



Appeal Decision

Inquiry Held on 19 & 20 November 2019

Site visit made on 19 November 2019

by Kenneth Stone BSC Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2019

Appeal Ref: APP/N5660/W/18/3219368

Cornwall Road, Wootton Street and Windmill Walk, London, SE1 8TP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Grainger plc against the Council of the London Borough of Lambeth.
 - The application Ref 16/06172/Ful, is dated 27 October 2016.
 - The development proposed is described as 'a phased development comprising demolition of existing buildings and construction of a predominantly 7 to 12 storey mixed use scheme with 215 dwellings (use class C3), theatre rehearsal space (sui generis), small offices (use class B1) and ancillary accommodation, together with replacement substation, cycle parking, disabled parking, plant, other works and two communal landscaped gardens'.
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Decision

1. The appeal is allowed and planning permission is granted for a phased development comprising demolition of existing buildings and construction of a predominantly 7 to 12 storey mixed use scheme with 215 dwellings (use class C3), theatre rehearsal space (sui generis), small offices (use class B1) and ancillary accommodation, together with replacement substation, cycle parking, disabled parking, plant, other works and two communal landscaped gardens at Cornwall Road, Wootton Street and Windmill Walk, London, SE1 8TP in accordance with the terms of the application, Ref 16/06172/Ful, dated 27 October 2016, subject to the conditions contained in the schedule at the end of this decision.

Procedural matters

2. The appeal has been made following the Council's failure to give notice of its decision on the application within the prescribed period. Copies of two reports considered by Lambeth's Planning Applications Committee are provided at CD9 and CD10 which set out the basis of the Council's position on the proposed development. A Statement of Common Ground was agreed between the parties and which identified the areas of disagreement as, in essence, the rent levels for the affordable housing units and the number and timing of future viability reviews. Before the Inquiry opened the parties concluded a Supplementary Statement of Common Ground, having reached further agreement. At the opening of the Inquiry it was confirmed that the parties had reached full agreement on the provision of affordable units, rent levels and review

mechanisms, that the Council no longer sought to object to the proposals and, indeed, supported the proposals. I deal with the provision of affordable housing and related issues in my reasoning below.

3. During the consideration of the application the effect of the development on the daylight and sunlight enjoyed by the occupants of surrounding buildings and the effect on daylight and sunlight that might be enjoyed by occupants of the proposed scheme following potential redevelopment of adjoining sites were the subject of a number of objections. The Council received various technical assessments of the effects which led the Council not to raise the matters as points on which they raised objections. There were however still a number of objections at the appeal stage that continued to raise concerns in respect of some of these matters and I therefore also address these concerns in my reasoning below.
4. I was provided with a final draft of a planning obligation by way of a Unilateral Undertaking on the final day of the Inquiry. A completed, signed and dated Undertaking was provided to me on 26 November 2019, which was by the deadline agreed at the end of the Inquiry. All matters in the Undertaking were agreed between the parties with the exception of the payment requested by the Council in respect of improvements to Sandell Street. I address this and the provisions of the Undertaking below.

Reasons

5. The statutory development plan for the area comprises the London Plan (2016) and the Lambeth Local Plan (2015) (LLP).
6. The Draft London Plan 2017 (with suggested minor changes in August 2018) is currently undergoing examination. The examination panel report has recently been received. In accordance with paragraph 48 of the National Planning Policy Framework (the Framework) the weight to be attached to the policies can be given greater weight, I consider it reasonable to now afford these significant weight.
7. The Draft Revised Lambeth Local Plan has undergone public consultation but is at a relatively early stage in the plan making process. Given that a plan has been published some weight could be attributable to it but given the very early stages of the plan I see no reason to give it more than very limited weight.
8. Supplementary Planning Documents and other planning documents including the Waterloo Opportunity Area Planning Framework, Housing SPG, Central Activities Zone, Affordable Housing and Viability SPG and London Housing Strategy, published by the Mayor of London, and a Development Viability SPD, Employment Skills SPD and Waterloo SPD, published by the London Borough of Lambeth, are material considerations.

Affordable housing

9. The London Plan requires the maximum reasonable amount of affordable housing should be sought. The policy makes it clear that development viability should be taken into account. The LLP requires the maximum reasonable amount of affordable housing is provided in line with a target of 40% as affordable units on schemes without public subsidy and on sites capable of accommodating 10 or more units. It also notes that a financial appraisal will be required if the affordable housing provision is less than that requirement and

- includes references to a re-appraisal if the maximum amount is below the policy target.
10. The scheme includes 215 residential units as Build to Rent (BTR) rather than for sale. Such schemes are encouraged in the Mayor's Housing SPG and the emerging London Plan as supporting a need in the market in London. The developer proposes to re-house existing tenants with a protected tenancy, some 33 units, and provide 36 units at a Discounted Market Rent (DMR), the remaining 146 units would be provided at Market Rent. The Protected Tenancy Units would not be provided in perpetuity but there are succession rights for various occupants which mean that there is no clear visibility on when they will become vacant and available for Market Rent: this has implications for the viability of the scheme. They are not however affordable housing units under the definition in the Framework. The 36 DMR units are the affordable provision and equate to some 16.7% of the total units.
 11. The parties have agreed that 70% of the DMR units would be let at a local housing allowance level with the remaining 30% at the Mayor's London Living Rent level. This is a change to the rent levels previously proposed and has resulted in a reduction in the offer of the total number of DMR units to be provided. This is a position reflective of the Planning Practice Guidance (PPG) which notes that it should be possible to explore a trade off between the proportion of discounted units and the discount offered on them.
 12. The latest viability assessment I have been provided with, which is not disputed by the parties, identifies that the proposal would result in a residual land value below the benchmark land value for the site. The latest position has resulted in this difference being of a similar order to the levels previously agreed between the parties where greater numbers of DMR units were proposed but at higher rent levels. The Appellant has indicated that given their long-term management of the scheme they are prepared to proceed with the development in these circumstances.
 13. On this basis I conclude this is the maximum reasonable amount of affordable housing that could be secured on the site. It is secured at levels that will be affordable to local residents and potential nominations from the Council. The matters are secured through a Unilateral Undertaking along with obligations to ensure the BTR scheme is retained as such for 15 years and various claw back obligations including one at 75% occupation as a late stage review. This is consistent with policy and the emerging London Plan, as is the requirement for an early stage review if the development does not proceed in a timely fashion.
 14. I am satisfied that the proposed development would make provision for the maximum reasonable amount of affordable housing and comply with the Development Plan in this respect, including the level and nature of provision, as secured through the necessary clauses in the Planning Obligation.

Daylight and sunlight

15. The appeal site is located in a dense urban location that is identified in policy as an opportunity area and in which development is promoted. The existing estate comprises primarily relatively low rise, four to five storey, blocks constructed around the mid/late 1940's and which the appellant suggests have passed their realistic productive life. It is located to the south of Waterloo East railway station, across Wootton Street, and abuts an open bus garage on its southern

boundary. To the west, on the opposite side of Cornwall Road, is the Union Jack Club, a building rising to more than 20 storeys, and other properties at the southern end of Cornwall Road, which are at a lower scale than the Union Jack Club. To the east across Windmill Walk is Windmill House, which rises to some 9 storeys in height.

16. Various technical assessments have been submitted which demonstrate the impact of the proposed scheme on sunlight and daylight in the surrounding area. In general the majority of properties in surrounding buildings are identified as maintaining a level that is in line with the Building Research Establishment (BRE) guidelines. Where there are shortfalls against these technical guidelines they are limited breaches and given the overall lighting in the properties, the nature of the surrounding dense urban area and the existing features of the buildings these are generally acceptable.
17. The assessments included consideration of the amenity space for Windmill House which, although impacted, would still retain in excess of the required minimum standard hours as set out in the guidance. Concerns expressed regarding some minor technical anomalies in the assessment were explained in the updated assessment and I find no reason to dispute the findings of the appellant's assessments. The development would have limited effect on properties to the south, in the Cut, and to the north, beyond the embankment for Waterloo East station, in the Rouppell Street area.
18. In respect of those properties fronting Cornwall Road, the Union Jack Club is not a residential building, contains conference facilities and hotel accommodation and is not protected by development plan policy. The impact of the development would not be such as to warrant withholding consent given the nature and scale of the building and the existing use. The properties further south on Cornwall Road would be affected only to a limited extent.
19. The bus garage is identified in the development plan as a development opportunity site and the scheme has been amended with regard to windows facing south to address concerns over potential future development. Otherwise the existing surrounding development in the Cut and surrounding streets would also have a limiting effect on the development of that site. Other sites in Cornwall Road are not identified as development sites in the development plan and will need to address any potential impacts any scheme would have at that time.
20. The daylight and sunlight that would be enjoyed by future residents of the proposed development would be, for by far the majority of units, well above the guideline limits. There are only limited occurrences where this would not be the case and in a number of those the discrepancies are limited. The general sunlight levels are compensated for by good sized flats, with good overall lighting and good aspect. A proportion of the flats do have single aspect and this is predominantly to address concerns related to potential redevelopment of the bus garage to the south. Overall, however, the daylight and sunlight levels for future occupiers would be acceptable.
21. I am satisfied that there would be no material harm to the levels of daylight and sunlight presently enjoyed by occupants of surrounding properties and that the daylight and sunlight levels for future occupiers of the proposed development would be acceptable. There would be no conflict with the development plan in this regard.

Other matters

22. As the appeal is in relation to the Council's failure to determine the application within the prescribed period I have also considered the other matters as addressed in the Committee reports, raised in representations and which are addressed in the Statement of Common Ground. I find no reason to differ from the conclusions reached on those matters by the parties and I conclude the scheme is acceptable on these matters.
23. I have considered the effect on the designated heritage assets in the immediate surrounding area given my statutory duties. These include a number of conservation areas and statutory listed buildings. I have had regard to the statutory requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and I am satisfied that no harm would occur to any of these designated heritage assets, given the quality of design, nature of the surrounding area, degree of separation and intervening development; they would therefore be preserved.
24. The building design has been commended by the Council and Mayor of London, its scale, mass, architectural quality, detailing and materials ensure the proposed building would be a significant positive addition to the street scene and the area in general. This is a positive attribute of the scheme to which I give significant positive weight.
25. Although a number of objections are reported in the Committee reports and I have received a number of objections to the scheme during the appeal, this number is relatively small for a scheme of this scale and in such a dense urban area. That is, in my view, reflective of the care and attention given to the design and the consultation undertaken by the developer. There have also been a number of parties who have supported the proposal not least many of the existing residents with secure tenancies who wish to move to the new development. Again, this is reflective of the quality of the proposed scheme.
26. Of those matters that were the subject of objections that have not been included within my conclusions above I am satisfied that the development of the site would not materially affect the redevelopment prospects of surrounding sites given the tight urban fabric and the identification of the area as an opportunity area where redevelopment is likely to take place. There would be limited overlooking of surrounding residential properties given separation distances intervening development and the existing relationships which already result in a degree of overlooking in an urban area of this nature.
27. The issue of noise from the development either from the use of the high level balcony, or plant and equipment can be satisfactorily addressed through the use of appropriate conditions.
28. The scheme is proposed as a car free development with limited disabled parking spaces, a restriction on parking permits and a suitable travel plan to be submitted and monitored. Given the highly accessible location this is a suitable response.
29. I am satisfied that the amenity space provision is acceptable, the Council note that this is in excess of the required standard. Whilst there are no private balconies this has been shown to be for good reason given the surrounding uses, including the railway line and bus station, and the large size of the

proposed flats. Overall, I am satisfied that the standard of accommodation afforded for the future residents is good.

30. The conditions suggested at the end of the decision address a number of detailed aspects of the scheme, including design, noise, air quality, demolition and construction, transport, landscaping, etc that will address the impacts of the development and ensure that the scheme is acceptable. I address these in further detail below.

Benefits

31. The scheme would provide for 215 homes, providing a net increase of 146 units. That would make a significant contribution to the Borough and London's housing targets. That these are of a tenure, Build to Rent, that is supported by Government and the Mayor of London as an important tenure that would meet a particular need in London adds further to the positive contribution from this scheme.
32. As part of the scheme some 33 units are to provide replacement homes for existing tenants under their protected tenancies. These include succession rights and will result in these properties being provided at significantly cheaper rents than either market rent and even the local housing allowance levels of the DMR units. Whilst these are not 'affordable housing units' they are subsidised housing that has a significant cost impact on the viability of the scheme and would be a significant benefit for those residents.
33. On top of the Secured Tenancy Units the developer would provide 36 units as DMR units. As confirmed above this is the maximum reasonable affordable housing provision given the viability of the scheme and is a significant benefit in providing accessible affordable housing for local residents, the nominations for which would be agreed with the Council.
34. The development is a high quality scheme that would make a significant contribution to the street scene and the quality of development in the area, this would improve the active street frontage, the appearance of the area and with the associated landscaping the general streetscape in the area.
35. The proposal would provide for rehearsal space and ancillary accommodation for the Old Vic theatre. The rent levels are controlled and the additional capacity/space, at affordable rent, would support the theatre and the wider community for which it would be a significant social benefit.
36. The proposal would provide for flexible employment space providing some 50 jobs that would assist in supporting the economic base of the Borough. This is further supported by provisions in respect of employment and skills secured through the Unilateral Undertaking.
37. The development would result in significant economic activity during construction with employment and building, as well as increased economic activity in the area resultant from the uplift in the residential accommodation on the site.

Planning Obligation

38. A detailed Planning Obligation in the form of a Unilateral Undertaking has been provided. This ensures many of the benefits and aspects of the development

which have led to the development being considered acceptable as well as necessary requirements that form part of the scheme are secured.

39. The Undertaking sets out that the owner covenants with the Council to perform the obligations set out in the specified schedules. The Undertaking includes a 'Further Obligation' which relates to the financial contribution in respect of Sandell Street which is indicated to only come into effect if it is stated in the decision that the obligation meets the appropriate tests.
40. Schedule 3 sets out various triggers for the provision of written notices to the Council and these are required to ensure appropriate monitoring of the obligations can take place. Schedule 4 provides for the payment of various financial contributions in respect of Cycle docking station, disabled parking, car club, travel plan monitoring, employment and training, Carbon off-setting (residential and non-residential) and tree planting. These contributions are required to ensure the development meets the required provision, supports sustainable transport, supports the local economy and addresses carbon emissions. I am satisfied they are necessary, related to the development and are fairly and reasonably related in scale and kind to the development.
41. Turning to the financial contribution towards works for the improvement of Sandell Street, the planning application included a 'pers' audit which identified the importance of the route along Sandell Street for future occupiers of the development and that the condition of the route was poor. Whilst I accept that this identifies that there is a link between the route and the development, other factors need to be considered. The condition of the route is an existing situation, the overall usage of the route would only be increased by a very small proportion given the existing usage and the numbers associated with the development. Although the Council at the Inquiry confirmed that a draft scheme for works had been developed this had no authorising decision. The scheme had a general headline cost but no detailed cost breakdown and the Council were not able to confirm what specific aspects of the scheme the proposed contribution would be put to. I therefore have no clear visibility as to the percentage of the scheme that would be paid for by the contribution sought, nor the extent of the works that would be paid for. On this basis I cannot conclude that the contribution sought is reasonable or in keeping in scale with the proposed development. It does not therefore meet the appropriate tests and is not a matter I will take into account in my decision.
42. Schedules 5, 6, 7, 8, 9, 10 and 11 set out the details of the employment and Skills Plan, the car club, restrictions on parking permits, the Old Vic theatre space, the Discounted Market Rent Units and Market Rent Units, the Long Term Tenancy Units and the Viability reviews. The details include obligations on the operation of the various matters including claw backs, reviews and on-going provisions. They are all necessary, related to the development and fairly and reasonably related in scale and kind to the development. They are necessary to secure the matters that are promoted as part of the development, ensure the benefits of the scheme are realised and that the development would operate as it has been proposed.

Conditions

43. I have considered the suggested conditions in line with the PPG. The appellant has confirmed in writing that they agree to those conditions containing pre-commencement provisions, and these are required to ensure the matters are

addressed at a suitable point in the development process and are reasonably secured.

44. An approved plans condition is imposed to provide clarity as amendments where made during the consideration of the application. Conditions 3, 4 and 6 are required to address matters associated with demolition and construction impacts and to protect surrounding development and users. Conditions 8, 9, 10, 12, 13, 14, 15, 16, 26, 43, 44, and 46 are required to protect occupiers of surrounding properties and provide the future occupiers of the development with a good standard of accommodation.
45. Conditions 5, 31 and 32 address necessary water supply and drainage. Conditions 11, 17, 18, 19, 20 and 21 deal with detailed design and appearance matters to ensure the development is and remains of a high quality design during its implementation. Conditions 22 and 42 are required to ensure the contribution to ecology proposed is secured. Conditions 23, 24 and 28 are required to ensure the development is appropriately serviced.
46. Conditions 25, 27, 29, 30 and 45 are required in the interest of highway safety and to ensure the development is accessible by a range of modes of transport. Conditions 33, 34, 35 and 40 are required to ensure the development meets the carbon reduction levels required in the development plan and provides appropriate sustainability measures. Conditions 36 and 37 are required in the interests of crime prevention and protection against terrorism.
47. Conditions 38 and 39 are required to address potential contamination on this previously developed site.

Overall Conclusions

48. Planning Law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in accordance with the development plan as a whole and I have not identified any policies where there is a material conflict. The Framework is a material consideration and paragraph 11 advises decisions should apply a presumption in favour of sustainable development. For decisions this means approving development proposals that accord with an up to date development plan without delay. There have been no issues raised that the development plan is not up to date.
49. Applying the presumption in favour of development and approving the development without delay is in accordance with the Framework with which the scheme has no material conflicts. There are no material considerations that would indicate a decision otherwise than in accordance with the development plan was appropriate.
50. The development would bring significant benefits to the area, is a well designed scheme of high quality which is in accordance with the development plan and should therefore be granted planning permission.
51. For the reasons given above I conclude that the appeal should be allowed and planning permission granted.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Heather Seargent	Of Counsel, instructed by London Borough of Lambeth
She called	
Ross Whear BA (Hons), MA	Strategic Applications Manager, London Borough of Lambeth
Anthony Lee BSc (Hons), MSc (Econ), MA (TP), PhD, MRTPI, MRICS	Senior Director BNP Paribas Real Estate

FOR THE APPELLANT:

Russell Harris QC	Instructed by Ian Ginbey of Clyde & Co. LLP
He called	
Richard Petty BA (Hons), FRICS	Director JLL
James Owen BSc (Hons), RICS, MRTPI	Director JLL

INTERESTED PERSONS:

Simon Atkins	Chief Executive of the Union Jack Club
Mike Tuppen	Chair Octavia Hill Residents Association

DOCUMENTS submitted at Inquiry by Appellant

APP1	List of appearances for appellant
APP2	Opening submissions on behalf of appellant
APP3	Draft Planning Obligation by Unilateral Undertaking
APP4	Closing Submissions on behalf of the appellant

DOCUMENTS submitted at Inquiry by London Borough of Lambeth

LBL1	List of appearances for the Council
LBL2	Opening submissions on behalf of London Borough of Lambeth
LBL3	Signed Statement of Common Ground
LBL4	Signed Supplementary Statement of Common Ground
LBL5	List of suggested draft Conditions
LBL6	BNP Paribas Real Estate Development Appraisal dated 15 November 2019
LBL7	Closing submissions on behalf of London Borough of Lambeth

DOCUMENTS submitted at Inquiry by Third Parties

- TP1 Letter of objection by Union Jack Club submitted by Mr Atkins.
- TP2 Copies of various letters submitted in support of the proposal during the application and appeal produced by Mr Tuppen
- a) Letter from Kate Hoey MP dated 18 October 2019
 - b) Letter from Cannon Giles Goddard Vicar St John's & St Andrew's At Waterloo
 - c) Letter from Kevin Craig Member of Lambeth Council for Bishop's Ward
 - d) Letter from Octavia Hill Residents Association dated 3 May signed by Mr Tuppen as Chair.
 - e) Various letters from Residents of the development site including at Charing House, Croydon House, Ospringle House and Benson House

POST INQUIRY DOCUMENTS submitted by Appellant

- PID Planning Obligation by Unilateral Undertaking dated 26 November 2019

Schedule of conditions for Appeal Reference: APP/N5660/W/18/3219368

- 1) The development to which this permission relates must be begun no later than three years from the date of this decision notice.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans and drawings, other than where those details are altered pursuant to the conditions of this planning permission: P0001; P0002_A; P0100_B; P0101_A; P0102_A; P0103_A; P0107_A; P0108_B; P0109_A; P0110_A; P0111_A; P0112_A; P0201_A; P0202_B; P0203_A; P0204_B; P0205_A; P0206_A; P0301_B; P0302_A; P0303_A; P0304_A; P0305_A; P0306_A; P0307_A; P0308_A; P0309; P1001_A; P1002_A; P1003_A; P1004_A; P1005_A; P1021_A; P1022_A; P1023_A; P2001_A; P2002; P6001; P6002_A; P6003_A; P6004_A.
- 3) No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).
- 4) (A) The demolition hereby approved shall not be carried out until a Demolition Management Plan that includes an Air Quality and Dust Management Plan (AQDMP) for the related phase has been submitted to and approved in writing by the Local Planning Authority. The AQDMP element shall include the following for demolition:
 - i) A summary of work to be carried out;
 - ii) Proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
 - iii) Inventory and timetable of all dust and NOx air pollutant generating activities;
 - iv) List of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment;
 - v) Details of any fuel stored on-site;
 - vi) Details of a trained and responsible person on-site for air quality (with knowledge of pollution monitoring and control methods, and vehicle emissions);
 - vii) Summary of monitoring protocols and agreed procedure of notification to the local authority; and
 - viii) A log book for action taken in response to incidents or dust-causing episodes and the mitigation measure taken to remedy any harm caused, and measures employed to prevent a similar incident reoccurring.

Demolition shall thereafter be carried out in accordance with the details and measures approved in the Demolition Management Plan for the related phase.

(B) The construction hereby approved shall not commence until a Construction and Environmental Management Plan (CEMP) for the related phase has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- i) An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii) A description of management responsibilities;
- iii) A description of the construction programme and work to be carried out which identifies activities likely to cause high levels of noise or dust;
- iv) Site working hours and a named person for residents to contact;
- v) Detailed Site logistics arrangements, haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site;
- vi) Details regarding parking, deliveries, storage, and any fuel stored on site;
- vii) Details regarding dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
- viii) Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
- ix) Communication procedures with the local planning authority and local community regarding key construction issues including newsletters, fliers etc; and as appropriate, evidence of and details related to consultation with local residents in respect of the CEMP.

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP for the related phase.

- 5) Prior to the commencement of the second main phase of development (as defined in the Phasing Plan) of the development hereby approved (excluding demolition), impact studies of the existing water supply infrastructure shall be submitted to, and approved in writing by, the local planning authority. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. The approved works shall be implemented for that phase prior to occupation of that phase.
- 6) 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 the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 7) No less than 10 percent of the residential units hereby permitted shall be constructed to comply with Part M4(3) of Schedule 1 of the Building Regulations 2013 (the Wheelchair User Dwellings). Any communal areas and accesses serving the Wheelchair User Dwellings should also comply with Part M4(3) of Schedule 1 of the Building Regulations 2010. All other residential units, communal areas and accesses hereby permitted shall be constructed to comply with Part M4(2) of Schedule 1 of the Building Regulations 2013.

- 8) No above ground works shall take place until a scheme of noise and vibration attenuation has been submitted to and approved in writing by the Local Planning Authority and shall take due account of the performance targets detailed in the Hoare Lea report 1005768 dated 30/08/2016.

The scheme shall achieve the habitable room standard as detailed in BS8233:2014 with no relaxation for exceptional circumstances and must include details of post construction validation. The approved noise and vibration attenuation measures shall be implemented in respect of each phase before that phase is brought into use and shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

- 9) Prior to the occupation of the applicable phase of the development hereby approved soundproofing shall be installed between the commercial premises on the ground floor and residential units on the first floor, and in the second phase the residents' amenity facility on the 11th floor and the residential use on the 10th floor. The sound insulation shall be provided and installed in the premises to ensure that internal noise levels within the most noise sensitive habitable rooms meet BS8233: Guidance on sound insulation and noise reduction for buildings (2014).
- 10) There shall be no amplified sound, speech or music on the 11th floor roof terraces which is audible above background noise levels when measured outside the nearest residential property.
- 11) Prior to the commencement of building works above ground of the relevant phase of the development, full details (including elevation drawings) of any internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting /ventilation for that phase, shall be submitted to and approved in writing by the Local Planning Authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on that part of the site and shall thereafter be maintained in accordance with the manufacturer's instructions.
- 12) For each phase the use hereby permitted, and the operation of any building services plant within that phase, shall not commence until an assessment of the acoustic impact arising from the operation of all internally and externally located plant for that phase has been submitted to and approved for that phase in writing by the local planning authority. The assessment of the acoustic impact shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and current best practice, and shall include a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed building services plant is less than background, when measured at the window of the nearest existing residential property. The use of each phase hereby permitted, shall not commence until a post-installation noise assessment has been carried out to confirm compliance with the noise criteria. The scheme of attenuation measures shall be implemented in accordance with the approved details and attenuation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.

- 13) The use of the B1(a) (office premises) hereby permitted shall not operate other than within the following times: 06:00 to 23:00 on all days.
- 14) Details of privacy screening for first floor units facing onto the communal amenity area, privacy screens and directional glazing within windows for units 08/C1/03, 08/C1/01, 08/C2/02, 08/C3/03, 08/C3/04, 08/C4/03, and privacy screens for 09/C4/02, 09/C4/01, 09/C1/02 and 09/C1/01 shall be submitted to and approved in writing by the local planning authority prior to the occupation of those residential units. The screens shall be provided thereafter and be permanently retained in accordance with the approved details.
- 15) Notwithstanding details shown on the approved plans, no residential unit in the second main phase of development (as defined in the Phasing Plan) shall be occupied until full details of the child play space (not less than 682.4sqm) have been submitted to and approved in writing by the local planning authority and the child play space has been implemented in accordance with the approved details.
- 16) Prior to the occupation of the development hereby permitted, a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The Flood Warning and Evacuation Plan shall be based on the Environment Agency's Flood Warnings Direct Services and shall detail the procedures to be followed in receipt of a flood warning. The Flood Warning and Evacuation Plan shall then be distributed to each first occupier of each of the residential and commercial units of the development.
- 17) Notwithstanding the details shown on the drawings hereby approved, above ground works for the related phase shall not commence until samples and a schedule of the materials to be used in those external elevations, including on site samples of all external brickwork (including pointing, bonding and special brick detailing) erected on site for inspection, have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details.
- 18) Notwithstanding the details shown on the drawings hereby approved, above ground works for the related phase shall not commence until drawings showing all external construction detailing of that phase have been submitted to and approved by the Local Planning Authority in writing. The drawings shall include details of:
 - a) fascia signage space
 - b) balconies and balustrades
 - c) roof and cladding (method of fixing) to include sections
 - d) communal entrances including signage
 - e) windows, secure vents and doors; section and cross section of typical window (scale 1:5 and 1:10)
 - f) lighting including type, colour/RAL and location for both public and private areas
 - g) rainwater pipes, flues and vents, including location

- h) boundary treatments and gates and sections
- i) cycle storage; appearance, materials and location
- j) glass screens
- k) cills, soffits, reveals, grilles, air bricks, canopies, brickwork and brick bonding

The details set out above shall be provided at 1:10 scale (including sections) or at another scale agreed in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the details and drawings thus approved.

- 19) No plumbing or pipes, other than rainwater pipes, shall be fixed to the external faces of buildings.
- 20) Prior to the commencement of the landscaping works for the second main phase of development (as defined in the Phasing Plan), a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details within the first planting and seeding season following the date of occupation of that phase or the substantial completion of the development whichever is the sooner. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding equivalent). The submitted details are expected to demonstrate the following (as appropriate):
- a) The treatment of all parts of the site not covered by buildings including walls and boundary features;
 - b) The treatment of the communal residential roof terraces including details of soil depth on the podium level (first floor);
 - c) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted.
 - d) An indication of how they integrate with the proposal in the long term with regard to their root growth (including consideration of sub surface products to allow unfettered root growth), mature size and anticipated routine maintenance and protection.
 - e) Specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape.
 - f) All hard landscaping including all ground surfaces, seating, refuse disposal points, cycle parking facilities, bollards, vehicle crossovers/access points, any ramps or stairs plus wheel chair access (including how the needs of all ambulant and disabled persons have been taken into consideration in respect of the shared surface area) together with finished ground levels and site wide topographical levels; and
 - g) Details of bat and bird box design and their locations.
- 21) Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the earliest of first occupation or substantial 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.

- 22) No above ground works shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme for the design, construction, establishment and sustainable management (the Roof Scheme) of all areas of green and biodiverse ('brown') roof proposed in the application, excluding those areas approved for playspace and amenity space. The Roof Scheme should offer the maximum ecological and visual benefit to the site and locality. The Roof Scheme should aim to assist with rainwater attenuation and management, in terms of its design and integration into other aspects of the development designed to reduce flooding and reduce potable water wastage. The submission must provide/comprise the following information:
- a) Details on materials used in the design, construction and installation of the green roof based on the Green Roof Code and, in the case of a green roof, the use of biodiversity-based extensive/semi-intensive soils or materials;
 - b) Details on substrate and plants used in the green roof. Green roofs should be based on a commercial brick-based aggregate or equivalent with a varied substrate depth of 80 -150mm planted with 50% locally native herbs/wildflowers in addition to a variety of sedum species;
 - c) Details on additional features to any proposed green roofs, such as areas of bare shingle, areas of sand for burrowing invertebrates and individual logs or log piles;
 - d) An ecological management and maintenance plan including landscape features and a cross section of the green roof.

The Roof Scheme shall be implemented in accordance with the details approved before the development is brought into use and retained thereafter. Evidence that the green roof has been installed in accordance with the details above should be submitted to and approved in writing by the local planning authority prior to first occupation of each phase. If, within 5 years of the installation of the green roofs pursuant to the Roof Scheme, any planting forming part of the green roof shall die, be removed, or become seriously damaged or diseased, then either this planting shall be replaced in the next planting season with planting of a similar size and species or alternatives shall be agreed in writing with the local planning authority and thereafter maintained for the lifetime of the development.

- 23) Prior to the commencement of the relevant part of the above ground works in each phase hereby permitted, details of waste and recycling storage (including detail on ventilation of bin stores) for that phase shall be submitted to and approved in writing by the local planning authority. The waste and recycling storage shall be provided in accordance with the approved details prior to first occupation of any use hereby permitted in relation to that phase, and waste storage areas shall thereafter be retained solely for its designated use. The waste and recycling storage areas/facilities should comply with the Lambeth's Refuse & Recycling Storage Design Guide (2013), unless it is demonstrated in the submissions that such provision is inappropriate for this specific development.
- 24) Prior to the occupation of the development hereby permitted, a Waste Management Strategy shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be built in accordance with the approved details and waste storage areas shall

thereafter be retained solely for their designated use. The use hereby permitted shall thereafter be operated in accordance with the approved Waste Management Strategy. The Waste Management Strategy will align with the October 2013 Waste and Recycling Storage and Collection Requirements- Technical Specification for Architects and Developers.

- 25) Prior to the occupation of each phase of the development hereby permitted, details of the provision to be made for cycle parking for that phase shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented in full in accordance with the approved details prior to occupation of each phase. The cycle parking shall thereafter be retained solely for its designated use.
- 26) No occupation of the B1a office space and Theatre Rehearsal Space hereby permitted shall occur, until the shower and changing facilities have been installed and they shall thereafter be retained for the duration of the scheme hereby permitted.
- 27) Within 3 months of occupation of each phase a detailed specification for raising the dropped kerb and reinstating the footway in place of the existing vehicular accesses in that phase shall be submitted for approval to the Council's Highways Department and the approved works shall be implemented within the subsequent 6 months and be permanently retained thereafter.
- 28) The use hereby permitted shall not commence in each phase until a servicing and delivery management plan for that phase has been submitted to and approved in writing by the local planning authority. The service and delivery management plan shall be implemented before that phase of the development is brought into use and the use hereby permitted shall thereafter be operated in accordance with the approved service and delivery management plan. The submitted details for the service and delivery management plan must include the following:
 - a) frequency and timing of deliveries to the site;
 - b) frequency and timing of other servicing vehicles such as refuse collections;
 - c) dimensions of delivery and servicing vehicles;
 - d) proposed loading and delivery locations; and
 - e) a strategy to manage vehicles servicing the site.
- 29) At least 20% of the vehicular parking spaces to be provided within the development hereby permitted shall be provided with electrical charging points for electric vehicles and a further 20% of the vehicle parking spaces to be provided within the development hereby permitted shall cater for future electric provision.
- 30) A) Prior to the occupation of the residential use, a Residential Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures approved in the Residential Travel Plan shall be implemented for each phase prior to the residential use commencing in that phase and shall be so maintained for a period of 5 years from first occupation.

B) Prior to the occupation of the commercial use a Commercial Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures approved in the Commercial Travel Plan shall be implemented for each phase, prior to the commercial use commencing in that phase and shall be so maintained for a period of 5 years from first occupation.

- 31) No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. No infiltration of surface water drainage in to the ground shall be permitted other than with the express 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 thereafter be carried out in accordance with the approved details.
- 32) Within four months of commencement of the above ground works, evidence that the internal water consumption of the development will not exceed 105 L/person/day in line with The Water Efficiency Calculator for new dwellings from the Ministry for Housing, Communities and Local Government must be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the relevant phase, evidence for that phase (schedule of fittings and manufacturer's literature) that the development has been constructed in accordance with the approved internal water use calculations must be submitted to and approved in writing by the Local Planning Authority.
- 33) The development shall be implemented in accordance with the approved Energy Strategy (Revision E) or any variation which shall be submitted to and approved in writing by the Local Planning Authority. There shall be no above ground works until full Design Stage calculations under the Standard Assessment Procedure/ National Calculation Method have been submitted to and approved in writing by the Local Planning Authority to show that the development will be constructed in accordance with the approved Energy Strategy to achieve at least a 35% reduction in carbon dioxide emissions. Prior to first occupation of each phase evidence (e.g. photographs, installation contracts and as-built certificates under the Standard Assessment Procedure/National Calculation Method) should be submitted to the Local Planning Authority and approved in writing to show that that phase has been constructed in accordance with approved Energy Strategy and achieved at least a 35% reduction in carbon dioxide emissions.
- 34) Within 3 months of practical completion of the commercial elements of each phase, a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core Post Construction Review Certificate and summary score sheet must be submitted to and approved in writing by the Local Planning Authority to demonstrate that an Excellent, or Very Good with a minimum of 63% rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence. Prior to commencement of the fit-out of each of the commercial elements of

each phase, unless otherwise agreed in writing by the local planning authority, a BREEAM Refurbishment and Fit-out (Parts 3 and 4) 2014 (or such equivalent standard that replaces this) Design Stage Certificate, and summary score sheet must be submitted for that element to, and be approved in writing by the Local Planning Authority to show that an Excellent rating, or Very Good with a minimum of 63% will be achieved. Within 3 months of first occupation of the commercial elements of each phase, a BREEAM Refurbishment and Fit-out (Parts 3 and 4) 2014 (or such equivalent standard that replaces this) Post-Construction Review Certificate and summary score sheet must be submitted for that phase to, and be approved in writing by the Local Planning Authority to demonstrate that an Excellent rating, or Very Good with a minimum of 63% has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

- 35) Notwithstanding the approved plans prior to first occupation of each phase, a scheme showing the siting, size, number and design of the photovoltaic array including cross sections of the roof of each phase showing the panels in-situ shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be sited so as to minimise its visual impact upon the external appearance of the buildings. The development shall thereafter be completed in strict accordance with the approved details and permanently retained as such for the duration of use.
- 36) A detailed counter terrorism strategy shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works being commenced. Details of measures to be included in the scheme shall include glazing specification; details of façade materials to withstand flying debris and blasts; a blast assessment for glazing fascia and structural integrity of the building; and measures for hostile vehicle management. The approved measures shall be installed prior to first occupation of each phase and thereafter maintained for the lifetime of the development.
- 37) Prior to the first occupation of the development, a Crime Prevention Strategy including a Security Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will include the following:
- a) A summary of known crime risks in the area;
 - b) Details of how the development, including any landscaping and public art installations, has mitigated known crime risks in the area;
 - c) Details of management of the potential conflicts created by having a number of differing uses within the same development, including commercial and residential buildings and the associated public realm/streets within the development; and
 - d) Details of a CCTV scheme (where appropriate), external security, street lighting and landscaping.
- The use hereby permitted shall thereafter be operated in accordance with the approved details.
- 38) Prior to the commencement of each phase of the development (excluding demolition) hereby permitted, the following components of a scheme to deal

with the risks associated with contamination of the site shall each be submitted to, and approved in writing by, the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme for each phase, based on 1) to provide information for a detailed assessment of the risk to all receptors which may be affected, including those off site; The results of the site investigation should feed into a detailed risk assessment referred to in 1) to include an options appraisal and remediation strategy, giving full details of the remediation measures required and how they are to be undertaken;
- 3) A verification plan for each phase providing details of the data which will be collected in order to demonstrate that the works set out in the remediation strategy in 2) are complete for that phase and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) Prior to occupation of each phase, a verification report demonstrating completion of the remediation works in that phase (as required) as set out in the approved remediation strategy (above) and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority.

Any changes to these components require the express consent of the Local Planning Authority. The details and any long-term monitoring and maintenance plan as approved shall be implemented and thereafter be permanently retained.

- 39) If, during demolition or construction of the development, contamination (including unexploded ordnance) not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the reasonable satisfaction of the Local Planning Authority.
- 40) Prior to installation of the proposed plant, full details of the proposed plant must be submitted to the local planning authority for approval in writing. The specified plant must meet the emission standards set out in the GLA's Sustainable Design and Construction Supplementary Planning Guidance

(2014) or its later version prior to installation. The approved details shall be implemented before each phase of the development is brought into use and retained thereafter.

- 41) Notwithstanding the details submitted, no development shall commence until a phasing scheme (including a Phasing Plan) for the entire development has been submitted to and approved in writing by the Local Planning Authority. Any phasing scheme will be phased to deliver the replacement accommodation first, identify and describe all of the phases of demolition, construction, decanting and timing of new development. The development hereby approved shall be implemented in accordance with the approved scheme.
- 42) A repeat ecological assessment of the site particularly in regards to bats and nesting birds shall be undertaken prior to clearance and demolition works. This assessment and a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority in order to ensure no features have been occupied by protected species or habitats in the intervening period. The mitigation measures and recommendations shall be carried out in accordance with the approved details.
- 43) The hours of opening of the Sui Generis Use (Theatre Rehearsal Space) shall be submitted to and approved in writing by the local planning authority in advance of the commencement of use of the relevant space. Thereafter the Sui Generis Use (Theatre Rehearsal Space) shall not operate other than within the opening and closing hours agreed.
- 44) The Sui Generis use (Theatre Space) shall not commence until a management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan shall demonstrate how the occupiers/users of this part of the building will be prevented from causing nuisance (when coming/going from this part of the building) for surrounding residential occupiers. The use hereby permitted shall thereafter be operated in accordance with the approved details.
- 45) The scheme for parking, garaging, manoeuvring, and the loading and unloading of vehicles shall be submitted to and approved in writing by the Local Planning Authority prior to the works for the servicing and car parking commencing. The scheme as approved shall be laid out in accordance with the approved details prior to the initial occupation of the second main phase of development (as defined in the Phasing Plan) development hereby permitted and that area shall not thereafter be used for any other purpose, or obstructed in any way.
- 46) Notwithstanding details shown on the approved plans, no above ground works shall commence until revised drawings have been submitted illustrating how the access core within each of the two wing blocks fronting Cornwall Road and Windmill Walk respectively have direct access to the communal amenity space at first floor. These shall have been submitted to and approved by the Local Planning Authority in writing and thereafter maintained for the lifetime of the development.

END