



Appeal Decision

Inquiry Held on 18-21 June 2019

Site visit made on 21 June 2019

by Christina Downes BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/H5960/W/18/3209376

45-53 Putney High Street and 327-339 Putney Bridge Road, London SW15 1SR

- 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 Putney High Street Development LLP against the decision of the Council of the London Borough of Wandsworth.
- The application Ref 2017/1874, dated 24 March 2017, was refused by notice dated 20 February 2018.
- The development proposed is the demolition of existing buildings and redevelopment of the site to provide a mixed use development in buildings ranging in height between 2 and 10 storeys plus basement, to provide 1158 m² retail use (class A1), 64 m² cafe/restaurant use (class A3), 1519 m² office use (class B1) and 146 m² community floorspace (class D1) use, together with 123 residential units of private and affordable tenure, comprising 115 flats and 8 mews houses, with 27 associated parking spaces (21 residential and 6 commercial) with access from Putney Bridge Road, cycle parking spaces, associated amenity space including balconies, terraces and first floor publicly accessible courtyard amenity area; landscaping and other associated works.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and redevelopment of the site to provide a mixed use development in buildings ranging in height between 2 and 10 storeys plus basement, to provide 1158 m² of retail use (class A1), 64 m² of cafe/restaurant use (class A3), 1519 m² of office use (class B1) and 146 m² of community floorspace (class D1) use, together with 123 residential units of private and affordable tenure, comprising 115 flats and 8 mews houses, with 27 associated parking spaces (21 residential and 6 commercial) with access from Putney Bridge Road, cycle parking spaces, associated amenity space including balconies, terraces and first floor publicly accessible courtyard amenity area; landscaping and other associated works at 45-53 Putney High Street and 327-339 Putney Bridge Road, London SW15 1SR in accordance with the terms of the application, Ref 2017/1874, dated 24 March 2017, subject to the conditions in Annex A to this decision.

Procedural matters

2. The above development description reflects various amendments made during

the course of the planning application process, which were the subject of re-consultation. It has been agreed by the main parties in the Statement of Common Ground.

3. There were some changes required to the Planning Obligation by Agreement (the Section 106 Agreement) and I therefore allowed the main parties a short amount of extra time after the inquiry to complete it. The executed document is dated 2 July 2019 and I am satisfied that it is legally correct and fit for purpose. I consider its clauses later in the decision.

Main issues

4. There are three main issues in this appeal as follows:
 - The effect of the proposed development on the character and appearance of the area with particular reference to its scale, height, mass and layout.
 - Whether the proposal would allow for an acceptable level of integration with adjoining land to deliver the regeneration benefits identified in the development plan, with particular reference to the provision of connections through and within the site and the provision of a new public square.
 - The effect of the proposed development on heritage assets.

Reasons

Planning policy context

5. The *Wandsworth Local Plan Site Specific Allocations Document* (2016) (the SSAD) establishes the main sites in the Borough for development and change. Putney Town Centre North includes four sites on either side of Putney High Street (policy areas 71-74). The appeal site forms the majority of policy area 73 along with 31-43 Putney High Street, which is an area of land at the corner with Putney Bridge Road (the Corner Site)¹.
6. Policy IS 3 in the *Wandsworth Local Plan Core Strategy* (2016) (CS) is concerned with promoting good quality design and townscape. Amongst other things it seeks to ensure that new buildings and spaces contribute positively to the local environment and reinforce local character whilst having their own distinctive identity. It encourages innovative approaches that help deliver high quality outcomes through efficient and effective use of land.
7. Policy SSAD 1 in the CS, indicates that planning permission will be granted for proposals that are in accordance with the principles and detailed criteria set out in the SSAD and the relevant area spatial strategy. The area spatial strategy indicates that development of the four sites will offer opportunities to improve the vitality and viability of Putney Town Centre North and secure significant improvements to the public realm and its attractiveness and permeability. Section 6.1.3 specifically deals with policy area 73, which is envisaged to provide high density mixed-use development, including ground floor retail, other town centre uses, residential and replacement office use.
8. It is clear from the text, both in the section of the SSAD on the area spatial strategy and the section relating specifically to policy area 73, that the design

¹ It is to be noted that 327 Putney Bridge Road, the strip of land and buildings behind and the two narrow accesses to Burstock Road are within the application site but not within policy area 73.

principles relate to the area as a whole and not to individual parts of it. There is no requirement to develop policy area 73 comprehensively although it is made clear that such opportunities should be explored. Clearly the logical implication is that at the very least no individual part should compromise the achievement of the design principles for the area overall. It should be noted that the Council has expressed no intention or willingness to consider exercising its compulsory purchase powers in respect of some or all of policy area 73. Indeed, it is doubtful that such action would be successful in view of the fact that active proposals have been brought forward for both parts of it.

9. Policy DMS 1 in the Wandsworth *Local Plan Development Management Policies Document* (2016) (DMPD) sets out general design principles that address sustainable urban design and the quality of the environment. Amongst other things it requires development to utilise a design-led approach with a high level of physical integration with its surroundings; and to achieve a positive contribution to local spatial character in terms of scale, massing and appearance. Policy DMS 4 is concerned with tall buildings and the criteria with which they must comply. These include an acceptable visual impact on surrounding areas and on heritage assets. In the case of policy area 73 the definition of a tall building is 6 or more storeys.
10. The London Plan (2016) indicates that new development should help people understand where a place has come from, where it is now and where it is going, reflecting its function locally and as part of a complex city region. It identifies town centres as a main focus for commercial and residential development; for intensification; and as a suitable place for large and tall buildings, subject to no adverse effect on character. Putney is designated as a Major Town Centre. The SSAD classifies this part of Putney as being Central in the London Plan density matrix classification. This indicates a range of densities for residential developments. For a place with a PTAL rating of 4-6 a range of 215-405 units/ hectare is considered appropriate. This part of Putney has excellent public transport accessibility with a PTAL of 6, which is amongst the highest in London.
11. There is no dispute that the Council can demonstrate a five-year supply of deliverable housing sites against the 2016 London Plan target and also against the considerably higher one in the emerging London Plan. Furthermore, the Council's Annual Monitoring Report indicates that completions comfortably exceed requirements. Policy area 73 is included in the Council's supply schedule for the delivery of some 90 dwellings. There is no indication that relevant policies to this appeal are other than up-to-date. The "tilted balance" in paragraph 11 of the National Planning Policy Framework (the Framework) is therefore not engaged. However, it is the case that within the London-wide housing market there is a considerable shortfall in housing delivery. The housing requirement in the Local Plan is therefore not treated as a cap.

Issue One: Character and appearance

12. On the appeal site there are buildings on the frontages and to the rear that few would consider to be of character or merit. 31-43 Putney High Street also comprises buildings of poor appearance. Further to the south along Putney High Street many of the properties similarly have a rather tired and down at heel appearance and have little to commend them. The height of this

surrounding townscape is generally 3 and 4 storeys, although rooflines are varied in shape and form.

13. Jubilee House is on the northern side of Putney Bridge Road and also has frontages to Putney High Street and Brewhouse Lane. It is a substantial building of 3, 5 and 9 storeys in height with a strong horizontal emphasis. It forms policy area 72 in the SSAD, which describes it as monolithic and intrusive. I would agree with this description and observed that it enforces its presence on many of the surrounding views. To the north of Jubilee House is the Putney Wharf Tower, which has been remodelled from a 16-storey rectangular slab into a rather elegant but imposing building with a stepped profile and a curved glazed prow overlooking the river. There are other buildings of scale within the vicinity, including the 4-storey red brick hotel and office building at Lindner House, which adjoins the appeal site to the east.
14. From the foregoing it should not be concluded that the townscape of this part of Putney is totally devoid of value. The site is close to the Putney Embankment Conservation Area (CA) and adjoins the Oxford Road CA. There are a number of listed buildings in the vicinity, including the Grade II* Church of St Mary the Virgin (St Mary's Church), which is close to the Grade II Putney Bridge. There are also locally listed buildings, most notably 63 Putney High Street, which is built in the Arts and Crafts tradition. The effect of the development on heritage assets is considered separately under Issue Three.
15. In terms of height, mass and scale the proposal would introduce a form of development that would be quite different from what currently prevails in this part of Putney. However, the London Plan makes clear that town centres are the places best able to accommodate intensification and change in order to reflect their importance locally and as part of the city region. The area spatial strategy for Putney Town Centre North in the SSAD considers that there are 4 sites with development potential to provide the opportunity for exciting new development that will enhance this highly accessible town centre. This will involve higher densities and taller buildings and these sites are seen as having the capacity to create new character and identity. In my opinion they should be seen as catalysts of change that provide an opportunity for regeneration and improvement and that will offer benefits well beyond their boundaries. To date none of these sites have been redeveloped, notwithstanding being allocated for a number of years.
16. The highest part of the development would be the 10-storey element fronting Putney Bridge Road. It would then step down with a series of vertical blocks designed to break down the overall massing. This would not only respond to the smaller scale of existing development to the south and east but would also allow sunlight to penetrate into the new built environment. This subdivision of elements would help provide a human scale to the scheme, in my opinion. Two-storey mews houses would adjoin the eastern boundary with residential properties in Burstock Road.
17. The appeal scheme has been designed by Grimshaw, which is an architectural practice of considerable renown that has been involved in many high-profile projects both in the UK and internationally. Many of these are in sensitive locations involving heritage assets. From the evidence to the inquiry it became clear that the development has undergone a detailed and rigorous design evolution and critical analysis. I have no doubt that it would be distinctive,

innovative and exciting architecture of the highest quality. The Framework and Planning Practice Guidance indicate that it is important to ensure that the quality of approved development is not materially diminished between permission and completion. I note that the draft London Plan also contains similar provisions. In view of its importance in this case I consider that a planning condition would be both reasonable and necessary to enable the Council to retain control of the architectural input throughout the detailed design stage.

18. At my site visit I observed the site from the main viewpoints and was able to envisage how the proposed development would relate to its context. There is no doubt that it would be clearly seen and would make a statement at this end of the town centre. Whilst some objectors, including the Putney Society, did not consider this to be appropriate, I do not agree. It seems to me that the policy sites are just the places where there is the potential for a bold response to be made, thus providing a strong identity and character that will enhance and uplift its surroundings. The façades would be clad in ceramic tiles with an iridescent finish to provide visual interest through its reflective qualities and response to changes in the light. The elegant crane structures on the roof, which support the projecting balconies, would demand attention whilst providing an interesting silhouette that would break up the horizontal lines at roof level.
19. From the adjoining residential area, small parts of the development would be seen or else there would be glimpses through gaps between existing buildings. The ever-present backdrop of Jubilee House draws the eye and is an unwelcome intrusion in many of these views. Whilst undoubtedly people would be aware that change had occurred, the stepped nature of the development and its lower elements to the south and east would result in a building that would be well integrated with its host environment.
20. Moving north along Putney High Street the main body of new development would be shielded by existing buildings, including the steeply pitched gable roof of No 63. Although the 5-storeys of the new frontage building would be higher than its neighbours, there is no consistency in terms of the rooflines within this part of the town centre. Furthermore, the context will include the 5-7 storey building to be erected at 56-70 High Street, opposite the appeal site. This was recently granted planning permission by the Mayor of London on policy area 71 and will be a building of significant scale. The existing frontage buildings on the appeal site were mainly constructed in the 1970's and have little visual merit. The proposed green wall would bring vibrancy, colour and interest to what is otherwise a rather undistinguished built environment, save for the locally listed building at No 63.
21. From the northern end of Putney High Street looking south-east, the building would be much more apparent and would rise above the three-storey Corner Site. However, at some point that view will most likely change with the redevelopment of the remaining portion of policy area 73. The current planning application for that site indicates a building with a rounded corner and its upper floors stepped back. Whilst the appeal scheme proposes elevations that would be fully finished, it is likely that these would be hidden from view when the adjacent land is redeveloped. Looking along Putney High Street from this viewpoint the higher elements would be seen but would be stepped back away from the frontage.

22. From some viewpoints in Fulham Palace Gardens, which is on the northern side of the river, the extent of the new building would be seen to fill much of the gap that currently exists between Jubilee House and the western side of Putney High Street. However, this is a fleeting view that is part of a kinetic experience as one moves along the riverside path. The stepped form of the buildings would result in spaces opening up and continually changing along the route. Furthermore, the highest elements would be seen above the horizontal roofline of Jubilee House and the crane structures would provide visual interest on the skyline.
23. The new building would be higher than both Jubilee House and the adjoining Lindner House. However, these buildings are both detractors in the streetscape and it would seem to me inappropriate to take design cues from them. The new façade would be divided into vertical sections with lower elements at either end of the highest part. The projecting balconies would also provide articulation with coloured panels creating vibrancy and interest. I do not consider that the new façade onto Putney Bridge Road would therefore be cliff-like or austere. Furthermore, Jubilee House stands well back from the road frontage behind several trees within the pavement area. Taking account of the width of the road and footways and the design of the new development, there would be no significant canyoning effect, in my opinion.
24. There was some suggestion that the development should provide some sort of transitional role between the higher buildings, including Jubilee House and Putney Wharf Tower and the predominantly 3 and 4 storey buildings that predominate in the town centre. Whilst this may have been mentioned in the appeal decision regarding the Putney Wharf Tower, this was issued in 2000 when the planning policy context was quite different. The SSAD makes no mention of such an approach and it would not accord with the purpose of the allocated sites or the objective to drive forward higher densities and the efficiency of land use, expounded in both the London Plan and the Local Plan.
25. The Greater London Authority (GLA) has not raised objections on grounds of urban design, density or height. In its Stage 2 Report it concluded that the scale of the proposal would optimise the development potential of the site whilst successfully responding to the local context. The Council agreed that the Mayor's team has a reputation for thoroughness. It considers a large number of tall building proposals and there is no dispute that it has considerable expertise in that regard. Furthermore, the Mayor is responsible for strategic policy making, including that relating to tall buildings. The density of development would be in the range set out in the London Plan for a location with this level of accessibility. In the circumstances, I consider that the positive response from the GLA is a matter of some significance.
26. For all of the above reasons, I conclude that the proposed development would make a positive contribution to the character and appearance of the area in terms of its scale, height, mass and layout.

Issue Two: Integration – connections and the new public square

27. The SSAD establishes a number of design principles of relevance to this issue. The area spatial strategy for Putney Town Centre North indicates that each of the 4 areas should provide a substantial new pedestrian priority public open space at the heart of its development and link the space to the surrounding

street network with safe and attractive new routes. Section 6.1.3 sets out the design principles for policy area 73 in more detail.

28. The proposed development would include a new garden square on the first floor of the development. Some allocations are specific about where public squares are to be placed. However, in the case of policy area 73 there is no specific requirement for the square to be at ground floor level. There is a restrictive covenant maintaining a vehicular right of way across the northern part of the appeal land between the Corner Site and Putney Bridge Road. I note that the adjoining landowner has indicated a willingness to renegotiate the terms of this covenant. However, as far as I am aware no agreement has been reached. The Appellant's position is that the covenant cannot viably be removed and that the configuration of the site would not allow basement servicing as a practical option. There was no evidence to satisfy me that this is incorrect. In such circumstances servicing would have to be undertaken at ground level and would thus prohibit a public square that could be safely segregated for pedestrians, as required by the SSAD.
29. I have no doubt that the public square itself would be a very attractive landscaped space. It would be of sufficient size to allow substantial planting and I was told that the design would be undertaken by the Chelsea Gold Medal award winner and renowned landscape architect, Andy Sturgeon. There is no reason why it should not provide a calm, green oasis away from the hustle and bustle of the town centre. The access to the square would be through the main residential entrance in Putney Bridge Road. It would be identified by a canopy and green wall above, but it would not be immediately obvious to the passer-by that it provided the access to a publicly accessible garden square. The visitor would have to cross a foyer to the staircase or lift ahead. This space would be activated by a splayed glazed shop window on one side and a wall of public art on the other side. Nevertheless, the garden square would only begin to reveal itself when the viewer was about a third of the way up the stairs. Furthermore, when reaching the top, the glazed concierge hall serving the apartments would be the first thing to come into view.
30. On the other hand, it seems likely that people would visit the garden square once they knew it was there, especially as it promises to be an open space of the highest quality. Many would be interested to see Andy Sturgeon's creative planting and the café would be an additional attractive amenity. I can envisage that shoppers and those living and working in the vicinity would enjoy coming into the square to get away from the hubbub of the busy streets below, once they knew it was there. The evidence to the inquiry was that there would be a signage strategy and promotion of the facility. It seems to me that this would be necessary in order to ensure that the public space would be linked to the surrounding street network with safe and attractive new routes. This could be controlled through a planning condition.
31. The redevelopment of the adjoining land would have the potential to improve permeability through the linkage that would be provided to the town centre. For the reasons I have given in paragraph 8 above I do not consider that there is a requirement in the SSAD for the appeal site to also include a connection to Putney High Street. This would better be provided by the Corner Site and the important thing is that its delivery should not be prejudiced by the appeal scheme. I understand that there have been several meetings between the

respective architects to discuss how the two proposals could fit together so that the requirements of the SSAD for policy area 73 would be achieved.

32. Of course, the planning application for the Corner Site does not at present benefit from a planning permission. However, the current proposal includes access from Putney High Street into a courtyard at ground floor level. Whether the Council permits this development or not, it is reasonable to assume that a linkage will be provided into this land from the west in accordance with the policy requirement. There was some suggestion that this would not happen for many years due to the length of existing leases. However, I agree with the Appellant that the landowner is unlikely to have gone to the considerable expense of submitting a detailed planning application if the site were undevelopable for a long period of time.
33. In any event, until the Corner Site is re-developed there would be an opaque curtain wall on the western side of the staircase thus separating the appeal site from its neighbour. The Section 106 Agreement includes a covenant that this would be removed before the buildings on the Corner Site were first occupied. There is also a small area of land at ground floor level to the west of the proposed curtain wall. At the same time it was removed, this land would be made available for public use and so effectively incorporated into the adjoining site. This seems to me to ensure that the two parts of policy area 73 would be satisfactorily integrated and would contribute to permeability.
34. It is appreciated that there would be a considerable difference in level between any ground floor public space and the garden square on the first floor. The diagram in both the Appellant's evidence and the Design and Access Statement for the Corner Site shows that the route to the garden square from Putney High Street would involve going across the courtyard and up the staircase. It is unclear to what extent the garden square would be seen from the ground floor space, but I would anticipate that the trees would be sufficient in stature to be easily apparent.
35. Unlike any ground floor public space on the Corner Site, the garden square would not be a place where the visitor could pass through. In that respect it would not in itself improve the permeability of the town centre for pedestrians. However, the area spatial strategy for Putney Town Centre North indicates this as a *potential* for each of the four sites. In any event, once the whole policy area has been developed overall permeability would undoubtedly improve as people could pass freely through the open space to which the appeal scheme would contribute. The square on the first floor may be a destination amenity but it would be one that could be reached by connections from both Putney High Street and Putney Bridge Road once the whole policy area had been developed.
36. The SSAD makes clear that the term "active frontages" in the design principles concerns the orientation of the building and positioning of ground floor windows, doors, signage and so forth, rather than the type of use class. The café would be at one end of the garden square. The concierge unit would be at the top of the stairway and there would be residential entrances, windows and balconies around the perimeter. There would therefore be active frontages around the new square as defined by the SSAD. Whilst section 6.1.3 refers to a new public square enclosed by new shops, cafés and restaurants this is again referring to the *potential* rather than the *requirement*.

37. For all of the above reasons, I conclude that the proposal would allow for an acceptable level of integration with adjoining land. This would deliver the regeneration benefits identified in the development plan, with particular reference to the provision of connections through and within the site and the provision of a new public square.

Issue Three: Heritage

38. There are a number of designated and undesignated heritage assets within the vicinity of the appeal site. A narrow strip of land between the main part of the site and Burstock Road lies within the Oxford Road CA but otherwise there are no heritage assets on the site itself. This strip of land has in the past been used as an access to the sales and storage building on the eastern side of the site. It is not proposed to build on this and it would be used solely for service vehicles delivering to the car-free mews houses. Such use would preserve the character and appearance of the conservation area.
39. The remainder of the Oxford Road CA is to the east and south of the appeal site. Its significance is mainly derived from the attractive Victorian housing that was developed in the mid-19th century as a response to the construction of the railway. It is within the built-up urban area, which includes a variety of land uses and built form and this contributes little in terms of significance. Insofar as the appeal site provides a setting to the heritage asset, it seems to me that the effect of the proposal could only be beneficial on account of the high quality of the replacement architecture.
40. The Putney Embankment CA runs along the southern bank of the River Thames and a small element projects south on the western side of Putney High Street, close to its junction with Lower Richmond Road. The oldest part of Putney was built around the river crossing and includes the Grade II* St Mary's Church, which I consider separately. The special character of the conservation area is provided by riverine development along the waterside, including the boathouses. There are also fine Victorian and Edwardian mansion buildings with red brick decorated façades that stand back to allow their occupants to enjoy the river view. To the south of the conservation area is a densely built urban area within which the proposed development would be located. This does not contribute to the significance of the heritage asset.
41. St Mary's Church is a Grade II* listed building that stands adjacent to Putney Bridge. It appears that there has been a church on this site since the 13th century but it has clearly been greatly changed and extended over time. It was the site of the Putney Debates in 1647 wherein lies its main historic significance. There is a close relationship between St Mary's Church, the Grade II listed Putney Bridge, the River Thames and All Saints Church, which nestles amongst the trees in Fulham Palace Gardens to the north. When viewed from Putney High Street there are places where the towers of both churches can be seen together. The proposed frontage building would be set back on a similar line to its neighbours and there would be no effect on the viewed relationship between the two listed buildings.
42. When viewed from the north and west the church can be seen within its predominantly urban setting at the entrance to the town centre. In many views the strong horizontal lines of Jubilee House, which is at close quarters, provides a dominant and rather brutal backdrop. The Putney Wharf Tower is a more elegant structure but nonetheless its proximity, height and scale also

overpowers the church in some views. In most cases the appeal building would be seen above Jubilee House or within the context of the existing built form in Putney High Street. In either case I consider its architectural form and quality would improve the skyline and backdrop by providing articulation and visual interest. Insofar as the appeal site is part of the setting of St Mary's Church, I consider that the effect of the proposal on its significance would be benign.

43. Putney Bridge is significant as being on the site of a Victorian river crossing. Its setting comprises the river and its banks with the wider urban area to the south and the rural area to the north. The proposed development would be seen as part of Putney Town Centre within the context of built development that includes Jubilee House and Putney Wharf Tower. The proposal would be a positive addition to the urban area for the reasons I have given. There would therefore be no harm to the significance of the heritage asset. The White Lion public house is an attractive Grade II listed Victorian building, which has historic and aesthetic value within an urban setting. Due to its orientation and distance I do not consider that the appeal site falls within the setting of this building. For similar reasons I do not consider that there would be any effect on the significance of the Grade II listed Park Lodge in Putney Bridge Road.
44. There are locally listed buildings, including 63 Putney High Street and the Dawes Almshouses in Putney Bridge Road. These are undesignated heritage assets and I am satisfied from my observations at the site visit that the value and integrity of these buildings would not be harmed by the appeal proposal.
45. It is relevant to note that the Council did not consult Historic England on the planning application and no representations have been received on heritage matters from the Government's advisor save in respect of archaeology. This is a matter that can be addressed by a planning condition. For all of the above reasons I conclude that the proposed development would cause no harm to the significance of heritage assets.

Other matters

46. The SSAD and London Plan encourage higher density development in town centres and it is inevitable that this would result in impacts on the amenity of surrounding uses. The evidence indicates that there would be a relatively small reduction in the light entering some rear windows of 1-6 Burstock Road. The outlook of a number of properties near and adjoining the site would change considerably but in my judgement the development, due to its stepped design and layout, would not appear overbearing. There would be windows, balconies and rooftop amenity spaces on the new building that would result in the potential for overlooking. However, the distances between new and existing development would be sufficient to ensure that reasonable standards of privacy would remain. This is an urban area close to a busy town centre and adjacent to a site that is allocated for development of a very different nature to what exists at present. Change is inevitable and, overall, I am satisfied that there would not be unacceptable harm to the living conditions of existing residential occupiers.
47. The proposal is for 27% of the housing units to be affordable and all of them to be intermediate in tenure. A viability assessment has been undertaken by the Appellant and this has been independently scrutinised by the Council. The offer is agreed to be all that the site could viably provide at the present time. I have no reason to disagree with this conclusion. The Section 106 Agreement

provides for this position to be reviewed at two points. The first would be after 24 months if the above ground construction is not underway. The second would be when 75% of the market dwelling units had been occupied. The intention is to capture any increase in value of the scheme to provide more affordable housing up to the policy level. The Appellant objects to the second review² as it is termed, on the basis that it would be unnecessary and unlawful. The Planning Practice Guidance makes clear that the development plan should set out the circumstances that viability will be reassessed over the lifetime of the development. There is no provision for late stage review in the Council's adopted Local Plan. Policy IS 5 in the CS does not refer to re-assessments of viability. In any event, the London Plan is the more recent statutory document and that does not provide justification in the present case for the reasons given below.

48. The London Plan does refer to the re-appraisal of affordable housing viability. However, the High Court has concluded that this reference is within the context of schemes that would take many years to implement or build out. This is not the case here where the inquiry was told that a construction period of around 2 years was envisaged. This was not challenged by the Council. The judgement went on to confirm that the Mayor's associated supplementary planning document could not make its own policy but was there to support the policy in the development plan. The same applies to the Wandsworth Borough Council's supplementary planning document: *Planning Obligations*. Whilst the emerging London Plan seeks to support late stage reviews this is subject to significant objection and therefore can only be given very limited weight. I agree with my colleague in the Millharbour appeal decision where he concluded that a late stage review would not be justified³.
49. The appeal site is in an Air Quality Management Area and the Appellant's air quality assessment indicates that the predicted levels of pollutants, including nitrogen dioxide are higher than the Government's Air Quality Objective. This is because of the street canyon effect, high background concentrations and vehicle emissions along the busy road corridors. Mitigation measures would be included in the building design to ensure a satisfactory environment for new residents. Dust during construction would need to be carefully managed and this could be controlled through a planning condition. There would be an increase in nitrogen dioxide concentrations from the building mass and traffic emissions, although traffic generation would be relatively small as there would be very limited parking within the site. The Travel Plan would encourage modal choice through the sponsorship of car clubs and cycle hire. The green walls would also provide some mitigation and a planning condition is proposed to require that adverse impacts on air quality should be minimised.

Planning conditions

50. A list of planning conditions was drawn up by the main parties and these were discussed at the inquiry. My consideration has taken account of paragraph 55 of the Framework and advice in the *Planning Practice Guidance*. In particular I have had regard to the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be

² Referred to as the "late stage review" in some documentation.

³ Appeal decision dated 10 December 2018 relating to a mixed-use development at 49-59 Millharbour, 2-4 Muirfield Crescent and 23-39 Pepper Street, London E14 9TD APP/E5900/W/18/3194952.

avoided unless there is clear justification. The Appellant has confirmed acceptance in writing of those pre-commencement conditions that have been imposed. I have changed the suggested wording in some cases to ensure that the conditions are precise, focused, comprehensible and enforceable. Discretionary tailpieces are generally not acceptable because they make the planning process opaque and unaccountable. I have not included them in most conditions for this reason.

51. There is a requirement that the development should accord with the submitted drawings in the interests of precision and proper planning. Part of the site is owned by Brewers, a decorating business, which is not party to the Section 106 Agreement. The Appellant has an agreement to purchase the Brewers land, subject to the grant of planning permission. However, the Section 106 Agreement also includes a process to ensure that development cannot be carried out until a confirmatory deed has been completed to bind the relevant land interests to the terms of the Section 106 Agreement. This allays my concerns about the possibility of the site remaining partially completed and obviates the need for a condition, which covers the same point.
52. The achievement of a development of the highest quality will be essential in ensuring that the appeal scheme integrates successfully with its surroundings. Much importance was given to the reputation and design skills of Grimshaw by the Appellant. As I commented in paragraph 17 above, it is therefore reasonable and necessary to ensure that the Council retains control of the architectural input during the detailed design process. Due to the scale of the proposed development and its visual prominence it is necessary for sample panels of the façade materials to be provided and details of the metalwork, window frames and glazing to be agreed. Details of the areas not covered by buildings, including the parking spaces, access ways, surface and boundary treatment are also important to ensure a satisfactory outcome.
53. There are other details that are required to ensure a satisfactory appearance. These include restrictions on open storage, pipes or flues on external walls, telecommunications equipment external to the building and structures on the roof. All of these could result in unacceptable harm to the appearance of the development. Under the scope of permitted development, it may be possible to enlarge the buildings or increase their height. This could have a significant effect on the appearance of the development and there could also be adverse implications for the amenity of existing occupiers on adjoining land. There is therefore justification for withdrawing these rights in this case. The suggested condition also referred to outbuildings, but it seems unlikely that the mews houses would have the space for such structures and their inclusion is thus unwarranted.
54. Due to the relatively high intensity of built development, the quality of the soft landscaping will be important to the success of the scheme. Although the future management and maintenance of the public square is covered by the Section 106 Agreement, it is necessary to secure details of its landscaping. There would also be rooftop amenity spaces and green walls on both of the road frontages. Conditions are required to secure high quality planting in these areas and the arrangements for their management and maintenance in perpetuity. Children's play space is to be provided in the rooftop amenity area. It is necessary to ensure that it is laid out to provide attractive facilities for children living in the development.

55. The appeal site is within an urban area with existing land uses in close proximity. In order to ensure a satisfactory relationship, details of existing and proposed site levels and ground floor slab levels are necessary. The details of refuse and recycling arrangements also need to be agreed for similar reasons.
56. This is a mixed-use development where residential units would be in close proximity to commercial activities. Deliveries in association with commercial uses can cause disturbance and therefore need to be controlled through a restriction on hours and a management regime. The development would also be close to two busy streets with relatively high levels of traffic flow. In order to provide a satisfactory living environment for future residents, conditions are required to ensure adequate sound insulation in the affected units. These potential impacts would relate to the apartments rather than the mews houses on the eastern side of the site. I have re-worded the suggested conditions to be more focussed and concise.
57. There is also the potential for adverse effects on amenity arising from external plant and ventilation equipment through noise, vibration and the like. Details are therefore needed of what is intended and how impacts would be mitigated. Whilst it is reasonable to restrict the hours of use of the café and its outside seating area to take account of residential uses, this has to be balanced with the reasonable expectations of the public to use the facility within the square.
58. There is one point where a bedroom window of a first floor flat and the living room window of the adjoining mews house would be very close together. It is thus necessary to require details of measures to ensure the privacy of the respective occupiers. External lighting could adversely affect both new and existing residents. It seems to me that the main concern would be lighting in the public areas, including the garden square, rooftop amenity areas and mews. I have therefore re-worded the condition to be more concise.
59. The provision of parking spaces is necessary for those with disabilities and to serve the commercial uses. These would mainly be at basement level and reached by a car lift. Details of its operation and specification is required to ensure that the access to these spaces is satisfactory. Cycle parking in accordance with the Council's standards is required to encourage occupiers of the development to travel sustainably. In order to ensure that the commercial parts of the development are serviced effectively, details of the layout, operation and management of the loading bays are necessary. I have re-worded the suggested conditions into a more concise and logical format.
60. There are a number of conditions that relate to sustainable design. These relate to energy efficiency, achieving BREEAM standards and efficient domestic water use and are required to meet policy objectives, including policy IS 2 in the CS. The suggested condition regarding energy efficiency seems to me to be repetitive and unfocused. I have re-worded it accordingly and made reference to the energy statement that was provided to me at the inquiry, which is to be assumed as the relevant and most up to date document. A drainage strategy is required to ensure that foul drainage can be adequately accommodated within the existing sewerage system. The Flood Risk Assessment indicates that the flood risk from various sources is low. There are no specific mitigation measures proposed and the suggested condition on this matter is unnecessary. I have referred to air quality in paragraph 49 and a condition to ensure that detrimental effects are minimised is required.

61. The construction period would inevitably cause some disturbance and inconvenience to those living and working in the area as well as visitors and road users. A construction management plan is therefore required to help minimise adverse impacts. It is reasonable to require consideration of river transport if this is feasible. Piling is likely to be used for a building project of this nature. In such circumstances it is necessary to understand the methodology and how the works will be monitored. This is in order to limit the impact on nearby residents and also to safeguard underground utility infrastructure. Unexpected contamination could arise during construction and a condition to deal with this eventuality is required, although I have slightly reworded it.
62. The GLA raised the issue of below ground archaeology. From the evidence, a condition to address this matter is reasonable and necessary.
63. The Appellants referred to the use of public art as a means to encourage visitors into the square from Putney Bridge Road. The use of public art can enhance a development and it is reasonable to require a strategy to this effect. I also mentioned in paragraph 30 the need to ensure that the public square is signed and promoted in an effective manner and I shall impose a further condition to this effect.

Section 106 Agreement

64. The Section 106 Agreement was considered in detail at the inquiry and the main parties provided some helpful information regarding the various covenants and their compliance with the requisite tests in Regulation 122 and 123 of the Community Infrastructure Levy (CIL) Regulations. It should be noted that the Deed contains a "blue pencil" clause in the event I do not consider a particular obligation to be justified in these terms. In reaching my conclusions I have had regard to the supplementary planning document: *Planning Obligations* (2015) (the SPD) and development plan policies, including policy IS 7 in the CS relating to planning obligations.
65. I have already considered the provision of affordable housing and its policy justification. The units would be provided and leased to the affordable housing provider prior to the occupation of 50% of the market units and they would all be of intermediate tenure. This would allow sufficient value to remain in the scheme to ensure delivery. An upwards only review of viability prior to commencement would be necessary if the development has not started within two years. This is because values relative to costs may improve over that period and it is reasonable to see whether improved delivery could be achieved to meet the substantial affordable housing need. However, for the reasons I have already given I do not consider that there is justification for a second viability review, which would increase the risk profile and thus increase uncertainty. This obligation does not comply with the CIL Regulations.
66. Provisions are made to exclude any occupiers, other than those with disabilities, from applying for a car parking permit within a Controlled Parking Zone in the vicinity of the appeal site. This is not an obligation under Section 106 because it does not relate to the use of land. However, it is necessary to ensure that the new population does not make unreasonable demands on kerbside parking that is controlled in order to meet the parking needs of existing residents. Section 3 makes clear that the Deed is also made pursuant

- to Section 16 of the Greater London Council (General Powers) Act 1974. This legislation includes the relevant powers to implement this requirement.
67. There are a number of measures to ensure that sustainable travel choices are optimised. This includes Travel Plans for both the residential and commercial elements of the scheme. There will also be free membership for each household of a car club and Transport for London's cycle hire scheme for two and three years respectively. The Legible London Signage system provides directional information to help people navigate by sustainable modes around London. Whilst this is a worthy objective there is no information as to how many signs should be provided or how much it would cost to maintain and update them. It is indicated that each sign costs £700-£850 but beyond that there is no information to show how the £8,500 sought would be justified. The obligation relating to this contribution would thus not comply with the CIL Regulations as being directly and fairly related to the development.
68. Car parking on the site would be limited and a car park management plan is necessary to ensure that the 27 spaces provided are effectively allocated and controlled with 13 specifically for use by residents with disabilities and 6 for use by commercial users. Charging points would be provided to encourage the use of electric vehicles to encourage more sustainable car travel.
69. Highway works would be necessary around the site, including the reconstruction of footways and tree planting. The obligation requires that these works be undertaken by means of a Section 278 Agreement, which is justifiable.
70. A contribution of £40,000 is made for junction improvements to the pedestrian crossings at the junction of Putney High Street and Putney Bridge Road. These are part of the first stage of a larger project by the Council, which seeks to improve the public realm and air quality in the town centre. The pedestrian crossings have been costed at £220,000 and Section 106 contributions are a potential funding source, including from the appeal site and Corner Site. The evidence indicates that for the works in question there is a funding gap of £93,000. However, there was no explanation of how the £40,000 contribution from the appeal site had been worked out. Whether it would be fairly related to the development in question cannot be determined on the available information. So, whilst I appreciate the importance of these works and do not dispute that a contribution from the appeal scheme could potentially be justified, I am unable to conclude that the money offered would comply with the CIL Regulations.
71. There was some concern by those living in Burstock Road about the future use of the narrow access at the northern end of the mews houses. This and the southern route are only intended for servicing, delivery and emergency access in association with those dwellings. In order to ensure that no future link could be made from the main development and the potential traffic implications that this could cause to the residential area and Conservation Area, the covenant restricting use of these accesses to the above purposes is reasonable and necessary.
72. In order for policy area 73 to meet the requirements of the SSAD it is important that it retains the potential to be fully integrated. The mechanisms to achieve this have already been considered in paragraph 33 above and this obligation is necessary for the development to go ahead.

73. There is also a covenant to ensure that the development could be connected to a District Heating Network if this should become available in the future. This is in accordance with policy DMS 3. Policy IS 2 in the CS promotes zero-carbon development and policy DMS 3 in the DMPD requires that the CO₂ reduction standards in the London Plan are followed. The proposed development would not meet the target reductions. The carbon off-setting contributions have been calculated for both commercial and residential elements of the development based on the London Plan guidance of £60 per tonne over a period of 30 years. The Deed makes provisions for the total to be reviewed if the development were to be connected to a District Heating Network or if design refinements were to be made resulting in greater levels of carbon saving.
74. Policy 4.12 in the London Plan seeks to improve opportunities for all Londoners and supports local employment, skills and training opportunities. The SPD aims for large-scale developments to benefit the local employment market through a Local Employment Agreement, which would cover the construction period and thereafter. Obligations cover this and also a contribution towards local employment and training elsewhere in accordance with the formula provided in the SPD. These are necessary, proportionate and directly related to the appeal development.
75. It is important to ensure that the retail, café, office and community floorspace is delivered at an appropriate point during the construction period. This would be prior to the occupation of more than 75% of the residential units. Covenants to cover this and the lease of the community floorspace for a ten-year period at a peppercorn rent are necessary to ensure the benefits of this mixed-use development are delivered expediently. The importance of the public realm and in particular the public garden square has been addressed under the second main issue. Its delivery is covenanted to take place prior to the occupation of more than 50% of the residential units. The obligations also cover its future maintenance and management. All of these provisions are necessary to ensure that an attractive, high quality amenity is provided expediently and remains available for public use at all times.
76. There is a monitoring fee of £19,500. This is worked out in accordance with a formula in the SPD, which seems to be based on the value of the contributions and a standard sum for the non-monetary obligations. I am concerned about this approach bearing in mind the Oxfordshire County Council High Court judgement⁴. I would agree that the planning obligations in the present appeal would be relatively complex to administer because they require monitoring at various stages of development. However, the reasoning behind the value percentages is unclear and, in any event, the non-monetary fee relates to an obligation regardless of complexity. There has been no attempt to make a bespoke assessment of the costs that would be incurred, which may be more or less than those set out in the SPD. I note the proposed change to the CIL Regulations, but these are not yet in force. In any event, the amended provision indicates that the Council will need to estimate the costs for the development in question. The existing approach would not do so in the circumstances of the current appeal.

⁴ Oxfordshire County Council v Secretary of State for Communities and Local Government and others [2015] EWHC 186 (Admin).

77. In summary, all of the planning obligations other than those specifically referred to in the paragraphs above⁵ constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations. I am satisfied that Regulation 123 would not be offended in respect of any of the financial contributions in this case.

Overall conclusions and planning balance

78. The appeal proposal has many advantages. This is a site in a designated Major Town Centre with one of the highest accessibility levels in London. It is also a site that is part of an allocation for high density mixed-use development. In this respect I consider that the appeal development would optimise the use of the land whilst respecting the character and amenity of its surroundings. It would provide 123 residential units, some 90 of which are already included as part of the Council's housing supply over the next 5 years. Delivery of this site would not only contribute towards the Borough's housing needs but would help address the London-wide need and the recognised shortfall that exists. Furthermore, the provision of some 33 affordable homes, the maximum reasonable provision, would contribute to the pressing need in the Borough. These are matters of substantial weight in favour of the appeal scheme.
79. The design of the development is of the highest quality, in my opinion. To my mind this would be exciting architecture and would provide a character and identity to enhance the town centre and help catalyse the other allocated sites in the northern part of Putney that have so far not come forward. The public square also promises to be a landscaped amenity of considerable public benefit. These are matters of significant weight.
80. The donation of a small area of land between the staircase on the appeal site and the boundary would help deliver the link from Putney High Street that would be provided by the corner site. This would allow the relevant connections to be completed in accordance with the SSAD and therefore is a benefit of significant weight.
81. There was a dispute between the main parties about whether Putney town centre is in decline. At the times that I have visited there has been a high footfall on Putney High Street and it appeared busy and vibrant. However, this was just a snapshot in time and like many high streets across the UK there are significant challenges, not least because of the competition from online retailers. Many of the shop units do not appear to be of high quality, notwithstanding the Putney Exchange shopping centre to the south-west of the appeal site. The proposal would provide a modern retail space onto Putney High Street, which is designated in the CS as a core shopping frontage. This could be one large unit or subdivided to provide flexibility. There would also be 3 other retail units of varying sizes on the Putney Bridge Road frontage, including Brewers, the existing decorating business that currently occupies a shop and other buildings on the appeal site.
82. The development would include modern flexible office space, including that suitable for small and medium sized business for which there is a demand. It is acknowledged that there would be a relatively small net reduction in office floorspace through redevelopment. However, much is of poor quality and the

⁵ These are: the second viability review, the Legible London Signage Contribution, the Junction Improvements Contribution and the Monitoring Fee.

evidence indicates that it has been vacant for many years. I appreciate that objections have been raised by existing businesses that small affordable units would be lost. However, the new development would make provision for adaptable floorspace that could be subdivided into various unit sizes suitable for occupation by small business users. The office and retail provision is supported by the Greater London Authority and the Council and is a matter of significant weight in favour of the scheme.

83. The proposal also includes a community space, which would be let out at a peppercorn rent for the first 10 years. I was told that it had been designed with a locally based community group in mind. I consider this to be a significant benefit of the scheme.
84. Returning to the development plan, the proposed development would be in accordance with the provisions of the relevant policies, including policies SSAD 1 and IS 3 in the CS; policies DMS 1 and DMS 4 in the DMPD; section 6 of the SSAD and policies 2.15, 3.4, 7.4 and 7.77 in the London Plan. There is no dispute that the development plan, insofar as it is relevant to the appeal proposal, is up-to-date. In accordance with paragraph 11 of the Framework the appeal proposal should therefore be permitted without delay.
85. I have had regard to all matters raised in the representations, including the written and oral evidence to the inquiry. However, I have found nothing to alter my conclusion that this would be a sustainable form of development and that the appeal should succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Zack Simons	Of Counsel, instructed by Mr D Moors of Ashfords LLP
<i>He called:</i>	
Mr B Sellars BA(Hons)Arch BA(Hons)TP DipUD MAUD	Principal Planner Urban Design and Conservation) at the Council of the London Borough of Wandsworth
Ms C Molloy BSc(Hons) MA	Senior Planning Officer at the Council of the London Borough of Wandsworth
*Mr D Moors	Legal Director at Ashfords LLP and instructing solicitor to the Council

FOR THE APPELLANT:

Mr Russell Harris	Of Queen's Counsel, instructed by Pinsent Masons LLP
<i>He called:</i>	
Mr E Jones BSc(Hons) BArch(Hons) RIBA	Partner of Grimshaw Architects LLP
Mr R Coleman DipArch(Cant) ARB RIBA RIAI	Director of Richard Coleman Citydesigner
Mr G Bransby DipTP DipSurv MRTPI MRICS	Lead Director of Planning, Development and Heritage at Jones Lang LaSalle Limited
*Ms N Kingsley	Partner at Pinsent Masons
<i>*Contributed to the Planning Conditions and Planning Obligations sessions only.</i>	

INTERESTED PERSONS:

Councillor M Ryder	Borough Councillor for the Thamesfield Ward in which the appeal site is located
Mr D Knight	Occupier of 31-33 Putney High Street
Mr J Cox	Chair of the Burstock Road Residents' Association
Mr C Margolis	Deputy Chair of the Burstock Road Residents' Association
Mr J Horrocks	Vice President of the Putney Society

DOCUMENTS

- 1 Representation from Brewers Decorator Centres
- 2 Secretary of State decision and Inspector's Report regarding the ICL Tower, 1 Putney High Street (APP/H5960/A/99/1018956)
- 3 Representation from Mr G Edington
- 4 Representation from The Putney Society delivered orally by Mr Horrocks
- 5 Plans of three garden squares referred to by Mr Jones (submitted by Mr Simons)
- 6 Photograph of the ICL tower prior to its restructuring, conversion and extension
- 7 Minutes of the Community Services Overview and Scrutiny Committee (21 June 2018) including the resolution on local listing
- 8 Statement of compliance with the Community Infrastructure Levy Regulations 2010, including 2 Addenda
- 9 Extract from Greater London Council (General Powers) Act 1974 and Court of Appeal decision regarding restriction on parking permits
- 10 Plan and information regarding bicycle hire and car club parking spaces in the vicinity of the appeal site
- 11 Appellant's note regarding parking permit exclusion and third party interests in a Section 106 Agreement
- 12 Representation by Positively Putney BidCo Limited
- 13 Site visit route and location of the old Southwark Town Hall
- 14 Final list of planning conditions discussed at the inquiry
- 15 Planning Obligation by Agreement dated 2 July 2019.
- 16 Report and plan regarding improvements by the Council to Putney High Street
- 17 Extract from the Planning Practice Guidance on viability
- 18 High Court decision relating to late stage review [CO/5358/2017]
- 19 Extract from the Planning Practice Guidance on Plan making
- 20 Design and Access Statement accompanying the planning application for the redevelopment of 31-43 Putney High Street

PLANS

- A Application plans
- B Booklet of plans for use at the inquiry

ANNEX A: SCHEDULE OF CONDITIONS

"Section 106 Agreement" means the agreement dated 2 July 2019 entered into pursuant to section 106 of the Town and Country Planning Act 1990 (and other enabling powers) between the London Borough of Wandsworth, Putney High Street Property Development LLP and Oaknorth Bank PLC in connection with this planning permission.

1. Development hereby permitted shall begin no later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
16088_PAL_OGF 04; 16088_PAL_001 04; 16088_PAL_002 03;
16088_PAL_003 03; 16088_PAL_004 02; 16088_PAL_005 02;
16088_PAL_006 03; 16088_PAL_007 03; 16088_PAL_008 03;
16088_PAL_009 03; 16088_PAL_010 03; 16088_PAL_OBA 01;
16088_PAL_OLG 01; 16088_PAL_020 04; 16088_PAL_021 04;
16088_PAL_023 03; 16088_PAL_101 03; 16088_PAL_102 03;
16088_PAL_121 02; 16088_PAL_122 03; 16088_PAL_201 04;
16088_PAL_202 03; 16088_PAL_203 03; 16088_PAL_204 02.
3. No above ground development shall be commenced (other than demolition) until details of those parts of the site not covered by buildings, including any parking areas, access ways, surface treatment and boundary treatment, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. No above ground development shall be commenced (other than demolition) until details of existing and proposed site levels and ground floor slab levels of the proposed building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. No above ground development shall be commenced (other than demolition) until sample panels of external materials to be used on the façades and further details of external metalwork and glazing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
6. No above ground development shall be commenced (other than demolition) until details of the siting, design and materials of refuse and recycling storage have been submitted to and approved in writing by the local planning authority. The refuse and recycling storage facilities shall be provided in accordance with the approved details prior to occupation of the development and shall be retained thereafter.
7. No works shall be commenced to the residential units at first floor level and above, until details of a scheme of measures to insulate them against noise

- from road traffic, including glazing and ventilation specifications, have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with British Standard: 8233 *Guidance on sound insulation and noise reduction for buildings* and the approved measures shall be installed prior to the first occupation of the affected units and shall be retained thereafter.
8. No works shall be commenced to the residential units at first floor level and above, until details of a scheme of measures to provide effective resistance to the transmission of airborne and impact sound from the commercial units immediately above or adjacent to them have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with British Standard: 8233 *Guidance on sound insulation and noise reduction for buildings* and the approved measures shall be installed prior to the first occupation of the affected units and shall be retained thereafter.
 9. Details of any external plant or ventilation equipment, including ducting and air conditioning units, and the measures to be taken to control noise, vibration and air quality, shall be submitted to and approved in writing by the local planning authority. The equipment shall be installed prior to the first occupation of the development in accordance with the approved details and thereafter operated and maintained in accordance with the manufacturer's instructions.
 10. Details of soft landscaping, to include species of new planting, full details of tree pits and the form, content and futureproofing of the proposed green walls, shall be submitted to and approved in writing by the local planning authority. All planting and seeding included in the approved details shall be carried out before occupation of any part of the development, or in accordance with a programme to be first agreed in writing with the local planning authority. Any trees or plants which within a period of 5 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 agree otherwise.
 11. Before the development is first occupied a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the green walls and shared residents' gardens, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.
 12. The parking areas shown on the approved plans shall be provided before the occupation of any part of the development and shall be retained for parking purposes for the users of the development and for no other purpose.
 13. Notwithstanding the details shown on the approved plans, no development other than demolition shall be commenced until details of the loading bays including their exact size, position, hours of operation and management, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and

- the loading bays shall be provided before occupation of any non-residential use and shall be retained for their intended use thereafter.
14. Notwithstanding the details shown on the approved plans, no development other than demolition shall be commenced until details of the car lift, including details of its form, specification and timetable for provision, 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 and timetable and the car lift shall be retained for its intended purpose and kept in working order thereafter.
 15. Notwithstanding what is shown on the approved drawings, details of the location and type of storage for a minimum of 247 cycles for use by all occupants and users of the development, shall be submitted to and approved in writing by the local planning authority. The approved cycle storage shall be installed prior to the occupation of any part of the development and retained permanently thereafter for its intended purpose.
 16. Notwithstanding what is shown on the approved drawings, details of the children's play space, including where it is to be provided within the site, its form and layout and the play equipment to be provided shall be submitted to and approved in writing by the local planning authority. The play space shall be implemented in accordance with the approved details prior to occupation of any of the residential units within the development.
 17. The café as shown on approved drawing 16088 PAL00104 (Level 01) shall not be open to customers other than between the hours of 0700 and 2200 Mondays to Sundays and at no other times. The outside seating associated with the café shall not be available for use by patrons other than between the hours of 0800 and 2100 Mondays to Sundays and at no other times.
 18. No deliveries, loading, unloading or other servicing activities associated with the non-residential uses within the development shall take place at the site other than between the hours of 0700 and 2100 on Mondays to Saturdays and between the hours of 1000 and 1700 on Sundays.
 19. A delivery and service management plan for the non-residential uses shall be submitted to and approved in writing by the local planning authority prior to the occupation of any non-residential use within the development. The delivery and service management plan shall be implemented as approved.
 20. No goods, equipment or other materials shall be stored or deposited in any open area of the site other than for the purposes of loading/unloading.
 21. No pipes or flues, other than rainwater pipes associated with the green walls, shall be fixed to any elevation.
 22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any future amendment to or re-

- enactment of that Order, no satellite dishes, telecommunications masts or equipment or associated structures, shall be installed on the approved buildings.
23. No water tanks, plant, lift rooms or other structures shall be erected upon the roofs of the approved buildings.
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, amending and re-enacting this Order) no vertical extensions, additions or enlargements shall be erected or constructed to the buildings hereby permitted.
25. Details of measures to prevent overlooking between the bedroom window of flat L1-07 and the facing living room window of mews house MW-01 (as shown on approved drawing 16088 PAL00104) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be installed prior to occupation of either unit and shall be retained as approved thereafter.
26. The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the development has been carried out in accordance with the approved Energy and Sustainability Statement by SWECO (Addendum III, September 2017). These details should demonstrate that the development has secured a minimum 35% reduction in CO₂ emissions below the maximum threshold set in Building Regulations Part L 2013.
27. No development shall be commenced other than demolition until a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core pre-assessment report has been submitted to and approved in writing by the local planning authority to demonstrate how the site will achieve an 'Excellent' rating. Where it is not possible to achieve BREEAM Excellent, the pre-assessment shall fully demonstrate this and detail how the developer has strived to maximise the score achieved and has aimed to target all mandatory BREEAM Excellent Credits.
28. Within 3 months of work starting on site, unless the local planning authority agrees otherwise in writing, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core Interim (Design Stage) Certificate, issued by the Building Research Establishment (BRE) shall be submitted to the local planning authority to show that the rating achieved in the approved pre-assessment will be achieved.
29. Before the development is first occupied, unless the local planning authority agrees otherwise in writing, a BREEAM UK New Construction 2014 Shell and Core Final (Post-Construction) Certificate (or such equivalent standard that replaces this), issued by the BRE, shall be submitted to and approved in writing by the local planning authority to demonstrate that that the rating achieved in

the approved pre-assessment has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

30. Before the fit-out of the commercial units is commenced, unless the local planning authority agrees otherwise in writing, a BREEAM Refurbishment and Fit-out 2014 Parts 3 and 4 Interim (Design Stage) Certificate for the commercial areas, issued by the BRE shall be submitted by the fit-out contractor, and approved in writing by the local planning authority to demonstrate that a minimum 'Excellent' rating will be achieved. Where it is not possible to achieve BREEAM Excellent, the Interim Assessment shall fully demonstrate this and detail how the developer has strived to maximise the score achieved and has aimed to target all mandatory BREEAM Excellent Credits.
31. Within 3 months of first occupation of the commercial units, unless the local planning authority agrees otherwise in writing, a BREEAM Refurbishment and Fit-out Parts 3 and 4 Final (Post-Construction) Certificate for the commercial areas, issued by BRE shall be submitted by the fit-out contractor and approved in writing by the local planning authority to demonstrate that the rating agreed under condition 28 has been achieved. All of the integrated measures shall be retained for as long as the development is in existence.
32. No above ground development shall be commenced until details have been submitted to and approved in writing by the local planning authority to show how a maximum water use of 105 litres per person per day (plus 5 litres for outside use where applicable) will be achieved in line with the Water Efficiency Calculator for new dwellings from the Ministry of Housing Communities and Local Government published in 2009. Development shall be carried out in accordance with the approved details before any residential unit is occupied and shall be retained thereafter for as long as the development is in existence.
33. No development shall be commenced, other than demolition, until a drainage strategy detailing any on and/or off-site drainage works and the timetable for its implementation has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved strategy and timetable.
34. No development including demolition shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the construction period.
The CMP shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - details of the site manager, including contact details, and the location of a large notice board on the site that clearly identifies these details;
 - the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development;
 - the feasibility of transporting construction materials by the River Thames;
 - the erection and maintenance of security hoardings;

- details of all external lighting
 - measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar construction activities;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from construction works; and
 - all non-road mobile machinery, used in connection with the construction of the development hereby permitted, shall meet the minimum emission requirements set out in the Mayor of London's *Control of Dust and Emissions during Construction and Demolition* Supplementary Planning Guidance 2014.
35. No piling shall take place until a piling method statement has been submitted to and approved in writing by the local planning authority. This shall detail the depth and type of piling to be undertaken; the methodology by which such piling will be carried out; measures to prevent and minimise the potential for damage to subsurface water infrastructure; a protocol for vibration monitoring; the programme for the works. Piling shall be undertaken in accordance with the terms of the approved method statement.
36. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
37. Details of all permanent external lighting of the public areas, including the garden square, rooftop amenity areas and mews, shall be submitted to and approved in writing by the local planning authority before its installation. The submitted details shall include scaled plans and measures to prevent unacceptable light spill and such lighting shall be carried out in accordance with the approved details
38. No development, including demolition, 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 agreed WSI. This shall include:
- The programme and methodology of site evaluation.
 - The nomination of a competent person(s) or organisation to undertake the agreed works.
39. If heritage assets of archaeological interest are identified by stage 1 then for

those parts of the site that 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 or development shall take place other than in accordance with the agreed stage 2 WSI. This shall include:

- The statement of significance and research objectives;
- the programme and methodology of site investigation and recording;
- the nomination of a competent person(s) or organisation to undertake the agreed works;
- the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

40. No building shall be occupied until an Air Quality Neutral (AQN) assessment has been submitted to and approved in writing by the local planning authority. The AQN assessment shall:

- Determine the relevant Building Emission Benchmarks (BEBs) for NO₂ and PM₁₀ for the development, based on its land use-class and location;
- Calculate the site's NO_x and PM₁₀ emissions from buildings and compare them with the BEB(s);
- Determine the relevant transport emission benchmarks (TEBs) for NO_x and PM₁₀ for the site;
- Calculate the sites NO_x and PM₁₀ emissions from transport and compare them with the TEBs.

The BEBs and the TEBs shall both be met, for both NO_x and PM₁₀, to achieve air quality neutral. If the development fails to meet one or more of the AQN benchmarks, details of measures to mitigate the residual impacts and provide local mitigations to deal with any adverse air quality impacts associated with development proposals shall be submitted to and approved in writing by the local planning authority before the buildings are occupied.

41. The existing architects, Grimshaw, or other such architects as approved in writing by the local planning authority, acting reasonably, shall undertake the detailed design of the project.

42. No above ground works shall be commenced until details of a public art strategy, including any installations, has been submitted to and approved in writing by the local planning authority. The strategy shall be carried out as approved before any part of the development is occupied.

43. No above ground works shall be commenced until a signage and promotion strategy in relation to the public square has been submitted to and approved in writing by the local planning authority. The strategy shall be carried out as approved before any part of the development is occupied.

End of conditions 1-43.