



Appeal Decisions

Inquiry Held on 1 - 4 and 7 September 2020

Site visit made on 8 September 2020

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal A: APP/H5960/W/19/3235607

150a-170 Penwith Road and 2-8 Thornsett Road, London SW18 4QA

- 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 Style and Space Contractors Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2019/1426, dated 20 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is to demolish existing buildings to enable development of a part 3 and 4 storey building to accommodate employment floorspace (Use Class B1a/B1c and B8) and retail floorspace (Use Class A1).
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Appeal B: APP/H5960/W/19/3235608

150a-170 Penwith Road and 2-8 Thornsett Road, London SW18 4QA

- 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 Style and Space Contractors Ltd against the decision of London Borough of Wandsworth.
 - The application Ref 2019/1427, dated 20 March 2019, was refused by notice dated 26 July 2019.
 - The development proposed is to demolish existing buildings to enable development of a part 3 and 4 storey building to accommodate employment floorspace (Use Class B1a/B1c and B8), retail floorspace (Use Class A1) and 17 residential dwellings including 47% affordable housing (Use Class C3).
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Decisions

1. Appeal A is allowed and planning permission is granted for demolish existing buildings to enable development of a part 3 and 4 storey building to accommodate employment floorspace (Use Class B1a/B1c and B8) and retail floorspace (Use Class A1) at 150a-170 Penwith Road and 2-8 Thornsett Road, London SW18 4QA in accordance with the terms of the application, Ref 2019/1426, dated 20 March 2019, subject to the conditions in the attached Annex.
2. Appeal B is allowed and planning permission is granted for demolish existing buildings to enable development of a part 3 and 4 storey building to accommodate employment floorspace (Use Class B1a/B1c and B8), retail floorspace (Use Class A1) and 17 residential dwellings including 47% affordable housing (Use Class C3) at 150a-170 Penwith Road and 2-8 Thornsett Road, London SW18 4QA in accordance with the terms of the application,

Ref 2019/1427, dated 20 March 2019, subject to the conditions in the attached Annex.

Application for costs

3. At the Inquiry an application for costs was made by Style and Space Contractors Ltd against London Borough of Wandsworth. This application is the subject of a separate Decision.

Procedural Matters

4. For ease of reference I refer to the different cases as Appeals A and B in this decision letter as set out in the above headers. I have dealt with each appeal on its individual merits but to avoid duplication have considered the proposals together in this document.
5. The descriptions of development for the two appeals in the above header are taken from the original planning application forms. However, I am aware and have taken account of the fact that both proposals also include a basement level.

Main Issue

6. The main issue for both appeals is the effect of the proposed development on the provision for industrial land.

Reasons

Main issue

7. The site forms part of a Locally Significant Industrial Area (LSIA) as designated in policy EI3 of the Wandsworth Local Plan Employment and Industry Document (the LPEID). The designation seeks to support the borough's strategic intention, set out in policy EI1 of the LPEID, to, amongst other things, retain and protect a strategic reservoir of land for industry. Such designation sits alongside other policies in the LPEID which together seek to achieve the strategic objective of policy EI1 to encourage sustainable economic growth in the borough, consistent with paragraphs 80 and 81 of the National Planning Policy Framework (the Framework) which relate to building a strong, competitive economy. Notwithstanding the ongoing Local Plan Review which is only in its early stages, I have received no substantive evidence to indicate that this particular LSIA will need to be released from its LSIA status to meet the overall economic growth needs for the borough.
8. The LSIA designation also reflects London Plan policy 4.4 which, amongst other things, relates to ensuring a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London; and sets out that Local Development Frameworks should demonstrate how the borough stock of industrial land and premises in strategic industrial locations, locally significant industrial sites and other industrial sites will be planned and managed in local circumstances.
9. The site is currently developed at a fairly low density in terms of its one or two storey nature and given the open forecourt/parking area of the existing vehicle repair/MOT/car wash facility on the Penwith Road side of the site. It is nevertheless fully occupied with uses compliant with LPEID policy EI6 which sets out in more detail how LSIA's will be protected. I have insufficient

- substantive basis to consider that such existing development and use of the site is unexpected or unusual in terms of serving the purposes concerned or in the broader context of other industrial uses at this LSIA or others elsewhere. In those terms, the site is therefore not clearly under-utilised. The existing accommodation may be in need of refurbishment. However, I have received insufficient substantive evidence to indicate that for this reason alone the site would need to be redeveloped, especially given the existing full occupancy which provides an indicator of being fit for purpose.
10. Part of the protection mechanism in policy EI6 relates to not supporting uses other than those industrial uses listed or others that are ancillary to them or small-scale non-industrial uses that cater to the local needs of people working in the area. The proposals fail to accord with that policy by incorporating non-compliant retail (A1), office (B1a) and, in the case of Appeal B, residential uses (C3), none of which I consider to be small-scale or clearly catering to the local needs of people working in the area. Both of the proposed developments would therefore be contrary to policy EI6, paragraphs 3, 4 and 5 in particular. Furthermore, policy EI6 does not assume re-development of the site in the LPEID period.
 11. However, the proposed developments would both accord with paragraph 2 of policy EI6 in that they would provide full replacement of existing B1(c) and B8 floorspace and, furthermore, would intensify the use of the site for industrial purposes through increased floorspace which is encouraged. Importantly, that intensification would be to a significant level in both cases when considering the combined amount of industrial type floorspace on the site, albeit less so for Appeal B and with the amount of B8 space alone for Appeal B remaining similar to existing. This is even taking account of the proposed loss of existing sui generis floorspace which is also a use supported in LSIAs. As such, both proposals would help to address the demonstrable need for industrial premises in the borough.
 12. The loss of the existing sui generis uses would reduce the mix of industrial type uses on the site. However, in the context of policy EI6 not discouraging re-development of LSIA sites and with uses that do not include sui generis, I have afforded little weight to this factor.
 13. I have also considered the likelihood of a viable re-development of the site comprising solely those uses supported by policy EI6. In this respect, it is not disputed that redevelopment of the site in such a manner would not be viable, albeit that this should be seen in the context of there being no assumption under policy EI6 of re-development of the site within the LPEID period.
 14. Furthermore, I have had regard to the effect of the proposed A1, B1a and C3 uses on the functionality or attractiveness of the proposed industrial offer. I have had particular regard to the proposed residential accommodation in Appeal B having its focus towards and entrance onto Penwith Road where there is already a residential presence opposite the site. Although habitable rooms would face onto Thornsett Road, those rooms would be raised well above the road on level 2 and would also have the benefit of ventilation via an inner courtyard.
 15. The entrances to the proposed industrial uses would also be on the Thornsett Road side, thereby maintaining separation of external activity from the Penwith Road frontage and minimising any potential noise and disturbance to

prospective residential occupiers. The proposals would also not include any general industrial use which would be more likely to generate greater levels of noise and disturbance to residential occupiers. Furthermore, the pedestrian footfall in front of the proposed retail unit in each case would also be on the Penwith Road side away from the vehicular activity at the accesses to the proposed industrial uses, thereby avoiding potential conflicts resulting in highway and pedestrian safety problems.

16. In these respects, the proposed non-industrial uses would therefore be unlikely to undermine the functionality or attractiveness of the industrial offer. I have also received no substantive evidence of any other factors that would do so in these cases.
17. As I have found, both proposed developments would cause some conflict with LPEID policy EI6 and the overarching policies EI1 and EI3 in terms of the introduction of non-compliant uses within a LSIA. However, they would both significantly increase the amount of industrial floorspace on the site, albeit less so for Appeal B. This would be in circumstances whereby the proposed non-industrial elements would be unlikely to undermine the functionality or attractiveness of the industrial offer and that the redevelopment, without such uses included, would be unviable. These factors, in the context of the Council's strategic objective to encourage sustainable economic growth in the borough, combine to be afforded very significant weight, which I shall consider further in the planning balance.

Other considerations and matters

18. Notwithstanding the LSIA designation, relating to the uses set out in policy EI6, and the suite of development plan policies which together seek to make provision for different types of development within the Borough, the site location is otherwise highly sustainable for the proposed A1, B1a and C3 uses. This relates to its very close proximity to Earlsfield centre, which meets the definition of a town centre as set out in the Framework, with its range of services and facilities, including a wide range of shops, and the associated public transport provision including railway station and bus routes.
19. Furthermore, it is not disputed that there are no suitable sites within Earlsfield centre that could physically accommodate the proposed retail and office floorspace. As such, notwithstanding the LSIA designation of the site, the edge of centre location is otherwise a sequentially acceptable location for the proposed retail and office provision.
20. It is also not disputed that there is expenditure capacity in Earlsfield to support the proposed retail provision, albeit that there is not a great need given the significant existing retail offer in that centre; or that there is sufficient demand to support the proposed additional office space. In these respects, the proposals would therefore be likely to make some additional contribution towards the local economy, albeit to differing extents due to the greater amount of office floorspace for Appeal A than for Appeal B. Additionally, due to the sustainable edge of centre location, they would be likely to further reduce the need for private motor vehicle travel to other destinations. These factors therefore represent benefits that attract some additional weight to each appeal, albeit less so in terms of office space relating to Appeal B given the lesser amount of such provision compared with Appeal A.

21. The proposed residential element of Appeal B would contribute to the local supply of housing. This would be a benefit in terms of the Government's objective, as set out in paragraph 59 of the Framework, to significantly boost the supply of homes, albeit that the Council can currently demonstrate a 5-year supply of deliverable housing sites. That benefit would be enhanced by the highly sustainable location close to the shops, services and facilities within Earlsfield centre and good access to public transport. The provision for needed affordable housing in the borough in particular attracts significant additional weight in favour of the Appeal B scheme.
22. The number of existing jobs provided on the site is likely to be proportionate to the nature of the uses concerned. Furthermore, office uses would be likely to generate more jobs per unit of floorspace than industrial type uses. Nevertheless, the likely significant increase in the number of jobs relating to the proposed intensified site development would be an economic benefit attributable to both proposals.
23. The Appellant raises concern about inconsistency from the Council in determining planning applications in the LSIA based on its decision to allow the significant amount of office development at 20 Thornsett Road. However, I have determined the appeals concerned on their own merits based on their specific circumstances and all the evidence before me.
24. I have had regard to the living conditions of neighbouring residents in respect of outlook, sunlight/daylight and privacy. Both of the proposed developments would have a greater height, close to the side site boundaries. This would inevitably affect outlook and the degree of sunlight and daylight for neighbouring dwellings to some degree. However, in respect of light I have not received any substantive evidence to contradict the Appellant's analysis on this matter or to indicate that any light loss to those adjacent rooms and balconies would be to a harmful extent. The proposals would also not be of such a scale, taking account of the degree of separation to neighbouring dwellings, as to be likely to cause a harmfully overbearing effect.
25. Any overlooking of existing neighbouring dwellings either side of the site would be minimised by a combination of either obscure glazed windows, extruded designs to side elevation windows relating to the proposed residential units in Appeal B, or mitigated sufficiently by the varying degrees of separation and vertical juxtaposition. Use of the flat roof of the proposed single storey element of the Appeal A proposal, where there would be plant equipment located, to which there would be direct access via a first floor door, could be controlled by a condition to prevent use other than in connection with the plant, thereby minimising scope for extents of overlooking likely to cause harmful loss of privacy.
26. Residential properties on the opposite sides of Penwith Road and Thornsett Road would have that degree of separation provided by the intervening roads, the distances and relationships between frontages not being unusual in this urban context. Again, the proposals would therefore be unlikely to cause a harmful reduction in the living conditions of those neighbouring residents in terms of privacy, outlook and sunlight/daylight.
27. The proposed servicing points for the non-residential uses would be on the Thornsett Road side, which is facing into the LSIA where there are already associated levels of commercial activity. As such, it is unlikely that those

proposed uses would result in conflicting activity that would pose additional risk to highway and pedestrian safety or cause harmful increases in noise and disturbance levels in the vicinity. Furthermore, any potential sources of harmful increased noise and disturbance both during construction and once operational could be appropriately controlled and mitigated through measures secured by conditions.

28. With regard to concerns over additional traffic and parking pressures, the proposals would be in a highly sustainable location in terms of encouraging walking to local facilities and services or to reach public transport facilities, thereby minimising the need for private motor vehicle use. There is also no substantive evidence to indicate that existing public transport services would not be able to accommodate additional people travelling to and from the proposed developments. The proposals would also include measures, secured through planning obligations, to prevent the likelihood of significant additional on-street parking, other than for disabled parking, on the surrounding permit-controlled streets. I have also not received any substantive evidence to indicate that the local road network would not be able to cater for any commercial vehicles associated with the proposed developments, particularly given the site's existing LSIA status, or that there would be a likelihood of increased risk posed to highway and pedestrian safety.
29. In visual terms, the proposed developments would both be taller and have a significantly greater massing effect than those existing buildings on the site. However, there are differing existing building heights in the vicinity of the site and the proposals are designed with varying degrees of setback at the third-floor level, that would reduce the prominence within the streetscene. The use of appropriate external materials, further details of which could be secured by conditions, would further ensure that both proposed developments complement their surroundings. The proposed frontage building lines would also be similar to those of buildings either side and so would not be unexpected. There would be little or no vegetation visible on the site from the surrounding streets. However, this is not an existing feature of the site and the above design factors would be likely to mitigate this.
30. These factors, together with separation by the intervening roads of Penwith Road and Thornsett Road respectively would also ensure the retention of the integrity and significance of the two nearby locally listed public houses. Furthermore, there would be a noticeable degree of separation between the proposed developments and the more uniformly two storey dwellings of Penwith Road beyond the River Wandle to the west, the river itself also providing a clear visual break.
31. For the above reasons, the proposed developments would not form unacceptably dominant features of or cause unacceptable harm to the character and appearance of the surrounding area.
32. I have had regard to the statutory duty to pay special attention to the desirability of preserving the setting of the nearby Grade II listed St Andrew Church (the LB) and preserving or enhancing the character or appearance of the nearby Magdalen Park Conservation Area (the CA). Both the LB and CA are located on the opposite side of the mainline railway from the site, and on the eastern side of Garratt Lane. The railway line is also raised above road level through Earlsfield centre and there are also a number of intervening buildings

between the site and those heritage assets. The degree of separation and those intervening physical features would ensure that the proposed developments would not diminish the integrity of those designated heritage assets. Both proposals would therefore preserve the setting of the LB and the character and appearance of the nearby CA.

33. There is no substantive evidence to indicate that the proposed accommodation would not be suitable for any existing B1(c)/B8 occupiers of the site that may wish to return to the site, subject to any other non-planning circumstances that would be a matter between the parties concerned. Any provisions for existing occupiers who intend occupancy of the proposed developments to be temporarily relocated would also be a matter between the parties concerned.
34. Additionally, I have not received any substantive evidence to indicate that the additional residents in the area resulting from the proposed residential units would cause any significant additional strain on local services and facilities such as schools and GP surgeries; or that local infrastructure generally would be harmfully impacted upon, subject to, where necessary, appropriate conditions.

Conditions and planning obligations

35. The Council has submitted 22 suggested conditions in relation to Appeal A and 26 for Appeal B, were I minded to allow the appeal. An additional condition has also been suggested by the Council relating to removing any otherwise permitted changes of use from the proposed light industrial B1(c) elements. A further condition was also agreed at the inquiry relating to Appeal A only concerning the protection of the privacy of neighbouring residents with regard to potential overlooking from the single storey plant roof area. I have considered these in the light of advice in the National Planning Practice Guidance and have, in the interests of clarity and precision, and amended some of the wording.
36. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes. There are also several pre-commencement conditions which are deemed necessary and which have been agreed by the appellant. Conditions 1 and 3-21 for both appeals are largely the same. Therefore, where I have referred to each of those common conditions in the singular, this should be read as referring to both cases.
37. The standard condition to ensure the development is implemented within the standard time period would be necessary (1). For certainty, a condition requiring the development to be carried out in accordance with the approved plans (2) would also be necessary.
38. In the interests of highway safety and the amenities of occupiers in the vicinity of the site, it would be necessary for the submission and implementation of a construction management plan to be secured (3). For clarity reasons, a separate condition would also be necessary in relation to protecting the amenities of those occupiers to secure control over the effects of non-road mobile machinery of net power between 37kW and 560kW during construction (20).
39. In the interests of the integrity of any heritage assets of archaeological interest on the site, it would be necessary to secure a written scheme of investigation in two stages dependent on the findings of the first (4).

40. In the interests of the character and appearance of the surrounding area, conditions to secure the following would be necessary: details of existing and proposed site levels (5); details and samples of materials to be used on all external surfaces (7); hard and soft landscaping details (8); details of any external plant or ventilation equipment, also including measures for controlling noise, vibration and air quality in relation to protecting the amenities of occupiers in the vicinity of the site (10); restriction on the installation of satellite dishes, telecommunications masts or equipment or associated structures in relation to Appeal B (24 of Appeal B)
41. To protect existing underground water utility infrastructure, a condition would be necessary to ensure compliance with a piling method statement (6).
42. For the purposes of protecting the amenities of occupiers on and in the vicinity of the site and maintaining hygiene, a condition to ensure the implementation and retention of the proposed bin storage areas for the purposes of storing refuse and materials for recycling would be necessary (9). I consider it unnecessary to secure details of the siting, design and materials of those areas, as in the Council's suggested condition, as they are already shown on the submitted plans.
43. To support sustainable travel and given that the proposed developments make no provision for car parking, it would be necessary to secure the implementation and retention of the proposed cycle parking areas, including further details of the type, design and position of the parking facilities within those areas, together with details of locker and, in respect of Appeal B, shower facilities (11).
44. In the interests of the living conditions and amenities of local residents, in addition to those previously referred to, conditions to secure the following would be necessary: details of a delivery and servicing plan (12); details of any external lighting, also in the interests of ecological functionality (18); and, just for Appeal B, restriction on the use of roof areas in the interests of protecting privacy (23 of Appeal B). A further condition to prevent harmful loss of privacy to adjacent residents from any potential overlooking from the roof of the proposed single storey element of the Appeal A scheme, to limit access only for the installation and maintenance of the plant located there, as agreed by the parties at the Inquiry, would be necessary (23). In respect of the amenities of future occupiers of the proposed developments fronting onto Penwith Road, a condition to ensure the implementation and retention of air quality mitigation measures would be necessary (19).
45. In the interests of protecting the living conditions of prospective residents of the proposed Appeal B development, it would be necessary to secure the implementation of appropriate noise mitigation measures relating to the non-residential uses below or adjacent to them (22 of Appeal B).
46. Conditions would be necessary to secure measures to protect against the risks from any contamination of the site in the interests of the safety of future occupiers of the site, surrounding occupiers and, during the construction, site workers, and to protect controlled waters and ecological systems (13 & 14). A condition to secure adherence to a drainage strategy would also be necessary to ensure the acceptable drainage of the site, including the protection of controlled waters (15). Furthermore, in order to protect against the risk of flooding to the development, a condition to secure compliance with the

recommendations of the submitted flood risk assessment would be necessary (21).

47. In the interests of environmental sustainability, conditions would be necessary to secure appropriate levels of CO2 emissions and environmental construction standards (16 & 17); and for Appeal B, measures to limit water use within the residential units to an appropriate maximum level (25 of Appeal B).
48. Despite the intention for the proposed developments to be constructed as a single phase in each case, in the interests of ensuring the implementation of the proposed industrial type uses (the B1(c) and B8 elements), as referred to in LPEID policy EI6 and given the site's designation as a LSIA, conditions for Appeals A and B respectively preventing use of the retail floorspace (22 of Appeal A) and occupation of no more than 6 private residential units (26 of Appeal B) until the industrial floorspace is available for fit out and occupation would be necessary.
49. The Council has suggested an additional condition to remove the means by which change of use would be able to occur from light industrial to any other uses. This is in light of the amendment to the Use Classes Order in the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the new UCO), which came into force on 1 September 2020, relating to the new Use Class E comprising a number of uses including former B1 uses and various other non-industrial uses including shops.
50. Under the new UCO, there would therefore be scope for change of use of the B1(c) elements to a wider range of uses. However, it is already currently the case that a change of use from B1(c) to B1(a) is permitted development, and I have not been informed of any existing restrictions to prevent that, nor of any intention to impose restrictions outside of these appeals relating to Use Class E, either at this LSIA or others. I acknowledge that the range of uses that could be changed to under the new UCO would be increased. Nevertheless, there is also no substantive basis to consider that the design of the proposed developments, being fit for purpose, would be likely to deter light industrial occupiers or be more likely to attract additional non-industrial uses, particularly whilst there remains demand for industrial space in the borough. This is also taking account of my finding that it would be unlikely that the proposed non-industrial uses would undermine the functionality or attractiveness of the industrial offer. For these reasons, the situation does not constitute exceptional circumstances and it would be both unreasonable and unnecessary to impose such a condition.
51. A Planning Obligation has been submitted for each appeal scheme making provision for the following:

Relating to both Appeals A and B:
 - Exclusion from occupiers of the proposed development applying for permits to park in Controlled Parking Zones in the vicinity of the site, unless they are holders of a Disabled Person's Badge, in accordance with policy DMT2 (parking and servicing) of the Wandsworth Local Plan Development Management Policies Document (the DMPD). This would be necessary to mitigate parking stress caused by the cumulative impacts of the new development, and would be secured under s16 of the Greater London Council (General Powers) Act 1974.

- The submission for approval of a Travel Plan, in accordance with policies IS1 (sustainable development), IS7 (planning obligations) and PL3 (transport) of the Wandsworth Local Plan Core Strategy (the Core Strategy); DMT1 (transport impacts of development) and DMT2 of the DMPD; 6.3 (assessing effects of the development on transport capacity) and 7.14 (improving air quality) of the London Plan; section 6 (Transport) of the Council's Planning Obligations Supplementary Planning Document (the Planning Obligations SPD); and paragraphs 103, 108 and 111 of the Framework. This would be necessary as the proposals would be likely to generate significant amounts of movement, and in the interests sustainable travel.
- To secure necessary highway works, comprising reconstruction of sections of footway along the perimeter of the site, removal of redundant crossovers, kerb realignment and tree planting, in accordance with policies IS3 (good quality design and townscape) and IS7 of the Core Strategy; DMS1 (general development principles – sustainable urban design and the quality of the environment) and DMT2 of the DMPD; and 6.10 (walking) of the London Plan.
- A Local Employment Agreement, together with an appropriate financial contribution towards Local Employment Skills and Training in accordance with policies IS7 of the Core Strategy, 4.12 (improving opportunities for all) of the London Plan and section 11 (employment, skills and enterprise) of the Planning Obligations SPD. These would be necessary in the interests of developing a healthy local economy and community cohesion through maximising opportunities for local people and businesses to benefit from the development in terms of offering training, employment and supply opportunities in both the construction and operational phases.
- Connection to a District Heating Network in accordance with policies IS2 (sustainable design, low carbon development and renewable energy) and IS7 of the Core Strategy; DMS3 (sustainable design and low-carbon energy) of the DMPD; 5.2 (minimising carbon dioxide emissions) of the London Plan; and paragraphs 8, 151 and 153 of the Framework. This would be necessary in the interests of environmental sustainability.
- A Managed Workspace Plan setting out how provision shall be made for an appropriate amount of the proposed commercial floorspace to be affordable, flexible and managed workspace, in accordance with policies EI4 (affordable, flexible and managed workplaces) of the LPEID; and 2.9 (inner London), 4.1 (developing London's economy) and 4.10 (new and emerging economic sectors) of the London Plan. This would be necessary in the interests of supporting the local economy.

Relating to Appeal B only:

- Provision for 8 units of on-site affordable housing amounting to 47% of the total number of residential units, including one wheelchair user unit; together with an appropriate financial contribution for off-site provision to account for the proposed on-site dwellings not meeting the required split of 60% being affordable or social rent and 40% as intermediate (adjusted to take account of costs relating to provision of the above referenced Managed Workspace once agreed for viability reasons) - in

accordance with policies IS5 (achieving a mix of housing including affordable housing) and IS7 of the Core Strategy; DMH3 (unit mix in new housing), DMH4 (residential development including conversions), DMH6 (residential space standards) and DMH8 (implementation of affordable housing) of the DMPD; 3.8 (housing choice), 3.10 (definition of affordable housing), 3.11 (affordable housing targets), 3.12 (negotiating affordable housing on individual private residential and mixed use schemes) and 3.13 (affordable housing thresholds) of the London Plan; section 5 of the Planning Obligations SPD; and paragraphs 20, 34, 61 and 62 of the Framework.

- Payment of an appropriate carbon off-set contribution in accordance with policies IS2 and IS7 of the Core Strategy; DMS3 of the DMPD; 5.2 of the London Plan; section 12 of the Planning Obligations SPD; and paragraphs 8 and 148 of the Framework, and necessary in the interests of environmental sustainability.
52. The Council has submitted a statement of compliance with the Community Infrastructure Levy Regulations 2010 (CIL Regulations). Based on that evidence, and relevant development plan policies, I am satisfied that the provisions would meet the tests set out in paragraph 56 of the Framework and Regulation 122(2) of the CIL Regulations; and that the provision for parking permit exclusion under s16 of the Greater London Council (General Powers) Act 1974 would be appropriate and enforceable.

Planning balance

53. In the context of the Council's strategic objective to encourage sustainable economic growth in the borough, I have afforded very significant weight to the significant increase in the amount of industrial floorspace on the site in circumstances whereby the proposed non-industrial elements would be unlikely to undermine the functionality or attractiveness of the industrial offer and that the redevelopment, without such uses included, would be unviable. I have also found that, notwithstanding the LSIA designation, the edge of centre location is otherwise a sequentially acceptable location for the proposed retail and office provision. It is also a highly sustainable location for the proposed residential units. For these reasons, the need to encourage sustainable economic growth in the borough would not be undermined.
54. Added to this are the benefits that I have found would be generated through the provision of additional office and retail space in this locality and, in respect of Appeal B, housing including some affordable units and in the highly sustainable location. There would also be an economic benefit pertaining to the likely significant increase in the number of jobs relating to the proposed intensified site development with both proposals. Furthermore, I have found there to be no other matters that would cause significant harm.
55. All of these factors combine to outweigh the degree of conflict with LPEID policy EI6 and the overarching policies EI1 and EI3 relating to the proposed introduction of those A1, B1(a) and C3 uses not referred to as being acceptable within policy EI6.

Conclusion

56. For the above reasons, I conclude that appeals A and B should both be allowed.

Andrew Dawe

INSPECTOR

ANNEX – CONDITIONS

For Appeal A

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: WND-AIN-XX-XX-DR-A-201; WND-AIN-XX-B1-DR-A-202; WND-AIN-XX-00-DR-A-203; WND-AIN-XX-01-DR-A-204; WND-AIN-XX-02-DR-A-205; WND-AIN-XX-03-DR-A-206; WND-AIN-XX-XX-DR-A-207; WND-AIN-XX-XX-DR-A-301; WND-AIN-XX-XX-DR-A-302; WND-AIN-XX-XX-DR-A-303; WND-AIN-XXXX-DR-A-401; WND-AIN-XX-XX-DR-A-502; WND-AIN-XX-XX-DR-A-503; WND-AIN-XX-XX-DR-A-601; WND-AIN-XX-XX-DR-A-602.
3. No development shall take place, including any demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include details of (but not be limited to) the routing of construction vehicles, time of vehicle arrival and departure, any proposed temporary traffic and pedestrian management measures during the course of construction, and shall include measures to mitigate against the impact of noise, dust and low air quality, based on AQDRA (Air Quality and Dust Risk Assessment). The demolition and construction works shall be carried out in accordance with the approved plan.
4. No development shall take place, including any demolition, until a stage 1 written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
 - A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
5. Prior to commencement of development full details of existing and proposed site levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
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 protocol for vibration monitoring, and the programme for the works) has been submitted to and approved in writing

by the local planning authority. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

7. Prior to commencement of any superstructure works details and samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials. Superstructure in this instance is defined as any works following the construction of the ground floor slab.

8. Prior to commencement of any superstructure works details of landscaping and treatment of those parts of the site not covered by buildings, to include hard landscaping materials, species of new planting/seeding, including full details of any tree pits, and details of any existing plants/trees to be retained, shall be submitted to and approved in writing by the local planning authority. All planting, seeding, and turfing included in the approved details shall be carried out prior to the occupation of any part of the development, or in accordance with a programme agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agree otherwise. Superstructure in this instance is defined as any works following the construction of the ground floor slab.

9. The refuse and recycling storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development and shall be retained as such thereafter.

10. Details of any external plant or ventilation equipment, including ducting and air conditioning units, and the measures to be taken to control noise, vibration and air quality in relation to this equipment, shall be submitted to and approved in writing by the local planning authority prior to its installation. The equipment shall be installed in accordance with the approved details and thereafter operated and maintained in accordance with the manufacturer's instructions.

11. Prior to the first occupation of any part of the development hereby approved: the cycle storage areas and associated shower facilities shall be provided in accordance with the approved plans, and fitted with cycle parking facilities in accordance with further details of their type, design and position which shall firstly be submitted to and approved in writing by the local planning authority; and locker facilities for the associated cyclists shall be installed in accordance with details which shall firstly be submitted to and approved in writing by the local planning authority. The approved cycle storage areas and associated parking, shower and locker facilities shall be retained permanently thereafter for their intended purpose.

12. Prior to occupation of any part of the development, details of a delivery and servicing plan, including hours of operation, shall be submitted to and approved in writing by the local planning authority. The development shall be occupied and operated in accordance with the approved delivery and servicing plan.

13. Prior to the commencement of the development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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) An additional site investigation scheme, based on the existing Phase 2 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, 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 providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

14. If, during development, contamination 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 satisfaction of the local planning authority.

15. No development shall be commenced, other than demolition, until a drainage strategy detailing any on and/or off-site drainage works and the timetable for its implementation has been submitted to and approved in writing by the local planning authority. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are 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 be carried out in accordance with the approval details.

16. The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the development has been carried out in accordance with the approved Sustainability Statement by Max Fordham, dated March 2019. These details shall demonstrate that the development has secured a minimum 35% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013.

17. The development shall achieve a minimum 'Outstanding' rating under BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) for the Shell/Shell and Core stage and an 'Outstanding' rating under BREEAM Refurbishment and Fit-Out 2014. Where it is not possible to achieve BREEAM 'Outstanding' the pre-assessment shall fully demonstrate this and detail how the developer has strived to maximise the score achieved and has aimed to target all mandatory BREEAM 'Outstanding' Credits.

a) Within 3 months of works (other than demolition) commencing on the site, unless otherwise agreed in writing by the local planning authority (LPA), a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core Interim (Design Stage) Certificate for the development, issued by the

Building research Establishment (BRE), shall be submitted to the LPA to show that a minimum 'Outstanding' rating will be achieved.

b) Within 3 months of first occupation of any part of the development, unless otherwise agreed in writing, a BREEAM UK New Construction 2014 Shell and Core Final (Post-Construction) Certificate (or such equivalent standard that replaces this) for the development, issued by the BRE, shall be submitted to and approved in writing by the LPA to demonstrate that an 'Outstanding' rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

c) Prior to commencement of the fit-out of any unit within the development, unless otherwise agreed in writing by the local planning authority, a BREEAM Refurbishment and Fit-out 2014 Parts 3 and 4 Interim (Design Stage) Certificate issued by the BRE shall be submitted, by the fit-out contractor for that unit, and approved in writing by the LPA to show that a minimum 'Outstanding' rating will be achieved.

d) Within 3 months of first occupation of any of the development, unless otherwise agreed in writing by the LPA, a BREEAM Refurbishment and Fit-out Parts 3 and 4 Final (Post-Construction) Certificate for the development, issued by BRE, shall be submitted, by the fit-out contractor for that unit, to and approved in writing by the LPA to demonstrate that an 'Outstanding' rating has been achieved. All the measures integrated shall be permanently retained thereafter unless otherwise agreed in writing by the LPA.

18. Details of any external lighting proposed within the development, both during the construction phase and thereafter, shall be submitted to and approved in writing by the local planning authority before its installation, including clear geo-referenced lux contour plans and details of measures to control light spill. The lighting shall be installed and maintained in accordance with the approved details.

19. No development shall take place until a scheme of proposed air quality mitigation measures to protect future occupiers of those parts of the development fronting Penwith Road from air pollution exposure has been submitted to and approved in writing by the local planning authority. The submitted mitigation scheme shall follow a baseline monitoring period through NO₂ diffusion tube to establish the required level of mitigation. The scheme for air quality mitigation applicable to each part of the development fronting Penwith Road shall be implemented in its entirety in accordance with the details approved under this condition before that part of the development is first occupied, and the measures shall be retained as such thereafter.

20. The use of non-road mobile machinery of net power between 37kW and 560kW used in the construction of the development shall meet at least Stage IIIB of the EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NO_x and PM. Prior to works commencing on site, any non-road mobile machinery of net power between 37kW and 560kW to be utilised in the construction of the development shall be registered on the web-site <https://nrmm.london/>.

21. The development hereby approved shall be carried out in accordance with the recommendations of the submitted flood risk assessment by JBA Consulting, dated December 2018, and the mitigation measures within that report shall be fully implemented before occupation of any part of the development.

22. No part of the retail floorspace within the development shall be brought into use until all of the industrial floorspace (Class B1c and B8) within the development hereby approved has been practically completed and is available for fit out and occupation.

23. The roof of the single storey element of the development hereby approved shall not be used for any purpose (including as a balcony, roof terrace or similar amenity area) other than for installing, accommodating and maintaining rooftop plant and equipment.

For Appeal B

1. The development hereby permitted shall begin not later than 3 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PTR-AIN-XX-XX-DR-A-201; PTR-AIN-XX-B1-DR-A-202; PTR-AIN-XX-00-DR-A-203; PTR-AIN-XX-01-DR-A-204; PTR-AIN-XX-02-DR-A-205; PTR-AIN-XX-03-DR-A-206; PTR-AIN-XX-XX-DR-A-207; PTR-AIN-XX-XX-DR-A-301; PTR-AIN-XX-XX-DR-A-302; PTR-AIN-XX-XX-DR-A-303; PTRAIN-XX-XX-DR-A-401; PTR-AIN-XX-XX-DR-A-502; PTR-AIN-XX-XX-DR-A-503; PTR-AIN-XXXX-DR-A-504; PTR-AIN-XX-XX-DR-A-505; PTR-AIN-XX-XX-DR-A-601; PTR-AIN-XX-XX-DRA-602; PTR-AIN-XX-XX-SCH-A-900.

3. No development shall take place, including any demolition, until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include details of (but not be limited to) the routing of construction vehicles, time of vehicle arrival and departure, any proposed temporary traffic and pedestrian management measures during the course of construction, and shall include measures to mitigate against the impact of noise, dust and low air quality, based on AQDRA (Air Quality and Dust Risk Assessment). The demolition and construction works shall be carried out in accordance with the approved plan.

4. No development shall take place, including any demolition, until a stage 1 written scheme of archaeological investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

B. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the

condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

5. Prior to commencement of development full details of existing and proposed site levels shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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 protocol for vibration monitoring, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

7. Prior to commencement of any superstructure works details and samples of materials proposed to be used on all external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials. Superstructure in this instance is defined as any works following the construction of the ground floor slab.

8. Prior to commencement of any superstructure works details of landscaping and treatment of those parts of the site not covered by buildings, to include hard landscaping materials, species of new planting/seeding, including full details of any tree pits, and details of any existing plants/trees to be retained, shall be submitted to and approved in writing by the local planning authority. All planting, seeding, and turfing included in the approved details shall be carried out prior to the occupation of any part of the development, or in accordance with a programme agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agree otherwise. Superstructure in this instance is defined as any works following the construction of the ground floor slab.

9. The refuse and recycling storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development and shall be retained as such thereafter.

10. Details of any external plant or ventilation equipment, including ducting and air conditioning units, and the measures to be taken to control noise, vibration and air quality in relation to this equipment, shall be submitted to and approved in writing by the local planning authority prior to its installation. The equipment shall be installed in accordance with the approved details and thereafter operated and maintained in accordance with the manufacturer's instructions.

11. Prior to the first occupation of any part of the development hereby approved: the cycle storage areas shall be provided in accordance with the approved plans, and fitted with cycle parking facilities in accordance with further details of their type, design and position which shall firstly be submitted to and approved in writing by the local planning authority; and shower and locker facilities for the associated cyclists shall be installed in accordance with details which shall firstly be

submitted to and approved in writing by the local planning authority. The approved cycle storage areas and associated parking, shower and locker facilities shall be retained permanently thereafter for their intended purpose.

12. Prior to occupation of any part of the development, details of a delivery and servicing plan, including hours of operation, shall be submitted to and approved in writing by the local planning authority. The development shall be occupied and operated in accordance with the approved delivery and servicing plan.

13. Prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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) An additional site investigation scheme, based on the existing Phase 2 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, 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 providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

14. If, during development, contamination 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 satisfaction of the local planning authority.

15. No development shall be commenced, other than demolition, until a drainage strategy detailing any on and/or off-site drainage works and the timetable for its implementation has been submitted to and approved in writing by the local planning authority. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are 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 be carried out in accordance with the approval details.

16. The development shall not be occupied until details have been submitted to and approved in writing by the local planning authority to demonstrate that the development has been carried out in accordance with the approved Sustainability Statement by Max Fordham, dated March 2019. These details shall demonstrate that the development has secured a minimum 35% reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013.

17. The development shall achieve a minimum 'Outstanding' rating under BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) for the Shell/Shell and Core stage and an 'Outstanding' rating under BREEAM Refurbishment and Fit-Out 2014. Where it is not possible to achieve BREEAM 'Outstanding' the pre-assessment shall fully demonstrate this and detail how the developer has strived to maximise the score achieved and has aimed to target all mandatory BREEAM 'Outstanding' Credits.

a) Within 3 months of works (other than demolition) commencing on the site, unless otherwise agreed in writing by the local planning authority (LPA), a BREEAM UK New Construction 2014 (or such equivalent standard that replaces this) Shell and Core Interim (Design Stage) Certificate for the non-residential element of the development, issued by the Building Research Establishment (BRE), shall be submitted to the LPA to show that a minimum 'Outstanding' rating will be achieved.

b) Within 3 months of first occupation of any part of the non-residential element of the development, unless otherwise agreed in writing, a BREEAM UK New Construction 2014 Shell and Core Final (Post-Construction) Certificate (or such equivalent standard that replaces this) for the non-residential areas, issued by the BRE, shall be submitted to and approved in writing by the LPA to demonstrate that an 'Outstanding' rating has been achieved. All the measures integrated shall be retained for as long as the development is in existence.

c) Prior to commencement of the fit-out of any non-residential unit within the development, unless otherwise agreed in writing by the local planning authority, a BREEAM Refurbishment and Fit-out 2014 Parts 3 and 4 Interim (Design Stage) Certificate, issued by the BRE shall be submitted, by the fit-out contractor for that unit, to and approved in writing by the LPA to show that a minimum 'Outstanding' rating will be achieved.

d) Within 3 months of first occupation of any of the non-residential units within the development, unless otherwise agreed in writing by the LPA, a BREEAM Refurbishment and Fitout Parts 3 and 4 Final (Post-Construction) Certificate, issued by BRE, shall be submitted, by the fit-out contractor for that unit, to and approved in writing by the LPA to demonstrate that an 'Outstanding' rating has been achieved. All the measures integrated shall be permanently retained thereafter unless otherwise agreed in writing by the LPA.

18. Details of any external lighting proposed within the development, both during the construction phase and thereafter, shall be submitted to and approved in writing by the local planning authority before its installation, including clear geo-referenced lux contour plans and details of measures to control light spill. The lighting shall be installed and maintained in accordance with the approved details.

19. No development shall take place until a scheme of proposed air quality mitigation measures to protect future occupiers of those parts of the development fronting Penwith Road from air pollution exposure has been submitted to and approved in writing by the local planning authority. The submitted mitigation scheme shall follow a baseline monitoring period through NO2 diffusion tube to establish the required level of mitigation. The scheme for air quality mitigation applicable to each part of the development fronting Penwith Road shall be implemented in its entirety in accordance with the details approved under this condition before that part of the development is first occupied, and the measures shall be retained as such thereafter.

20. The use of non-road mobile machinery of net power between 37kW and 560kW used in the construction of the development shall meet at least Stage IIIB of the

EU Directive 97/68/EC and its amendments. This will apply to both variable and constant speed engines for both NO_x and PM. Prior to works commencing on site, any non-road mobile machinery of net power between 37kW and 560kW to be utilised in the construction of the development shall be registered on the web-site <https://nrmm.london/>.

21. The development hereby approved shall be carried out in accordance with the recommendations of the submitted flood risk assessment by JBA Consulting, dated December 2018, and the mitigation measures within that report shall be fully implemented before occupation of any part of the development.

22. No works shall be commenced to the residential units at first floor level and above, until details of a scheme of measures to provide effective resistance to the transmission of airborne and impact sound from the non-residential units immediately below or adjacent to them have been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with British Standard: 8233 *Guidance on sound insulation and noise reduction for buildings* and the approved measures shall be installed prior to the first occupation of the affected residential units and shall be retained thereafter.

23. Other than those areas specifically identified as such on the approved plans, no roof area of the development hereby permitted shall be used as a balcony, roof terrace or similar amenity area without the prior written consent of the local planning authority.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any future amendment to or re-enactment of that Order, no satellite dishes, telecommunications masts or equipment or associated structures, shall be installed on the approved buildings without the prior written approval of the local planning authority.

25. No internal fit-out to the proposed residential units shall be commenced until details have been submitted to and approved in writing by the local planning authority to show how for the residential part of the development a maximum water use of 110 litres per person per day will be achieved in line with the Water Efficiency Calculator for new dwellings from the Ministry of Housing Communities and Local Government published in 2009. The measures concerned shall be installed in accordance with the approved details before any residential unit is occupied and shall be retained thereafter for as long as the development is in existence.

26. No more than 6 of the private residential units within the development shall be occupied until all of the industrial floorspace (Class B1c and B8) within the development hereby approved has been practically completed and is available for fit out and occupation.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mark Beard (Barrister)	Instructed by Ashfords on behalf of London Borough of Wandsworth (LBW)
He called:	
Scott Davidson BSc (Hons) Town Planning, MRTPI	Planning Policy - LBW
Jonathan Howells BSc, MSc, Member Institute of Economic Development	Associate Director -AECOM
Julia Kelly BA (Hons) Town Planning	Senior Planning Officer - LBW
Duncan Moors of Ashfords also participated	

FOR THE APPELLANT:

Peter Village QC	Instructed by Jeff Field of BNP Paribas Real Estate Strutt and Parker
He called:	
Jeff Field MA, MRICS, MRTPI	Senior Director and Head of London Planning - BNP Paribas Real Estate Strutt and Parker

INTERESTED PERSON:

Angie Boyle	Dirty Blinds
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INQUIRY DOCUMENTS:

1. Opening submission by Peter Village QC on behalf of the Appellant.
2. Opening submission by Mark Beard on behalf of LBW.
3. Copy of statement from interested party, Angie Boyle.
4. Email from Appellant dated 2 September 2020 clarifying the correct list of plans.
5. Copies of pdf engrossment versions of the agreed Section 106 Agreements.
6. Indicative sketch plans showing potential for flexible internal B1c unit layout.
7. Email from Angie Boyle, dated 7 September 2020.
8. Closing submission by Mark Beard on behalf of LBW.

9. Closing submission by Peter Village QC on behalf of the Appellant.
10. Costs application by the Appellant.
11. Suggested Inspector site visit itinerary.
12. Costs application rebuttal by the Council.
13. Note submitted by the Council concerning carbon reduction target having regard to suggested condition 16.