



Appeal Decision

Inquiry held on 19 - 22 March 2019

Site visit made on 19 March 2019

by Michael Boniface MSc MRTPI

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

Decision date: 12th April 2019

Appeal Ref: APP/C5690/W/18/3207059

Catford Timber Yard, 161 Rushey Green, London, SE6 4BD

- 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 Catford Homes Ltd against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/17/103748, dated 22 September 2017, was refused by notice dated 16 January 2018.
 - The development proposed is demolition of the existing buildings and the construction of an eight-storey building to provide 42 residential units and 261 sqm office space (B1a), together with provision of disabled parking, play area and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing buildings and the construction of an eight-storey building to provide 42 residential units and 261 sqm office space (B1a), together with provision of disabled parking, play area and landscaping at Catford Timber Yard, 161 Rushey Green, London, SE6 4BD in accordance with the terms of the application, Ref DC/17/103748, dated 22 September 2017, subject to the conditions contained in the attached Schedule.

Preliminary Matters

2. Shortly before the opening of the Inquiry the Government published a revision to the National Planning Policy Framework (February 2019) (the Framework). The parties were given the opportunity to comment on the implications of this document and it was taken into account in determining the appeal.
3. Prior to the Inquiry the appellant submitted revised plans to amend the internal layout of the residential units. The Council confirmed at the Inquiry that it did not object to their submission, noting that they addressed its concerns with regards to internal room sizes, dimensions and storage provision. Having been satisfied that no party would be prejudiced by these small amendments I accepted the revised plans and the appeal proceeded on that basis.

Main Issues

4. The main issues are the effect on the character and appearance of the area; whether the proposal would prejudice future redevelopment of Plassy Island; the effect on highway safety and sustainable transport; and whether the development would provide acceptable living conditions for future occupants.

Reasons

Character and appearance

5. The site accommodated a commercial timber yard for many years but is now vacant, occupied by former timber storage buildings and a large hardstanding that are in an unkempt and untidy condition. The site is accessed from a narrow vehicular throughway between two tall terraced buildings fronting Rushey Green, widening beyond the buildings to reveal a sizeable backland site surrounded by large plan commercial buildings associated with Plassy Island Retail Park and a tall residential block known as Eros House.
6. There is no doubt that the existing site, in its dilapidated state, is a negative contributor to the street scene of Rushey Green, which whilst a busy part of the London road network accommodates some attractive traditional buildings amongst an eclectic mix of styles. Views into the depths of the site are restricted from the public realm due to the access arrangements and surrounding buildings but the prospect of redevelopment nevertheless offers an opportunity to improve the character and appearance of the site and the surrounding area.
7. The proposed development would involve an eight-storey block with a commercial ground floor use that has scope to invigorate daytime activity, along with 42 residential units on the upper floors. The building would be sizeable and much taller than the predominant height of buildings in the area, which is agreed to be 3-4 storeys. Indeed, that is the case for the buildings fronting Rushey Green. That said, the adjacent Eros House would remain taller still than the appeal proposal and there are other examples of taller buildings in the vicinity, notably a recent residential development of similar height known as Catford Green. These are not backland sites and they each have some presence in the streetscene but I see no reason why a building of height could not be successfully accommodated in a backland environment, particularly in such a centrally located urban context.
8. The top portion of the building would be visible above the four storey buildings fronting Rushey Green when viewed from a distance, but visibility is not in itself harmful and it would be sufficiently set back to avoid dominating the established frontage. It is agreed between the parties that the development would not harm any heritage assets and I have no reason to take a different view given the separation from the nearest listed buildings and conservation area. Nor do I consider that the development would harm any locally listed buildings in light of my conclusions above.
9. The building would be located close to the boundaries of the site which are currently bounded by tall walls, beyond which are commercial scale retail units. Residential units at Eros House and within buildings fronting Rushey Green would be further removed from the proposed building. Again, in the context of a highly developed urban townscape, the proximity to the boundary with the largely blank walls of commercial units and large surface level car park is not problematic in my view. Although views would be available from the retail park and elsewhere, the development would have active and attractive elevations on all sides. The greater amount of space that would be retained to the west of the building is shown to be capable of accommodating tree planting and other landscaping, as well as a children's play area, offering some visual relief closest

to the established residential buildings. Further detail of the ultimate specification could be secured by condition.

10. This area also forms the approach to the building from Rushey Green. Whilst future occupants would need to pass through the narrow space between tall buildings as they leave the public highway, long views into the site would be available towards this landscaped and vibrant area. The view would terminate with the proposed building which is designed in an attractive contemporary style with which the Council raises no specific concerns. The long-views into the site would provide an inviting glimpse of the environment beyond and a clear sense of arrival would be achieved beyond the narrow accessway.
11. Overall, I consider that the proposed development would be of a high quality that would improve the character and appearance of the area and would ensure efficient and effective use of this previously developed urban site. As such, I find no conflict with Policy 7.6 of the London Plan (2016) (LP); Spatial Policy 1, Spatial Policy 2 or Policy CS15 of the Core Strategy (2011) (CS); DM Policies 30 or 33 of the Development Management Local Plan (2014) (DMLP); the Mayor of London's Housing Supplementary Planning Guidance (2016) (Housing SPG); the Council's Residential Standards Supplementary Planning Document (updated 2012) (Residential Standards SPD); or the design principles contained within the Framework which together require, amongst other things, high quality architecture that is appropriate to its context and makes a positive contribution to the area; optimisation of site potential; and the delivery of housing and office development, specifically in Catford as a Regeneration and Growth Area.

Future redevelopment of Plassy Island

12. Catford falls within an Opportunity Area identified by the LP. More locally, the CS places Catford within a Regeneration and Growth Area expected to provide key regeneration and development opportunities. As a Major town centre, it is anticipated that Catford will accommodate a significant amount of development and it is to be the subject of a Town Centre Area Action Plan to ensure that forecast growth is managed and delivered.
13. The Council began this process, producing a Draft Catford Town Centre Local Plan but this was withdrawn from examination in 2013. As such, it is agreed between the parties that it now carries no weight in the decision-making process. Subsequently, the Council has embarked on producing a Catford Town Centre Masterplan which it is anticipated will become part of the evidence base supporting the emerging Lewisham Local Plan. It is at an early stage of preparation and, at the time of the Inquiry, no finalised version was available, nor had formal public consultation taken place.
14. The Council referred to previous iterations of the masterplan for Plassy Island and the appellant produced its own indicative scheme contained within the Design and Access Statement which differed from one another considerably. It was suggested that the proposal would prevent the form of development anticipated by the Council from coming forward. That said, it was agreed that there was no case for suggesting that the appeal proposal would be premature or prejudicial to the plan making process in the terms of the Framework¹.

¹ Paragraph 49

15. It is clear that the Council is making efforts to progress its emerging Local Plan and its aspirations for Plassy Island. However, this is evidently taking some time having abandoned its initial attempt in 2013. At the current time there is simply no town centre masterplan or any other adopted development plan policy that is sufficiently progressed to offer any reliable direction to developers.
16. At present, the proposed development could be said to represent a future constraint to comprehensive redevelopment of the Plassy Island area but that is not to say that it would prevent effective redevelopment and regeneration. The Council itself anticipates tall buildings on the site and the type of uses proposed in this case. Any wider redevelopment of the area would need to take account of the proposed building and incorporate it. I have seen no substantive evidence that the proposal would prevent the effective redevelopment of Plassy Island or restrict the overall quantum of development, albeit that future development immediately surrounding the proposed building might be more constrained.
17. I have no doubt that alternative schemes could come forward in the absence of the appeal proposal. It is also possible that redevelopment of Plassy Island would be easier without the need to account for the appeal scheme. However, the process of producing the Council's plans for the area has been ongoing for a number of years and is yet to come to fruition. Buildings within the retail park adjacent to the site remain occupied and evidence suggests that these will not be fully vacated for some years to come.
18. The appeal scheme can begin to make a contribution to the Council's regeneration and growth aspirations now. The process of redevelopment and regeneration with its inherent benefits should not be unnecessarily prevented for extended periods of time in the hope that a better option might materialise some way down the line.
19. As such, I find no conflict with Policy 2.13(e) of the LP or Spatial Policies 1 and 2 of the CS in so far as they seek to support wider regeneration and managed growth. Nor would the proposed development unduly prejudice the Council's aspirations for the wider redevelopment of Plassy Island.

Highway safety and sustainable transport

20. The site is currently accessed from a narrow throughway between buildings fronting Rushey Green measuring around 3.7m wide. It was used for many years in connection with the timber yard operating from the site attracting a significant number of vehicle and pedestrian movements, including large vehicles making collections and deliveries to the site.
21. The submitted Transport Statement (October 2017) details a multi-modal trip generation assessment using TRICS data to identify the expected number of movements associated with the proposed development. This demonstrates that the number of vehicular movements would be significantly reduced compared to the previous and extant use of the site as a timber yard. This is largely a result of the 'car-free' nature of the proposed development which would only make provision for disabled parking spaces given the excellent public transport accessibility in the area (PTAL 6a).

22. The past timber yard use has now ceased and the marketing evidence provided by the appellant suggests that it would be unlikely to be desirable to the market for that use again, nor does the appellant make any suggestion that a timber yard is likely to be reinstated. However, it is pertinent that no personal injury accidents are attributed to the past use of the site with the greater number of vehicle movements than are expected from the development.
23. I note the inherent limitations of TRICS data which relies on similar developments being comparable to the appeal scheme. No two sites will be exactly the same but TRICS data is a commonly used industry tool that gives a good indication of the traffic movements likely to be associated with different uses and forms of development. It is therefore reasonable to rely on this data, particularly as no other data has been put before me.
24. Tracking diagrams have been provided to demonstrate that large vehicles, including the Council's refuse vehicles which are the largest expected to be attracted to the development, could successfully turn around within the site so as to enter and leave in a forward gear. Servicing within the site would be essential given the red route in operation on Rushey Green. There is some question as to whether the Council's refuse team would feel comfortable doing so but given that the manoeuvre is demonstrably possible that would be a matter for the Council. It follows that other types of vehicles such as delivery or emergency vehicles would similarly be able to access the site.
25. The Council raises particular concern about highway safety within the site itself, beyond the publicly adopted highway. The nature of the use would attract different types of people to the past use, including families with children and other vulnerable users. It is accepted by the appellant that it would not be possible for a service vehicle and a pedestrian to pass one another within the narrow thoroughway between the buildings and there is potential for conflict. Nor is it likely to be an attractive proposition for pedestrians to pass a car in the narrow space. Two-way vehicular movements would also be impossible although signage would indicate priority to vehicles entering the site in order to prevent the need for manoeuvring onto the public highway.
26. The CS seeks to prioritise pedestrian movements and there would be some uncertainty as to who should take priority in the appeal scheme if a vehicle met a pedestrian in the narrow access. However, the area between the buildings is relatively short and its straight alignment would allow clear views from end to end. Given the infrequency of expected vehicular movements to and from the site, pedestrians would be able to use the access freely for most of the time. There will be occasions where conflicts could occur but the nature of the access is such that vehicles will be moving slowly and drivers will be aware that they are entering a residential environment. A shared surface is proposed and this would reduce drivers perception of any priority. A degree of caution would be necessary by all users of the accessway and shared surface beyond but that is not an unreasonable expectation in a busy urban environment. These access arrangements are not comparable to that in the appeal decision² provided by the Council, which does not alter my conclusions.
27. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality

² APP/T5720/W/18/3193054

of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I note that the use of a shared surface and potential for conflicts within the narrow access could present a difficulty for people that have a disability, particularly those who are less mobile, visually impaired or deaf. However, I do not consider that these people would be disproportionately affected compared with those who do not share such protected characteristics. Again, the likely effects must be seen in the context of a development located in a busy urban environment where a degree of hazard is to be expected and negotiated.

28. I acknowledge that DfT recommends a pause in the use of shared space schemes pending a review and its withdrawal of Local Transport Note 1/11 dealing with the topic. However, that guidance does not preclude the use of shared surfaces under any circumstances and does not alter my conclusions in respect of this proposal.
29. Some parts of the proposed access, including the narrow throughway between the buildings, fall outside of the red line site area for the appeal scheme. It is also used by the occupiers of the adjacent buildings for servicing and access to the rear yards. However, the appellant has provided evidence that it has rights of access over the land for the purposes of the proposed development, as well as rights to maintain and improve it. This has not been disputed by the Council and I am therefore satisfied that the access would be available and could be improved to make it acceptable for the purposes of the development. Such improvements could be secured by condition.
30. The proposed play space would be a useable and desirable feature for future residents, many of whom are likely to be families. It would be necessary to cross the shared surface to its entrance but many play areas are successfully located within residential developments that require the crossing of roads to reach them and the nature of the accessway, shared between vehicles and pedestrians would be apparent to all involved.
31. Transport for London, the Local Highway Authority responsible for Rushey Green, has considered the submitted information and raises no objection to the proposed development having found the access arrangements acceptable, including visibility at the point of exit from the site onto the adopted highway. There is no evidence before me that leads me to take a different view. Furthermore, the site is located in an area with excellent public transport accessibility and I do not consider that the access arrangements into the site would in any way discourage sustainable modes of travel.
32. In light of the above, I can see no reason why the level of traffic movements associated with the proposed development should harm highway safety on the public highway. Whilst there is some scope for conflict between vehicles and pedestrians within the site and its accessway this would not be to such an extent as to represent a highway safety concern, particularly if conditions were attached to any planning permission requiring a Refuse Collection, Delivery and Servicing Plan to minimise and manage such activity.
33. As such, I find no conflict with Policies 6.3A, 7.1 or 7.2 of the LP; Core Strategy Policy 14; DM Policy 33 of the DMLP; or the requirements of the Framework in relation to highway safety and sustainable travel, which together require that proper, safe and suitable access is provided for all without detriment to highway safety.

Living conditions

34. In light of the amended plans submitted at the appeal stage the Council's concerns in respect of living conditions is now confined to the inclusion of single aspect and single person units within the development.
35. Standard 29 of the Housing SPG seeks to minimise the number of single aspect dwellings. DM Policy 32(4)(c) imposes a presumption that residential units should be dual aspect, with a prohibition against north facing single aspect flats. Where other single aspect flats are proposed a detailed justification is required.
36. The proposed development would incorporate fourteen single aspect flats, none of which would be north facing. Some suggestion was made that increasing the number of dual aspect units was not feasible given the narrow nature of the site and that the result would make the scheme unviable. However, this was not substantiated in evidence and I do not consider such a statement to amount to the detailed justification required by DM Policy 32. There is therefore a policy conflict in this respect.
37. A further conflict with DM Policy 32(4)(e) exists in that the scheme proposes 6 single person dwellings. These are only to be supported in exceptional circumstances. Although the development is undoubtedly in a highly accessible location, the appellant does not contend that the proposed design quality is exceptional as required. The LP does not set such a high bar for inclusion of single person dwellings but I heard that the policy was introduced locally in response to a particular proliferation of single person units in Lewisham. No exceptional circumstances have been identified to justify this type of accommodation.
38. Whilst there is a breach of DM Policy 32 (4)(c) and (4)(e), the number of units represents a relatively small proportion of the overall number proposed and form part of a development of mixed type and tenure. The scheme would not meaningfully add to the number of single person dwellings in the area. The Daylight, Sunlight and Overshadowing Report (September 2017) and Overheating Report (February 2019) demonstrate that the single aspect dwellings would all receive adequate light and ventilation. Although harm would arise from this policy conflict, I attach this no more than moderate harm given that the flats would provide suitable living conditions for future occupants.
39. Overall, I conclude that the development would provide acceptable living conditions for future occupants despite a breach of DM Policy 32 (4)(c) and (4)(e). I have found no conflict with the Housing SPG or DM Policy 33 so far as it relates to living conditions.

Other Matters

40. Some concerns were raised by the owner of a residential property on Rushey Green, many of which have already been addressed above. Some loss of light to the closest properties would inevitably result from the proposed development but the Daylight, Sunlight and Overshadowing Report (September 2017) demonstrates that the amount of light received would remain in line with

the BRE Guidelines³ such that this would be barely perceptible and by no means harmful to neighbouring living conditions.

41. The appellant highlights a number of benefits that would arise from the development. These include the provision of 42 dwellings, 10 of which would be affordable. This would contribute towards London's housing needs notwithstanding that Lewisham can demonstrate a deliverable five-year housing land supply and should be viewed in the context of the Government's objective of significantly boosting the supply of homes. There would be a number of economic benefits from the provision of an employment generating office space, through construction spend and from the local expenditure of future residents of the scheme. In addition, the scheme would improve the character and appearance of the area and make use of a redundant brownfield site in a highly accessible urban location. Cumulatively, I attach these benefits significant weight.

Conditions

42. The parties have agreed a number of conditions in the event that planning permission is granted.
43. In addition to the standard time period for commencement, I have specified the approved plans to ensure certainty, particularly in light of the submitted amendments. A specific requirement is made for the provision of cycle parking to ensure that this is delivered prior to occupation of the building and to promote sustainable travel. Details of the proposed materials and finishes are necessary to ensure an appropriate appearance for the development. For the same reason, a scheme of hard and soft landscaping is required, as well as details of boundary treatments. A detailed specification for the proposed play area is also needed to ensure that it effectively fulfils its purpose.
44. As set out within the main issues, it is necessary to secure a Refuse Collection and Servicing Plan, along with a Delivery and Servicing Plan to ensure that waste from the site can be collected effectively, as well as to minimise and manage deliveries to and servicing of the site. In order to ensure that the access from Rushey Green into the site is safe, suitable and attractive for all future users a condition requires a scheme of improvements. This is also important from a visual perspective, for achieving an appropriate sense of arrival. The provision of suitable external lighting within the scheme is also necessary.
45. The optional Building Regulations requiring accessible and adaptable dwellings is imposed to address identified needs and in accordance with the requirements of the LP, CS and DMLP. A requirement to deliver the proposed disabled parking spaces along with electric charging points is imposed to ensure that needs are met, to minimise pollution and contribute towards addressing London's air quality.
46. A scheme for surface water management is needed to prevent flooding and improve water quality in the area. In addition, an assessment of potential risks of contamination is required, along with appropriate remediation in the interests of human health.

³ Site Layout Planning for Daylight and Sunlight, Building Research Establishment (2011)

47. To ensure that an element of commercial floor space is delivered and attractive for use, details of the internal fit-out are required which must be implemented so as to facilitate a contribution to the area's economic regeneration. Thereafter, this use should be maintained. In addition, the commercial unit should achieve an Excellent BREEAM rating to address development plan objectives of combating climate change and improving energy efficiency. For the same reason, the entire development is required to accord with the approved energy assessments. In order to protect neighbouring living conditions, the permissible hours of operation are specified.
48. A Construction Management Plan is required to protect neighbours living conditions given the close proximity of neighbours to the site.
49. I have altered the wording of the conditions as necessary to improve their precision and otherwise ensure compliance with the tests for conditions contained within the Framework.

Planning Obligations

50. A completed Planning Obligation was submitted during the Inquiry which covenants to undertake off-site highway works necessary to facilitate access to the development; to initiate a car club for future occupants to promote a reduction in car ownership and encourage sustainable modes of travel; the provision of 10 units of affordable housing, which is agreed by the Council to be the maximum reasonable having regard to the viability of the scheme but with a mechanism for a later viability review to ensure that an increased contribution is made if it later becomes viable; and the payment of a carbon offsetting contribution. It is agreed between the parties that these obligations are necessary and otherwise meet the tests imposed by Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. Having had regard to the submitted CIL Compliance Statement I see no reason to take a different view and have had regard to the obligations in reaching my decision.
51. In addition, the agreement between the appellant and the Council seeks to prevent future occupants from applying for parking permits in the nearest Controlled Parking Zone (CPZ). Such a requirement on individuals is not possible under the terms of S106 of the Town and Country Planning Act 1990 but this agreement is made under the alternative provisions of the Greater London Council (General Powers) Act 1974. Whilst not enforceable as a planning obligation, I am satisfied that a legally binding agreement between the parties would be secured and enforceable by the Council. I have, therefore, had regard to the provision in ensuring that the development would remain 'car-free' with the exception of disabled drivers. This is necessary in light of the parking stress identified in the nearest CPZ.

Planning Balance and Conclusion

52. I have found that the development would not harm the character and appearance of the area, prejudice the future redevelopment of Plassy Island or result in a highway safety concern. In addition, the development would provide suitable living conditions for future occupants.
53. There is broad compliance with the development plan, taken as a whole. Whilst there is a conflict with DM Policy 32 (4)(c) and (4)(e), I have attached the harm arising from this moderate weight given my conclusions that the flats

would provide suitable living conditions for future occupants notwithstanding that some of them would be single aspect or single person flats.

54. A range of benefits would arise from the development and I have found that these warrant significant weight in favour of the proposal. Cumulatively, they are sufficient to indicate a decision other than in accordance with the development plan where I have identified conflict.
55. In light of the above, and having considered all other matters, the appeal is allowed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Hall of Counsel

She called:

Catherine Paterson BSc Transport Planner
(Hons) MSc

Mat Proctor BA (Hons) Principal Urban Design Officer
B.Des Arch MAUD PG
Dip LA AssocRTPI

Lewis Goodley BA
(Hons) MSc MRTPI Senior Planner

FOR THE APPELLANT:

Sasha White QC

He called:

Kenneth Brown BSc Managing Director, Townscape Solutions Ltd
(Hons) MA Urban Design
MRTPI

Neil Marshall BSc (Hons) Associate Partner, i-Transport LLP
CMILT MCIHT

Paula Carney BSc Planning Director WYG Planning Ltd
(Hons) MRICS

INTERESTED PERSONS:

Mr Cunningham Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Opening submissions for the appellant
- 2 Opening submissions for the Council
- 3 Photographs submitted by the Council
- 4 Revised planning drawings dated 20 March 2019
- 5 Catford Timber Yard Energy & Carbon Calculations, Version 2
- 6 Highways Technical Note (parking data from nearby scheme)
- 7 Draft S106 agreement
- 8 Agreed conditions
- 9 Completed S106 agreement
- 10 Closing submissions for the Council
- 11 Closing submissions for the appellant

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: 1519-01; 1519-02; 1519-03; 1519-04; 1519-05 rev.A; 1519-06 rev.A; 1519-07 rev.A; 1519-08; 1519-09; 1519-10; 1519-11; 1519-20 rev.A; 1519-21 rev.A; 1519-22 rev.A; 1519-23 rev.A; 1519-24 rev.A; 1519-25 rev.A; 1519-26 rev.A; 1519-27 rev.A; 1519-28 rev.A; 1519-31; 1519-32; 1519-33; 1519-34; 1519-35; 1519-37; 1519-38; 1519-39; 1519-40; 1519-41; 1519-42; 1519-43; 1519-44; 1519-45, 1519-46.
- 3) No development above ground shall commence on site until a detailed schedule and specification of all external materials and finishes/windows and external doors to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until a Refuse Collection and Servicing Plan which includes details for on-site storage has been submitted to and approved in writing by the Local Planning Authority. The approved Refuse and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to thereafter.
- 5) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified below:
 - i) 10% of total units shall meet M4 (3) 'wheelchair user dwellings'.
 - ii) (ii) 90% of total units shall meet standard M4 (2) 'accessible and adaptable dwellings'.

No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance. The development shall be carried out in accordance with the approved details.

- 6) Prior to first occupation of the commercial or residential units all associated cycle parking spaces and facilities shall be provided and made available for use and maintained thereafter in accordance with approved plan 1519-04.
- 7) Above grade works shall not be begun until a scheme detailing improvements to the sole access between Rushey Green and the site is submitted to and approved in writing by the Local Planning Authority.

The scheme shall demonstrate how the access will be upgraded, specifying all materials, finishes and lighting to be used. The details should include how and when these works will take place and the suitability of all proposed finishes.

The approved details shall be implemented in full accordance with the approved scheme from the first occupation of the development and shall be adhered to and maintained in perpetuity.

- 8) A scheme of soft and hard landscaping (including details of all materials, any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of above ground works.

All proposed hard landscaping shall be carried out prior to the first occupation of the building in accordance with the approved scheme.

All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme.

Any trees or plants which within a period of five 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.

- 9) Prior to above ground works full details and specifications of the children's play space shall be submitted to and approved in writing by the local planning authority.

The children's play space shall be provided in accordance with the approved scheme and made available for use prior to occupation of the development and maintained thereafter.

- 10) No development shall commence above ground level until details of the proposed boundary treatments including any gates, walls or fences have been submitted to and approved in writing by the local planning authority.

The approved boundary treatments shall be implemented prior to first occupation of the building and shall thereafter be retained in accordance with the details approved.

- 11) Prior to commencement of any works above ground level, a scheme (including drawings) for any external lighting that is to be installed, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

The scheme shall demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Any external lighting approved shall be installed in accordance with the approved scheme and all directional hoods approved shall be retained thereafter.

- 12) Details of the Blue Badge only car parking, including the electric vehicle charging points, along with a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to completion of the above ground works.

The car parking, including electric vehicle charging points, as approved shall be installed prior to occupation of the development and shall thereafter be retained and maintained in accordance with the approved details.

- 13) No development above ground level shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.
- 14) Prior to completion of works above ground level, plans (1:50 scale) with details showing the physical fit out, including but not limited to floor finish, ceilings, ventilation, sanitary ware and entrances for the commercial and other non-residential space hereby approved shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in full accordance with the approved details before first occupation.
- 15) The commercial unit hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- Prior to completion of the superstructure a Design Stage Certificate for the commercial unit (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance.
- Within 3 months of occupation of the commercial unit, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance for that unit.
- 16) The commercial premises shall only be open for operation between the hours of 07:00-23:00, Monday – Sunday.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the ground floor commercial premises shall only be used for B1 Use Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
- 18) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures;
 - (b) The location and operation of plant and wheel washing facilities;
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process;
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site;
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity;

(iii) Measures to deal with safe pedestrian movement.

(e) Security Management (to minimise risks to unauthorised personnel).

(f) Details of the training of site operatives to follow the Construction Management Plan requirements.

The approved plans shall be implemented and adhered to in full during all construction phases until completion.

- 19) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.

The plan shall provide details of servicing activity and measures to reduce the total number of servicing trips to the site.

The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to thereafter.

- 20) No development or phase of development (including demolition of existing buildings and structures, except where enabling works for site investigation has been agreed by the local planning authority) shall commence until :-

(i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

(ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) together with a programme of works has been submitted to and approved in writing by the Council.

(iii) The development shall be carried out in accordance with such details and timescales as agreed, unless otherwise first agreed with the LPA.

If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms above shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements set out above have been complied with in relation to the new contamination.

The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in sections (i) & (ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any

soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

- 21) The buildings hereby approved shall be constructed in accordance with the approved Energy Assessment (Price and Myers, 22 September 2017 save for table 7.2 replaced by the JAW Sustainability, 20 March 2019)

Within 3 months of occupation of any of the residential units hereby approved, evidence of compliance (prepared by a suitably qualified assessor) shall be submitted to and approved in writing by the Local Planning Authority.