



Appeal Decision

Site visit made on 30 April 2025

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2025

Appeal Ref: APP/H5390/W/24/3357571

3 Kelvedon Road, London SW6 5BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Kelvedon Capital Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
- The application Ref 2024/00914/VAR, dated 19 April 2024, was refused by notice dated 17 June 2024.
- The application sought planning permission for '*Variation of condition 2 of planning permission ref: 2020/02540/FUL granted 25th January 2021 for the 'Demolition of existing timber yard storage building and erection of a replacement part one, part three storey plus basement building with a roof terrace at first floor level to provide 1 x 1 bedroom residential unit (Class C3) with flexible commercial floorspace (Class E) at basement and ground floor level fronting Kelvedon Road and Darlan Road; erection of a part one and part three storey 2 bedroom single family dwellinghouse (Class C3) fronting Kelvedon Road elevation' to allow amendments to the approved drawings to include: alterations to north eastern elevation to change second floor roof window with a dormer window, enlargement of ground floor windows, alterations to south eastern elevation to increase the size of the dormer window, alterations to refuse storage, provision of an external amenity space associated with the Class E unit, additional high level window on the ground floor to be made fixed shut, alterations to south western elevation to allow all windows to be made of aluminium casement frames, additional window to roof level, dormer window panes to change from 3 to 2, ground floor north western wall to be set back further, increasing the size of the dormer of dwellinghouse, 2no exterior gutters to be constructed of cast iron, reducing the height of the front fencing/gates to 1.8m, alterations to north western elevation to include the additional of a conservation type roof window for bathroom, part of the top of boundary wall to be finished in lead, alterations to front basement lightwell, basement to extend to church wall, alterations to ground floor layout, additional obscure glazed panels in terrace of dwellinghouse, alterations to first and second floor layouts and AOV roof window over stairs of dwellinghouse' without complying with a condition attached to planning permission Ref 2021/01990/VAR, dated 23 June 2021.*
- The condition in dispute is No. 24 which states that:
- *Prior to occupation of the development hereby permitted, details of the installation of the Zero Emission Air Source Heat Pumps or Electric Boilers to be provided for space heating and hot water for each dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.*
- The reason given for the condition is:
In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

Decision

1. The appeal is allowed and planning permission is granted for '*Demolition of existing timber yard storage building and erection of a replacement part one, part three storey plus basement building with a roof terrace at first floor level to provide 1 x 1 bedroom residential unit (Class C3) with flexible commercial floorspace (Class E) at basement and ground floor level fronting Kelvedon Road and Darlan Road; erection of a part one and part three storey 2 bedroom single family dwellinghouse (Class C3) fronting Kelvedon Road elevation' at 3 Kelvedon Road, London SW6 5BP in accordance with the application Ref 2024/00901/VAR,*

without compliance with condition number 24 previously imposed on planning permission Ref 2021/01990/VAR dated 23 June 2021 and subject to the following conditions as set out in the attached Schedule of Conditions.

Application for costs

2. An application for an award of costs was made by Kelvedon Capital Ltd against the Council of the London Borough of Hammersmith & Fulham. That application is the subject of a separate Decision.

Background and Main Issue

3. Planning permission was granted in 2021¹ for the redevelopment of the appeal site, a former timber yard and storage building, with a part one storey / part three storey plus basement building to provide flexible commercial floorspace at basement and ground level and a single family dwellinghouse. That permission was subject to a further application to vary condition 2 and which was granted permission in March 2022² (the 2022 permission). It is the 2022 permission to which this appeal relates. Applications to formally agree and discharge the provisions of conditions attached to that permission have subsequently followed during the period 2021 to 2024³.
4. Not only is the planning history relating to the appeal site lengthy, but so too is the preamble to the current appeal, with particular regard to the appellant's attempts to seek to discharge the provisions of condition 24. A previous attempt to discharge the provisions of condition 24 was refused permission in December 2023⁴, albeit that it appears that the decision notice was not received by the applicant, applicant's agent or any other party. The appellant was, I understand, unaware of the determination of that application.
5. The current appeal scheme was submitted following discussions between the appellant's agent and the Council. However, the original outcome of the application was the issuing of a blank decision notice, which was only later corrected by the issuing of the decision notice, with the sole reason for refusal upon which this appeal turns. Whilst I have some sympathy with the appellant for the delays and frustration which it is evident have been experienced, these are not matters to which I have given any weight to in the determination of this section 78 appeal. These are instead matters that I have considered in the separate Costs decision.
6. The scheme now before me was submitted to vary the wording and requirements of condition 24 of the 2022 permission. The wording initially imposed by condition 24 is set out in the banner heading above and it is not my intention to repeat it here. The revised wording for this condition for which approval was sought, albeit with a correction to a typographical error in the address, is:

Prior to occupation of the development hereby permitted, those details relating to space heating and hot water heating equipment for each dwellinghouse as submitted to the Local Planning Authority, set out within the 's73 Planning Supporting Letter – 3 Kelvedon Road' dated 19th April 2024, shall be fully

¹ LPA Ref No: 2020/02540/FUL – approved 25 January 2021

² LPA Ref No: 2021/01990/VAR – approved 8 March 2022

³ See Section 3.0 Planning History – 'Ground of Appeal Statement' Ken Parke Planning Consultants for Kelvedon Capital Ltd

⁴ LPA Ref No: 2023/02073/DET

implemented prior to the occupation/use of the development and thereafter maintained.

In the interests of air quality, in accordance with Policy CC10 of the Local Plan (2018).

7. Thus, the main issue is the effect of the proposed revision to the wording of condition 24 upon air quality.

Reasons

8. The appeal site is located in a mainly residential area, albeit adjacent to and opposite places of worship. The original permission for the redevelopment of the former timber yard site was for a mixed use with flexible commercial uses (Use Class E) at ground floor with two residential units largely on the upper floors of the replacement building.
9. The condition in dispute stipulates that for the purposes of space heating and hot water heating, air source heat pumps (ASHP) or electric boilers shall be implemented, the details of which shall first be submitted to and approved by the Council. The condition also states that these technologies shall be 'zero emission'.
10. The decision notice states that the imposition of the condition in dispute was justified at the time by Policy CC10 of the Hammersmith & Fulham Local Plan (2018) (the LP). That policy states that the Council will seek to reduce the potential adverse air quality impacts of new development. Five requirements ((a) to (e)) set out how LP Policy CC10 will seek to achieve this.
11. The supporting text⁵ to LP Policy CC10 particularly notes the contribution that nitrogen oxides (NOx) and small particulate matters (PM10) make to local air quality and health concerns. Mitigation measures will be implemented to reduce emissions where developments would cause a significant worsening of local air quality or contribute towards exceedances of the Government's air quality objectives⁶; require mitigation measures to reduce exposure to acceptable levels where occupants could be particularly affected by poor air quality⁷ and requiring developments to be 'air quality neutral'⁸. The policy does not state, expressly or otherwise, that schemes should be 'zero emission'.
12. Although condition 24 requires the use of either air source heat pumps (ASHP) or electric boilers, LP Policy CC10 does not contain such a specific requirement. As described above, developments are required to be 'air quality neutral' – not zero emission, as the condition requires - to reduce emissions of NOx and PM10s. Nor do LP Policies CC1 or CC13 or London Plan (LonPlan) Policies SI1 or SI2 specify the nature of the technology to be used to achieve the air quality aims of the development plan policies, again referring to development being 'air quality neutral' and to not lead to further deterioration of air quality.
13. The redevelopment of the site appears to have resulted in a scheme that offers little in the way of outdoor spaces. The building occupies almost all of the appeal site's ground level floor plate, and outdoor amenity space at upper floor areas is limited. As such, the appellant states, the siting of ASHP technology is restricted

⁵ Paragraph 13.58

⁶ CC10(b)

⁷ CC10(c)

⁸ CC10(d)

and essentially unfeasible. The building's design, in replicating the peaked bay feature of neighbouring buildings and dormer windows, is also such that unencumbered pitched roofs capable of accommodating solar panels are limited.

14. These factors are critical, the appellant argues, in limiting the range of options available to utilise technology consistent with the wording of the disputed condition. Without the necessary space to site an ASHP system, the condition's alternative is for the installation of an electric boiler system. However, without sufficient space for the installation of on-site electricity generation through solar panels, it is stated that reliance on electric boilers and grid electricity would be such that the scheme would be unable to satisfy the requirements of the relevant part of the Building Regulations which deals with relative rate of emissions.
15. The appellant has provided a comparison of emissions based upon the installation of electric heating / water heating with those using the proposed alternative, as set out in the appellant's supporting letter of 19 April 2024⁹. Whilst the Council has sought to use a 'typical' gas boiler for comparison and baseline purposes, the appellant's 'Basic Compliance Tests' demonstrate that the specific gas boiler proposed would have a lower equivalent emissions rate than an electric heating / water heating system. It has also been demonstrated that, based upon the appellant's suggested alternative technology, that the appeal site development would have lower equivalent emissions than the previous use and occupation of the site, which was essentially the baseline against which the determination of the original planning application and the imposition of the disputed condition were considered.
16. I accept that in the case of an electric heating system however, those emissions are not at source and that a direct comparison, in local terms, would indicate the appellant's alternative would increase local emissions when compared with the condition's requirement. However, those emissions would still occur, just elsewhere. Moreover, the appellant has demonstrated that the alternatives would result in lower target and building emission rates than an electrically-powered system. It would not be zero-emission at source, but it is noted that the Council have not sought to respond to, or challenge, the appellant's contention that the effect of the proposed revised wording to condition 24 would be such that the scheme would be 'air quality neutral', that it would result in lower target and building emission rates than that currently stipulated by the disputed condition and would improve local air quality as measured by emissions when compared with the use and occupation of the site prior to its redevelopment.
17. As a consequence, I do not share the Council's view that the appellant's alternative scheme would result in non-compliance with LP Policy CC10. The appeal proposal seeks to vary a previously granted permission to redevelop a former timber yard and its buildings. The appellant has persuasively shown that the alternatives set out in the accompanying letter of 19 April 2024 would ensure that the redevelopment of the site would not result in a significant worsening of local air quality. The scheme would therefore, in overall terms, result in lower emissions than an electric heating system would without the benefit of solar pv panels on site, and which would enable the appellant to pursue the necessary consents under the Building Regulations.

⁹ Ken Parke Planning Consultants ref: AB/7209

18. Furthermore, as I have not been directed towards a development plan imperative for a zero-emission solution, the proposed alternative wording to the disputed condition would ensure that the scheme would achieve the 'air quality neutral' position sought by LP Policy CC10. It would also achieve, albeit in a different manner to that sought by the disputed condition, a scheme that would not result in harm to, or significant worsening of, local air quality. There would be no conflict with LP Policy CC10, that being the policy against which the disputed condition was justified. Nor would there be conflict with LP Policy CC13 or LonPlan Policies SI1 or SI2. I note that LP Policy CC1 has also been referred to but as I have not been advised that the appeal scheme is a 'major development', the provisions of LP Policy CC1 as it applies to 'all major developments' is not a matter that has been determinative in this instance.

Conditions

19. The appeal before me relates to condition 24 of the 2022 permission. That permission was subject to a total of 37 conditions. The Council have provided a list of suggested conditions which reflect the numbering and sequence of conditions originally imposed upon the 2022 permission.
20. The appellant has provided a detailed planning history of the site, setting out the application references and approval dates for applications to discharge conditions. The Council's list of suggested conditions reflects the outcome of these previous applications, with revisions to the wording of conditions where necessary. I have carefully considered the list of conditions suggested by the Council in light of the Framework, the Guidance and the evidence before me regarding the status of these conditions.
21. The effect of an appeal succeeding under section 73A is the granting of a new planning permission with the disputed condition either removed, or modified, according to the detail of the decision. The effect of this is to also leave the original permission intact.
22. It is noted that with the exceptions of the conditions numbered 16 to 19 of the previously approved scheme, there is no dispute that the conditions requiring formal discharge have been appropriately discharged, nor that the revised wording to those conditions to reflect the details of each approved condition discharge is acceptable to both parties. I have not been presented with any evidence to the contrary and I have therefore imposed those conditions, along with the suggested conditions that seek to provide on-going control over particular elements of the scheme.
23. Furthermore, the appellant's submissions refer to the scheme as still being 'in the process of being built out'. It was clear at the time of my visit that construction of the development had indeed been commenced and appeared to have been completed. It was not possible from that visit however to be able to ascertain whether or not the development was occupied. Nevertheless, in the absence of any evidence to the contrary, it would not be inappropriate to continue to refer to conditions 'biting' prior to occupation, including in respect of the disputed condition.
24. Nor would it be unreasonable to omit the time limit condition (suggested condition 1) as the development has cleared 'commenced'. With regard to the suggested plans condition, I have imposed that condition with the plan numbers and titles referred to on the refusal notice, subject to the provisions and agreed details of the

conditions set out in the schedule below. As a result of the omission of this condition, subsequent conditions have been renumbered, including the disputed condition. For the avoidance of doubt, the disputed condition in its reworded form as a consequence of my decision is set out below at condition 23.

25. With regard to suggested conditions that were initially numbered 16 to 19 on the previously approved scheme, there was initially some disagreement regarding the status of these conditions. Clarity regarding this matter was sought from both parties, with the appellant subsequently confirming that details had been submitted, and the provisions of the conditions discharged¹⁰. The appellant has provided suggested reworded conditions, in a similar manner to those other conditions reworded to reflect approved condition discharge applications, to reflect the details approved in respect of discharged conditions 16 to 19¹¹ (now renumbered 15 to 18, below). The Council did not respond in this respect, but I have no reason to believe that the appellant's suggested approach would not be appropriate, and so have imposed the conditions as suggested.

Conclusion

26. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed. In reaching this conclusion I have considered the matter of other conditions imposed upon the 2022 permission and the revisions to the wording of those suggested by the Council to reflect matters that have been agreed and formally discharged. The conditions are set out in the schedule below and have been framed accordingly.

G Robbie

INSPECTOR

¹⁰ Email from appellant's agent dated 28 May 2025, with approval certificates in relation to the discharge of each of the conditions numbered 16 to 19.

¹¹ LPA Ref Nos: 2022/01117/DET (Condition 16); 2022/02865/DET (Condition 17) and 2024/00018/DET (Conditions 18 and 19)

Schedule of conditions

1. The approved plans are drawing nos: 1427/209-1; 1427/210-3; A101 (Rev D); A102 (Rev G); A103; Planning Noise Assessment (Ref 89485/PNA); Daylight & sunlight within proposed dwellings (Ref. ROL00362); Daylight & sunlight for proposed development (Ref. ROL00362); Viability Report prepared by Featherstone Leigh Commercial (dated 31 March 2020); Viability Report prepared by Carter Jonas (dated 10 June 2020); Flood Risk Assessment & Drainage Strategy (Ref: 20-7402), unless otherwise agreed and approved by virtue of the requirements of the conditions (and approved schemes referred therein) elsewhere in this schedule of conditions.
2. Details submitted and approved for the Demolition Method Statement, Construction Management Plan and Construction/Demolition Logistics Plan under application Ref No. 2021/02183/DET shall be carried out for all demolition and construction works in accordance with the approved documents.
3. Details submitted and approved for all materials to be used on the external faces of the new building, including railings and balustrades under application Ref No. 2022/02865/DET shall be implemented prior to commencement of the development and thereafter be permanently maintained.
4. No plumbing, extract flues or pipes other than rainwater pipes shall be fixed on the elevations of the building hereby approved.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes or related telecommunications equipment shall be erected on any part of the development hereby permitted, without planning permission first being granted.
6. No plant, water tanks, water tank enclosures or other structures, that are not shown on the approved plans, shall be erected upon the roofs of the building hereby permitted.
7. No alterations shall be carried out to the external appearance of the building, including the installation of air-conditioning units, ventilation fans or extraction equipment not shown on the approved drawings, without planning permission first being obtained. Any such changes shall be carried out in accordance with the approved details.
8. Prior to occupation of the residential units hereby permitted, the provision of the cycle storage in connection with the residential units shall be implemented, as indicated on the approved drawings and details of the installed cycle storage shall have been submitted to the Council, and permanently retained thereafter for such use.
9. No part of the development hereby approved shall be occupied prior to the provision of the refuse storage enclosures, as indicated on the approved

drawings. All refuse generated by the development hereby permitted shall be stored within these enclosures, shall only be brought to the front of the premises on the day of collection and shall be permanently retained for these purposes.

10. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment & Drainage Strategy by Syntegra Consulting Ref: 20-7402 (Rev A, dated Dec 2020) and thereafter permanently retained and maintained in line with the agreed plan.
11. The noise level in rooms at the development hereby approved shall meet the noise standard specified in BS8233:2014 for internal rooms and external amenity areas.
12. Details submitted and approved under application Ref No. 2022/01117/DET for the sound insulation of the floor/ ceiling/ walls separating the commercial part(s) of the premises from dwellings, demonstrating that the sound insulation value $D_{nT,w}$ is enhanced above the Building Regulations value with appropriate mitigations measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within the dwellings/ noise sensitive premises, shall be implemented prior to occupation of the development and thereafter be permanently retained.
13. Details submitted and approved under application Ref No. 2021/01097/DET for the Land Contamination - Preliminary Risk Assessment shall be followed through at implementation/construction stage and beyond where applicable.
14. Details submitted and approved under application Ref No. 2021/02183/DET for the Land Contamination - Site Investigation Scheme shall be followed through at implementation/construction stage and beyond where applicable.
15. The development shall be carried out in accordance with the approved site investigation scheme; *Phase II Geo-Environmental Investigation by Land Science (Ref LS5927 / Dated Jul 2022)*, unless otherwise agreed to in writing by the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
16. The development shall be carried out in accordance with the approved remediation method statement; Land Science [dated 15.12.2022]; W101 [REV D]CON101 [REV B]; Revised Remediation Method Statement by Elevations Drawing [received 15.12.2022], unless otherwise agreed to in writing by the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
17. The development shall be carried out in accordance with the approved verification report; Remediation Verification Report Addendum letter (Ref: CB/VL/P21-2247/03) from Create Consulting, dated 14 March 2025; Remediation Verification Report (Volume 1 of 2 and 2 of 2), 3 Kelvedon Road,

London, SW6 5BP (Ref: CB/CS/P21-2247/02) Rev B by Create Consulting Engineers Ltd for Kelvedon Capital Ltd, dated Oct 2023 & Nov 2024, unless otherwise agreed to in writing by the Council. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.

18. The development shall be carried out in accordance with the approved onward long-term monitoring methodology report; Remediation Verification Report Addendum letter (Ref: CB/VL/P21-2247/03) from Create Consulting, dated 14 March 2025; Remediation Verification Report (Volume 1 of 2 and 2 of 2), 3 Kelvedon Road, London, SW6 5BP (Ref: CB/CS/P21-2247/02) Rev B by Create Consulting Engineers Ltd for Kelvedon Capital Ltd, dated Oct 2023 & Nov 2024, unless otherwise agreed to in writing by the Council. Where further monitoring is required past the completion of development works to verify the success of the remediation undertaken, a verification report of these monitoring works shall then be submitted to and approved in writing by the Council when it may be demonstrated that no residual adverse risks exist. All works must be carried out in compliance with and by a competent person who conforms to CLR 11: Model Procedures for the Management of Land Contamination (Defra 2004) or the current UK requirements for sampling and testing.
19. With the exception of the roof terrace areas shown on approved drawings, no part of the remainder of the flat roof areas provided by the development hereby approved shall be used as a terrace or other accessible amenity space. No walls, fences, railings or other means of enclosure other than those shown on the approved drawings shall be erected around the roofs, and no alterations shall be carried out to the approved building to form access onto these roofs.
20. Details submitted and approved under application Ref No. 2022/02865/DET for the ventilation strategy for C3 use class to mitigate the impact of existing poor air quality shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
21. Details submitted and approved under application Ref No. 2023/03000/DET for the post installation report of the ventilation strategy as required by condition 21 to mitigate the impact of existing poor air quality shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.
22. Prior to occupation of the development hereby permitted an Ultra Low Emission Strategy (ULES) for the operational phase of the development in order to mitigate the impact of air pollution shall be submitted to and approved in writing by the Local Planning Authority. The ULES must detail the remedial action and mitigation measures that will be implemented to protect receptors (e.g. design solutions). This Strategy must make a commitment to implement the mitigation measures that are required to reduce the exposure of poor air quality and to help mitigate the development's air pollution impacts, in particular the emissions of NO_x and Particulates (PM_{2.5}, PM₁₀) from on-road vehicle transport by the use of Zero Exhaust Emission Vehicles in accordance with the emissions hierarchy 1) Cargo bike (2) Electric Vehicle, (3) Alternative Fuel e.g. CNG, Hydrogen, LPG

(4) Diesel/ Petrol Euro 6 (AIR Index Urban NOx rating A) and Euro VI. A monitoring report of the implementation of the ULES shall be submitted on annual basis to the LPA. Approved details shall be fully implemented prior to the occupation/use of the development and thereafter permanently retained and maintained.

23. Prior to occupation of the development hereby permitted, those details relating to space heating and hot water heating equipment for each dwellinghouse as submitted to the Local Planning Authority, set out within the '*s73 Planning Supporting Letter - 3 Kelvedon Road*' dated 19th April 2024 (Ref: AB/7209), shall be fully implemented prior to the occupation / use of the development and thereafter maintained.
24. The development hereby permitted shall not be occupied until the new windows to the north elevation (rear) at first floor level and the new dormer window at second floor level of 'Unit 2' have been installed with obscure glazing and are non-openable below the level of 1.7 metres above finished floor level, a sample of which shall have been submitted to and approved in writing by the Council prior to the occupation of the property. Thereafter the windows shall be retained in the form approved.
25. Details submitted and approved under application Ref No. 2022/01117/DET for the 1.6m high (from finished floor level) obscure glazed screens to the roof terrace shall be installed prior to occupation and permanently retained as such thereafter.
26. The development hereby permitted shall not be occupied until the Council has been notified in writing (and has acknowledged such notification) of the full postal address of the residential and commercial units. Such notification shall be to the Council's Head of Development Management and shall quote the planning application number specified in this decision letter.
27. No occupiers of the residential units hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such a permit, and if such a permit is issued it shall be surrendered to the Council within seven days of written receipt.
28. Details submitted and approved under application Ref No. 2023/03000/DET for the Car Parking Permit Scheme to ensure that all occupiers, other than those with disabilities who are blue badge holders, have no entitlement to parking permits from the Council and to ensure that occupiers are informed, prior to occupation, of such restriction. The residential unit shall not be occupied otherwise than in accordance with the approved scheme unless prior written agreement is issued by the Council.
29. Details submitted and approved under application Ref No. 2021/01097/DET for the Basement Method Statement shall be carried out in full accordance with the approved document.
30. Details submitted and approved under application Ref No. 2023/03000/DET for the Travel Plan shall be implemented in full compliance with the approved

document(s), and shall thereafter continue to be fully implemented for the lifetime of the approved unit(s).

31. Details submitted and approved under application Ref No. 2024/00018/DET for the Secured By Design Strategy included in the certificate of accreditation to Secured by Design Standards shall be implemented prior to the residential occupation of the development.
32. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the 'Commercial unit' hereby approved shall only be used for uses falling within Use Class E and for no other purposes whatsoever.
33. The form and dimensions of the front lightwell, at basement and ground floor level, shall not exceed those shown on the approved drawings. To ensure a satisfactory external appearance and to prevent harm to the street scene, in accordance with Policies DC1 and DC11 of the Local Plan (2018) and Key Principles BL1 and BL3 of the Planning Guidance Supplementary Planning Document (2018).
34. Details submitted and approved under application Ref No. 2022/01117/DET for the metal grille installation over the lightwell flush with the surrounding ground area shall be implemented prior to the basement occupation and thereafter the grille shall be permanently retained in place.
35. Prior to the first occupation of any part of the development hereby permitted, the existing vehicular access to the site shall be removed by raising the dropped kerb and reinstating the footway as part of a Section 278 agreement, under the Highways Act 1980.
36. The external amenity space serving the commercial unit shall not be used for the seating of customers and shall be accessible to employees only. The space shall not be used other than during the hours of 08:00 - 18:00 daily.

**** end of schedule ****