



## Appeal Decisions

Inquiry opened on 6 August 2019

Site visits made on 5 and 9 August 2019

**by Paul Griffiths BSc(Hons) BArch IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> September 2019**

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### **Appeal A: APP/N5660/W/18/3211223 Graphite Square, London SE11 5EE**

- 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 BMOR Ltd against the decision of the Council of the London Borough of Lambeth.
  - The application Ref.17/02936/FUL, dated 16 June 2017, was refused by notice dated 12 March 2018.
  - The development proposed is the demolition of existing office, warehouse and church buildings (Use Classes B1, B8 and D1), and redevelopment of the site to provide a residential led mixed-use development with a podium building of ground plus 3 storeys (fronting onto Worgan Street) connecting a ground plus 9 storey building (fronting onto Worgan Street), a ground plus 13 storey building (fronting onto Worgan Street), and ground plus 13 storey building (at the junction of Worgan Street and Jonathan Street) to provide 160 residential units, offices (Use Class B1), a ground floor flexible retail/café/office (flexible Use Class A1/A3/B1), a replacement Methodist Church (Use Class D1), and provision of a single level basement, together with servicing, car and cycle parking, and provision of a new public realm and associated works.
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### **Appeal B: APP/N5660/W/19/3225761 Graphite Square, London SE11 5EE**

- 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 BMOR Ltd against the decision of the Council of the London Borough of Lambeth.
  - The application Ref.18/03773/FUL, dated 10 August 2018, was refused by notice dated 6 February 2019.
  - The development proposed is the demolition of existing office, warehouse and church buildings (Use Classes B1, B8 and D1), and redevelopment of the site to provide a residential led mixed-use development with a podium building of ground plus 3 storeys (fronting onto Worgan Street), two buildings of ground plus 13 storeys (fronting onto Worgan Street) and ground plus 10 storey building (at the junction of Worgan Street and Jonathan Street) to provide 178 residential units, offices (Use Class B1), a ground floor flexible retail/café/office (flexible Use Class A1/A3/B1), a replacement Methodist Church (Use Class D1), and provision of a single level basement, together with servicing, car and cycle parking, and provision of new public realm and associated works.
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### **Preliminary Matters**

1. The Inquiry opened on 6 August and was closed on 13 August having sat on 6, 7, 8, and 13 August 2019. I made an unaccompanied visit the day before the Inquiry opened when I informed myself about the general vicinity of the site.

2. I then carried out an accompanied visit on 9 August 2019 which took in the site itself, the premises occupied by Walker Books (and their tenants), and a number of flats in Arne House, Jameson House, Kennedy House, and No.79 Vauxhall Walk (Spring Gardens Court).
3. In the course of dealing with the applications, the descriptions of development were adjusted by the Council in the decision notices. I have reflected those set out in the Statements of Common Ground<sup>1</sup> for Appeals A and B (which replicate those in the decision notices) in the headers above, and my decisions below.
4. After preliminary indications shortly before the Inquiry opened, representatives of Walker Books presented themselves on the first morning of the Inquiry armed with (late and incomplete) evidence relating to the effect the proposals would have on their premises at Nos.83-97 Vauxhall Walk<sup>2</sup>.
5. After some discussion, I made a ruling that the evidence would be turned away. Further exchanges followed, and after them, I agreed to allow the rest of the day for further evidence to be submitted by Walker Books<sup>3</sup>, and further time for a response to it from the appellant<sup>4</sup>.
6. I heard from Walker Books' three witnesses, and the recalled appellant's witnesses on the final day of the Inquiry. Walker Books' Counsel was also permitted to make a Closing Statement<sup>5</sup>. In that way, I treated Walker Books, in effect, as a Rule 6 party and I have reflected this in recording their presence at the Inquiry in the list of appearances below
7. While draft versions of Agreements under s.106 were discussed in the course of the Inquiry<sup>6</sup>, I allowed time after the Inquiry closed for completed Agreements relating to Appeals A and B to be submitted. These were duly received<sup>7</sup> and I deal with the contents below.

## **Decisions**

### **Appeal A**

8. The appeal is allowed and planning permission is granted for the demolition of existing office, warehouse and church buildings (Use Classes B1, B8 and D1), and redevelopment of the site to provide a residential led mixed-use development with a podium building of ground plus 3 storeys (fronting onto Worgan Street) connecting a ground plus 9 storey building (fronting onto Worgan Street), a ground plus 13 storey building (fronting onto Worgan Street), and ground plus 13 storey building (at the junction of Worgan Street and Jonathan Street) to provide 160 residential units, offices (Use Class B1), a ground floor flexible retail/café/office (flexible Use Class A1/A3/B1), a replacement Methodist Church (Use Class D1), and provision of a single level basement, together with servicing, car and cycle parking, and provision of a new public realm and associated works at Graphite Square, London SE11 5EE in accordance with the terms of the application, Ref.17/02936/FUL, dated 16 June 2017, subject to the conditions set out in Annex 1 below.

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<sup>1</sup> Statements of Common Ground (SoCGs) relating to Appeals A and B were submitted in advance of the Inquiry

<sup>2</sup> Inquiry Document 1

<sup>3</sup> Inquiry Document 5

<sup>4</sup> Inquiry Document 13

<sup>5</sup> Inquiry Document 18

<sup>6</sup> Inquiry Documents 10 and 17

<sup>7</sup> Inquiry Document 21

## Appeal B

9. The appeal is allowed and planning permission is granted for the demolition of existing office, warehouse and church buildings (Use Classes B1, B8 and D1), and redevelopment of the site to provide a residential led mixed-use development with a podium building of ground plus 3 storeys (fronting onto Worgan Street), two buildings of ground plus 13 storeys (fronting onto Worgan Street) and ground plus 10 storey building (at the junction of Worgan Street and Jonathan Street) to provide 178 residential units, offices (Use Class B1), a ground floor flexible retail/café/office (flexible Use Class A1/A3/B1), a replacement Methodist Church (Use Class D1), and provision of a single level basement, together with servicing, car and cycle parking, and provision of new public realm and associated works at Graphite Square, London SE11 5EE in accordance with the terms of the application, Ref.18/03773/FUL, dated 10 August 2018, subject to the conditions set out in Annex 1 below.

## Main Issues

10. Helpfully, the Council was very specific in its reason for refusal in each case. In relation to the scheme subject to Appeal A, it explained, in effect, that as far as it was concerned, the proposal, by reason of its scale, massing, and proximity, would unacceptably undermine the living conditions of residential occupiers of Arne House and No.79 Vauxhall Walk by restricting sunlight and daylight. In relation to the revised scheme, the subject of Appeal B, it took the view that the proposal, by reason of its scale, massing and proximity, would have a similar impact on the living conditions of residential occupiers of Arne House and No.79 Vauxhall Walk in terms of the loss of sunlight and daylight, but also in terms of its visual impact on residential occupiers of Jameson House and Kennedy House.
11. On top of all that, Walker Books' evidence, that I have referred to above, raised concerns about the impact of both proposals on working conditions within its premises at Nos.83-97 Vauxhall Walk.
12. I would observe that in the SoCGs, that the Council raises no concerns about either proposal in terms of the principle of a mixed-use development, the architectural approach, the effect on heritage assets, designated or otherwise, or a raft of other relevant issues. I have no good reason to depart from any of those conclusions and it is clear that both schemes would bring forward significant benefits in terms of the provision of general and affordable housing, employment and retail space, and a replacement Church, amongst other things, in a way that would regenerate the site and its surroundings.
13. With all that in mind, it seems to me that the main issue in Appeal A is whether the impacts the proposal would have on the living conditions of occupiers of Arne House and No.79 Vauxhall Walk, and working conditions at Nos.83-97 Vauxhall Walk, through loss of sunlight and daylight, are acceptable, in the context of the benefits the scheme would bring forward.
14. In terms of Appeal B, it is whether the impacts the proposal would have on the living conditions of occupiers of Arne House and No.79 Vauxhall Walk through loss of sunlight and daylight, and occupiers of Jameson House and Kennedy House through visual impact, and working conditions at Nos.83-97 Vauxhall Walk through loss of sunlight and daylight, are acceptable, in the context of the benefits the scheme would bring forward.

## Reasons

15. The development plan for the area includes the London Plan (Minor Alterations to the London Plan) of 2016 and the Lambeth Local Plan of September 2016. The Statements of Common Ground set out a wide range of policies from these documents that have some bearing on the proposals at issue. In the light of the way the Council, and others, have presented their cases, while I recognise their relevance, I see no need to rehearse their content here. However, there are a number of policies that are worth setting out in some detail.
16. London Plan Policy 7.7D(a) says that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunication interference. Local Plan Policy Q2 (Amenity) supports development if (of application here): (iv) it would not have an unacceptable impact on levels of daylight and sunlight on the host building and adjoining property; and (iii) adequate outlooks are provided avoiding wherever possible any undue sense of enclosure. Local Plan Policy Q26 covers tall and large buildings and is supportive where: (vi) it does not have an unacceptably harmful impact on its surroundings.
17. The key to that policy approach seems to me to be the use of the terms *unacceptable* and *adequate* in Local Plan Policy Q2. It must be right given the stress in the Local Plan and the London Plan on maximising housing growth, and affordable housing in particular, and the exhortation in the National Planning Policy Framework<sup>8</sup> to make effective use of land, that some balance must be struck between the need to deliver market and affordable housing, in particular, and any harmful impacts that may result.
18. That is borne out by the way in which the Courts have approached the way in which loss of sunlight and daylight as a result of development should be dealt with. We are told<sup>9</sup> that this should be a two-stage process: first, as a matter of calculation<sup>10</sup>, whether there would be a material deterioration in conditions; and second, as a matter of judgment, whether that deterioration would be acceptable in the particular circumstances of the case.
19. On my reading of the evidence, and what I heard at the Inquiry, there is no significance difference between the appellant and the Council in terms of the calculations. The difference lies in the application of judgment as to whether the impacts calculated are acceptable, or not, in the two situations before me, and points that bear on the way that judgment ought to be applied.
20. According to the Council, using the BRE Guidelines, and their witness' Generic Categorisation of Magnitudes of Impact, the scheme in Appeal A would lead to significant adverse effects on daylighting to at least 52 of the 87 flats in Arne House (46 major adverse [that is less than 0.60 times the former value] and at least 6 moderate adverse [0.69 to 0.6 times the former value]) but negligible impact in terms of loss of sunlight. Further, the Council calculates that the Appeal B scheme would lead to significant adverse effects on daylighting to at least 58 flats in Arne House (49 major adverse and at least 9 moderate adverse) but again, negligible impact in terms of loss of sunlight.

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<sup>8</sup> Referred to hereafter as the Framework

<sup>9</sup> *Rainbird v The Council of the London Borough of Tower Hamlets* [2018] EWHC (Admin.) 83-84

<sup>10</sup> Using the BRE Guidelines in Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

21. There are, however, a number of factors that are important to bear in mind in relation to the flats that would be affected in Arne House. First, the flats are dual aspect. While rooms facing the appeal site, which are predominantly small kitchens, kitchen/diners, bathrooms, and second bedrooms, would lose relatively significant amounts of daylight, relative to what they currently receive, larger living areas, and main bedrooms, which face in the opposite direction, towards Tyers Street, and must receive much more significant amounts of daylight and direct sunlight, would be completely unaffected. In a similar way, the kitchen/diners have an unaffected second window that faces away from the appeal site.
22. Second, I accept the appellant's point that many of the affected kitchens in Arne House are too small to qualify as habitable rooms for the purpose of the calculations<sup>11</sup>. That said, I heard from residents of Arne House, and noted during my accompanied site visit that despite their limited dimensions, residents do use them as sitting, and dining, areas, and clearly value them for uses beyond mere utility. Many would lose relatively significant levels of daylight as a result of the proposals but the resulting impact on residents' living conditions cannot be judged purely in those terms. I make that point because from what I saw, these kitchens receive little in the way of daylight already, because of the overhanging deck access, or in the top floor flats, roof overhang, and would be most likely to need electric lighting to facilitate use.
23. It might be said that the impact of losing daylight from a room that is already relatively poorly so served would be all the more serious a matter. However, to my mind, given that these kitchens rely on electric lighting for most of the time anyway, the loss of even the relatively significant amounts of daylight calculated would make little difference to their pattern of use, or the manner in which residents enjoy them.
24. The second bedrooms affected are also poorly served by daylight because of the deck access or roof overhang and, like the kitchens, largely dependent on electric lighting. Even if one allows for the idea that bedrooms are sometimes used during the daytime, as playrooms, or home offices, or the like, as with the kitchens, I do not consider that the loss of even significant amounts of daylighting would make any great difference to their pattern of use or enjoyment.
25. Bringing those threads together, while I appreciate that the proposals in Appeals A and B would lead to the loss of a significant amount of daylight to some rooms in Arne House, for the reasons set out, I do not find that the resulting impact on the living conditions of the residents concerned would be unacceptable.
26. I turn then to No.79 Vauxhall Walk; in dealing with this property, account must be taken of an approved upward extension which has yet to be built, containing three new flats, as well as the existing accommodation. Having done that, the Council says that the schemes in Appeals A and B would have a major adverse impact on daylighting to eight existing flats, a minor adverse impact on the other three existing flats, and a minor adverse impact on the three proposed flats. There would be a major adverse impact in terms of loss of sunlight to nine flats (though the impact on one [proposed] might well be mitigated by a rooflight that was not accounted for).

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<sup>11</sup> Having regard to paragraph 1.3.19 of the Mayor of London's Housing SPG

27. The rooms affected in the premises would be kitchens, bedrooms and living rooms. Living rooms are the most important consideration; the bedrooms merit analysis too but the kitchens are of the galley type and much too small, at less than seven square metres in area, to merit attention in terms of calculations.
28. Underpinning an assessment of impacts of either scheme on flats in No.79 Vauxhall Walk must be an acknowledgement of the existing situation. From what I saw, this property has a rather privileged position because of the minimal massing on the area of the appeal site it borders. As a result, the flats affected receive much higher levels of daylight and sunlight than one might reasonably expect, in such an urban location. Any reduction in daylight and sunlight entering the flats as a result of either of the schemes at issue must be seen in that context.
29. On top of that, the living rooms or bedrooms worst affected would be because of their awkward location on the corner of the building, or because of the influence of overhanging balconies. It is clear then that the way the building has been designed contributes to the impact and I must say that whoever was responsible must have (or certainly ought to have) considered the strong likelihood that the appeal site, given its central London location, and obvious potential, would not remain underused.
30. With those points in mind, and having regard to the calculated losses of sunlight and daylight, it is my judgement that in the context of a Central London location, and having regard to the way No.79 Vauxhall Walk has been arranged, the impacts of the schemes subject of Appeals A and B in terms of the loss of daylight and sunlight would be well within reasonable bounds. I do not consider that the living conditions of the occupiers of 79 Vauxhall Walk would be undermined to an unacceptable degree by the proposals.
31. In dealing with the scheme that is the subject of Appeal B, the Council expressed concern about its visual impact on residents of Jameson House and Kennedy House. The courtyard enclosed on three sides by these blocks of accommodation is currently bounded on the fourth side by a wall of varying heights that provides the southern extremity of the appeal site. This existing wall, which is rather unkempt and unattractive, already has a strong visual presence.
32. The proposal in Appeal B would introduce a taller edifice that would increase the sense of enclosure, but it would be carefully designed and articulated and provide much more visual interest than the existing boundary. While it would have a stronger visual presence, it would not, in my view, be a domineering or oppressive one, and it would provide a much-improved outlook for residents.
33. On that basis, I am content that the proposal in Scheme B would have no detrimental effect on the living conditions of residents of Jameson House or Kennedy House through its visual impact. While the Council raises no issue in this regard, I reach the same conclusion, for much the same reasons, in relation to the Appeal A proposal.
34. There is one final point to be made about the impact of the proposals at issue on local residents and that is that one cannot consider the impacts on living conditions of schemes like those at issue, through the loss of daylight and/or sunlight, or in terms of effects on outlook, in isolation. As some local residents have pointed out, the schemes would replace a largely derelict, under-used

site, with housing and other uses that, as the Council acknowledges, would bring an uplift that would improve the living conditions of the existing population of the area.

35. As set out above, Local Plan Policy Q2 supports development if, amongst other things, it would not have an unacceptable impact on levels of daylight and sunlight on the host building and adjoining property; and adequate outlooks are provided avoiding wherever possible any undue sense of enclosure. For the reasons set out above, the proposals at issue in Appeals A and B accord with these requirements. For the same reasons, there would be no departure from Local Plan Policy Q26, or London Plan Policy 7.7D(a).
36. In terms of the impact on Walker Books' premises, I would observe that neither the development plan, nor the Framework, seek to protect working (as opposed to living) conditions in a specific sense. That said, the impact of the proposals on Walker Books' premises is a material consideration, obviously.
37. Calculations relating to the likely impacts in terms of loss of sunlight and daylight were prepared on behalf of Walker Books, and the appellant. These show, unsurprisingly, that areas within the building would receive less sunlight and daylight as a result of the proposals than they do at present.
38. If I were to adopt the same approach as one would take to residential properties, the central question would be whether the impact of those losses would be unacceptable.
39. Notwithstanding what I heard in evidence from Walker Books, I saw nothing at my site visit which suggested to me any particular reliance on daylight (or sunlight) in the various processes that take place within the premises. To underline that, I observed film on the windows facing the appeal site that reduces the penetration of daylight as well as sunlight, blinds shutting off rooflights that themselves appeared in need of cleaning (which itself suggests they are not relied upon to any great extent), the use of general and task-based electric lighting, and a reliance by many operatives on computer screens, something that sunlight does not assist.
40. Even if, contrary to what I saw, there are some aspects of the operation that do rely on daylight to a significant extent, there are parts of the building, facing Vauxhall Walk, that would be unaffected. In what are largely open-plan spaces, while it might be inconvenient, it would not be particularly onerous for Walker Books to move any such aspects of the operation to areas less affected.
41. On that basis, I am content that neither the scheme in Appeal A nor the scheme in Appeal B would have any unacceptable impact on the Walker Books operation, or the premises generally.

### **Other Matters**

42. Third parties raised a number of issues about the proposals that I have not directly covered above. First, issues were raised around what can loosely be termed 'gentrification'. However, it is very clear to me that both schemes are carefully considered, in architectural terms, and make very clear provisions to link in with their surroundings and improve permeability. On top of that, they make proper provision for affordable housing in terms of the amount, the mix and the types of tenure.

43. Far from standing apart, as I have alluded to above, I consider that the schemes proposed would integrate well with the existing area.
44. Concerns were also raised about traffic and parking. However, as one might expect in an area with a PTAL<sup>12</sup> rating of 6a, the schemes are designed to be largely car-free. The area is in a CPZ<sup>13</sup> and access to parking permits would be restricted to parking permits through the Agreements under s.106. In that context, I do not see how the schemes could have any material impact on traffic levels, or access to parking in the area.
45. Like any major building project, the construction process for either scheme would be disruptive, and might cause well cause difficulties for existing residents in terms of noise, dust, and so on. In itself that is no good reason to stand in the way of development, and regeneration projects in particular, and in any event, conditions can be used to ensure that any such difficulties are carefully managed.

### **Conditions and the Planning Obligations**

46. The Council and the appellant helpfully discussed and prepared lists of proposed conditions relating to Appeals A and B. These first appeared in the SoCGs submitted in advance of the Inquiry but refinement continued during the event so that final lists of agreed conditions<sup>14</sup> could be discussed as part of the proceedings.
47. I am conscious of advice in paragraph 55 the Framework that planning conditions should be kept to a minimum, and only imposed where certain tests are met. On the surface, there does appear to be a large number of conditions even for such significant schemes, but having discussed them, and given them further detailed consideration after the event, I am content that all meet those tests once I have made some relatively minor adjustments to improve precision, and facilitate enforceability, in some cases. I should also be clear that having participated in producing agreed lists of conditions, I am proceeding on the basis that the appellant has accepted those that are 'pre-commencement' in format.
48. Walker Books suggested some changes to the agreed conditions and some additional ones<sup>15</sup>. First, in relation to the conditions that require the submission and approval of a Construction and Environmental Management Plan, I see nothing in the wording as drafted that would preclude input from Walker Books. In relation to the Public Realm Management Plan and the landscaping scheme, I would expect the Council to be aware of the need to consider whether elements of either or both might have unacceptable impacts on adjoining occupiers, so I see no need to adjust the suggested wording.
49. As far as the additional conditions suggested are concerned, it is my understanding that Walker Books have no established right to use the appeal site for the storage of refuse, servicing, or car parking. As such, the conditions suggested to provide for those to be addressed are not necessary. If those established rights do in fact exist, then it would be a matter for the appellant and Walker Books to resolve.

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<sup>12</sup> Public Transport Accessibility Level

<sup>13</sup> The Kennington 'K' Controlled Parking Zone

<sup>14</sup> Inquiry Document 16

<sup>15</sup> Inquiry Document 12

50. The completed Agreements under s.106<sup>16</sup> are dated 29 August 2019. Helpfully, discussions about the various Obligations required by the Council began well in advance of the Inquiry and the Council was able to submit a CIL<sup>17</sup> Compliance Schedule before the Inquiry opened, and dealt promptly with post-Inquiry correspondence on any implications of the advent of the CIL (Amendment) (England) (No.2) Regulations 2019 on 1 September 2019<sup>18</sup>.
51. The Agreements contain a wide variety of Obligations relating to transport and Highways in Schedule 2, financial contributions in Schedule 3, affordable housing in Schedule 4, affordable housing review and the necessary formulae in Schedules 5 and 6, the public realm in Schedule 7, employment and skills in Schedule 8, the energy strategy in Schedule 9, the Considerate Constructors Scheme and the Nine Elms Construction Charter in Schedule 10, office space in Schedule 11 and the marketing of the D1 floor space in Schedule 12. The relevant plans are covered in Schedule 1.
52. Each of the Agreements deals with conditionality in Clause 4. Clause 4.3 says that in the event that the Inspector grants permission but expressly declares in the decision that any individual covenant or obligation within this Deed is: not necessary to make the development acceptable; or not compliant with Regulation 122 of the CIL Regulations 2010 (as amended) then that covenant or obligation shall cease to have effect but without prejudice to the legal effect of the remainder of the Deed.
53. Regulation 122 of the CIL Regulations 2010 (as amended), says that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These tests are mirrored in paragraph 56 of the Framework.
54. Having considered the various covenants and obligations in the Agreements in the context of the Council's CIL Compliance Schedule, I am content that all are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### **Final Conclusion**

55. The proposals in Appeals A and B would bring forward an extensive range of benefits with no unacceptable effect on the living conditions of occupiers of Arne House, Kennedy House, Jameson House or 79 Vauxhall Walk in terms of loss of sunlight or daylight or visual impact, or working conditions at Walker Books' premises at Nos.83-97 Vauxhall Walk.
56. For those reasons I conclude that the appeals should be allowed.

**Paul Griffiths**

**INSPECTOR**

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<sup>16</sup> Inquiry Document 21

<sup>17</sup> Community Infrastructure Levy

<sup>18</sup> Inquiry Document 22

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Banwell of Counsel	Instructed by the Director of Legal Services, LB Lambeth
He called:	Aidan Cosgrave BSc(Hons) MRICS Director, Delva Patman Redler LLP
	Joanne Broadbent BA MSc MRTPI Principal Planning Officer, LB Lambeth

### FOR WALKER BOOKS:

Juan Lopez of Counsel	Instructed by Lewis Silkin LLP
He called:	Michael McGrath Director and Chief Financial officer, Walker Books
	Ian Absolon Senior Director, Avison Young
	Elizabeth Milimuka BSc MSc MA Associate, Avison Young

### FOR THE APPELLANT

Timothy Corner QC	Instructed by DP9
He called:	Liam Dunford BSc(Hons) MSc(Surv) FRGS Point 2 Surveyors
	Ben Adams RIBA Ben Adams Architects
	Nick Collins BSc(Hons) MSc MRICS IHBC KM Heritage
	Oliver Sheppard BA(Hons) DipTP MRTPI Board Director DP9
	Elizabeth Christie <sup>19</sup> Sharpe Prichard

### INTERESTED PERSONS

Chris Loizou	Resident at Arne House
Quesha McFarlane	Resident at Haymans Point
Peter Chivers	Resident at 79 Vauxhall Walk
Councillor Joanne Simpson	Ward Member and Vice Chair of Planning Committee
Akosua Poku	Resident at Arne House
Margit Scheinpflug	Resident at 79 Vauxhall Walk

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<sup>19</sup> Took part in the discussion on the draft Agreements under s.106

Logan Fraser	Resident at Arne House
Maureen Malcolm	Resident at Jameson House
Anton Guvkin	Resident at 79 Vauxhall Walk
Clare Douglas	Chair of Vauxhall Gardens Estate Residents and Tenants Association

#### INQUIRY DOCUMENTS

Document 1	Material submitted by Walker Books
Document 2	Mr Corner's Opening Statement
Document 3	Mr Banwell's Opening Statement
Document 4	Statistics for Agreement - Arne House
Document 5	Workplace Daylight and Sunlight Report relating to Walker Books' premises prepared by Avison Young
Document 6	Google Street-View of Days Inn Site
Document 7	Mr Adams' presentation
Document 8	Submission of Seth Hodder
Document 9	Submission of Dr Paola Piglia, Chair of the Friends of Vauxhall Pleasure Gardens
Document 10	Draft Agreements under s.106
Document 11	Scheme Drawings at A4
Document 12	Proposed amendments to conditions submitted by Avison Young
Document 13	Mr Dunford and Mr Sheppard's Addendum PoEs (responses to Document 5)
Document 14	Daylight Analysis for Walker Books' premises – Comparison Tables
Document 15	Email trail relating to site visit timing
Document 16	Final Lists of Agreed Conditions
Document 17	Final Draft of Agreements under s.106
Document 18	Mr Lopez' Closing Statement
Document 19	Mr Banwell's Closing Statement
Document 20	Mr Corner's Closing Statement
Document 21	Completed Agreements under s.106
Document 22	Post Inquiry correspondence on the implications of changes to CIL Regulations

## **ANNEX 1: SCHEDULES OF CONDITIONS**

### **Appeal A: APP/N5660/W/18/3211223**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001/-: Site Location Plan; P002/-: Existing Site Plan; P099/-: Existing Basement Plan; P100/-: Existing Ground Floor Plan; P120/-: Existing Site East Elevation; P121/-: Existing Site South Elevation; P122/-: Existing Site West Elevation; P123/-: Existing Site North Elevation; P199/-: Proposed Basement Plan; P200/A: Proposed Ground Floor Plan; P201/-: Proposed First Floor Plan; P202/-: Proposed Second Floor Plan; P203/-: Proposed Third Floor Plan; P204/-: Proposed Fourth Floor Plan; P205/-: Proposed Fifth Floor Plan; P206/-: Proposed Sixth Floor Plan; P207/-: Proposed Seventh Floor Plan; P208/-: Proposed Eighth Floor Plan; P209/-: Proposed Ninth Floor Plan; P210/-: Proposed Tenth Floor Plan; P211/-: Proposed Eleventh Floor Plan; P212/-: Proposed Twelfth Floor Plan; P213/-: Proposed Thirteenth Floor Plan; P214/-: Proposed Fourteenth Floor Plan; P215/-: Proposed Roof Plan; P220/-: Proposed Site East Elevation; P221/-: Proposed Site South Elevation; P222/-: Proposed Site West Elevation; P223/-: Proposed Site North Elevation; P400/-: Proposed East Elevation; P401/-: Proposed South Elevation; P403/-: Proposed West Elevation (Angled); P405/-: Proposed North Elevation (Angled); P500/-: Proposed Section A; P501/-: Proposed Section B; P502/-: Proposed Section C; P503/-: Proposed Section D; P504/-: Proposed Section E; P505/-: Proposed Section F; P600/-: Typical 3 Bedroom Apartments; P601/-: Typical 3 Bedroom Apartments; P602/-: Typical 2 Bedroom Apartments; P603/-: Typical 2 Bedroom Apartments; P604/-: Typical 2 Bedroom Apartments; P605/-: Typical 2 Bedroom Apartments; P606/-: Typical 2 Bedroom Apartments; P607/-: Typical 1 Bedroom Apartments; P608/-: Typical 1 Bedroom Apartments; P609/-: Typical 1 Bedroom Apartments; P700/-: East Elevation Typical Bay Study 1; P701/-: West Elevation Typical Bay Study 2; P702/-: South Elevation Typical Roof Study; P800/-: Bridge Link Details 1; P801/-: Bridge Link Details 2; P802/-: Office Bay Details East Elevation; and P803/-: North Elevation Office Bay Details.
- 3) No development (other than demolition) shall take place until a detailed scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. The submitted details shall: (a) provide a final surface water drainage design (to scale) showing all SuDs features, and demonstrating sufficient buffer distance between the below ground SuDs and the basement/foundations; (b) provide written confirmation from Thames Water that the site has an agreed point of discharge, and discharge rate; (c) provide a timetable for implementation; and (d) provide a management and maintenance plan for the lifetime of the development. All provisions for surface water drainage must be undertaken in accordance with the approved details.
- 4) No development shall take place (unless the local planning authority agrees in writing to any variation) until the following components of a scheme to deal with the risks associated with any contamination of the site have been submitted to and approved in writing by the local planning authority: (a) a site investigation scheme, based on the submitted preliminary risk

assessment (PRA) by RSK Environment Ltd (dated June 2017 with ref.371521-01 [01]), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (a) 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; and (c) a verification plan providing details that the work set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented in accordance with the approved details. Any change(s) to the components require(s) the express written consent of the local planning authority.

- 5) No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following: (a) an introduction consisting of a construction phase environmental management plan, definitions and abbreviations, and project description and location; (b) a description of management responsibilities; (c) a description of the construction programme which identifies activities likely to cause high levels of noise or dust; (d) site working hours and a named person for residents to contact; (e) detailed site logistics arrangements; (f) details of parking, deliveries and storage; (g) details of dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring; (h) details of the hours of working and other measures to mitigate the impact of demolition and construction on the amenity of the area and safety of the highway network; and (i) communication procedures with the Council and local community relating to key construction issues – newsletter fliers and so forth. Development shall be carried out in accordance with the approved CEMP.
- 6) No development shall take place until a Basement Method Statement and Flood Risk Assessment have been submitted to and approved in writing by the local planning authority. This shall include: (a) a detailed site-specific analysis of hydrological and geotechnical ground conditions; (b) a site-specific analysis of how the excavation of the basement might impact on the water table and any ground water floor, and whether water perched is present; (c) details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures; (d) details of measures proposed to mitigate and monitor any risks in relation to land instability; (e) a demonstration of how cumulative effects have been considered; and (f) a comprehensive non-technical summary of the assessments provided and information submitted in relation to (a) to (e) above. Development shall be carried out in accordance with the approved details.
- 7) No impact piling or other penetrative foundation work shall take place until a Piling Method Statement (PMS) has been submitted to and approved in writing by the local planning authority. The PMS shall include details of (a) the depth and type of piling to be undertaken; (b) the methodology to be carried out in relation to such piling; (c) measures to prevent and minimise the potential for damage to subsurface water infrastructure; (d) measures to ensure that there is no unacceptable risk to groundwater as a result of the work; and (e) a

programme for the works. Development shall be carried out in accordance with the approved PMS.

- 8) A. No development other than demolition to existing ground level shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation first submitted to and approved in writing by the local planning authority and a report on that evaluation has been submitted to and approved in writing by the local planning authority.
- B. Under A. a programme of archaeological evaluation shall be implemented in accordance with a Written Scheme of Investigation.
- C. No development other than demolition to existing ground level shall take place until the implementation of a programme of archaeological mitigation has been secured in accordance with a Written Scheme of Investigation first submitted to and approved in writing by the local planning authority and a report on that evaluation has been submitted to and approved in writing by the local planning authority.
- D. Under A., a programme of archaeological mitigation shall be implemented in accordance with a Written Scheme of Investigation.
- E. The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under A., and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
- 9) No development or demolition shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP) have been submitted to and approved in writing by the local planning authority. In preparing the AQDMP, the guidance on mitigation measures for medium Risk Sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014 should be followed, including both 'highly recommended' and 'desirable' measures. The AQDMP can form part of the CEMP and shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout): (a) a summary of work to be carried out; (b) proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site; (c) inventory and timetable of all dust and NO<sub>x</sub> air pollutant generating activities; (d) list of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment; (e) details of any fuel stored on site; (f) details of a trained and responsible person on-site for air quality with knowledge of pollution monitoring and control methods and vehicle emissions; (g) summary of monitoring protocols and agreed procedure of notification to the local authority; and (h) a log book for action taken in response to incidents or dust-causing episodes and the mitigation measure to be taken to remedy any harm caused, and measures employed to prevent a similar incident recurring. No development or demolition shall take place until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The development and demolition shall thereafter be carried out and monitored in accordance with the approved AQDMP.

- 10) No development or demolition shall take place until the following details have been submitted to and approved in writing by the local planning authority: (a) a Tree Protection Plan that accords with Section 7 of BS5837:2012 and relates to all retained trees on the site; (b) details of all proposed access facilitation pruning required to permit the development. Thereafter, the approved works shall be carried out in accordance with BS3998:2010; (c) an Arboricultural Method Statement in accordance with Section 7 of BS5827:2012 relating to the removal of existing hard surface material and installation of new surfacing within the root protection area of retained trees and the associated lowering or building up of soil levels around the retained trees; and (d) details of a scheme of Arboricultural Site Supervision and Tree Protection Monitoring which shall include an on-site pre-commencement meeting to include the Council's Arboricultural officer as part of the site induction process. The development shall be carried out in accordance with the approved details and measures in the Tree Protection Plan shall be put in place before any machinery or materials are brought on to the site or demolition or development commences.
- 11) No use in Use Class D1 shall commence on the site until a Community Use Management Plan has been submitted to and approved in writing by the local planning authority. This shall include (a) a description of the proposed D1 use and its target users; (b) hours of operation of the proposed D1 use; (c) estimated numbers of staff and users; (d) measures to minimise the impact of the D1 use on the area; (e) provision of community access to, and use of, the proposed D1 space; and (f) a fee strategy for community access to the proposed D1 space. The D1 use shall be operated in accordance with the approved Community Use Management Plan.
- 12) No Non-Road Mobile Machinery (NRMM) shall be used on the site unless it complies with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).
- 13) Prior to the commencement of building works above ground of the relevant part of the development, a scheme of noise and vibration attenuation shall be submitted to and approved in writing by the local planning authority. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- 14) The residential units shall be designed and constructed to meet the following noise standards: (a) for living rooms, 35dB LAeq 16 hour between 0700 and 2300 hours; (b) for bedrooms, 30 dB LAeq 8 hour between 2300 and 0700 hours; and (c) to not normally exceed 45 dB(A) max for any individual noise event (measured with F time weighting) between 2300 and 0700 hours.
- 15) Prior to commencement of building works above ground of the relevant part of the development, a scheme of measures to ensure that all residential units have access to amenity space within the development where noise levels do not exceed 55dB LAeq (16 hour) shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of post-construction validation. Thereafter, the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the local planning authority 3 months before occupation of the residential units.

- 16) Prior to commencement of building works above ground of the relevant part of the development, full details (including elevational drawings) of any internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting/ventilation, shall be submitted to and approved in writing by the local planning authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be retained and maintained in accordance with the manufacturer's instructions.
- 17) The use hereby permitted, or the operation of any building services plant, shall not commence until an assessment of the acoustic impact arising from the operation of all internally and externally located plant has been submitted to and approved in writing by the local planning authority. The assessment of the acoustic impact shall be undertaken in accordance with BS 4142:2014 (or any superseding equivalent) and current best practice, and shall include a scheme of attenuation measures to ensure the specific sound level of noise emitted from the proposed building services plant is 10 dB less than background. The scheme shall be implemented in accordance with the approved details and attenuation measures. The use hereby permitted, or the operation of any building services plant, shall not commence until a post-installation noise assessment has been carried out to confirm compliance with the noise criteria. The approved attenuation measures shall be permanently retained and maintained in proper working order for the duration of the use and their operation.
- 18) Notwithstanding the details on the approved drawings, no above ground construction shall take place until drawings at a suitable scale (including sections) showing all external construction detailing of the development have been submitted to and approved in writing by the local planning authority. The drawings shall include details of: (a) the façade of the building(s) including details of ground and first floors; (b) main entrances and canopies; (c) balconies and terraces including balustrades; (d) boundary walls; (e) soffits, screens, vents and copings; (f) roof and parapet including detailed design of plant; (g) windows and doors including service entrances; (h) signage strategy; (i) lighting strategy for the building(s); (j) rainwater goods; (k) photovoltaic panels; and (l) window cleaning equipment. Development shall be carried out in accordance with the approved details.
- 19) Notwithstanding the details shown on the approved drawings, no construction of the facades of the building, on site, shall take place until sample panels of all external materials have been erected on site and the local planning authority has approved of them, in writing. Development shall be carried out in accordance with the approved details.
- 20) Notwithstanding the details shown on the approved drawings, no above ground construction shall take place until suitably scaled drawings of the directional glass and fins to be installed on the western elevation of Blocks A, B, and C have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.
- 21) No plumbing or pipes, other than rainwater goods, shall be fixed to the external faces of the buildings approved herein.

- 22) At least 10% of the residential units hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations. Any communal areas and accesses serving the M4(3) compliant wheelchair user dwellings should also comply with Part M4(3).
- 23) Prior to the occupation of the development hereby permitted, a Water Network Upgrade Confirmation Statement shall be submitted to and approved in writing by the local planning authority providing either: (a) confirmation that all water network upgrades required to accommodate the additional flows from the development have been completed; or a Housing and Infrastructure Phasing Plan, as agreed with Thames Water, detailing an agreed phasing plan for occupation of the development. Where a Housing and Infrastructure Phasing Plan is agreed, no occupation shall take place other than in accordance with the agreed plan.
- 24) Prior to the commencement of the uses hereby permitted, details of waste and recycling storage facilities (to include details of the ventilation of bin stores) shall be submitted to and approved in writing by the local planning authority. The waste and recycling storage facilities shall be provided in accordance with the approved details before the uses permitted herein commence and shall be retained for their intended use thereafter.
- 25) Prior to the occupation of the development hereby permitted, a Waste Management Strategy shall be submitted to and approved in writing by the local planning authority. The uses approved herein shall thereafter be operated in accordance with the approved strategy.
- 26) Prior to the occupation of the development hereby permitted, a Car Park Management Plan, including details of parking space allocations for residential and commercial occupiers, shall be submitted to and approved in writing by the local planning authority. The uses approved herein shall thereafter be operated in accordance with the approved plan.
- 27) Prior to the occupation of the development hereby permitted, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details before occupation takes place and retained thereafter for its intended use.
- 28) The uses hereby permitted shall not commence until a Delivery and Servicing Management Plan which shall include details of (a) the frequency of deliveries to the site; (b) the frequency of other servicing vehicles such as refuse collections; (c) the dimensions of delivery and servicing vehicles; (d) proposed loading and delivery locations; and (e) a strategy to manage service vehicles, has been submitted to and approved in writing by the local planning authority. The uses hereby permitted shall thereafter be operated in accordance with the approved plan.
- 29) Notwithstanding the approved plans, prior to the occupation of the development hereby permitted, a basement plan with swept paths, shall be submitted to and approved in writing by the local planning authority showing that service vehicles can satisfactorily manoeuvre into and out of the proposed refuse servicing bays.
- 30) Prior to the occupation of the development hereby permitted, a Crime Prevention Strategy, including a Security Management Plan, shall be submitted to and approved in writing by the local planning authority. The

details submitted shall include: (a) a summary of crime risks in the area; (b) details of how the development has mitigated crime risks in the area; and (c) details of how the development seeks to ensure 'Secured by Design Standards', including details of CCTV, external security, street lighting, and landscaping. The development shall thereafter be operated in accordance with the approved strategy.

- 31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes, or related telecommunications equipment shall be erected on any part of the development hereby permitted.
- 32) Prior to the occupation of the development hereby permitted, details of the gate to be installed at the existing walk through from Vauxhall Walk, including opening times, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 33) The ground floor flexible retail/café/office (flexible Use Class A1/A3/B1) unit hereby approved shall not be operated outside the hours of: 0700 to 2300 hours Monday to Friday; and 0800 to 2200 hours on Saturday, Sunday, and Bank Holidays. These restrictions shall not apply if the unit is in temporary or permanent use as an office (Use Class B1).
- 34) Prior to the commencement of any landscaping works on site, a Soft and Hard Landscaping Scheme shall be submitted to and approved in writing by the local planning authority. All tree, shrub, and hedge planting included shall accord with BS3936:1992, BS4043:1989, and BS 4428:1989 (or any superseding equivalent). The submitted details shall set out: (a) the treatment of all parts of the site not covered by buildings including walls and boundary features, and the podium level amenity space; (b) the quantity, size, species, position and the time of planting of all trees and shrubs; (c) an indication of how all trees and shrubs will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection; (d) a specification of shrubs and hedges that are intended to achieve a significant size and presence; (e) all hard landscaping including ground surfaces, seating, refuse disposal points, cycle parking facilities, bollards, vehicle crossovers/access points, any ramps or stairs plus wheelchair access together with finished ground levels and site-wide topographical levels; (f) details of the communal play area; and (g) the location and details of provision of alternative potential future roosting sites in the form of at least 10 bat boxes in the new buildings. The approved scheme shall be carried out in accordance with the approved details within 6 months of first occupation of any building, or a programme first submitted to and approved in writing by the local planning authority, and retained thereafter.
- 35) Prior to its installation, a detailed specification of the Green Roof shall be submitted to and approved in writing by the local planning authority. This shall include details of the quantity, size, species, position and the proposed timing of all planting, of all elements of the Green Roof, together with details of their anticipated routine maintenance and protection. The green roof shall be installed and maintained thereafter in accordance with the approved details.

- 36) If within five years of the installation of the Green Roof, any planting forming part of it dies, is removed, or becomes seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.
- 37) Prior to the commencement of external lighting works on site, full details of a Lighting Strategy shall be submitted to and approved in writing by the local planning authority. The Lighting Strategy shall include details of the lighting of all public areas and buildings. The lighting approved shall be completed in accordance with the approved details before the uses approved herein commence and retained thereafter.
- 38) Prior to the commencement of above ground works, a design stage BREEAM certificate with a summary score sheet demonstrating that the development will achieve a rating of 'excellent' shall be submitted to and approved in writing by the local planning authority. Within 3 months of occupation, a BREEAM post construction certificate demonstrating that the development has achieved a minimum rating of 'excellent' shall be submitted to and approved in writing by the local planning authority.
- 39) Prior to first occupation of any residential unit, evidence (to include a schedule of fittings and manufacturers' literature) should be submitted to and approved in writing by the local planning authority to show that the development has been constructed in accordance with the approved internal water use calculations so as not to exceed 105 litres per person per day.
- 40) Prior to the commencement of the uses hereby permitted, the parking spaces shall be laid out in accordance with the approved plans, and the disabled/accessible parking spaces shall be retained for the duration of the use. No vehicles, other than blue-badge holders' vehicles, and operational vehicles for users of the site, shall park on the site. Vehicles shall only park in the designated spaces shown on the approved plans.
- 41) Prior to the construction of the relevant part of the development hereby permitted, a scheme (which shall minimise visual impact on the exterior of the buildings) showing the siting, size, number and design of the photovoltaic array, including cross sections of the roof of each building showing the panels in situ, shall be submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved details before occupation takes place and retained thereafter.
- 42) Prior to the commencement of the uses hereby permitted, electric vehicle charging points shall be provided to serve 20% of all car parking spaces on site and retained thereafter.
- 43) No development above ground shall take place until a Finalised Energy and Sustainability Strategy, including overheating assessment and demonstration of how a 35% carbon dioxide emissions reduction is to be met, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved strategy and shall not be occupied until full design stage calculations under the Standard Assessment Procedure/National Calculation method have been submitted to and approved in writing by the local planning authority to show that the development has been constructed in accordance with the approved strategy, and achieved a 35% reduction in carbon dioxide emissions.

- 44) Prior to its installation, details (to include the emissions standards it has been designed to achieve) of the proposed Combined Heat and Power (CHP) plant shall be submitted to and approved in writing by the local planning authority. The CHP shall be operated in accordance with the approved details.
- 45) No A3 use permitted herein (within the flexible unit) shall not commence until details and full specifications of fume extraction and filtration equipment, and an ongoing maintenance plan, have been submitted to and approved in writing by the local planning authority. The A3 use permitted herein shall not commence until these measures have been completed in accordance with the approved details. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in proper working order for the duration of the use.

**Appeal B: APP/N5660/W/19/3225761**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P001/-: Site Location Plan; P002/-: Existing Site Plan; P099/-: Existing Basement Plan; P100/-: Existing Ground Floor Plan; P120/-: Existing Site East Elevation; P121/-: Existing Site South Elevation; P122/-: Existing Site West Elevation; P123/-: Existing Site North Elevation; P199/A: Proposed Basement Plan; P200/-: Proposed Ground Floor Plan; P201/-: Proposed First Floor Plan of Blocks A&B, Proposed First and Second Floor Plan of Block C; P202/-: Proposed Second Floor Plan of Blocks A&B, Proposed Third Floor Plan of Block C; P203/-: Proposed Third Floor Plan of Blocks A&B, Proposed Fourth Floor Plan of Block C; P204/-: Proposed Fourth Floor Plan of Blocks A&B, Proposed Fifth Floor Plan of Block C; P205/-: Proposed Fifth Floor Plan of Blocks A&B, Proposed Sixth Floor Plan of Block C; P206/-: Proposed Sixth Floor Plan of Blocks A&B, Proposed Seventh Floor Plan of Block C; P207/-: Proposed Seventh Floor Plan of Blocks A&B, Proposed Eighth Floor Plan of Block C; P208/-: Proposed Eighth Floor Plan of Blocks A&B, Proposed Ninth Floor Plan of Block C; P209/-: Proposed Ninth Floor Plan of Blocks A&B, Proposed Tenth Floor Plan of Block C; P210/-: Proposed Tenth Floor Plan of Blocks A&B; P211/-: Proposed Eleventh Floor Plan; P212/-: Proposed Twelfth Floor Plan; P213/-: Proposed Thirteenth Floor Plan; P214/-: Proposed Fourteenth Floor Plan; P215/-: Proposed Roof Plan; P220/-: Proposed Site East Elevation; P221/-: Proposed Site South Elevation; P222/-: Proposed Site West Elevation; P223/-: Proposed Site North Elevation; P400/-: Proposed East Elevation; P401/-: Proposed South Elevation; P403/-: Proposed West Elevation (Angled); P405/-: Proposed North Elevation (Angled); P500/-: Proposed Section A; P501/-: Proposed Section B; P502/-: Proposed Section C; P503/-: Proposed Section D; P504/-: Proposed Section E; P505/-: Proposed Section F; P600/-: Typical 3 Bedroom Apartments; P601/-: Typical 3 Bedroom Apartments; P602/-: Typical 2 Bedroom Apartments; P603/-: Typical 1 Bedroom Apartments; P604/-: Typical 1 Bedroom Apartments; P605/-: Unique Type Apartments; P700/-: East Elevation Typical Bay Study; P701/-: West (Angled) Elevation Typical Bay Study; P702/-: South Elevation Typical Bay Study; P800/-: Bridge Link Details 1; P801/-: Bridge Link Details 2; P802/-: Office Bay Details East Elevation; and P803/-: Office Bay Details East Elevation.
- 3) No development (other than demolition) shall take place until a detailed scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. The submitted details shall: (a) provide a final surface water drainage design (to scale) showing all SuDs features, and demonstrating sufficient buffer distance between the below ground SuDs and the basement/foundations; (b) provide written confirmation from Thames Water that the site has an agreed point of discharge, and discharge rate; (c) provide a timetable for implementation; and (d) provide a management and maintenance plan for the lifetime of the development. All provisions for surface water drainage must be undertaken in accordance with the approved details.
- 4) No development shall take place (unless the local planning authority agrees in writing to any variation) until the following components of a scheme to deal with the risks associated with any contamination of the site have been

- submitted to and approved in writing by the local planning authority: (a) a site investigation scheme, based on the submitted preliminary risk assessment (PRA) by RSK Environment Ltd (dated August 2018 with ref.371521-01 [02]), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (a) 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; and (c) a verification plan providing details that the work set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented in accordance with the approved details. Any change(s) to the components require(s) the express written consent of the local planning authority.
- 5) No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following: (a) an introduction consisting of a construction phase environmental management plan, definitions and abbreviations, and project description and location; (b) a description of management responsibilities; (c) a description of the construction programme which identifies activities likely to cause high levels of noise or dust; (d) site working hours and a named person for residents to contact; (e) detailed site logistics arrangements; (f) details of parking, deliveries and storage; (g) details of dust and noise mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring; (h) details of the hours of working and other measures to mitigate the impact of demolition and construction on the amenity of the area and safety of the highway network; and (i) communication procedures with the Council and local community relating to key construction issues – newsletter fliers and so forth. Development shall be carried out in accordance with the approved CEMP.
- 6) No development shall take place until a Basement Method Statement and Flood Risk Assessment have been submitted to and approved in writing by the local planning authority. This shall include: (a) a detailed site-specific analysis of hydrological and geotechnical ground conditions; (b) a site-specific analysis of how the excavation of the basement might impact on the water table and any ground water floor, and whether water perched is present; (c) details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures; (d) details of measures proposed to mitigate and monitor any risks in relation to land instability; (e) a demonstration of how cumulative effects have been considered; and (f) a comprehensive non-technical summary of the assessments provided and information submitted in relation to (a) to (e) above. Development shall be carried out in accordance with the approved details.
- 7) No impact piling or other penetrative foundation work shall take place until a Piling Method Statement (PMS) has been submitted to and approved in writing by the local planning authority. The PMS shall include details of (a) the depth and type of piling to be undertaken; (b) the methodology to be carried out in relation to such piling; (c) measures to prevent and minimise the potential for damage to subsurface water infrastructure; (d) measures to ensure that there

is no unacceptable risk to groundwater as a result of the work; and (e) a programme for the works. Development shall be carried out in accordance with the approved PMS.

- 8) A. No development other than demolition to existing ground level shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a Written Scheme of Investigation first submitted to and approved in writing by the local planning authority and a report on that evaluation has been submitted to and approved in writing by the local planning authority.
- B. Under A. a programme of archaeological evaluation shall be implemented in accordance with a Written Scheme of Investigation.
- C. No development other than demolition to existing ground level shall take place until the implementation of a programme of archaeological mitigation has been secured in accordance with a Written Scheme of Investigation first submitted to and approved in writing by the local planning authority and a report on that evaluation has been submitted to and approved in writing by the local planning authority.
- D. Under A., a programme of archaeological mitigation shall be implemented in accordance with a Written Scheme of Investigation.
- E. The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under A., and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.
- 9) No development or demolition shall commence until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP) have been submitted to and approved in writing by the local planning authority. In preparing the AQDMP, the guidance on mitigation measures for medium Risk Sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014 should be followed, including both 'highly recommended' and 'desirable' measures. The AQDMP can form part of the CEMP and shall include the following for each relevant phase of work (demolition, earthworks, construction and trackout): (a) a summary of work to be carried out; (b) proposed haul routes, location of site equipment including supply of water for damping down, source of water, drainage and enclosed areas to prevent contaminated water leaving the site; (c) inventory and timetable of all dust and NOx air pollutant generating activities; (d) list of all dust and emission control methods to be employed and how they relate to the Air Quality (Dust) Risk Assessment; (e) details of any fuel stored on site; (f) details of a trained and responsible person on-site for air quality with knowledge of pollution monitoring and control methods and vehicle emissions; (g) summary of monitoring protocols and agreed procedure of notification to the local authority; and (h) a log book for action taken in response to incidents or dust-causing episodes and the mitigation measure to be taken to remedy any harm caused, and measures employed to prevent a similar incident recurring. No development or demolition shall take place until all necessary pre-commencement measures described in the AQDMP have been put in place and set out on site. The development and demolition shall thereafter be carried out and monitored in accordance with the approved AQDMP.

- 10) No development or demolition shall take place until the following details have been submitted to and approved in writing by the local planning authority: (a) a Tree Protection Plan that accords with Section 7 of BS5837:2012 and relates to all retained trees on the site; (b) details of all proposed access facilitation pruning required to permit the development. Thereafter, the approved works shall be carried out in accordance with BS3998:2010; (c) an Arboricultural Method Statement in accordance with Section 7 of BS5827:2012 relating to the removal of existing hard surface material and installation of new surfacing within the root protection area of retained trees and the associated lowering or building up of soil levels around the retained trees; and (d) details of a scheme of Arboricultural Site Supervision and Tree Protection Monitoring which shall include an on-site pre-commencement meeting to include the Council's Arboricultural officer as part of the site induction process. The development shall be carried out in accordance with the approved details and measures in the Tree Protection Plan shall be put in place before any machinery or materials are brought on to the site or demolition or development commences.
- 11) No use in Use Class D1 shall commence on the site until a Community Use Management Plan has been submitted to and approved in writing by the local planning authority. This shall include (a) a description of the proposed D1 use and its target users; (b) hours of operation of the proposed D1 use; (c) estimated numbers of staff and users; (d) measures to minimise the impact of the D1 use on the area; (e) provision of community access to, and use of, the proposed D1 space; and (f) a fee strategy for community access to the proposed D1 space. The D1 use shall be operated in accordance with the approved Community Use Management Plan.
- 12) No Non-Road Mobile Machinery (NRMM) shall be used on the site unless it complies with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).
- 13) Prior to the commencement of building works above ground of the relevant part of the development, a scheme of noise and vibration attenuation shall be submitted to and approved in writing by the local planning authority. The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- 14) The residential units shall be designed and constructed to meet the following noise standards: (a) for living rooms, 35dB LAeq 16 hour between 0700 and 2300 hours; (b) for bedrooms, 30 dB LAeq 8 hour between 2300 and 0700 hours; and (c) to not normally exceed 45 dB(A) max for any individual noise event (measured with F time weighting) between 2300 and 0700 hours.
- 15) Prior to commencement of building works above ground of the relevant part of the development, a scheme of measures to ensure that all residential units have access to amenity space within the development where noise levels do not exceed 55dB LAeq (16 hour) shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of post-construction validation. Thereafter, the development shall be carried out in accordance with the approved details and a separate validation report shall be submitted to and approved in writing by the local planning authority 3 months before occupation of the residential units.

- 16) Prior to commencement of building works above ground of the relevant part of the development, full details (including elevational drawings) of any internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting/ventilation, shall be submitted to and approved in writing by the local planning authority. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be retained and maintained in accordance with the manufacturer's instructions.
- 17) The use hereby permitted, or the operation of any building services plant, shall not commence until an assessment of the acoustic impact arising from the operation of all internally and externally located plant has been submitted to and approved in writing by the local planning authority. The assessment of the acoustic impact shall be undertaken in accordance with BS 4142:2014 (or any superseding equivalent) and current best practice, and shall include a scheme of attenuation measures to ensure the specific sound level of noise emitted from the proposed building services plant is 10 dB less than background. The scheme shall be implemented in accordance with the approved details and attenuation measures. The use hereby permitted, or the operation of any building services plant, shall not commence until a post-installation noise assessment has been carried out to confirm compliance with the noise criteria. The approved attenuation measures shall be permanently retained and maintained in proper working order for the duration of the use and their operation.
- 18) Notwithstanding the details on the approved drawings, no above ground construction shall take place until drawings at a suitable scale (including sections) showing all external construction detailing of the development have been submitted to and approved in writing by the local planning authority. The drawings shall include details of: (a) the façade of the building(s) including details of ground and first floors; (b) main entrances and canopies; (c) balconies and terraces including balustrades; (d) boundary walls; (e) soffits, screens, vents and copings; (f) roof and parapet including detailed design of plant; (g) windows and doors including service entrances; (h) signage strategy; (i) lighting strategy for the building(s); (j) rainwater goods; (k) photovoltaic panels; and (l) window cleaning equipment. Development shall be carried out in accordance with the approved details.
- 19) Notwithstanding the details shown on the approved drawings, no construction of the facades of the building, on site, shall take place until sample panels of all external materials have been erected on site and the local planning authority has approved of them, in writing. Development shall be carried out in accordance with the approved details.
- 20) Notwithstanding the details shown on the approved drawings, no above ground construction shall take place until suitably scaled drawings of the directional glass and fins to be installed on the western elevation of Blocks A and B have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.
- 21) No plumbing or pipes, other than rainwater goods, shall be fixed to the external faces of the buildings approved herein.

- 22) At least 10% of the residential units hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations. Any communal areas and accesses serving the M4(3) compliant wheelchair user dwellings should also comply with Part M4(3).
- 23) Prior to the occupation of the development hereby permitted, a Water Network Upgrade Confirmation Statement shall be submitted to and approved in writing by the local planning authority providing either: (a) confirmation that all water network upgrades required to accommodate the additional flows from the development have been completed; or a Housing and Infrastructure Phasing Plan, as agreed with Thames Water, detailing an agreed phasing plan for occupation of the development. Where a Housing and Infrastructure Phasing Plan is agreed, no occupation shall take place other than in accordance with the agreed plan.
- 24) Prior to the commencement of the uses hereby permitted, details of waste and recycling storage facilities (to include details of the ventilation of bin stores) shall be submitted to and approved in writing by the local planning authority. The waste and recycling storage facilities shall be provided in accordance with the approved details before the uses permitted herein commence and shall be retained for their intended use thereafter.
- 25) Prior to the occupation of the development hereby permitted, a Waste Management Strategy shall be submitted to and approved in writing by the local planning authority. The uses approved herein shall thereafter be operated in accordance with the approved strategy.
- 26) Prior to the occupation of the development hereby permitted, a Car Park Management Plan, including details of parking space allocations for residential and commercial occupiers, shall be submitted to and approved in writing by the local planning authority. The uses approved herein shall thereafter be operated in accordance with the approved plan.
- 27) Prior to the occupation of the development hereby permitted, details of the provision to be made for cycle parking shall be submitted to and approved in writing by the local planning authority. The cycle parking shall be provided in accordance with the approved details before occupation takes place and retained thereafter for its intended use.
- 28) The uses hereby permitted shall not commence until a Delivery and Servicing Management Plan which shall include details of (a) the frequency of deliveries to the site; (b) the frequency of other servicing vehicles such as refuse collections; (c) the dimensions of delivery and servicing vehicles; (d) proposed loading and delivery locations; and (e) a strategy to manage service vehicles, has been submitted to and approved in writing by the local planning authority. The uses hereby permitted shall thereafter be operated in accordance with the approved plan.
- 29) Notwithstanding the approved plans, prior to the occupation of the development hereby permitted, a basement plan with swept paths, shall be submitted to and approved in writing by the local planning authority, showing that service vehicles can satisfactorily manoeuvre into and out of the proposed refuse servicing bays.
- 30) Prior to the occupation of the development hereby permitted, a Crime Prevention Strategy, including a Security Management Plan, shall be submitted to and approved in writing by the local planning authority. The

details submitted shall include: (a) a summary of crime risks in the area; (b) details of how the development has mitigated crime risks in the area; and (c) details of how the development seeks to ensure 'Secured by Design Standards', including details of CCTV, external security, street lighting, and landscaping. The development shall thereafter be operated in accordance with the approved strategy.

- 31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no aerials, antennae, satellite dishes, or related telecommunications equipment shall be erected on any part of the development hereby permitted.
- 32) Prior to the occupation of the development hereby permitted, details of the gate to be installed at the existing walk through from Vauxhall Walk, including opening times, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 33) The ground floor flexible retail/café/office (flexible Use Class A1/A3/B1) unit hereby approved shall not be operated outside the hours of: 0700 to 2300 hours Monday to Friday; and 0800 to 2200 hours on Saturday, Sunday, and Bank Holidays. These restrictions shall not apply if the unit is in temporary or permanent use as an office (Use Class B1).
- 34) Prior to the commencement of any landscaping works on site, a Soft and Hard Landscaping Scheme shall be submitted to and approved in writing by the local planning authority. All tree, shrub, and hedge planting included shall accord with BS3936:1992, BS4043:1989, and BS 4428:1989 (or any superseding equivalent). The submitted details shall set out: (a) the treatment of all parts of the site not covered by buildings including walls and boundary features, and the podium level amenity space; (b) the quantity, size, species, position and the time of planting of all trees and shrubs; (c) an indication of how all trees and shrubs will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection; (d) a specification of shrubs and hedges that are intended to achieve a significant size and presence; (e) all hard landscaping including ground surfaces, seating, refuse disposal points, cycle parking facilities, bollards, vehicle crossovers/access points, any ramps or stairs plus wheelchair access together with finished ground levels and site-wide topographical levels; (f) details of the communal play area; and (g) the location and details of provision of alternative potential future roosting sites in the form of at least 10 bat boxes in the new buildings. The approved scheme shall be carried out in accordance with the approved details within 6 months of first occupation of any building, or a programme first submitted to and approved in writing by the local planning authority, and retained thereafter.
- 35) Prior to its installation, a detailed specification of the Green Roof shall be submitted to and approved in writing by the local planning authority. This shall include details of the quantity, size, species, position and the proposed timing of all planting, of all elements of the Green Roof, together with details of their anticipated routine maintenance and protection. The green roof shall be installed and maintained thereafter in accordance with the approved details.

- 36) If within five years of the installation of the Green Roof, any planting forming part of it dies, is removed, or becomes seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.
- 37) Prior to the commencement of external lighting works on site, full details of a Lighting Strategy shall be submitted to and approved in writing by the local planning authority. The Lighting Strategy shall include details of the lighting of all public areas and buildings. The lighting approved shall be completed in accordance with the approved details before the uses approved herein commence and retained thereafter.
- 38) Prior to the commencement of above ground works, a design stage BREEAM certificate with a summary score sheet demonstrating that the development will achieve a rating of 'excellent' shall be submitted to and approved in writing by the local planning authority. Within 3 months of occupation, a BREEAM post construction certificate demonstrating that the development has achieved a minimum rating of 'excellent' shall be submitted to and approved in writing by the local planning authority.
- 39) Prior to first occupation of any residential unit, evidence (to include a schedule of fittings and manufacturers' literature) should be submitted to and approved in writing by the local planning authority to show that the development has been constructed in accordance with the approved internal water use calculations so as not to exceed 105 litres per person per day.
- 40) Prior to the commencement of the uses hereby permitted, the parking spaces shall be laid out in accordance with the approved plans, and the disabled/accessible parking spaces shall be retained for the duration of the use. No vehicles, other than blue-badge holders' vehicles, and operational vehicles for users of the site, shall park on the site. Vehicles shall only park in the designated spaces shown on the approved plans.
- 41) Prior to the construction of the relevant part of the development hereby permitted, a scheme (which shall minimise visual impact on the exterior of the buildings) showing the siting, size, number and design of the photovoltaic array, including cross sections of the roof of each building showing the panels in situ, shall be submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved details before occupation takes place and retained thereafter.
- 42) Prior to the commencement of the uses hereby permitted, electric vehicle charging points shall be provided to serve 20% of all car parking spaces on site and retained thereafter.
- 43) No development above ground shall take place until a Finalised Energy and Sustainability Strategy, including overheating assessment and demonstration of how a 35% carbon dioxide emissions reduction is to be met, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved strategy and shall not be occupied until full design stage calculations under the Standard Assessment Procedure/National Calculation method have been submitted to and approved in writing by the local planning authority to show that the development has been constructed in accordance with the approved strategy, and achieved a 35% reduction in carbon dioxide emissions.

- 44) Prior to its installation, details (to include the emissions standards it has been designed to achieve) of the proposed Combined Heat and Power (CHP) plant shall be submitted to and approved in writing by the local planning authority. The CHP shall be operated in accordance with the approved details.
- 45) No A3 use permitted herein (within the flexible unit) shall not commence until details and full specifications of fume extraction and filtration equipment, and an ongoing maintenance plan, have been submitted to and approved in writing by the local planning authority. The A3 use permitted herein shall not commence until these measures have been completed in accordance with the approved details. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in proper working order for the duration of the use.