



Appeal Decision

Site visit made on 28 June 2024

by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/Z0116/W/23/3335671

Nailsea Electrical Ltd, 102 Gloucester Road, Bishopston, Bristol BS7 8BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Whitehorse Homes Ltd against Bristol City Council.
 - The application Ref is 23/03348/F.
 - The development proposed is demolition of western part of former chapel and single storey extension and construction of a three-storey extension comprising 9 dwellings (5 small houses in multiple occupation (use class C4) and 4 large houses in multiple occupation (sui generis), retention of 225sqm of Commercial, Business and Service floorspace (use class E), external alterations, associated access and landscaping works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of western part of former chapel and single storey extension and construction of a three-storey extension comprising 9 dwellings (5 small houses in multiple occupation (use class C4) and 4 large houses in multiple occupation (sui generis)), retention of 225sqm of Commercial, Business and Service floorspace (use class E), external alterations, associated access and landscaping works at Nailsea Electrical Ltd, Bristol BS7 8BN in accordance with the terms of the application, Ref 23/03348/F, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issues

2. For reasons of brevity, I have referred to the Commercial, Business and Service element of the proposal simply as “commercial” throughout this decision.
3. This appeal relates to an application where the Council did not issue a formal decision. However, it has provided putative reasons for refusal. It is undisputed between the parties that the Council cannot demonstrate a supply of specific and deliverable sites to provide a minimum of five years’ worth of supply against their housing requirement in the strategic policies. Therefore, this appeal must be considered with regard to paragraph 11 d of the National Planning Policy Framework (the Framework).
4. The appeal site is a former chapel located on a corner site, until recently it has been used for commercial (retail) purposes. In recent years the appeal site has been subject to two relevant planning applications. Consent has been granted for the redevelopment of the site including a three-storey extension which would result in the provision of 9 dwellings, a retail unit and office accommodation. The Council’s Development Management Committee has subsequently determined to approve an alternative scheme which also includes a three-storey extension, retail space and 17 flats.

5. Having regard to the Council's putative reasons for refusal, and other matters raised I consider the following to be the main issues in this appeal, with each considered against the backdrop of the schemes the Council has found to be acceptable:
- the effect of the development on the character and appearance of the Gloucester Road Conservation Area;
 - the effect of the development on the living conditions of the occupants of nearby dwellings with regard to privacy, noise disturbance, and the physical effect of the building;
 - the effect of the development on the living conditions of the future occupants of the proposed development with regard to privacy, outlook, daylight and the internal environment of the dwellings;
 - whether the parking provision would be appropriate having regard to the effect on parking pressures in the locality and highway safety; and
 - whether the development would result in an appropriate balance of housing type in the locality.

Reasons

Conservation Area

6. The appeal site is located within the Gloucester Road Conservation Area. The part of the Conservation Area near the appeal site is characterised by a mix of commercial and residential buildings principally either two or three storeys in height. Many of the buildings along Gloucester Road are orientated so that a gable fronts the road with the ridgeline running perpendicular to the road creating a "V" shaped gap between ridgelines at roof level. However, there are also buildings orientated with the ridgeline running parallel to the road and examples of more recent development of significant scale with flat roofs.
7. The previous scheme for 17 flats included a three-storey extension fronting Berkeley Road which contained a slightly recessed link element between the extension and the former chapel. In general terms, this is similar to the proposed scheme with both having a similar overall height and width. The three-storey extension proposed on the previous scheme had a roof form of several front facing gables which would provide 'V' shaped gaps between them at roof level. Although front facing gable elements are proposed in the appeal scheme, these would be part of a wider roof arrangement with a west-east alignment, similar to the existing chapel building. This would result in a greater level of roof visible than with the previous scheme lacking in the gaps provided by the front facing gables.
8. Front facing gables, allowing for these 'V' shaped gaps are common in the immediate area with both two and three storey examples nearby. However visible ridge lines and other roof extensions, such as large flat roof dormer structures, are also common elements of the character of this part of the Conservation Area and immediately adjacent area. The appeal scheme would be seen in the immediate context of the ridge line of the former chapel and the neighbouring side extension roof form. It's height and bulk would appear commensurate with these neighbouring buildings and incorporate a modest step up in line with the incline of Berkeley Road.

9. The proposed link element would contain a door at ground floor level and two windows above at first and second floor level. This is similar to the 17 flat scheme, but the first and second floor windows would be smaller than the previous scheme with greater areas of walling visible. Although this would not have the same, nearly, fully glazed appearance, with the slight recess and lower flat roof, it would still allow for a clear visual break between the historic chapel and the new extension. In this regard, the scheme would have a different but broadly equivalent impact to the previous scheme and the character and appearance of the Conservation Area would be preserved.
10. Although there would be other changes to the appearance of the building from the previous schemes, these would be modest in nature. Overall, the appeal scheme would preserve the character and appearance of the Conservation Area. Therefore, there would be no conflict with Policy BCS22 of the Bristol Development Plan: Core Strategy (the CS) and Policy DM31 of the Bristol Development Plan: Site Allocations and Development Management Policies (SA&DMP). Together these Policies seek to preserve the special character of conservation areas.

Living Conditions – Neighbouring Residents

11. The appeal site sits next to 4 Berkeley Road, a two-storey semidetached property which has been extended to the side adjacent to the shared boundary. This side extension incorporates an under croft allowing access to a driveway for a residential dwelling (number 4a) located to the rear of numbers 4 and 6. In this context the modest increase in the step back of the building compared to the previous scheme would not result in an undue effect on the neighbouring occupiers in terms of the physical effect of the building.
12. Both the previous scheme for 17 flats and this appeal scheme would contain windows with an outlook to the rear from the proposed three-storey extension. Regardless of whether the overall level of occupation of the building would rise, overlooking from the rearward facing windows between the schemes would be similar. Indeed, the appeal scheme would lack first floor balconies which can give rise to a greater sense of intrusion of privacy by neighbouring residents compared to a window. Side windows are proposed on the three-storey extension, but these would have an outlook to a largely blank side gable of 4 Berkeley Road and would not result in significant overlooking.
13. This appeal scheme would provide a mix of large and small houses in multiple occupation (HMOs), whereas the previous schemes would result in dwellings or flats. In terms of overall level of occupation, it is likely that the appeal scheme would accommodate a greater number of residents. However, all schemes would result in residential uses of a fairly high density. This would be in an area of mixed use with a range of commercial uses sitting close to residential properties and in proximity to busy roads. In this context, noise levels from residents of the appeal scheme would not result in harm to the living conditions of the occupants of neighbouring dwellings.
14. Overall, the scheme would result in acceptable living conditions for the occupiers of neighbouring dwellings in terms of privacy, noise disturbance, and the physical effect of the building. It would accord with Policy BCS21 of the CS and Policies DM27, DM29 and DM30 of the SA&DMP. Together these Policies seek to ensure that development would safeguard the amenity of existing development and occupiers including in terms of privacy, outlook and daylight.

Living Conditions – Future Occupiers

15. The Council's Supplementary Planning Document (SPD): Managing the development of houses in multiple occupation sets out guidelines for minimum room sizes in HMOs. The Council suggests that 5 of the 9 flats would not meet the threshold for the communal space in the proposed HMOs.
16. The guidance provides room sizes for a room to be used solely as a bedroom, where it is combined with a living room, and where it is combined with both a living room and kitchen. In addition, minimum sizes are given for kitchens and the total communal living space where the room is proposed to be shared by occupiers. In this appeal scheme each HMO flat provides private rooms, with some sitting space indicated within the bedroom. Each flat would also have a communal kitchen area with dining space indicated.
17. All the proposed bedrooms would exceed the guidance of 9sqm for a 1-person room with a small number of rooms at or exceeding the guidance for a 2-person room where a combined bedroom and living room is proposed. The SPD is not clear if, and by how much, any discount to the kitchen and/or the overall communal living space should be given where living accommodation can be provided in the private bedrooms. The Council's evidence also does not clarify this matter. However, logically it seems that where a bedroom is of a size deemed suitable to provide living space, some effect on the overall communal space should be considered. All of the proposed kitchens, in themselves, would be above the size threshold; fairly significantly so in some cases.
18. I note that the SPD and the associated room sizes are guidance and not prescribed by policy. Where the Council indicates that the total communal space is below the guidance it is typically by 1 bedroom (and 2 in a single case). All kitchens could provide for some dining space where social interaction could take place and, taking account of the allowance for living space in each bedroom, I consider that the internal space of each HMO flat would not be unduly cramped. Therefore, in this regard the development would comply with Policy BCS18 of the CS which seeks to ensure that development provides sufficient space for everyday activities.
19. Not all the flats would be dual aspect, and a small number of bedrooms would only be provided with a roof light in terms of a window to allow for outlook. In addition, outlook from the kitchen/communal areas of some of the flats would be provided by windows with an outlook to the flank of 4 Berkley Road, restricting the view provided. Policy DM29 of the SA&DMP indicates that residential development should provide dual aspect where possible, particularly where one aspect is north facing. This Policy does introduce a degree of pragmatism such that dual aspect accommodation should be provided where possible. In addition, I note that the previous 17 flat scheme, while not identical, did have similar characteristics.
20. Some views from the street into the proposed bedrooms in Flat 1 (ground floor) would be possible. However, these windows would be setback some distance from the pavement on Berkeley Road and views into the flats that would front Berkeley Road would also be possible in the 17 flat scheme.
21. The appeal scheme proposes communal gardens to the front and rear. The previous scheme for 17 flats proposed a mixture of private gardens for the ground floor flats, a small number of private balconies for upper floor flats and

a communal garden. The manner in which outdoor space is provided is different between these two schemes, however even with the 17 flat scheme a number of dwellings would not have private space. Both the Council and appellant agree that St Andrew's Park is located about 350m away.

22. In both schemes there would be reliance on the communal space but with the opportunity to seek outdoor recreation in the nearby park. This is not uncommon for flatted development and shared accommodation in urban areas. Even if the appeal scheme could result in a higher degree of occupants than the 17 flat scheme, this would be by a modest degree and not such that it would be under undue additional pressure.
23. Given the urban, built up, nature of the area, and the type of accommodation proposed, the living conditions proposed, in terms of outlook and access to outdoor space would be acceptable and not contradict the overarching policy aims.
24. The Council has raised a concern that there is a risk of overheating within the development and that insufficient information has been provided to demonstrate that this could be mitigated. This is relevant to climate change and sustainability policy goals; however, its direct impact would be on the living conditions of the future occupants.
25. The evidence before me indicates that there was a similar concern with the previous scheme for 17 flats but that ultimately it was concluded that this matter could be addressed by a condition. Although there are differences between the schemes, I have no evidence that this appeal scheme is so different that the necessary mitigation is unlikely to be achievable. However, while heating is mentioned in the Policy, I have no reason to conclude that matters relating to this would not be adequately controlled by building regulations, therefore duplicating such controls through a condition is not necessary. In this regard I conclude that the living conditions of the future residents could be safeguarded and that the related sustainability goals be achieved.
26. Overall, the proposal would comply with Policies BCS13, BCS14, BCS18, and BCS21 of the CS and Policies DM27, DM29 and DM30 of the SA&DMP. These Policies require that development respond to climate change and that heating and cooling is in accordance with the heat hierarchy and provide a high-quality environment for future occupiers including in terms of indoor and outdoor space, outlook and overlooking.

Parking

27. The appeal scheme would provide for 3 parking spaces for the proposed commercial area and 1 disabled parking space relating to the HMO flats. There would be 57 secure and covered cycle parking spaces for the HMO flats and additional cycle stands for the commercial element of the scheme. The relevant Policies have maximum levels of car parking and there are no minimum levels (other than relating to disabled parking). A signed/completed planning obligation under section 106 of the Town and Country Planning Act 1990 which would secure contributions for the Council to make a traffic regulation order and implement travel plan measures has also been provided.

28. The Council acknowledges that the site is located within a very sustainable location and where a development is designed to be car free lower levels of car ownership can be expected. The appellant has provided evidence to indicate that in the environs of the appeal site lower car ownership levels are likely for private rented accommodation (which by their nature HMOs would almost always be). In addition, the appellant has provided evidence that car ownership for HMOs in a neighbouring authority area was at around 1 car per HMO on average.
29. The appeal site is in an urban area, very close to a wide range of services and facilities and public transport links. Like many urban areas, it is evident that there are on-street parking pressures. Although the number of bedrooms would rise in this appeal scheme compared to the previous 17 flat scheme, it is not clear that the number of bedspaces and therefore overall occupants would rise as significantly.
30. The evidence suggests that car ownership for rented accommodation is likely to be at a lower level than other forms of accommodation. I give limited weight to the evidence that relates to the neighbouring local authority area; however, it does provide a limited indication of likely car ownership levels for the appeal scheme. There would be an appropriate level of cycle parking provision for the likely maximum occupation of the development. The submitted planning obligation would allow for contributions to aid with maximising sustainable travel and manage associated traffic matters.
31. Taking matters in the round, there is not strong evidence to indicate that the appeal proposal would result in significantly greater levels of car ownership than the 17 flat scheme and in this respect no harm would arise. Therefore, I conclude that the appeal scheme would accord with Policy BSC10 of the CS and Policy DM23 of the SA&DMP, which seek to ensure development is located where sustainable transport patterns can be achieved and appropriate levels of parking would be available.

Housing Type

32. The proposed development would result in the creation of 9 dwellings to be used as HMOs. Amongst other matters Policy DM2 of the SA&DMP deals with shared housing which includes HMOs. The Policy sets out that such development should not be permitted where it would create or contribute to a harmful concentration of such uses within a locality. Relevant to this appeal, this includes where a development would harm residential amenity or character which includes matters relating to noise and disturbance to residents, impact on on-street parking, and the effect of physical alterations to a building. These matters have been considered under the relevant subheadings above.
33. In addition, HMO development should not reduce the choice of homes in an area by changing the housing mix. The Council's Supplementary Planning Document (SPD): Managing the development of houses in multiple occupation sets out criteria for assessing HMO proposals. This includes whether there would be a sandwiching effect and the percentage of HMOs in the dwelling stock that would result within a 100m radius.
34. The Council has concluded that the development would not result in a sandwiching effect as set out in the SPD and I have no substantive reason to disagree with this assessment. The SPD sets out that where the introduction of

new HMOs would result in more than 10% of the dwellings, in a 100m radius, being HMOs, this is unlikely to be consistent with Local Plan policy. The Council's evidence indicates that currently the HMOs within a 100m radius of the site equates to 5.17% of the housing stock and that this would rise to 13% with the proposed development.

35. I note the appellant has set out an argument as to why it could be considered that the scheme would fall below the 10% threshold. However, even if I accepted the Council's position on this matter, a breach of the 10% threshold does not automatically lead to harm such that the Local Plan policies would be breached, it is only an indication that such a breach is likely.
36. In this case, I note that the threshold would only be exceeded by 3%. In the context of this particular site, which is located on a corner plot, by a busy road in an area of a significant mix of uses, 3% above the nominal percentage threshold outlined in the SPD would be minor. In addition, having regard to the findings above, the development would not result in any of the harms, set out in the relevant Policy, in terms of noise and disturbance to residents, impact on on-street parking, and the effect of physical alterations to the building.
37. Compared to the two previous schemes at the site, there would be a different mix of housing. The Council notes that the previous proposal for 17 flats was acceptable as it would increase the availability of smaller properties in an area where houses, with a greater number of bedrooms was predominant. This proposal would introduce a number of HMOs rather than small flats. However, it would still introduce more housing choice for those seeking smaller types of accommodation. Therefore, both the 17 flats scheme and this appeal scheme would increase choice, and I have no evidence that one would be significantly more beneficial than the other.
38. Taking these matters together I conclude that the concentration of HMOs in the area would not result in harm that would breach the Policy objectives. In this regard I therefore conclude that the development would accord with Policy DM2 of the SA&DMP.

Other matters

39. Concern has been raised in respect of land ownership around parts of the site boundary. I have no significant evidence that the relevant ownership certificates submitted with the application are incorrect. Therefore, this is not a matter that is relevant to the determination of this appeal.

Planning Balance and Conclusion

40. As the Council cannot demonstrate a supply of specific and deliverable sites to provide a minimum of five years' worth of supply against their housing requirement in the strategic policies, paragraph 11 d of the Framework applies. This means that planning permission should be granted unless policies in the Framework that protect assets of particular importance provide a strong reason for refusing the development or any adverse effects if doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Relevant to this appeal particular regard should be had to key policies for directing development to sustainable locations and making effective use of the land.

41. There would be no harm to assets of particular importance (the Conservation Area in this case). The scheme would result in housing provision in a sustainable location, and it would make effective use of the land. Taken in the round, there would be no conflict with other relevant policies both in the Framework and the Council's development plan. For the reasons given above the appeal is allowed.

Planning Obligations and Conditions

42. The submitted planning obligation would secure matters relating to the implementation of a travel plan and regulating traffic matters. I am satisfied that these are necessary to make the development acceptable, that the measures the contributions would secure are directly related to the development, and that the scale of the contributions are fairly and reasonably related to the scale and kind of the proposed development.
43. The Council has provided a list of suggested conditions. A number of these would be pre-commencement conditions. The appellant has had an opportunity to comment on these conditions. A number of matters have been raised, including relating to the wording of the conditions to ensure some are worded more robustly to be a pre-commencement condition. However, no direct objection was made to such conditions being pre-commencement conditions. I have also simplified and amalgamated some of the suggested conditions to provide clarity.
44. Conditions to ensure the development is commenced within 3 years and that it is in accordance with the submitted plans are necessary for the avoidance of doubt and in the interest of clarity. In view of the close proximity to neighbouring dwellings and trees, conditions are necessary to secure a construction environmental management plan and tree protection. Given the nature of the matters to be controlled, it is necessary that these are pre-commencement conditions. However, given the relatively modest scale of the development, they do not need to be as detailed as the wording suggested by the Council and the two conditions that would deal with protection of trees can be secured via a single simple condition.
45. In the interests of the visual appearance of the development a condition is required to ensure that suitable methods for the installation of the green roof over the cycle store and its ongoing maintenance. It is necessary that this matter is approved before works to construct the cycle store. A condition to secure materials, including the works to the chapel building to be retained is necessary in the interest of the character and appearance of the Conservation Area. The wording of the condition can be simplified from those suggested by the Council.
46. A condition is required to secure appropriate waste management for the commercial element of the scheme to ensure that the living conditions of nearby residents is not unduly impacted. The details of this does not need to be secured before any works start on site so it does not need to be a pre-commencement condition.
47. To ensure the development contributes to adapting to climate change the installation of photovoltaic panels is necessary. A two-stage condition to secure the details and then ensure that it has been installed to an adequate specification is necessary. However, it is not necessary that no works be

- started before the initial details are submitted and the demolition elements could commence on site first. For similar reasons securing the provision of an air source heat pump(s) and other energy efficiency measures is necessary.
48. To avoid the risk of surface water flooding, details and maintenance of a drainage scheme is required. Controlling external lighting is necessary in the interests of the living conditions of neighbouring and future residents. The addition of bird, bat and bee boxes and adhering to bat mitigation is necessary to secure appropriate levels of biodiversity. Given the historic uses of the site, a condition to control reporting and mitigation of any unexpected contamination is necessary.
49. To ensure adequate access to alternative means of transport is provided the provision of suitable cycle storage is necessary. Suitable means of access and the provision of the car parking area is necessary in the interests of traffic and parking management and securing visibility is necessary for safety reasons. In the interests of the visual appearance of the development a landscaping scheme, including its maintenance, is necessary. Similarly preventing the erection of new boundary treatments to the front of the building (beyond those approved as part of the development) is necessary.
50. In the interests of the living conditions of the future occupiers, conditions to secure appropriate noise insulation between the flats and between the flats and the commercial use is necessary. In the interests of the living conditions of existing and future residents it is necessary to control the noise generated by the commercial unit. Similarly controlling the operating hours of the commercial unit is necessary. However, given the mixed-use nature of the area and proximity to a busy road, this need not include a prohibition on the operation and use by customers on Sundays and Bank Holidays. Greater limitation of noisier activities such as deliveries and managing refuse and recyclables should be more limited to provide the nearby residents reprieve from noisier activities in the evenings and on Sundays and Bank Holidays.
51. A condition to secure details relating to offsite highway works, such as those affecting the footway, is not necessary because the Council, as Highway Authority has other means to secure appropriate provision of these works. The important elements of the historic chapel are shown as being retained with the elements of demolition relating to parts of the building which are of no historic merit. In these circumstances a contract for redevelopment is not necessary. The existing building, when historically used as a retail/commercial use did not appear to have clear glazed windows facing the highway. While this could be an improvement to the appearance of the historic chapel, it is not necessary given the previous and current appearance of the building.
52. The Council has requested a condition to secure a scheme for local employment opportunities during construction. I note the reference to a decision made by the Secretary of State where such a condition was imposed with reference to Chapter 6 of the Framework. However, it appears that the scheme referred to was greatly more significant than this appeal scheme in terms of scale. As such I do not consider that such a condition is necessary to the extent that planning permission should otherwise be withheld for this appeal scheme.

K Taylor
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development shall be carried out in accordance with the approved plans:
 - 3516/104- Proposed floor plans & roof plan
 - 3516/105- Proposed elevations & sections
 - 3516/106- Proposed site plan
 - 3516/107- Proposed bike store plans & elevations
 - 3516/108- Proposed site location plan
3. No works shall be undertaken on site, including demolition, until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.
4. No works shall be undertaken on site, including demolition, until a scheme for the protection of trees on/adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
5. No works shall be undertaken on site, including demolition, until an update of the Bat & Protected Species Survey (EcoLogic, 3rd April 2023 update Rev 03), including any updates to the ecological mitigation and enhancement strategy, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
6. No works shall be undertaken on site (other than demolition) until details of all proposed external materials, fenestration, external joinery and external repair, replacement and remedial works to the chapel building to be retained have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. No works shall be undertaken on site (other than demolition) until details of a drainage strategy, including ongoing management and maintenance have been submitted to and approved in writing by the Local Planning Authority. The drainage works and ongoing management and maintenance shall thereafter be carried out in accordance with the approved details.
8. No works shall be undertaken on site (other than demolition) until details of the noise insulation between the residential elements of the development and commercial elements of the development have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the residential occupation and commercial use of the building and thereafter retained.
9. No works shall be undertaken on site in respect of the construction of the cycle store until details of the green roof, including the method of installation

and ongoing maintenance and management has been submitted to and approved in writing by the Local Planning Authority. The works and ongoing management and maintenance shall thereafter be carried out in accordance with the approved details.

10. The building shall not be occupied by residents or the commercial use commenced until details of a scheme for the storage of the commercial waste and recycling and associated ventilation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the residential occupation and commercial use of the building and thereafter retained for the purposes of storing waste and recycling associated with the commercial area.
11. No works shall be undertaken on site (other than demolition) until details of the proposed photovoltaic system, including a technical specification and calculation of annual energy generation and the associated reduction in residual CO2 emissions, has been submitted to and approved in writing by the Local Planning Authority. Prior to the residential occupation and commercial use of the building, evidence that the system has been installed and is sufficient to meet the approved calculation of annual energy generation and the associated reduction in residual CO2 emissions shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be retained for the lifetime of the development.
12. The building shall not be occupied by residents or the commercial use commenced until details of a scheme for the external lighting of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the residential occupation and commercial use of the building and thereafter retained.
13. The building shall not be occupied by residents or the commercial use commenced until details of a scheme for the installation of bird and bat boxes and a bee brick(s) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the residential occupation and commercial use of the building and thereafter retained.
14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared and submitted for the approval of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be carried out in accordance with its terms and a remediation/validation report shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.
15. The building shall not be occupied by residential occupants until the waste and recycling provision for the residential uses has been implemented in accordance with the approved plans. Such provision shall thereafter be

retained for the purposes of storing waste and recycling associated with the residential use.

16. The building shall not be occupied by residents until details for the securing and lighting of the cycle store has been submitted to and approved in writing by the Local Planning Authority. The cycle store shall be provided in accordance with the approved plans and the approved details relating to security and lighting prior to the occupation of the residential accommodation. The cycle storage, including the security and lighting systems shall thereafter be retained for the lifetime of the development and kept available for the storage of cycles associated with the approved residential use.
17. The building shall not be occupied by residents or the commercial use commenced until the means of access for pedestrians, cyclists and vehicles (including the provision of associated dropped kerbs on the highway) have been provided in accordance with the approved plans and thereafter retained.
18. The building shall not be occupied by residents or the commercial use commenced until the car/vehicle parking area and cycle stands for the commercial use shown on the approved plans has been completed and thereafter the areas shall be kept free of obstruction and available for the parking of vehicles and cycles associated with the development. The disabled parking bay shown on the approved plans shall be kept free of obstruction and available for the parking of residents registered disabled and allocated this space only.
19. The building shall not be occupied by residents or the commercial use commenced until pedestrian visibility splays of 2 metres x 2 metres to the rear of the footway, has been provided at the vehicular access serving 4A Berkeley Road adjacent to the west of the site. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 1 metre to the rear of the footway which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
20. The building shall not be occupied by residents or the commercial use commenced until a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection, in the course of development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the occupation of the building or the completion of the development whichever is the sooner. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted.
21. All recommendations detailed in the Noise Assessments submitted with the application with regards to sound insulation and ventilation of residential properties shall be implemented in full prior to the occupation of the building

and the commencement of the use permitted and be permanently maintained for the lifetime of the development.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the ground floor commercial unit hereby approved shall only be used for the following uses within Class E: retail, financial and professional services (other than medical or health services) or office use and for no other use within The Town and Country Planning (Use Classes) Order 1987 as amended 1st September 2020, or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).
23. The development hereby approved shall incorporate the energy efficiency measures, renewable energy, sustainable design principles and climate change adaptation measures into the design and construction of the development in full accordance with the energy and sustainability statement (Sustainable Energy Statement Revision E- 20 April 2022) prior to first occupation. A total of at least 20% reduction in carbon dioxide emissions below residual emissions through renewable technologies shall be achieved.
24. The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the background level as determined by BS4142: 2014 Methods for rating and assessing industrial and commercial sound.
25. No customers shall remain on the commercial premises (Use Class E) outside the hours of 08:00 to 23:00 on Monday to Sunday.
26. Activities relating to deliveries and the collection of refuse and recyclables and the tipping of empty bottles into external receptacles, for the commercial premises, shall only take place between 08.00 and 20.00 Monday to Saturday and not at all on Sundays or Bank Holidays.
27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no fences, gates or walls, other than those approved as part of the approved plans and/or the landscaping scheme shall be erected within the site forward of any wall of the building which fronts onto a road.