floor space on the ground and basement floors to light industrial use under Class E(g)(iii) [3].
36. Conditions relating to site levels [4]; boundary treatments [5]; external facing materials [6] and elevational details and fittings [7] are all necessary to ensure a satisfactory appearance. Condition 4 is pre-commencement as it must be resolved at the outset to ensure foundations are begun at the correct level. For similar reasons, conditions are required to prevent the erection of additional structures on the roof of the building, including telecommunications equipment, for which it is necessary to remove permitted development rights in this case to prevent harm to the design quality of the building [26, 27].
37. It is necessary to require details and implementation of balcony screening [8] and soundproofing [9] to protect the living conditions of neighbouring occupants. With respect to Condition 8, I have not specified a particular

material so to provide flexibility for a suitable design to come forward that complements the overall architecture of the building. It is also necessary to restrict the use of roof areas as terraces except where specified on the approved plans, to protect the privacy of neighbouring occupants [28].

38. A condition requiring dwellings to meet Regulation M4(2) of the Building Regulations is necessary to provide accessible and adaptable dwellings in accordance with the requirements of the London Plan [10], whilst implementation of residential and light industrial cycle storage is required to promote sustainable transport [12, 13]. It is also necessary to secure a number of off-site highways works to remove a redundant crossover to ensure pedestrian safety and ease of access [11].
39. A construction management plan is required to mitigate the impacts of construction traffic and site activity on the living conditions of neighbouring occupants and maintain highway safety [14]. This is a pre-commencement condition as it relates to impacts that would occur from the outset of development. For similar reasons, a delivering and servicing plan is required in respect of the light industrial use [15].
40. In view of the existing use, it is necessary to require a remediation method statement showing how risks from land contamination are to be addressed [16]. This is also pre-commencement as it relates to initial groundworks and would be ineffective if required at a later stage. It is further necessary to require the approved method statement to be implemented and a verification report provided to the local planning authority to confirm risks have been satisfactorily addressed [17].
41. To accord with policies promoting carbon reduction, energy and water efficiency, it is necessary to require the dwellings to achieve a minimum of a 35% reduction in CO₂ emissions above the levels set in Part L of the Building Regulations 2021 and to limit water usage to 110 litres per person per day [18, 19]. The development must also be carried out in accordance with the approved flood risk assessment, including mitigation measures set out therein, to reduce risk of flooding to occupants and other residents [20].
42. Details of bat and bird boxes and the proposed biodiverse roof are required to provide opportunities for biodiversity gain [21, 22], whilst details of external lighting are required to prevent harm to protected and priority species [23].
43. Finally, in order to provide a satisfactory standard of accommodation, conditions are required to ensure adequate waste storage is provided [24] and to ensure separation of the proposed residential and light industrial uses at basement level [25].

Conclusion

44. For the reasons set out, I conclude that the appeal should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 9001 Rev B; 12.00 Rev P2; 12.01 Rev P2; 12.02 Rev P2; 12.03 Rev P2; 12.04 Rev P3; 12.05 Rev P2; 12.10 Rev P2; 12.11 Rev P2; 12.12 Rev P2; 12.13 Rev P3; 12.14 Rev P2; 12.15 P2; 12.16 Rev P2.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking, amending and re-enacting the Order the commercial floorspace on the ground and basement floors hereby approved shall be used only for light industrial purposes (Class E(g)(iii)) and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) No development shall take place until full details of existing and proposed site levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to commencement of works above ground floor slab level (excluding demolition), details of the height, design and material(s) of the proposed boundary treatment shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details and completed prior to occupation of the development or otherwise in accordance with a timetable agreed in writing with the local planning authority.
- 6) Prior to commencement of works above ground floor slab level (excluding demolition), samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and thereafter so retained.
- 7) Prior to commencement of works above ground floor slab level (excluding demolition), 1:20 drawings of the following shall be submitted to and be approved in writing by the local planning authority:
 - Window and door reveals.
 - Parapet and roof details for the two roof levels.
 - Recessed brick panels
 - Residential and light industrial entrances
 - Rainwater goods.
 - Proposed balustrades.

The development shall be implemented in accordance with the details so approved.

- 8) Notwithstanding the detail shown on the approved drawings, prior to commencement of use of the terraces as shown on the drawings hereby approved, details of screening to the first and second floor terraces serving the flats closest to 1 Wardley Street (as shown on drawing 12.02 Rev P2 with a bevelled corner) shall be submitted to and approved in writing by the local planning authority. The details submitted shall include measurements to ensure that screening shall be to a height of a minimum of 1.7m above finished floor level and show the screening material(s) to be used to the sides of the terraces. The screening shall be completed in accordance with the approved details prior to commencement of the use of the terraces and be so retained and maintained thereafter.
- 9) Prior to commencement of works above ground floor slab level (excluding demolition), details of a scheme for the insulation of the existing residential units against the transmission of airborne sound and impact sound between light industrial floorspace and residential dwellings has been submitted to and approved in writing by the local planning authority and the approved scheme shall be implemented prior to the first occupation of any dwelling and shall be retained thereafter.
- 10) All the dwellings hereby approved shall be constructed to comply with Regulation M4 (2) of the Building Regulations.
- 11) Prior to the commencement of above ground works (excluding demolition), a detailed scheme for offsite highway improvement works shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - The removal of the existing dropped kerb and reinstatement of the footpath on Lydden Road;
 - Extension of the existing on-street parking bay adjacent to the site on Lydden Road;
 - The provision of a dropped kerb to facilitate bin collection on Wardley Street.

The off-site highway works shall be provided in accordance with the approved details prior to the occupation of the development hereby approved.

- 12) Prior to the first occupation of the development the residential cycle parking shown on the approved drawing at basement level shall be provided, and thereafter shall be retained for cycle parking purposes for the users of the residential dwellings and for no other purpose.
- 13) Prior to the first occupation of the development the cycle parking shown on the approved drawing at basement level shall be provided, and thereafter be retained, for cycle parking purposes for the users of the ground and basement floor light industrial unit and for no other purpose.

- 14) No development shall take place, including any demolition, until a construction management plan shall be submitted to and approved by the local planning authority. The construction management plan shall include details of the routing of construction vehicles, time of arrival and departure, and any proposed temporary traffic and pedestrian management measures during the course of construction. The demolition and construction works shall be carried out in accordance with the approved plan.
- 15) Prior to the commencement of above ground works (excluding demolition), details of a delivery and servicing plan for the light industrial floorspace including hours of operation shall be submitted to and approved by the local planning authority. The development shall be occupied and operated in accordance with the approved delivery and servicing plan.
- 16) No development shall occur until a remediation method statement, described to make the site suitable for the intended use by removing unacceptable contamination risks to sensitive receptors, and shall be submitted to and approved in writing by the local planning authority.
- 17) Prior to first occupation, the remediation shall be completed in accordance with the method statement approved under Condition 16 and a verification report produced on completion of the remediation, shall be submitted to and approved in writing by the local planning authority.
- 18) The development hereby approved shall achieve a minimum of a 35% reduction in CO2 emissions above the levels set in Building Regulations Part L 2021. Prior to first occupation of the development, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under SAP) shall be submitted to and approved in writing by the local planning authority, to demonstrate that the development has achieved at least a 35% reduction in CO2 emissions above the levels set in Building Regulations Part L 2021. The installed measures shall be retained in accordance with the approved details unless otherwise agreed by the local planning authority.
- 19) The development shall achieve a maximum water use of 110 litres per person per day for homes (including an allowance of five litres or less per person per day for external water consumption) in line with the Water Efficiency Calculator for new dwellings from the Department of Communities and Local Government. Prior to first occupation, evidence to demonstrate that the internal water consumption of the development will not exceed 105l/p/day must be submitted to the local planning authority and approved in writing, unless otherwise agreed in writing by the local planning authority. Measures integrated shall be retained for the lifetime of the development.
- 20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (by Create Consulting Engineers LTD). The mitigation measures shall be retained as such.

- 21) Prior to commencement of works above ground floor slab level (excluding demolition), details (including locations and types) of at least 3 no. bat boxes/bricks (to be installed on the south-east to south-west elevation at a height of 4 to 10m and all integrated within the new build structures) and 5 no. integrated swift boxes/ bricks (to be installed on a north to east elevation to provide protection from direct sunlight, wind and rain and installed at a height of at least 5m and all integrated within the new build structures), shall be submitted and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the details so approved.
- 22) Prior to commencement of works above ground floor slab level (excluding demolition), details of the biodiverse roof to be erected on the main roof of the building shall be submitted to and be approved in writing by the local planning authority. The biodiverse roof shall be implemented prior to the occupation of the development hereby approved. For the avoidance of doubt, the details shall be in accordance with section 2.2.2 of "The GRO Green Roof Code 2021", and include:
- a. The area of biodiverse roof;
 - b. Confirmation that the biodiverse roof shall have an extensive substrate base (undulating depths of 80-150mm);
 - c. Details of habitat features such as (but not limited to) dew ponds, log piles, gravels, sand, boulders and rocks;
 - d. Confirmation that the roof shall be planted/seeded with an agreed mix of native and near-native species (need to submit a list of species prior to works) which should be focused on wildflower planting and shall contain no more than a maximum of 25% sedum and contain some night scented species;
 - e. Annual post-construction maintenance plan for the biodiverse roof. All herbicides, pesticides and fertilisers should be avoided in the management of any biodiverse roofs or other planting areas intended to provide biodiversity gains;
 - f. Confirmation that the biodiverse roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or escape in case of emergency.
- 23) Prior to commencement of works above ground floor slab level (excluding demolition), details of a site-wide sensitive lighting plan for during construction and post construction shall be submitted to and be approved in writing by the local planning authority. Details of a post-construction lighting plan shall be submitted and include details of any lighting being proposed in relation to any proposed biodiversity enhancements, including but not limited to:
- locations of lighting fixtures - details of the type of lighting being used - colour coded lux levels plan (showing lux levels in

- relation to any biodiversity enhancements such as biodiverse roofs, planting and bat and bird boxes/bricks)
 - details of how light spill will be prevented from falling onto any biodiversity enhancements such as planting, biodiverse roofs and bat and bird boxes/bricks (This should include light spill from windows).
 - Light levels around any biodiversity enhancements must be less than 1 lux. This construction and post-construction lighting plans shall follow best practice industry guidance produced by the Bat Conservation Trust and Institute of Lighting Professionals ('Bats and artificial lighting in the UK 8 (Guidance note 08/18)' (2018) and 'Landscape and Urban Design for bats and biodiversity.' (2012)) including but not limited to:
 - Lighting should be directed to where it is needed with 0% upward light ratio and light spill avoided - Height of lighting columns in general should be as short as is possible - Light levels should be as low as guidelines & legislation permits
 - If lighting is not needed, don't light
 - Period of lighting operation should be limited to provide some dark periods - Roads or trackways in areas important for foraging bats should contain stretches left unlit to avoid isolation of bat colonies. - Warm white 3000K LED lighting (with peak wavelength >550nm and no UV component) should be specified - Luminaire hoods, baffles or louvres should be used to prevent light spill
- 24) Prior to the first occupation of the development, the refuse and recycling storage shown on approved drawings shall be provided and shall be retained for the users of the development and for no other purpose.
- 25) The doorway at basement level that would connect the residential circulation space and the light industrial floorspace shall only be used as an emergency means of escape and for no other purpose.
- 26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, amending or re-enacting that Order) no satellite dishes, telecommunications masts, antennas or equipment or associated structures, shall be installed on the building hereby approved.
- 27) Unless shown on the drawings hereby approved, no water tanks, plant, lift rooms or other structures shall be erected upon the main roof of the approved building.
- 28) Unless shown on the drawings hereby approved, the main roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area and, furthermore, no balustrades, railings or other means of enclosure or means of permanent access shall be erected on this area.
-