



Appeal Decision

Hearing held on 3 April 2024

Site visit made on 4 April 2024

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/P5870/W/23/3330511

Land at Woodcote Green Garden Centre, Woodmansterne Lane, Wallington SM6 0SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Fonthill Care against the decision of London Borough of Sutton.
 - The application Ref is DM2022/01386, dated 25 July 2022, was refused by notice dated 6 April 2023.
 - The development proposed is demolition of existing structures and erection of a 70-bed specialist neurological nursing home (Use Class C2) with associated access, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing structures and erection of a 70-bed specialist neurological nursing home (Use Class C2) with associated access, parking and landscaping at land at Woodcote Garden Centre, Woodmansterne Lane, Wallington SM6 0SU in accordance with the application Ref DM2022/01386, dated 25 July 2022 subject to the conditions set out in the schedule at the end of this decision.

Applications for costs

2. An application for costs was made by Fonthill Care against the London Borough of Sutton. This application is the subject of a separate decision.
3. An application for an award of costs was also made by the London Borough of Sutton against Fonthill Care. This application too is the subject of a separate decision.

Preliminary Matters

4. The appellant has submitted additional drainage information following determination of the application. Consequently, the Council advise that they no longer wish to defend the third reason for refusal. I therefore have not addressed this matter in the reasoning below.
5. At the Hearing an executed planning obligation in the form of a Unilateral Undertaking (UU) was submitted under section 106 of the Town and Country Planning Act 1990. The UU secures an Employment and Skills Plan; Carbon Off-Set Contribution; Travel Plan; Highways Agreement and a clause restricting occupation of the development to those who have a neurological condition.

6. Following determination of the planning application the appellant has produced additional evidence in the form of a Supplementary Needs Assessment; Alternative Sites Assessment; updated Landscape and Green Belt Statement and Verified Views.
7. Having regard to the Holborn Studios judgement¹ which follows on from Wheatcroft² the information does not constitute amendments to the scheme and is aimed to respond to concerns raised by the Council during determination of the application. Secondly, the documents were made available on the Council's website during the appeal consultation period and interested parties were able to view and make representations on them. Thirdly, the Council have commented on the information as part of their appeal submissions. Consequently, I find that the documents present no substantive or procedural concerns and that no interested parties have been prejudiced in determination of this appeal.

Main Issues

8. The main issues are:

- Whether the proposed development is inappropriate development in the Green Belt having regard to any relevant development plan policies and the Framework;
- The effect of the proposed development upon the character and appearance of the area; and
- Planning obligations

Reasons

Whether the proposed development is inappropriate development in the Green Belt

9. Part e of Policy 24 of the Sutton Local Plan (2018) (SLP) permits the replacement of an existing building or structure in the Green Belt provided that the increase in the external volume of the built form is no greater than 30% above the size of the original building or structure. Part f sets out that permission for the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development will be supported.
10. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New buildings in the Green Belt are regarded as inappropriate save for a number of specified exceptions.
11. One such exception is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.
12. It is common ground between the main parties that the appeal site is previously developed land and based on the evidence before me and my observations at the site visit, I can only draw the same conclusion. Therefore,

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

in order to assess whether the proposal is inappropriate development one must consider the impact of what is being proposed upon the openness of the Green Belt.

13. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
14. The appeal site is irregular in shape formed of a series of glasshouses comprising metal frames and glazing sitting on breezeblock bases. The glasshouses extend across the vast majority of the site. The internal and external areas are largely formed of hard surfacing. At the time of my site visit I observed machinery and miscellaneous items including storage containers and wooden pallets stored externally. The site is enclosed by built form in the form of two storey dwellings, a garden centre and Wallington High School for Girls. As such, taking into account the quantum of built form on site and its enclosed nature it makes a minimal contribution to the openness of the Green Belt
15. The glasshouses, hard surfacing and ancillary structures extend over a considerable area. Based on the evidence before me the footprint and volume of the building would be greatly reduced compared to the existing glasshouses and structures on site. In numerical and volumetric terms, the proposed development would have a lesser impact upon openness in spatial terms compared to the existing situation.
16. Turning now to the visual aspect - there is no dispute that the building would be taller, compared to the maximum height of the glasshouses. Having said that, it would sit at a lower ground level. Whilst the proposed development would be taller its footprint would be more or less half that of the existing glasshouses and its volume would also be reduced.
17. Moreover, unlike the existing glasshouses which are spread over almost the entire site the proposed care home would have a smaller and compact footprint, leading to greater separation from neighbouring buildings allowing a sense of openness over a greater part of the site.
18. The proposed development would be most evident in localised views including from the rear of neighbouring dwellings, Woodmansterne Lane and the access road into the neighbouring garden centre car park. However, these viewpoints offer only limited views into the site. Additionally, the proposal would also be positioned deeper into the site, further away from the road frontage, compared to the existing buildings resulting in less of a visual impact on openness compared to the existing greenhouses.
19. I note the comments of the Council and acknowledge that their glazed nature reduces their impact to some degree, nonetheless, the glasshouses are sizeable structures constructed from metal frames sitting on breezeblock plinths and hardstanding. Whilst extensively glazed the materiality of the building formed of breezeblock and metal frames, presence of plants, ancillary equipment including machinery, planting benches, piping and ducting and paraphernalia in and around the glasshouses have a notable presence within the immediate context.

20. Two of the purposes of the Green Belt are to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. The proposal involves the redevelopment of brownfield land. It is also well contained surrounded by built form, the presence of boundary planting and the access road. As such, it would not lead to the unchecked sprawl of the built-up area or any encroachment into the countryside. Nor would the development undermine the other purposes of the Green Belt.
21. For these reasons I find that despite the increased height of the care home compared to the existing glasshouses and its more solid appearance the proposed development would not have a greater impact on the openness of the Green Belt than the existing development on site.
22. The Council contend that insufficient evidence has been submitted to demonstrate that suitable and available non-Green Belt sites exist, despite the appellant producing an Alternative Sites Assessment document. Whilst I have paid regard to this document, I am mindful that there is no local planning policy requiring such an assessment to be undertaken. Moreover, I have found that the proposed development would not constitute inappropriate development in the Green Belt. Consequently, I do not find that this matter is determinative in coming to my decision.
23. Consequently, I find that the proposed development would not represent inappropriate development in the Green Belt and would accord with SLP Policy 24, Policy G2 of the London Plan (2021) and the Green Belt aims and objectives of the Framework which seek to protect the Green Belt from inappropriate development.

Character and appearance

24. The site sits between a retail garden centre and a run of two storey dwellings fronting Woodmansterne Lane, set behind a manicured hedge that extends a considerable length along the road frontage. Immediately to the north is Wallington High School for Girls which is made up of a number of buildings of differing design, scale and mass resulting in a large footprint. A garden centre accommodating a number of associated uses including a supermarket, café, soft play and barbers is located to the west. The garden centre appears to have developed in an ad hoc manner spread across a large area. It benefits from extensive parking areas that form an area of transition between the built-up form of Wallington and the open and green landscape formed of countryside that extends southwards.
25. The surrounding land use is mixed with residential dwellings, retail and community uses present in the immediate locality. I observed a range of building heights up to 3 storeys and a mixed palette of materials.
26. The context of the site is influenced and contained by the scale, massing and close proximity of the garden centre, residential dwellings and school and is very much read as forming part of the urban envelope of Wallington. The entrance/exit into the garden centre, to the south of the site, is the point where the character of the road becomes notably rural characterised by sporadic development and open fields.
27. Whilst the proposed development would mark a significant change in the appearance of the site, it would be in keeping with the varied character of the

surrounding area. Despite its uniform height the articulation of the elevations, the use of balconies and brickwork detailing would add architectural interest reducing the apparent mass of the building. Furthermore, the formalisation of the hard standing and the proposed soft landscaping would assist in framing the building and assimilating it into the surrounding built up area.

28. The garden centre and the school are notable features that make up part of the area's character and appearance. As such, I am satisfied that the proposed development would not be out of kilter with the scale of development within this part of Wallington or that the proposal in land use terms would be incompatible with the variety of uses present in the area.
29. The proposed access would marginally open up the site and the removal of a section of the manicured hedgerow would result in the building being more visible. However, this would be localised to a small area of the road frontage. Furthermore, supplementary planting would ensure that vegetation would remain the predominant feature when travelling in either direction along the road.
30. The proposed development would be visible from the rear of neighbouring dwellings and the access road serving the garden centre car park, however, given the built-up nature of the immediate area the presence of the building would not unduly harm the character of the area.
31. Despite the Council questioning the accuracy of the submitted verified views there is nothing substantive before me to dispute the techniques used or that the views produced are not accurate representations of the proposed development.
32. Accordingly, the proposed development would not adversely affect the character and appearance of the area. It would accord with SLP Policy 28 and LP Policies D3 and D4 which, amongst other things, require new development that is attractive, designed to the highest standard, respects local context and townscape and that has a high-quality design led approach.

Planning Obligations

33. The appellant has submitted an UU which secures an Employment and Skills Plan; Carbon Off-Set Contribution; Travel Plan; Highways Agreement and a clause restricting occupation of the development to those who have a neurological condition.
34. I am content that the UU satisfies the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). The UU directly relates to the development and is fairly and reasonably related in scale and kind. As such, I am satisfied that the UU can be relied upon to secure the relevant obligations.
35. I note that there has been some disagreement between the parties, prior to the hearing, in respect of the use restriction clause contained in draft versions of the planning obligation. The Council has sought to justify restricting use of the development to three streams of care and to residents of the London Borough of Sutton in the Community Infrastructure Levy (CIL) Compliance Statement. However, in my judgement such restrictions on the use of the development and its occupation would not meet the tests for planning obligations set out in Regulation 122 or guidance contained within the Framework.

36. Restricting occupation of the development to residents of the London Borough of Sutton or the streams of care would not be reasonable and is not necessary to make the development acceptable in planning terms for the reasons set out earlier. I am satisfied that the wording put forward by the appellant would be satisfactory to ensure that the development would meet the specific needs for those it is intended for.
37. Consequently, the proposed development would accord with SLP Policies 31 and 36, LP Policies S12, T4 and E11 and Supplementary Planning Document 5 – Planning Obligations which, amongst other things, seek to support employment, skills development and training opportunities; reduce carbon emissions; carbon offsetting and mitigate the transport impacts of developments.

Other Matters

38. The scheme proposes a 70-bed care home comprising accommodation designed to support the needs of those with neurological conditions. It would cater for patients of all ages who are unable to be discharged into a home environment due to their profound and complex conditions.
39. The appellant's Neurological Care Need Statement indicates that nationally 1 in 6 people are living with at least one neurological condition. There is an under provision of dedicated specialist neurological care facilities across the country with the vast majority of patients inappropriately placed in care homes that cater for the elderly.
40. At borough level the appellant contends that Sutton has some of the highest prevalence rates of long-term neurological conditions in London. The appellant indicates that between 2012 and 2016 there were around 100 admissions per year to local specialist neurological wards. The appellant cites academic research which indicates that between 12% and 20% of individuals are discharged to specialist nursing homes following a hospital visit. Taking 16% as the midpoint of those needing specialist care and based on hospital admissions the appellant contends that there is a minimum need for 16 specialist neurological bedspaces per year. This equates to a minimum need for 256 specialist neurological bed spaces over the whole plan period.
41. In addition, the appellant has produced a Supplementary Need Assessment which analyses the demand and supply for specialist dementia care home spaces within a 5-mile catchment area of the site. The assessment indicates a current undersupply of bedspaces of at least 417 worsening to 566 by 2025.
42. The appellant has provided a non-exhaustive list of the types of conditions that they cater for. However, they indicate that care would be tailored to meet the individual needs of the person. Whilst dementia is not included it is not a closed list and therefore it is conceivable that patients with other conditions could be accommodated by the appellant generally and the proposed development. Whilst the appellant's Supplementary Need Assessment focuses on dementia. It is just that – supplementary and intended to provide a more extensive landscape of the need rather than a substantive change in the appellant's case.
43. The Council are critical of the evidence presented by the appellant and assert that there are not enough residents in Sutton to sustain a complex care home of the size proposed. Their position is predicated on representations received

from their Adult Social Care team (ASC) and the Head of Continuing Care for Sutton at the NHS South West London Integrated Care Board.

44. The Council advise that there have been just 4 neurological cases over a 21-month period that required patients to be placed into a care home. Alongside this the Council advise that only 16% of long-term places funded by the Council relate to neurological conditions. They also dispute that there is an undersupply of bedspaces although this is not supported by any substantive evidence.
45. In terms of how patients are placed into care homes - the NHS uses a contractual framework known as Any Qualified Provider (AQP) to commission services from NHS and non-NHS providers based on set agreed fees. However, complex care cases including neurological conditions are placed outside of this framework. The appellant advises that places at the proposed development would be assessed on the individual circumstances of the patient based on the condition and the complex nature of the care required. On this basis places would sit outside of the AQP.
46. Whilst I have no reason to doubt the number of cases placed through the AQP over the last 21 months it is evident that the information relied upon by the Council does not paint a full picture, as it does not include complex care cases which are the type of cases the proposed development would specialise in. As such, I have reservations that the data on which the Council rely upon accurately reflects the need for places in the area.
47. Throughout the appeal proceedings the Council have questioned the need for a specialist neurological care home highlighting SLP Policy 11 which indicates that there is an oversupply of bedspaces. Whilst there may be an oversupply currently, the policy does not set a moratorium in respect of developments for care homes or specialist facilities and indicates that by 2026 there will be an undersupply of bedspaces in care homes. In any event, the proposal would meet a specific need for which there is no specialist facility in the area rather than adding to the pool of elderly care home bedspaces.
48. Having regard to the information before me there is no compelling evidence to suggest the appellant presented the proposed development on the basis that it would only serve the needs of the residents of Sutton, despite the Council's assertions. The appellant's reports in respect of need clearly set out the national context and highlight local need. The appellant's approach to establishing need based on the geographical location of the appeal site and the administrative area of the local planning authority seems a sensible and reasonable one to me. Given its specialist nature it is reasonable to assume that it would draw patients from a wider area.
49. In any event people are not bound by administrative boundaries and move cross boundaries on a daily basis whether that is for work, education, recreation or other daily activities.
50. The appellant's example of a housing development is an important one. A residential development could be built in the borough to meet its local housing need, but this does not preclude people from outside of the borough from purchasing or renting these properties. In my view the same would apply for potential residents of a care home.

51. Moreover, to exclude patients from using a specialist care facility on the basis that they are not residents of Sutton does not sit right with me in terms of equality and I have serious reservations that restricting occupation on this basis either in the form of a condition or planning obligation would meet the statutory tests.
52. It is evident that the key concern of the ASC is the affordability of spaces. However, the nuances of the care market and the affordability of bedspaces are matters that fall outside of the planning regime and in turn what I can consider as part of my assessment of a Section 78 appeal.
53. I have no reason to dispute the quality of care provided in existing care homes. However, in my view, it would be reasonable to assume that individuals would benefit from being placed in a specialist environment that caters for their specific needs rather than pepper potted in non-specialist care homes.
54. I acknowledge that predicting with certainty the precise need figure is not an exact science. However, the appellant's assessment of need for specialist bedspaces including those suffering from dementia does not appear to be unrealistic based on the evidence base and methodology presented. Whereas I have significant concerns about the data provided by the Council. As such, I find the appellant's evidence more reliable in terms of demonstrating need.
55. To sum up I find that the proposed development would provide a specialist care facility for which there appears to be a need currently and in the future. An uplift in the number of bedspaces would assist in addressing any shortfall generally and the scheme would result in improved health facilities for individuals with specialist neurological conditions irrespective of their financial status or age.
56. Despite the representations received there is no substantive evidence before me to indicate that the proposed development would adversely affect highway safety or that the living conditions of nearby occupiers would be adversely affected by noise or disturbance.

Planning Balance

57. I have found that the proposed development would not be inappropriate development in the Green Belt and would not result in a greater impact on the openness of the Green Belt compared to the existing built form on site. I have also found that the proposed development would be in keeping with the character and appearance of the area.
58. As such, no adverse impacts have been identified and there are no other policies in the development plan of Framework which weigh against the proposal. Accordingly, I conclude the appeal is allowed.

Conditions

59. In the event of the appeal being allowed, the main parties suggested that 39 conditions would be necessary to make the scheme acceptable. I have considered the suggested conditions in the light of the Framework and the Planning Practice Guidance. In the interests of precision and clarity I have undertaken some rationalisation of the conditions suggested by the Council.

60. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty.
61. As a result of the proximity of neighbouring residential properties and the need to control the impacts of the construction phase on the living conditions of residents and other environment factors, a range of conditions in respect of construction management, potential contamination and noise from plant and machinery are necessary.
62. In order to achieve a satisfactory appearance of the development conditions in respect of external materials, finished floor levels, hard and soft landscaping, boundary treatments and the protection of retained trees have been imposed.
63. In terms of the operation of the development conditions relating to the parking layout, bicycle parking; parking management, management of the communal amenity areas, maintenance of soft landscaping and for the development to incorporate Secured by Design principles are considered necessary.
64. Conditions in respect of biodiversity including achieving a net gain and wildlife including the provision of nesting features have been imposed.
65. In the interests of sustainability conditions to meet BREEAM standards; energy efficiency; prevention of overheating; sustainable drainage, CO2 emissions and the circular economy have been imposed.
66. To address various aspects of the SLP and LP conditions relating to air quality, fire safety and green space factor have been imposed.
67. The site lies within an Archaeological Priority Area. As such, a condition for a Written Scheme of Investigation for the identification, treatment and preservation of significant archaeological features within the site is necessary.
68. There are a number of conditions which require compliance prior to the commencement of development, namely demolition and construction management, pre-assessment BREEAM report, the circular economy, finished floor levels and archaeology. I am satisfied that these conditions are necessary.
69. The council has suggested a condition in relation to the boilers to be installed. However, such a matter is subject to different legislation i.e. Building Regulations. Thus, I do not consider it reasonable to impose this condition.
70. The Council has suggested conditions for a waste management plan and a delivery and servicing plan. However, a Waste Management Storage and Collection Strategy and a Delivery and Servicing Management Plan have been submitted with the application which is adequate. Therefore, conditions requiring further details are not necessary.
71. The Council has suggested conditions limiting construction hours and for details of dust mitigation. However, such details would be submitted as part of the Demolition and Construction Logistics Management Plan and therefore separate conditions are not required.

Conclusion

72. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mrs Emma Hardy – Planning Consultant

Mr Joshua Janes – Planning Consultant

Mr Clive Self – Urban Design Consultant

Mr Richard Hardy – Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms Dimitra-Vasiliki Angelopoulou - Deputy Planning Manager (West Team)

Mr Stephen Hardisty - Adult Social Care

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 204 100; Site Plan Drawing Number 204 101; Site Plan Roof Drawing Number 204 102 Rev A; Refuse Store Drawing Number 204 103; Fire Strategy Ground Floor Drawing Number 204 104; Site Plan Comparison Drawing Number 204 105; Fire Strategy First Floor Plan Drawing Number 204 106; Ground Floor Plan Drawing Number 204 200; First Floor Plan Drawing Number 204 201; Roof Plan Drawing Number 204 202 Rev A; Proposed Elevations South East and North West Drawing Number 204 205 Rev A; Proposed Elevations North East and South West Drawing Number 204 206 Rev A; Elevations South East Comparison Drawing Number 204 207 Rev A; Elevations North West Comparison Drawing Number 204 208 Rev A; Elevations North East Comparison Drawing Number 204 209 Rev A; Elevations South West Comparison Drawing Number 204 210 Rev A; Elevations Bay Study Drawing Number 204 211 Rev A; Proposed Section Drawing Number 204 212; Elevations Bay Study Drawing Number 204 213; Existing Elevations Drawing Number 204 217; Site Plan Comparison Drawing Number 204-214; Site Survey Drawing Number 204 215 and Site Survey Volume Calculation Drawing Number 204 216.
- 3) No development shall take place, including any works of demolition, until a Demolition and Construction Logistics Management Plan (DCLMP) has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved DCLMP shall be adhered to throughout the construction period for the development.
- 4) No development shall take place until a pre-assessment BREEAM report - which is based upon an approved BREEAM plan for provision of non-residential buildings indicating that the building is capable of achieving the applicable excellent rating as a minimum, shall be submitted to and approved in writing by the local planning authority.

- 5) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
- i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall then be undertaken in accordance with the approved programme and methodology.

- 6) No development shall take place until a finalised Circular Economy Statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Prior to occupation a post-construction monitoring report is to be submitted to and approved in writing by the local planning authority.
- 7) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 8) No development shall take place, excluding demolition and site investigations, until a finalised Sustainability and Energy Statement incorporating 'as designed' BRUKL worksheets and GLA carbon emissions, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place above ground until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 10) No development shall take place above ground until a Biodiversity Enhancement and Management Plan (BEMP) including a Biodiversity Net Gain assessment has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Prior to occupation a Statement of Conformity demonstrating the works have been carried out in accordance with the BEMP is to be submitted to and approved in writing by the local planning authority.
- 11) No development shall commence above ground until details of both hard and soft landscape works, informed by the BEMP, have been submitted to

- and approved in writing by the local planning authority. These details shall include an implementation programme. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.
- 12) No development shall take place above ground level until a scheme for wildlife and nesting features, based upon the recommendations set out in the Preliminary Ecology Assessment, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the development.
 - 13) The development shall not be occupied until a Parking Management Plan detailing the management and use of the parking spaces has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plan.
 - 14) The development shall not be occupied until space has been laid out within the site in accordance with the Site Plan Drawing Number 204 101 for electric vehicle charging points and 25 cars to be parked and those spaces shall thereafter be kept available at all times for the parking of vehicles.
 - 15) The development shall not be occupied until details of bicycle parking has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation and shall thereafter be kept available for the parking of bicycles.
 - 16) Before the development is first occupied a management plan for the communal amenity area shall be submitted to and approved in writing by the local planning authority. The amenity area shall be fully implemented and made available for occupants thereafter.
 - 17) Before the development is first occupied Secured by Design accreditation/certification shall be submitted to the local planning authority. Prior to first occupation of the development a satisfactory Secured by Design inspection must take place and the resulting Secured by Design certificate submitted to and approved in writing by the local planning authority.
 - 18) The development hereby permitted shall not be occupied until the sustainable drainage system for the site has been completed in accordance with Flood Risk Assessment and SuDS Statement (3792/2022 Rev D, Mar 2023, EAS). The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.
 - 19) Before the development is occupied details of the position, design, materials and type of boundary treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the development.

- 20) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and 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.
- 21) The development shall not be occupied until 'as built' BRUKL outputs demonstrating that the energy strategy has been implemented in accordance with the Sustainability and Energy Statement has been submitted to and approved in writing by the local planning authority.
- 22) The development shall be constructed to meet the applicable approved BREEAM rating as a minimum. Prior to occupation of the development, a certificate following a post-construction review, shall be issued by an approved BREEAM Assessor to the local planning authority, indicating that the relevant BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.
- 23) Prior to occupation of the development hereby permitted, a post-construction assessment demonstrating compliance with the GLA Whole Life-Cycle Carbon Assessment shall be submitted to and approved in writing by the local planning authority.
- 24) The development hereby permitted shall be carried out in accordance with the Overheating Analysis (Ref: FS0814-HYD-XX-ZZ-PD-ES-0001 dated May 2023). Prior to occupation confirmation that works have been carried out as per the Overheating Analysis are to be submitted to and approved in writing by the local planning authority.
- 25) The development shall be carried out in accordance with the Remedial Strategy and Verification Plan Report dated February 2022. Prior to first occupation a verification report shall be submitted to and approved in writing by the local planning authority.
- 26) All retained trees shall be protected in accordance with the Arboricultural Method Statement and Tree Protection Plan. Protection measures shall only be removed upon completion of the development.
- 27) The energy performance of the development and associated CO2 emissions shall be monitored over the first five years of its operation in accordance with the recommended approach set out in the Mayor's Be Seen Guidance. An energy and carbon monitoring report shall be submitted to the local planning authority after the first year of operation and thereafter on an annual basis to demonstrate the development has achieved the target reduction in CO2 emissions. In the event of a shortfall in emission reductions compared to the approved strategy further on-site carbon reduction measures together with a timetable for their implementation are to be submitted and approved in writing by the local planning authority and shall be implemented in accordance with the approved timetable.
- 28) The level of noise emitted from fixed plant and equipment site shall not exceed 37 dB LAeq 1 hour, during daytime and 30 dB LAeq 15 minutes,

at any other time, as measured or predicted 1m externally to any window at the nearest residential façade.

- 29) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 30) The development shall achieve an improved Green Space Factor (GSF) score of at least +0.2 compared to the baseline GSF score prior to development.
- 31) The development is to be carried out in accordance with the Fire Statement prepared by London Bridge Associates Ltd dated 21 December 2022.
- 32) The development is to be carried out in accordance with the Air Quality Assessment prepared by Air Quality Assessments Ltd dated 9 February 2023.