
Appeal Decision

Inquiry held on 22 & 23 November and 19 December 2016 and closed on 13 January 2017

Site visit made on 23 November 2016

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 March 2017

Appeal Ref: APP/Z5630/W/16/3143390

18-32 Beaufort Road and 23-43 Fassett Road, Kingston upon Thames KT1 2TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Antoinette Hotel Group against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
 - The application Ref 15/12107/FUL, dated 30 January 2015, was refused by notice dated 31 July 2015.
 - The development proposed is the refurbishment and conversion of 18 and 32 Beaufort Road and 23-43 Fassett Road, demolition of 20-30 Beaufort Road and hotel buildings to rear and erection of new buildings to provide a total of 19 houses and 60 flats, together with basement and surface car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the refurbishment and conversion of 18 and 32 Beaufort Road and 23-43 Fassett Road, demolition of 20-30 Beaufort Road and hotel buildings to rear and erection of new buildings to provide a total of 19 houses and 60 flats, together with basement and surface car parking and landscaping at 18-32 Beaufort Road and 23-43 Fassett Road, Kingston upon Thames KT1 2TQ in accordance with the terms of the application, 15/12107/FUL, dated 30 January 2015, subject to the conditions contained within the Schedule at the end of this decision.

Preliminary Matters

2. At the Inquiry the Council confirmed that it no longer wishes to defend its first two reasons for refusal concerning affordable housing and infrastructure contributions respectively. This change in position was made in light of evidence in respect to the appeal scheme's viability and the reasonably recent adoption of the Council's CIL charging regime. Consequently, there is only one remaining refusal reason concerning the loss of an employment use. The main issues as I identified them at the start of the Inquiry and as set out in the following section reflect the Council's changed position on those matters.
3. Notwithstanding the viability evidence, during the Inquiry the appellant submitted a Unilateral Undertaking under s106 of the Town and Country

Planning Act 1990 (the UU), which would secure the provision of on-site affordable housing as part of the appeal development¹.

Main Issues

4. The main issues are:

- The effect of the loss of the site for use for employment purposes that would come about as a result of the appeal development; and
- Whether any harm arising is outweighed by any other considerations.

Reasons

5. In my decision below, I largely assess the evidence following what is broadly the Council's best case scenario, albeit that it seems most likely from what I have read, seen and heard during the appeal process that there is no conflict with the development plan in the terms identified by the Council and that there is not a National Planning Policy Framework (the Framework) compliant supply of housing land for the area. I explain below why I have come to this view and then go on to set out why these points do not alter my overall conclusion that the appeal should be allowed.
6. The Council's remaining reason for refusal cites conflict with Policy DM17 of the Royal Borough of Kingston upon Thames Core Strategy April 2012 (the Core Strategy) only. Policy DM17 concerns the protection of existing employment land and premises. At the Inquiry the Council confirmed that the alleged conflict is limited to Part E of the Policy, which concerns 'Other Employment Locations'.
7. There is a figure, 'Figure 21 Economy and Employment', shortly before Policy DM17, and both are located under the same policy theme heading of 'Economy and Employment' within the Core Strategy. This Policy and its supporting text make no direct reference to Figure 21. However, the Figure clearly employs the language of Policy DM17, including 'Other Employment Locations' and the other areas identified in Parts A to D of the Policy.
8. On this basis, and bearing in mind their proximity within the Core Strategy, it is reasonable to conclude that Figure 21 is intended to provide a spatial representation of the locations set out in Policy DM17. The 'Other Employment Locations' are represented by blue dots in the Figure. On a reasonable reading of Figure 21 and of the wider evidence on this matter, the appeal site does not coincide with any of those blue dots. Nor is it sufficiently close to any of the blue dots in Figure 21 for there to be significant doubt that it is not one of the 'Other Employment Locations' for the purposes of Policy DM17. Consequently, there would be no conflict with that Policy.
9. Although not cited in the refusal reason, the Council's evidence also alleges conflict with Core Strategy Policy CS11 (Economy and Employment) in that *with its partners the Council will ... promote other key employment sectors such as retail, financial and legal services, leisure, culture, health, education, public administration and tourism and ensure that land and premises and appropriate infrastructure are available for these activities also*. Policy CS11 sets out a strategic vision to build on the economic strengths of the Borough by promoting the development of a diverse and flourishing economy by ensuring

¹ Core Document 11.15

that land and premises are available for a wide range of employment purposes. Nonetheless, given that I have found no conflict with Policy DM17, as there is no evidence to indicate that there is a significant shortage of hotels in the Borough and bearing in mind the reasonably modest size of the site, the proposal would not conflict with Policy CS11 of the Core Strategy either.

10. I have a number of concerns regarding the Council's approach to housing land supply. Two competing housing 'requirements' have been put to me: the target within the London Plan March 2016 (the London Plan) as favoured by the Council and the more recent 'objectively assessed need' identified in the area's most recent SHMA², which is favoured by the appellant. However, regardless of which of these 'requirements' is employed it appears very likely that a five-year supply of deliverable housing sites cannot be demonstrated. This is principally on the basis that in my judgement a 20% buffer should be applied and as there is reasonably significant doubt about the deliverability during the five-year period of several of the sites relied upon by the Council. I outline why I have come to these conclusions in turn below.
11. The Framework states that local planning authorities should increase the buffer to be applied to their five year housing requirements from 5% to 20% where there is a record of persistent under delivery. This is in order to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
12. Although it applied a 20% buffer in its 2014/15 Authority Monitoring Report³, the Council's case is that, due to changed circumstances including the treatment of long-term vacant homes, a buffer of 5% is now warranted. However, I have reservations regarding its current approach particularly as it appears to be based on assumptions that are not directly supported by evidence regarding how many of the recorded long term vacant homes are actually brought back into use. For instance, a reduction in long term vacant homes could be due to their demolition or replacement and does not necessarily mean that they are brought back into use as homes. The appellant's evidence regarding the net reduction in vacant homes of 166 dwellings at sites in Warren Road and Galsworthy Road illustrates this point.
13. Having balanced all of the evidence on this matter it seems likely that there has been under-delivery against the housing targets in four out of the last five years, which the Council maintains is a sufficiently long period to consider for this purpose. On this basis, a 20% buffer would be warranted.
14. I have a number of concerns regarding deliverability during the five-year period of a significant number of the housing sources relied upon by the Council. For instance, the evidence indicates that it is likely that some of the sites, amounting to some 66 dwellings, no longer have extant planning permission and/or have been double counted as both sites under construction and sites with planning permission that will come forward. The evidence also indicates that 22 homes at Jupiter Court have been completed such that they are likely to have been double counted as both housing completions and forthcoming supply.

² Core Document 4.4 - Strategic Housing Market Assessment for Kingston upon Thames and North East Surrey Authorities (2016), commissioned by the Council, Elmbridge Borough Council, Epsom and Ewell Borough Council and Mole Valley District Council

³ Core Document 4.3 - Appendix A

15. The Council relies on a number of other sites, accounting for some 347 homes that are subject to pre-application discussions, two 'confidential' sites totalling 106 units and non-self-contained residential accommodation at Clayfields Halls of Residence sites for 300 homes. However, none of these schemes appear to have planning permission and there is no evidence that gives me reasonable confidence that they are deliverable in the terms of paragraph 47 and footnote 11 of the Framework.
16. For the foregoing reasons, the Council's predicted housing supply should be reduced by some 841 homes from 4,343 to approximately 3,502. Even applying the Council's preferred annual housing requirement figure of 643 homes, based on the requirement in the London Plan, and a 5% buffer, this level of supply over the five year period equates to less than 4.7 years; significantly below what is expected by the government as expressed in the Framework.
17. Since the Council determined the appeal planning application the appellant made a further planning application for the same site (the Revised Scheme)⁴. In summary the Revised Scheme is for the redevelopment of the site at large for a mix of residential and office uses with associated works including parking. The residential element comprises 25 houses and 54 flats while the office space would amount to some 526m², compared to some 7768.5m² for the entire development. The Council has resolved to grant full planning permission for the Revised Scheme subject to the completion of a legal agreement to secure certain planning obligations.
18. That legal agreement has now been finalised such that, although planning permission had not been issued for the Revised Scheme at the time of the Inquiry, there is good reason to believe that it will be granted in the near future. The appellant has advised that in the event that the current appeal were to be dismissed it would pursue the Revised Scheme such that it would be built out. I have found no reason to believe otherwise; indeed it seems very likely that this would happen. I also note that the Council has included the Revised Scheme in its most recent five year housing land supply figures, which indicates that it too anticipates that the residential element of the scheme will be implemented⁵.
19. For these reasons the Revised Scheme represents a very strong fallback option for the development of the appeal site. So strong that, in my judgement, the appeal development should be considered against the Revised Scheme in order to assess its relative potential effects, including the extent of any alleged conflict with the development plan.
20. Both the appeal scheme and the Revised Scheme would deliver comparable affordable housing, such that the principal differences between the two relate to the scale of market housing, commercial floor space and permanent employment associated with proposed uses.
21. Due to the significant weight carried by the Revised Scheme, the extent of any conflict with Core Strategy Policy DM17 would be limited to the 'loss' of commercial floor space, which might also be expressed in terms of the

⁴ Local Planning Authority reference No. 15/13251/FUL

⁵ Appendix 4 to Mr Lomax's Supplementary Proof of Evidence (Five Year Housing Land Supply) - Briefing Note on the 2016 Five-year Housing Supply (2016/17 to 2020/21), December 2016

associated permanent employment offered by the proposed office use. While the Policy allows for change of use to alternative, non-employment, uses this is only in circumstances where it has been *demonstrated by sound evidence and rigorous marketing over a number of years (up to two years) that there is no quantitative or qualitative need for a range of employment uses*. However, no such marketing exercise has been undertaken in this case.

22. If the Revised Scheme were to be built out roughly 94% of the appeal site would be developed for residential use such that only some 6% of the developed site would be retained in commercial use. This would be in the form of the 526m² of office space within converted/remodelled former houses, 31-33 Fassett Road. The Council's evidence indicates that the use of this office space would provide employment capacity for some 35 full time equivalent (FTE) jobs relative to the some 56 FTE jobs associated with the current use of the site. In contrast, the appeal scheme would develop the site for residential purposes only, such that there would be a net increase of six dwellings compared to the Revised Scheme but no commercial floor space or associated permanent employment. There is also evidence that indicates that there is likely to be unmet demand for office accommodation in the Borough.
23. For the reasons outlined above I have serious doubts over whether the Council can demonstrate a five-year supply of housing land. However, even if I were to accept the Council's position in this regard, I am mindful that it is based on a constrained housing target as expressed in the London Plan. The evidence indicates that housing need is likely to be greater than that figure. For instance, the area's most recent SHMA suggests that the full objectively assessed need for housing in the Borough (the FOAN) is likely to be significantly greater at 717 dwellings per year than the 643 figure in the London Plan. While the FOAN figure in this SHMA is untested, I have no reason to believe that it is not a reasonable representation of the current full objectively assessed housing need for the area.
24. Moreover, the housing figure in the London Plan is a 'minimum' target such that it does not place a cap on housing delivery over the period to 2025. The Inspector's report on the examination into the further alterations to the London Plan states that that target will not provide sufficient housing to meet objectively assessed need⁶. The London Plan also indicates that the level of household growth identified in its housing targets do not represent the growth or need expected over the plan period⁷.
25. The Revised Scheme, via the associated planning obligations, would also secure a financial contribution of £100,000 towards upgrading the community facilities at St John's Church, while the appeal scheme would not. Although there are also material differences in design terms between the two schemes, in my judgement both would enhance the character and appearance of the area to an equivalent extent.
26. In this context I give significant weight to the six net additional homes that would be delivered by the appeal scheme compared to the Revised Scheme. For the reasons outlined earlier in my decision, I do not accept that there would be conflict with Core Strategy Policies CS11 and DM17 and,

⁶ Report to the Mayor of London, 18 November 2014 - para 56

⁷ Core Document 2.2 – para 3.16b

consequently, the appeal development should be approved without delay in accordance with para 14 of the Framework⁸.

27. Even if I were to take the Council's case in that regard, the benefits of delivering those additional homes would outweigh the Core Strategy policy conflict alleged by the Council bearing in mind that that policy conflict would be limited due to the effect of the Revised Scheme and given the likely significant housing need in the Borough regardless of whether the Council can demonstrate a five-year supply of developable housing sites.
28. In forming this view I have also taken into account that, notwithstanding the general need for office accommodation in the Borough, there can be no guarantee that the office space that would be delivered by the Revised Scheme would necessarily be occupied. Indeed, given that the site is located in a largely residential area some distance from Kingston town centre and other recognised centres or commercial areas there is a reasonable degree of doubt as to whether or not it would be attractive to potential occupiers.

Other Matters

29. As outlined above, a UU was submitted during the appeal process, which would secure the nine affordable homes proposed. This is in spite of the uncontested evidence on this matter which indicates that the appeal scheme cannot viably provide on-site affordable housing. I have considered the UU in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and government policy/guidance on the use of planning obligations.
30. I am satisfied that the resultant additional affordable housing would respond to considerable local need as reflected in Core Strategy Policy DM15, which normally requires affordable housing to be delivered at a rate of 50% of an overall scheme. In this regard, while I recognise that the developer's profit margin would be reduced, there is no evidence that leads me to believe that the appeal development would not proceed as proposed as a consequence of the scheme's viability. I am satisfied, therefore, that the obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
31. In addition to the foregoing matters concern has been expressed locally in respect to several considerations. These include the proposed development's effect on the character and appearance of the area, including the neighbouring Conservation Area and the historic environment in general; on the living conditions of neighbours including in respect to its effect on light, privacy and noise, as well as due to any disruption during construction; on on-street parking and that residents of the appeal development should not be allowed to apply for street parking permits; on the structure of neighbouring properties; and on trees and in respect to tree planting.
32. Other issues raised include the adequacy of and the development's effect on local facilities including health, education, social services, utilities, community facilities and public transport; density/over-development; over-provision of flats; that some of the existing buildings could be converted to family houses; access should be provided to both street frontages to spread vehicle

⁸ The first bullet point under 'For decision-taking this means:'

movements; the proposed on-site parking is inadequate; that the footways in the adjoining streets should be improved; and that the scheme could set a precedent for other development.

33. These matters are largely identified and considered within the Council officer's report on the appeal development. They were also before the Council when it prepared its evidence and when it submitted its case at the Inquiry. Other than as set out above, the Council did not conclude that they would amount to reasons to justify withholding planning permission. I have been provided with no substantiated evidence which would prompt me to disagree with the Council's conclusions in these respects given the evidence regarding viability and subject to the UU and the imposition of planning conditions.
34. There were also a number of representations made in support of the appeal scheme. However, these have not altered my overall decision.

Conditions and Conclusion

35. The Council and the appellant jointly prepared a list of draft conditions, which include the standard time limit/implementation conditions⁹. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly. In order to provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would be necessary.
36. Conditions requiring the submission and approval of sample materials to be used in the construction of the external surfaces of the development and refuse/recycling storage would be necessary to safeguard the character and appearance of the area. In the interests of highway safety and to safeguard residents' living conditions, conditions would also be necessary to ensure that the construction works proceed in accordance with a Construction Management Plan and within limited hours. Conditions to control the implementation, surfacing, drainage, use and management of the car parking and circulation areas would be necessary to safeguard the character and appearance of the area and in the interests of highway safety.
37. To promote the use of alternative modes of transport a condition to secure cycle storage would be necessary. Conditions would also be necessary to secure arboricultural and biodiversity mitigation to protect the character and appearance of the area as well as trees and wildlife and their habitat. To protect/secure acceptable living conditions for residents of neighbouring properties and of the development, conditions would be necessary to control the type of glazing to be installed and retained in several of the proposed flats. To safeguard the character and appearance of the area and to secure appropriate on-site play facilities, conditions controlling the hard and soft landscaping of the site and equipped play space would also be necessary.
38. To ensure that an appropriate proportion of the dwellings proposed would be built to a standard suitable to accommodate people with disabilities and with accessibility issues, conditions to this end would be necessary. A condition would be necessary to ensure that features of archaeological interest are properly examined/recorded. Conditions to promote and control the use of renewable/low-carbon energy in the fabric of the proposed development and in

⁹ Core Document 11.17

its future heating would be necessary in the interests of sustainable development. In the interests of highways safety a condition would also be necessary to control the formation of the vehicular access including visibility splays.

39. In conclusion that there is no conflict with the development plan resulting from the appeal development. Notwithstanding these matters, the benefits of delivering the net additional housing beyond that of the Revised Scheme, as a fallback option, would outweigh the alleged conflict with Core Strategy Policies CS11 and DM17 and the associated matters that weigh against the proposal, including the potential effect on employment and community facilities, given that such conflict/effect would be limited due to the Revised Scheme and bearing in mind the likely significant housing need in the Borough. Accordingly, the appeal is allowed subject to the identified conditions.
40. In summary, it appears that the Council cannot demonstrate a Framework compliant supply of housing land. Moreover, the benefits of delivering the net additional housing beyond that of the Revised Scheme, as a fallback option, would outweigh the alleged conflict with Core Strategy Policies CS11 and DM17 and the associated matters that weigh against the proposal, including the potential effect on employment and community facilities, given that such conflict/effect would be limited due to the Revised Scheme and bearing in mind the likely significant housing need in the Borough. In practice, however, I have found no such development plan conflict and on that basis I conclude that the proposed development should be approved without delay. Accordingly, the appeal is allowed subject to the identified conditions.

G D Jones

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Leanne Buckley-Thomson, of Counsel	Instructed by the Council of the Royal Borough of Kingston-upon-Thames (RBK)
She called	
Jamie Fox BSc(Hons) MRTPI MRICS	Interim Investment and Regeneration Lead Officer, RBK
Barry Lomax MPLAN(Hons) MRTPI	Development Management Lead Officer Kingston and Surbiton, RBK

FOR THE APPELLANTS:

Juan Lopez, of Counsel	Instructed by Indigo Planning Limited
He called	
Caroline Wilberforce MRTPI	Associate Director, Indigo Planning
Ben Frodsham MRTPI	Associate, Indigo Planning

INTERESTED PERSONS: None

DOCUMENTS submitted at the Inquiry

- 1 Updated Core Documents List – 21 November 2016
- 2 Revised drawing from Appendix 3 of the Statement of Common Ground with the appeal site boundary
- 3 Indigo Planning Briefing Note: RBKT Buffer Analysis, 22 November 2016
- 4 Email from Caroline Wilberforce to Mark Teasdale, dated 21 November 2016 at 19.20
- 5 Smech Properties Ltd, R (On the Application Of) v Runnymede Borough Council, Neutral Citation Number: [2015] EWHC 823 (Admin), 25 March 2015
- 6 Phides Estates (Overseas) Limited v Secretary of State for Communities and Local Government & Shepway District Council & David Plumstead, Government, Neutral Citation Number: [2015] EWHC 827 (Admin), 26 March 2015
- 7 Exeter City Council v Secretary of State for Communities and Local Government, Neutral Citation Number: [2015] EWHC 1663 (Admin), 12 June 2015
- 8 Updated Core Documents List – 16 December 2016

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/Z5630/W/16/3143390:

1. The development hereby permitted shall be commenced within 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Ground Floor Site Plan (4102_D_31 rev L);
 - First Floor Site Plan (4102_D_32 rev K);
 - Basement Site Plan (4102_D_33 rev I);
 - Second Floor Site Plan (4102_D_34 rev K);
 - Third Floor Site Plan (4102_D_35 rev G);
 - Roof Plan (4102_D_36 rev G);
 - Dimensioned Site Block Plan (4102_D_37 rev G);
 - Elevations sheet 1 (4102_D_38 rev G);
 - Elevations sheet 2 rendered (4102_D_39 rev G);
 - Proposed Fassett Road elevations (4102_D_42 rev A);
 - Materials Sheet 1 (4102_D_43 rev B);
 - Materials Sheet 2 (4102_D_44 rev B);
 - Hardworks Layout (D0230_001_E); and
 - Softworks Layout (D0230_002_E).
3. No development (excluding demolition) shall take place until samples of the materials to be used on the external finish of the buildings shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the details and measures approved as part of the Construction Management Plan, which shall be maintained throughout the entire construction period. The Construction Management Plan should include the following:
 - a) Statement on how the proposed development will be built, with method statements to outline how major elements of the works would be undertaken, such as basement extension and major construction build;
 - b) Proposals for loading/unloading materials and site storage;
 - c) The route to and away from site for muck away and vehicles with materials;
 - d) Deliveries/collections to and from the site should use a route that is approved in writing with NRSWA team. The approved route should be signed accordingly;
 - e) Protocol for managing deliveries to one vehicle at a time on sites with restricted access or space;
 - f) Protocol for managing vehicles that need to wait for access to the site;
 - g) Whether any reversing manoeuvres are required onto or off the public highway into the site, and whether a banksman will be provided;
 - h) Temporary site access;
 - i) Signing system for works traffic;
 - j) Site access warning signs in adjacent roads;
 - k) Whether it is anticipated that statutory undertaker connections will be required into the site;
 - l) Storage of plant and materials;
 - m) Measures for the laying of dust, suppression of noise and abatement of other nuisance arising from development works;
 - n) Location of all ancillary site buildings;

- o) Means of enclosure of the site;
 - p) Wheel washing equipment;
 - q) The parking of vehicles of site operatives and visitors; and
 - r) Confirmation that no site and building works which are audible at the site boundary shall be carried out outside of the hours of 08.00 and 18.00 Mondays to Fridays and between 08.00 and 13.00 on Saturdays and not at all on Bank Holidays and Sundays.
5. The car parking, servicing and manoeuvring areas shown on the approved drawings shall be provided with a hard, bound, dust-free surface, adequately drained before the development is occupied for the purpose hereby permitted. The respective areas shall be kept free from obstruction at all times, and shall not thereafter be used for any other purposes other than those shown on the approved drawings, unless otherwise approved in writing by the Local Planning Authority.
6. A Car Park Management Plan for the whole site demonstrating how the use of the car parks shall be controlled and detailing the signage necessary within the site to direct pedestrians and vehicles shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of any of the units. The development shall be carried out in accordance with the approved details.
7. Before the first occupation of the units the secure cycle parking facilities hereby approved shall be fully implemented and made available for use and shall thereafter be retained for use at all times.
8. Refuse and recycling storage facilities shall be provided prior to the occupation of the development hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding demolition). Such facilities shall be permanently retained at the site.
9. No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
10. Before any occupation of Flats C1, C2, C8, C9, C18, C19 C28 identified on the approved plans the windows in the north elevation of those Flats shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such.
11. Before any occupation of Flats C7, C16, C17, C26, C27, C31 identified on the approved plans the windows in the south elevation of those Flats shall be constructed so that no part of the framework less than 1.7m above finished floor level shall be openable. Any part below that level shall be fitted with, and retained in, obscure glazing of a patterned type only which shall thereafter be retained as such.
12. Prior to commencement of the development, a detailed arboricultural method statement and tree protection plan shall be submitted to and approved by the Local Planning Authority. This submission shall include:
- a) A plan to a scale and level of accuracy appropriate to the proposal, that shows the positions, crown spreads and root protection areas of every

- retained tree on site, and on nearby ground or land adjacent to the site, in relation to the approved plans.
- b) A schedule of pre-construction tree works for the above-detailed trees, where appropriate.
 - c) Details and positions of the tree root protection zones.
 - d) Details and positions of tree protection barriers and ground protection where appropriate.
 - e) Details and positions of the construction exclusion zones.
 - f) Details and positions of the existing and proposed underground service runs, to be routed to avoid root protection zones where possible.
 - g) Details and positions of any change in levels or the positions of any excavations within 5m of the root protection area of retained trees.
 - h) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, service installation, bridging water features, surfacing).
 - i) Details of the working methods to be employed for the installation of drives, paths within the RPA's of retained trees in accordance with the principles of 'No Dig' construction. The details shall be in accordance with British Standard BS: 5837: 2005 sections 9.3, 9.2, 9, 11.7, 5.2.2 and 10 for requirements (c) to (h) inclusive. The approved protection scheme shall be implemented prior to commencement of any work on site and maintained to the reasonable satisfaction of the Local Planning Authority until the completion of the development.
13. No unit shall be occupied until a hard and soft landscaping scheme (including street furniture, planters, materials for roads, driveways and car parking areas) shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting season following completion of the development. The landscaping shall thereafter be maintained for five years to the satisfaction of the Local Planning Authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The area shown to be landscaped shall be permanently retained for that purpose only.
14. The play space hereby approved shall be laid out and equipped within 1 year of the completion of any of the flats and permanently retained in accordance with plans which shall have previously been submitted to and approved in writing by the Local Planning Authority and such area shall not be used for any other purpose.
15. Prior to the first occupation of any residential unit, details of the location of the 'wheelchair user dwellings' which meet requirement M4(3) of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. The number of wheelchair user dwellings across the whole site shall be at least 10% of the total number of residential units hereby approved. The development shall then be carried out in accordance with these details.
16. Prior to the first occupation of any residential unit, details of how the 'accessible and adaptable dwellings' comply with Part M4(2) of the Building Regulations shall be submitted to and approved in writing by the Local

Planning Authority. The development shall then be carried out in accordance with these details.

17. No demolition or development shall take place until a stage 1 Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the approved WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the approved works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the approved stage 2 WSI which shall include:
 - a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the approved works
 - b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
18. Within 3 months of first occupation, evidence shall be submitted to the Local Planning Authority confirming that the new build development hereby approved has achieved not less than the CO2 reductions (ENE1) associated with meeting London Plan emissions requirements and internal water usage (WAT1) standards equivalent to Code for Sustainable Homes level 4 targets. Evidence requirements are detailed in the Schedule of Evidence Required for Post Construction Stage from ENE1 & WAT1 of the Code for Sustainable Homes Technical Guide. Evidence must demonstrate a minimum 35% emissions reduction compared to 2013 part L regulations, and internal water usage rates of 105l/p/day shall be submitted to and approved in writing by the Local Planning Authority, unless it has confirmed otherwise in writing.
19. No development (excluding demolition) shall commence until a copy of a letter from a person that is licensed with the Building Research Establishment (BRE) to undertake BREEAM Domestic Refurbishment assessments confirming that the development is registered with the BRE and a Design Stage Assessment Report demonstrating that the development will achieve not less than the standards equivalent to BREEAM Excellent have been submitted to and approved in writing by the Local Planning Authority.
20. Unless otherwise approved in writing by the Local Planning Authority, within 3 months of first occupation of the development a Building Research Establishment or other equivalent assessors Final Certificate confirming that it has achieved not less than the standards equivalent to BREEAM Excellent for BREEAM Domestic Refurbishment shall be submitted to, and acknowledged in writing by the Local Planning Authority.
21. Prior to commencement of any development (excluding demolition), a District Heat Network Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be obliged to

connect to a District Heat Network where there is reasonable evidence to demonstrate to the Local Planning Authority's reasonable satisfaction that it is not technically possible, practical or commercially viable to do so having regard to such factors as connection charges proposed tariffs and the cost / benefit analysis of a connection. The statement shall demonstrate compliance with Heat Network Manual for London standards and incorporate the following into development plans:

- How the plant room can in future be adapted to incorporate an adequately sized heat exchanger; and
- The inclusion of domestic hot water isolation valves in the hot water headers to facilitate the connection of an interfacing heat exchanger.

22. By the time the development hereby permitted is substantially complete, pedestrian/vehicular intervisibility splays of 2.8m x 3.3m shall have been provided in each direction where the access meets the back edge of footway, and shall be permanently retained free from any obstruction to visibility higher than 1.0m above ground level.