



Appeal Decision

Hearing Held on 9 July 2019

Site visit made on 9 July 2019

by Mike Robins MSc BSc(Hons) MRTPI

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

Decision date: 14th August 2019

Appeal Ref: APP/Y5420/W/18/3218865

44-46 High Road, Wood Green, London NC22 6BX

- 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 PPR Wood Green LLP against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2018/1472, dated 4 May 2018, was refused by notice dated 23 October 2018.
 - The development proposed is the demolition of the existing building and erection of 3-9 storey buildings providing residential accommodation (Use Class C3) and retail use (Use Classes A1-A5) plus associated site access, car and cycle parking, landscaping works and ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and erection of 3-9 storey buildings providing residential accommodation (Use Class C3) and retail use (Use Classes A1-A4) plus associated site access, car and cycle parking, landscaping works and ancillary development at 44-46 High Road, Wood Green, London NC22 6BX in accordance with the terms of the application, Ref HGY/2018/1472, dated 4 May 2018, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The original description set out in the application form sought retail uses in Classes A1-A5. The agreed revised description used in the decision notice and appeal form confirmed that this was to be Use Classes A1-A4 and I have reflected that in my formal decision.
3. Statements of Common Ground (SoCG) were produced for affordable housing and for other planning matters. These were agreed and signed prior to the Hearing.
4. An agreement made under s106 of the Town and Country Planning Act 1990, signed and dated 23 July 2019, was completed after the Hearing. This addressed matters of affordable housing, local employment, sustainable travel and travel plans and contributions to infrastructure. I have taken note of the statement of compliance with the Community Infrastructure Levy Regulations 2010, as amended (CIL Regulations), which was submitted at the Hearing¹. On the basis of the contents of the agreement and the compliance statement, I am content

¹ Document 6

that all matters conform to the CIL Regulations and that the obligations can be taken into account in my determination of the appeal.

5. As a result of these agreements, the Council confirmed at the Hearing that they were not defending their original reasons for refusal 1 and 3 relating to the provision of affordable housing and to the failure to secure planning obligations.
6. The Council submitted an appeal decision² after the closure of the Hearing. This decision was issued on the 19 July 2019 and in the interest of fairness, the appellant was given an opportunity to comment on it.

Main Issue

7. Consequently, I consider the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

8. The appeal site is a large commercial unit facing onto High Road and comprising a 3-storey, former Marks and Spencer store, now occupied on the ground floor level only. The unit extends through to Bury Road where it presents as a 4-storey commercial building facing terraced residential properties. It lies within the Wood Green Town Centre, where this part of High Road comprises a variety of styles and ages of development. However, a short distance to the north is the relatively well-preserved, traditional shopping parade of Cheapside.
9. The proposal would result in complete redevelopment of the site including a new retail frontage with large residential blocks behind rising to 7-9 -storeys. These would provide 115 units, with 3-storey mews style residential properties, providing a further 6 houses, facing onto Bury Road.
10. Both strategic and local policies are supportive of retail growth and the delivery of mixed-use schemes. The site lies within the Wood Green Growth Area, Primary Shopping Area and Primary Shopping Frontage. Policy SP1 of the London Borough of Haringey (LBH) Local Plan, Strategic Policies (the LP) confirms this area as a focus for such growth. The Council's ambitions are clearly articulated in the identification of allocations within their Site Allocations Development Plan Document (SADPD), adopted 2017. This includes SA14, which, along with sites to the north and south, includes the appeal site. The site to the south (the BHS site) is a large mixed-use scheme which has recently received planning permission³, and it is reported that the site to the north (the Sainsbury's site) is also to be developed, with work underway on progressing an application. The appellant reported that there was ongoing contact and joint development of schemes across the three sites.
11. In simple terms, while supportive of redevelopment, an increase in housing and enhancement of the retail offering, the Council's aspiration is that this should be delivered through a high standard of design which respects the existing character. The Cheapside Parade, which is finished in brick with a traditional design and some fine detailing, provides a central element of the High Road here, to each side of which an increasing scale of new and existing development is accepted, with landmark tall buildings proposed to be associated with the Turnpike Lane and Wood Green Underground Stations.

² APP/F5540/W/17/3180962 and APP/F5540/Z/17/3173208

³ HGY/2018/3145

12. Tall buildings in this context are defined by the glossary of the SADPD⁴ as being of 10-storeys or more and are addressed by Policy DM6 of the LBH Development Management Development Plan Document (DMDPD). The Council accept that even the 9-storey elements of the appeal scheme do not represent a defined tall building, but would be 'taller buildings', exceeding the height of prevailing, surrounding building heights. Nonetheless, the area identified as having the potential for tall buildings is set out in figure 2.2 of that document and repeated in the SADPD; it includes the appeal site.
13. Policy DM6, amongst other requirements, seeks that tall buildings are of appropriate scale and represent landmark buildings. To that extent the SADPD further identifies four proposed locations, including the Turnpike Lane and the Wood Green Stations. This is reflected in the SADPD site requirements for the neighbouring allocation, SA15, and the allocation including the appeal site, SA14. For SA14 this states that '*Heights will be limited facing the High Road, with the possible exception of the site adjoining the potential tall building on the Whymark/Westbury Road site.*'
14. The BHS site, which presents a 7-storey façade to High Road with an eighth storey set back, occupies this position adjoining SA15, where a cluster of tall buildings is sought providing a landmark for a gateway location for the Wood Green Centre. As a consequence, the Council expressed their desire that the appeal site forms a transitional role in terms of its height between the Cheapside Parade and the anticipated landmark buildings of SA15.
15. I accept that there are strong drivers for redevelopment in this area and that policy identifies the opportunity for tall or taller buildings to form part of the redevelopment. Nonetheless, in this context, the Council concerns regarding the 7-9-storey height, the scale and the massing of the appeal scheme can be understood.
16. The appellant provided, in addition to their Design and Access Statement, a Townscape and Visual Impact Appraisal, including agreed views where existing, proposed and cumulative development views were represented. The Council concerns were focussed on those viewpoints 2, 3, 4 and 6.
17. Based on the statements received, the evidence from those who attended the Hearing and my own inspection of the site and surroundings, there are a number of issues that need to be assessed to understand whether the Council concerns are well-founded. These include whether the design has properly addressed the surrounding context, both as a standalone development and a component part of the extensive redevelopment envisioned here, and also whether the design overall is of sufficiently high quality.
18. I have noted the engagement with, and views of the Quality Review Panel in the area. Furthermore, a number of matters regarding the design approach were agreed between the main parties. Two elements accepted at the Hearing as representing a positive design approach were the elevation to Bury Road, where the scale and character of the mews houses would provide a distinctly improved relationship with the residential properties there, and the proposed retail element to High Road.

⁴ p181

19. The High Road frontage is a critical part of the scheme, as the majority of people experience the character and appearance of an area at this level. The proposed height of this element would reflect the principle level established by the Cheapside Parade and would be delivered in a similar red brick. I find this to be a well-ordered element that would provide a respectful addition to the street alongside the parade.
20. The Council's main objection is with the height, massing and design of the apartment block above. These are to be set back from the frontage, arranged in a form that would read, depending on precise viewpoints, as three 'blocks', as a result of their varied heights. They are proposed to be finished predominantly in brick with a more neutral, but also more contemporary, grey textured finish.
21. The appellant identified that the height proposed was in response to a protected view towards the Alexandra Palace and the intention to maximise the opportunity of the site. However, the Council argue that this has resulted in a building that would fail to provide the transition sought by the SADPD, delivering a density and massing that they consider represents over-development of the site.
22. In relation to density, I accept that the proposed scheme density, at 1391 rooms/hectare, exceeds the 1100 rooms/hectare set out in the London Plan⁵. However, I agree that this should not be applied mechanistically, but be considered as a consequence of an acceptable design response; on its own it does not define over-development.
23. In terms of height, the proposed apartment blocks, if considered in isolation, would, in my view, represent something of an incongruous addition. The character at present is retail, limited to approximately 3-storeys with some residential above. Consequently, on its own, a structure of 7-9 storeys would appear somewhat anachronistic, lacking a context or, because of its location, an obvious role in the townscape.
24. However, this would be relieved somewhat by the articulation in the main form, and particularly in the treatment of the flank walls and the recessive materials. While tall or taller buildings may be considered acceptable in this area, as set out above, they need to reflect the context and here, despite the design elements, this scheme, delivered in isolation, would not fully comply with the expectations of the London Plan, Policies 7.4, 7.5, 7.6 and 7.7 and the LP Policies DM1 and DM6. Together these seek that development be part of a plan led approach, which has regard to the form, function and structure of an area, with the highest standards of architectural quality and design delivering building heights of appropriate scale. Such non-compliance needs to be set against the benefits of the scheme, which I do below, but importantly, I must consider whether the scheme is likely to be delivered in isolation.
25. Allocation SA15 sets out an ambition for large-scale redevelopment on the site near to Turnpike Lane Station. The BHS site has permission in principle and the appellant has confirmed that there are also plans for development to the north of the site, the Sainsburys scheme; these schemes are reflected in the cumulative development views.
26. The BHS site takes a slightly different approach with a full 7-storey frontage to High Road, albeit that is expressed as repeating 2-storey elements, and above

⁵ Policy 3.4 - Table 3.2 Sustainable residential quality (SRQ) density matrix

this a set-back eighth floor. It is a fact that the 9-storey element of the appeal scheme would be higher than the BHS scheme by some 2.35 metres.

27. However, while the Council's ambitions are for a transitional increase in height along the road, this, to my mind, does not need to be a strict stepped approach. Indeed, I consider that the proposed retail frontage would successfully achieve this transition by continuing the essential form and height of the Cheapside Parade through a more contemporary form into the step up at the BHS site. The more loosely formed apartment blocks would be clearly distinct from this frontage, and while in a small part higher than the BHS proposal, would provide a transition from the more monolithic composition of that scheme. The finer and more detail fenestration and materials would also help to define this transition.
28. The future development of a landmark building exceeding 10-storeys would lend further support to this transitional design rationale.
29. To conclude on height and massing, when considering the full redevelopment of the area, I consider that the height and use of complementary material for the retail frontage would result in the kinetic experience for most appreciating this strong and well-designed part of the scheme as representing the principal transitional element, fully in accord with the ambitions of the allocations. The larger apartment blocks, designed as a collection of visually divided blocks with a looser form than the BHS development would also, where appreciated, provide a varied, but also sufficiently transitional character.
30. Such variation in building heights within street frontages is characteristic of streets generally, but also seen, for example, in the higher tower elements of the Cheapside Parade, albeit it at smaller scale. Consequently, when considered as a constituent part of the redevelopment here, I find that the detailed design and materials proposed provide an appropriate response to the composition of the retail and residential elements and a transitional approach, reflective of that sought in the SADPD. Overall, in these circumstances, I consider that the proposal would comply with the London Plan and the LP policies set out above.

Other Considerations and Planning Balance

31. There was general agreement on the benefits that would arise from this proposal. There is no doubt that this area is one where comprehensive redevelopment is necessary, both to improve the immediate retail offering, but also to stimulate further investment. I give significant weight to the improvement that this scheme would deliver.
32. I also consider that weight should be given to the provision of housing. While I note the Council's minor concerns regarding the affordable housing provision, there is agreement in the SoCG that this is the maximum offer that could be realised on this site, and the Council did not contest this at the Hearing. The later Secretary of State decision, 'Chiswick Curve', provided by the Council, considered that limited weight could be given to the increased housing requirements set out in the emerging draft Replacement London Plan and that moderate benefits should be given overall to the benefits of housing and affordable housing. However, I have limited detail on that scheme, which must be considered on its own merits.
33. In these circumstances, where the Council can demonstrate a five-year housing land supply, this does, to my mind, moderate the benefit of housing on this site

somewhat. Nonetheless, the Council confirmed in the Hearing that they accepted that housing represented a benefit of significant weight, but not as significant as if there was a deficit in housing land supply, and that affordable housing represented significant weight, but not as significant as if the tenure mix was policy compliant.

34. While housing and affordable housing are often ascribed significant weight, there is a need to consider the role of each development in light of the scale of housing to be delivered, delivery of housing in the area generally and the availability of housing land. SA14 forms part of the identified deliverable sites in the housing land supply and is expected to deliver some 334 units. This scheme will deliver 121 new units, there being no housing on the site currently. However, the circumstances that would lead to application of the Framework's tilted balance are not in play. On balance, I have given the provision of housing moderate weight in my assessment.
35. I am confident that there is considerable progress being made towards comprehensive redevelopment of this area. On this basis, I consider that the scheme is of a high quality that positively responds to the character and appearance of the area and would fully comply with the development plan. However, when considered as a standalone scheme, the likelihood of which is limited in my view, I have identified some harm associated with the height of the residential blocks.
36. This harm must be balanced against the significant and moderate weights that I have identified above, and with the compliance with national, strategic and local policies seeking a boost to housing and enhanced retail provision. Consequently, even when considered on a standalone basis, I find that the proposal would still comply with the development plan as a whole.

Conditions

37. I have considered the conditions put forward as agreed between the Council and the appellant in the light of the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings and plans as this provides certainty (2).
38. To protect the character and appearance of the area, I have imposed a condition specifying the submission of material samples (3). In light of historic uses of the site, a condition addressing contamination is necessary (4), and to address other environmental effects of demolition or construction, conditions addressing dust management (5), geo-environmental information (6), machinery (7), boreholes and piling (8, 9) are all required. Design and method statements are necessary during this period of construction (10) and to address traffic matters, a Construction Management Plan and Logistics Plan are necessary (11), as is a service and delivery plan (18) and cycle parking provisions (22).
39. To address the appearance of the area, protection measures for street trees are necessary (12), as are detailed plans for hard and soft landscaping for the communal and private areas of the site (13, 14), for external lighting (15) and for satellite dishes (30). To ensure safe and acceptable living conditions for occupiers of the residential units, I have required 'Secured by Design' accreditation (16), an overheating study (19), details of the layout of the mews properties (21), sound insulation and noise measures (23, 32, 33), control over

the use and hours of the commercial units (27, 28) as well as suitable extraction systems (31) and provision of accessible units (29).

40. The provision of water and the management of drainage are addressed, including phasing if necessary (17, 24, 34), as is a requirement to provide suitable waste management infrastructure (35).
41. Finally, to address suitable and necessary sustainable construction measures, I have imposed conditions relating to low NOx boilers (20), heat networks (25), construction standards (36) and the living roof provisions (26). Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.
42. It is essential that the requirements of conditions 3, 4, 5, 6, 7, 8, 10, 11 and 12 are agreed prior to development commencing to ensure an acceptable form of development in respect of materials, geo-environmental information, demolition and construction management, including design and method statements for piling, foundation and ground floor structures, boreholes, construction traffic and tree protection. The appellant has confirmed their acceptance of these pre-commencement requirements.

Conclusion

43. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Morag Ellis QC	Instructed by Bryan Cave Leighton Paisner LLP
Chris Goddard BSc(Hons) BPL, MRTPI, MRICS	Planning Consultant DP9 Ltd
Peter Stewart (Cantab) DipArch, RIBA	Townscape Consultant – Peter Stewart Consultancy
Daniel Welham BA(Hons), DipArch, PG Dip, ARB, RIBA	Architect – Fourfoursixsix
Sarah Fitzpatrick	Legal Advisor - Bryan Cave Leighton Paisner LLP

FOR THE LOCAL PLANNING AUTHORITY:

Edward Grant of Counsel	Instructed by Solicitor to London Borough of Haringay
Samuel Uff BA(Hons)	Principal Planning Officer, Haringay
Dean Armitage MGeog, MA, MRTPI	Head of Development Management, Haringay
John McRory BA(Hons) Dip Urban Planning MRTPI	Team Leader – Major Applications, Haringay

DOCUMENTS

- 1 Council's Notification letter
- 2 Application Plans
- 3 Design and Access Statement
- 4 Design Statement
- 5 Draft s106 agreement
- 6 CIL Compliance Note
- 7 Pre-commencement Conditions agreement dated 9/07/19
- 8 Signed s106 Agreement – submitted after the Hearing

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than two years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S100; EX120-125, 130, 140, 141, 150; GA200-210, 301, 302, 401 (all Rev. 01); GA300, 400, 402, 403; ExA_1801_P_001-003 (all Rev. B).
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. Samples shall include example bricks at a minimum, combined with a schedule of the exact product references for other materials, including details of any shutters to the commercial units. The development shall thereafter be completed in accordance with the approved details.
- 4) Before development commences, other than for investigative work and demolition:
 - A) Using information obtained from the Geo-Environmental Assessment Report plus maps, an intrusive site investigation, sampling and analysis shall be undertaken. The investigation must be comprehensive enough to enable a risk assessment to be undertaken, refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements. The risk assessment and refined Conceptual Model shall be submitted, along with the Site investigation report, to the Local Planning Authority for its written approval;
 - B) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency, prior to that remediation being carried out on site;
 - C) Where remediation of contamination on the site is required, completion of the remediation detailed in the Method Statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.
- 5) No works shall be carried out on the site until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust and including a Dust Risk Assessment, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Dust and Emissions Control Supplementary Planning Guidance document (July 2014).
- 6) Prior to the commencement of the development, evidence of site registration at [nrm.london](https://nrm.london.gov.uk/) to allow continuing details of Non-Road Mobile Machinery (NRMM) and plant of net power between 37kW and 560 kW to be uploaded during the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority.

- 7) All plant and machinery to be used during the demolition and construction phases of the development shall meet Stage IIIA of EU Directive 97/68/EC for both NO_x and PM emissions.
- 8) A scheme for managing any boreholes installed for the investigation of soils, groundwater or geotechnical purposes, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works, other than for investigative work and demolition. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.
- 9) Piling, deep foundations and other groundworks (investigation boreholes, tunnel shafts, ground source heating and cooling systems) requiring penetrative methods shall not be carried out other than with the advance written consent of the Local Planning Authority. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) The development hereby permitted shall not be commenced until detailed design and method statements for demolition, all of the foundations, ground floor structures, or for any structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority. The submitted information shall:
 - provide details on all structures;
 - Provide load calculations;
 - Accommodate the location of the existing London Underground structures and tunnels;
 - Accommodate ground movement arising from the construction thereof; and
 - Mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 11) The applicant is required to submit a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) for the Local Planning Authority's written approval, at least eight weeks prior to any work commencing on site. The Plans should provide details on how construction work (including demolition) would be undertaken in a manner so that disruption to traffic and pedestrians on roads around the site is minimised. In addition,

construction vehicle movements should be planned and coordinated to seek to avoid the AM and PM peak periods.

- 12) No development shall commence until a Tree Protection Plan has been submitted to the Local Planning Authority for its written approval demonstrating a protection methodology for street tree(s) during construction that shall incorporate the installation of appropriately sized and located wooden hoardings secured to the ground to protect the trees from impact damage. Once approved the development shall be constructed in accordance with the approved details.
- 13) Prior to the commencement of both hard and soft landscape works for the public realm areas on High Road and Bury Road, full details of such works shall be submitted to and approved in writing by the Local Planning Authority, and these works shall thereafter be carried out as approved. These details shall include information regarding, as appropriate:
 - a) Proposed finished levels or contours;
 - b) Means of enclosure;
 - c) Vehicle and cycle parking layouts;
 - d) Vehicle and pedestrian access and circulation areas;
 - e) Hard surfacing materials;
 - f) Minor artefacts and structures (eg. Furniture, play equipment, refuse or other storage units, signs, lighting etc.); and
 - g) Proposed and existing functional services above and below ground (eg. Drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).

Soft landscape works shall include:

- h) Planting plans;
- i) Written specifications (including details of cultivation and other operations associated with plant and/or grass establishment);
- j) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- k) Implementation and management programmes,

The soft landscaping scheme shall include detailed drawings of:

- l) Existing trees to be retained:
- m) Existing trees which will require thinning, pruning, pollarding or lopping as a result of this consent; and
- n) Any new trees and shrubs to be planted together with a schedule of species.

The approved scheme of planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become deranged or diseased shall be

replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter, unless otherwise agreed in writing in advance with the Local Planning Authority.

- 14) Prior to the commencement of any works of both hard and soft landscape works for the communal private areas within the development confines, full details of such works shall be submitted to and approved in writing by the Local Planning Authority and these works shall thereafter be carried out as approved. Details shall include:
- a) Hard surfacing and means of enclosure;
 - b) Play space equipment details and layout;
 - c) Planting plans (including details for trees and shrubs);
 - d) Written specifications (including details of cultivation and other operations associated with plant and/or grass establishment);
 - e) Schedules or plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - f) Implementation and management programmes.

The approved scheme of planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out and implemented in strict accordance with the approved details in the first planting and seeding season following the occupation of the building or the completion of development (whichever is sooner). Any trees or plants, either existing or proposed, which, within a period of five years from the completion of the development die, are removed, become deranged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter, unless otherwise agreed in writing in advance with the Local Planning Authority.

- 15) Prior to first occupation of the development hereby approved, details of all external lighting to building facades, street furniture, communal and public realm areas shall be submitted to and approved in writing by the Local Planning Authority. The agreed lighting scheme shall be installed as approved and retained as such thereafter.
- 16) Prior to the first occupation of the development, a 'Secured by Design' accreditation shall be obtained for such building or part of such building or use and thereafter all features are to be permanently retained. The appellant shall seek the advice of the Metropolitan Police Service Designing Out Crime Officers (DOCOs) for each building or phase of the development and accreditation must be achieved according to current and relevant Secure by Design guidelines at the time of above grade works of each building or phase of said development. The development shall only be carried out in accordance with the approved details.
- 17) No properties shall be occupied until written confirmation has been provided to the Local Planning Authority to demonstrate that either:
- All water network upgrades required to accommodate the additional flows from the development have been completed; or
 - A housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

- Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with that plan.
- 18) Prior to the first occupation of the development hereby approved, a Delivery and Service Plan shall be submitted to the Local Planning Authority for its written approval, details of which must include servicing for both the residential and commercial units including details of parcel management arrangements. Commercial servicing shall be from High Road only.
 - 19) Prior to the first occupation of the development hereby approved, the applicant will undertake an Overheating Study with a London weather pattern dynamic thermal model for the residential units (TM59) using London future weather patterns (TM49). Future weather scenarios 2020 and 2050 (high emissions scenario) shall be modelled. 5% of units must be modelled and these shall be the units most likely to overheat (i.e. those in the south-west corner). If the units do overheat in the current scenarios (2020), passive design measures and technologies shall be installed to remove this risk. If the units only overheat in the future weather patterns (2050), a strategy shall be designed as to how measures can easily be retrofitted when the weather patterns lead to increase to temperatures. This is of particular importance on this site, due to local noise and air quality pollution sources which may limit openable windows.
 - 20) Prior to installation, details of the Ultra-Low NOx boilers for space heating and domestic hot water should be forwarded to the Local Planning Authority for its written approval. The boilers to be provided for space heating and domestic hot water shall have dry NOx emissions not exceeding 40 mg/kWh.
 - 21) Prior to the commencement of the relevant works, details of the front garden layout for the houses fronting onto Bury Road shall be provided to the Local Planning Authority for its written approval. Details shall include demonstrating at least three trees (planted in tree pits) within the six front gardens, other planting and landscaping, dedicated waste storage space, plus boundary and access gate treatments, as appropriate, and in accordance with Secured by Design objectives, in consultation with the Metropolitan Police DOCO.
 - 22) Prior to the commencement of the relevant works, the exact type and arrangement of cycle parking to be provided shall be submitted to and agreed in writing by the Local Planning Authority. A minimum 5% of cycle spaces shall be suitable for enlarged cycles and the type of stand proposed must be clarified. The recommendations and requirements of the London Cycle Design Standards guidance document shall be followed. The approved plans shall be retained as agreed thereafter.
 - 23) Prior to the commencement of the relevant works, details of a sound insulation scheme to be installed between the commercial premises on the ground floor and residential premises on the first floor shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed as approved prior to any commercial occupation of the site and shall be maintained thereafter.
 - 24) Prior to commencement of the relevant works, a management and maintenance plan for the proposed drainage system(s) (detailing future responsibilities for the lifetime of the development) and final detailed drawings of the proposed system(s), shall be submitted to the Local

- Planning Authority for its written approval. The system(s) shall be installed and managed as approved and retained as such thereafter.
- 25) Details of the construction standard for the proposed energy network and its ongoing operation shall be submitted to the Local Planning Authority prior to the relevant works commencing on site. These details shall include:-
- A) Confirmation that the heat network serves all domestic and non-domestic units on the site and provides all hot water and space heating loads.
- B) Confirmation that the site wide heating and hot water network has been designed and shall be constructed following the CIBSE, / ADE Heat Networks Code of Practice;
- C) Confirmation that the operator of the heating and hot water network shall achieve the standards set out in the Heat Trust Scheme (an equivalent industry approved, auditable and accountable customer protection scheme can be suggested), and that the developer will sign up to this standard to ensure that users have transparency of costs for customer protection. These standards shall then be continued for the life of the heating and hot water network on the site, unless a regulatory scheme takes its place.
- 26) Prior to commencement of any works to the relevant part of the development hereby approved details of the living roof shall submitted to the Local Planning Authority for its written approval. Details shall include the following:
- A roof(s) plan identifying where the living roofs will be located;
 - Confirmation that the substrates depth range of between and 150mm across all the roof(s);
 - Details on the diversity or substrate depths across the roof to provide contours of substrate. This could include substrate mounds in areas with the greatest structural support to provide a variation in habitat;
 - Details on the diversity of substrate types and sizes;
 - Details on bare areas of substrate to allow for self-colonisation of local windblown seeds and invertebrates;
 - Details on the range of native species of wildflowers and herbs planted to benefit native wildlife. The living roof will not rely on one species of plant life such as Sedum (which are not native);
 - Details of the location of log piles / flat stones for invertebrates;
- The living roof(s) will not be used for amenity or sitting out of any kind. Access will only be permitted for maintenance, repair or escape in an emergency. The living roof shall then be carried out strictly in accordance with the details approved by the Local Planning Authority and shall be maintained as such thereafter.
- 27) The commercial units within the ground floor of the proposed development shall be used only for purposes falling within Use Classes A1-A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

- 28) The commercial units at ground floor level of the development hereby approved shall be open only between 0800 and 2300 on any day of the week.
- 29) All the residential units will be built to part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended) and at least 10% (12 units) shall be wheelchair accessible or easily adaptable for wheelchair use, in accordance with Part M4(3) of the same Regulations.
- 30) The placement of a satellite dish or television antenna on any external surface of the development is precluded, with exception provided for a communal solution for the residential units, details of which are to be submitted to the Local Planning Authority for its written approval prior to the first occupation of the residential units hereby approved. The provision shall be retained as installed thereafter.
- 31) No activities within Use Classes A3 or A4 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall commence until details of ventilation measures associated with the specific use concerned have been submitted to and approved in writing by the Local Planning Authority. The approved ventilation measures shall be installed and made operational before any A3 or A4 use commences and shall be so maintained in accordance with the approved details and to the satisfaction of the Council.
- 32) Noise arising from the use of any plant or any associated equipment shall be set at 5dB below the existing background noise level (LA90 15mins) when measured (LAeq 15mins) 1 metre external from the nearest residential or noise sensitive premises. The appellant shall also ensure that vibration/structure borne noise derived from the use of any plant equipment does not cause noise nuisance within any residential or noise sensitive premises. An assessment of the expected noise levels shall be carried out in accordance with BS4142:2014 and any mitigation measures necessary to achieve the required noise level shall be submitted to the Local Authority Planning Authority in writing, for approval. The plant and relevant mitigation measures, if required, shall be installed and maintained in accordance with the approved details.
- 33) The Acoustic Planning Report (Section 4) predicts that with the installation of the specified glazing and inclusion of a fully or partially mechanically ventilated system the following internal noise levels in accordance with BS8233:2014 below will be achieved within the proposed residential units (with the windows closed);

Time	Area	Minimum Noise Level
Daytime Noise 7am – 11pm	Living Rooms and bedrooms	35dB(A)
	Dining Room/Areas	40dB(A)
Night Time Noise 11pm – 7am	Bedrooms	30dB(A)

A test shall be carried out prior to the discharge of this condition to show that the required noise levels have been met and the results submitted to the Local Planning Authority for its written approval.

- 34) No infiltration of surface drainage into the ground is permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the Site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved consent.
- 35) The waste storage and recycling facilities shall be installed in accordance with the following details:
- Appropriately-sized general waste and recycling areas;
 - Provision of 14 x 1100L bins for refuse, 5 x 1100L bins for recycling and 7 x 140L food waste bins for the proposed flats;
 - Provision of 1 x 240L and 5 x 360L bins for refuse, 1 x 240L and 5 x 360L bins for recycling and 6 x 25L food waste bins for the proposed houses;
 - Gradient between the refuse store and the public footway shall be less than 1:20;
 - Positioning of dropped kerbs to facilitate waste store access for servicing staff.

No alterations to this provision shall occur without the prior written consent of the Local Planning Authority.

- 36) Sustainability measures shall be provided as set out in the Energy and Sustainability Statement, by Silcock Dawson and Partners Energy & Sustainability Design Group, (version 2) 21/08/2018.

The retail part of the development shall then be constructed in strict accordance with the details so approved, and shall achieve the agreed rating of "Very Good" under BREEAM New Construction (2018) and shall be maintained as such thereafter. A post construction certificate or evidence issued by an independent certification body confirming this standard has been achieved must be submitted to the Local Planning Authority at least 6 months prior to first occupation for its written approval.

In the event that the development fails to achieve the agreed rating for the development, a full schedule and costings of remedial works required to achieve this rating shall be submitted for the Local Planning Authority's written approval within two months of the submission of the post construction certificate. Thereafter the schedule of remedial works must be implemented on site within 3 months of the Local Planning Authority's approval of the schedule, or the full costs and management fees given to the Council for offsite remedial actions.