

BMR Property Group,
c/o Chris Brady,
Savills,
33 Margaret Street,
London,
W1G 0JD.

24/2/26

Dear Sirs,

**LAND AT STATUS PARK, NOBEL DRIVE, LONDON BOROUGH OF HILLINGDON, UB3 5EY.
FINANCIAL VIABILITY ASSESSMENT ('FVA').**

General:-

Further to our letter dated 10/9/25, I understand that BMR Property Group ('BMR') has offered LBH an affordable housing commuted payment of £500,000.

This is of course BMR's prerogative albeit we do not consider it financially viable by normal/reasonable FVA measures.

We also understand that LBH (i.e. not necessarily BNP Paribas albeit we assume they would support what LBH are asserting on viability matters seemingly instead of them) are of the opinion that any commuted payment should be £880,000 which has been arrived at (amongst other appraisal assumptions we do not agree with) by assuming a Benchmark Land Value of £1 (One Pound) for the existing site.

As previously stated/justified and with respect, we consider a BLV of £1 to be entirely unreasonable and indeed a nonsense.

A reasonable BLV assumption would/should effectively erode LBH's £880,000.

We also note that, in Mr Brady's (LBH) e-mail dated 19/2/26 to Zoe Tozer (Savills) that he also refers to the BNP Paribas sensitivity tests as 'predictions' whereas they were/are not. They are just sensitivity tests.

In our letter dated 10/9/25, we pointed out that new residential construction starts on site in 2025 (to the) had collapsed. This situation did not significantly improve, nor has it. Indeed, even Matthew Pennycook said this in Q4 2025:-



Why housebuilding in London stalled

08 DECEMBER 2025 | BY JAMES WILMORE

The housebuilding crisis prompted ministers to announce 'emergency' measures. James Wilmore explores what caused the problem and whether the measures will go far enough.

"London housing delivery is on life support." It's rare you hear such a forthright opinion from a government minister.

But this was housing minister Matthew Pennycook acknowledging the capital's dramatic collapse in residential development during a Westminster Hall debate last month.

A more recent and typical analysis/observation is:-

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House-building in London falls by 84% in a decade



GETTY IMAGES

New research from consultants Molior found that there were just 5,547 starts on new private-sector residential homes in 2025

Kumail Jaffer
Local Democracy Reporting Service

25 January 2026

Housebuilding in London's private housing sector has fallen by 84% since 2015, despite the capital needing 88,000 new homes annually, a new study has found.

New research from consultants Molior found construction work began on 5,547 new private-sector residential homes in 2025, compared with 33,782 in 2015.

Lord Bailey, a member of the London Assembly, said London's housing situation had gone from "difficult to devastating" and "ordinary Londoners are suffering the most".

A spokesperson for the Mayor of London said: "Tackling our urgent housing crisis is a top priority" and "Sadiq is doing everything he can to deliver more homes of all tenures".

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London facing 'worst housebuilding challenge' since Second World War, new analysis shows

- Planning reform' was mentioned a record 520 times in Parliament in 2025, according to Hansard
- However, new analysis shows the Government has not met talk with action
- In the last financial year, every English region started fewer homes than in the previous financial year
- In London – where the housing crisis is most acute – only 4,170 new homes were started, down 72% on 2023/24
- London has built more than 10,000 homes every year since 1946, but the low housing start numbers mean only 4,550 homes are likely to be finished in both 2027 and 2028 according to the consultancy Molior. The capital faces its largest challenges to housebuilding since the Second World War
- Across England, just 115,700 homes were started in Labour's first year in office – a mere 39% of the 300,000 a year needed to hit the Government's housing targets

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JONATHAN PRYNN, BUSINESS EDITOR @JONPRYNN
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They are not hard to find. Across London there are more than 50 new home “ghost sites” where building work has halted mid-project. They have been left padlocked and abandoned, an eerie memorial to [London's seemingly never-ending housing crisis](#). Take Afrex House in Brent near Wembley Stadium for example. The plans for the canalside development that should be providing 31 new apartments won planning consent in 2018. But work on the scheme stopped in 2023 when developer Inland Homes went into administration. Not a brick has been laid since.

More than 5,000 homes are stuck in stasis, in some cases because the developer has gone bust, in others because the market is so weak work has been deliberately put on hold. It is not a good look for Sadiq Khan, nor for a [Labour government that has pledged to build 1.5 million new homes by 2029](#) at a rate of 300,000 a year. To have any chance of hitting that target, London will have to contribute at least 50,000 annually.

We are not sure what further evidence is necessary to demonstrate that whatever viability appraisal assumptions (e.g. regarding BLVs, profit and finance rates) that most London Borough's and their advisors have been insisting are reasonable clearly were/are not.

'Hundreds of thousands' in terms of units worth of existing planning consents are not being progressed because prospective development profits were/are insufficient in the context of 'risk' and they were/are un-viable. If this was not the case, these consent would be being built.

We are aware that some PINS Inspectors will recognise this and some will not but the market statistics are plain to see.

Appeal decisions do not ultimately confirm what is and is not viable and, as highly experienced Chartered Surveyors and RICS Registered Valuers, we do not alter our opinions based upon what planning inspectors decide. Having said that, we have most recently been involved in (and/or in the run up to) an appeal Hearing and a Written Representation where affordable housing provisions have been removed and/or not considered appropriate/viable:-

APP/E5900/W/25/3369439 (see **Appendix 1**).

APP/N5660/W//25/3370761 (see **Appendix 2**).

Conclusion:-

Based upon the evidence we have previously provided, the proposed scheme cannot viably sustain any affordable housing provision in any form.

As such, BMR's offer of £500,000 represents substantially more than the maximum reasonable affordable housing provision.

Yours faithfully,



James Brown BSc (Hons) MRICS
RICS Registered Valuer
Director

APPENDIX 1



Appeal Decision

Site visit made on 16 December 2025

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2026

Appeal Ref: APP/E5900/W/25/3369439

5 Hollybush Place, London E2 9QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Vfund against the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/02177.
 - The application sought planning permission for the demolition of builder's merchants (Sui Generis) and redevelopment of the land to provide residential units (Use Class C3) over two blocks and the provision of commercial floorspace (Use Class E) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking without complying with a condition attached to planning permission Ref PA/21/02500, dated 15 September 2023.
 - The condition in dispute is No 2 which states that: The development shall be carried out in accordance with the approved drawings listed in the Schedule to this decision notice.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of builder's merchants (Use Class Sui Generis) and redevelopment of the land to provide residential units (Use Class C3) over two blocks and the provision of commercial floorspace (Use Class E) at lower ground and ground level, with raised podium and associated landscaping, access and cycle parking at 5 Hollybush Place, London, E2 9QX in accordance with the application PA/24/02177 dated 12 December 2024, without compliance with condition No 2 previously imposed on planning permission PA/21/02500, dated 15 September 2023, and subject to the following conditions set out in the attached schedule.

Preliminary Matters

2. Planning permission was granted in September 2023 for the redevelopment of the builder's merchants for a mixed development of residential and commercial floorspace. The residential element would contain 55 units. The scheme followed a Fast Track Route for affordable housing and the related planning agreement obligated the scheme to deliver 35.5% affordable homes.
3. The present proposal was submitted under section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) to seek to vary condition 2 and the related references to affordable housing. In effect the scheme would remove the requirement to provide any affordable housing because, the appellant argues, it is now unviable to do so.

4. During the processing of the application, discussions took place between the appellant and the Council as to the various components of the viability assessment and whether or not the scheme could still provide an affordable housing contribution. As it did not appear to the appellant that agreement could be reached an appeal against non-determination was submitted.
5. At the appeal stage, the Council's consultants (Tower Hamlets Viability - THV) continued to review the submitted information and interact with the appellant's consultants (James R Brown & Company Ltd - JRBC). While there was, at the earlier stage of the appeal, disagreement regarding the percentage deficit below profit target (and some of the related figures that led to that conclusion), the Council confirmed that it agreed with the appellant's view that the scheme was no longer viable on a current day basis to provide affordable housing units on-site.
6. Nevertheless, the Council's appeal statement argued that the appeal should still be dismissed because of a disagreement over the details and methodology of the early and late stage reviews to be included in a planning agreement, in conjunction with the viability appraisal baseline input figures, and because the scheme had not been demonstrated to be deliverable, especially given the appellant's low profit figures.
7. However, further discussions have now resulted in agreement (on a without prejudice basis by the appellant and JRBC) on the early and late stage reviews and key baseline figures. An executed Unilateral Undertaking (UU), dated 21 January 2026, was submitted setting out the approach to the reviews to establish at those times whether or not a contribution to affordable housing should be made. The Council has confirmed it finds the UU acceptable.
8. I am satisfied that the approach in the UU is satisfactory and meets with the requirements of Policy H5 of the London Plan 2021, and the associated Mayor of London's Affordable Housing and Viability SPG (2017), which establishes the approach when an application does not meet the Fast Track Route for policy compliant levels of affordable housing and should follow the Viability Tested Route. These matters have therefore been resolved, although not in respect of the deliverability concerns of the Council.
9. The UU also contains obligations in relation to a wide range of other matters¹, and I will consider these later in this decision.

Main Issue

10. In the light of the above comments, the remaining issue between the main parties is whether or not the scheme needs to demonstrate deliverability, and if so, whether or not it would be acceptable in this respect.

Reasons

Deliverability

11. While the inability to provide any affordable housing at this stage has been accepted, and with the subsequent UU there is agreement in respect of the review

¹ The UU also includes obligations concerning parking permits, employment, skills, training and enterprise, highway works, code of construction practice, travel plans, affordable workspace, public realm, energy monitoring, design certification and noise risk.

mechanisms, there is still some distance between the parties in terms of the present day level of viability/profit of the scheme.

12. The Council argue that were the appellant's figures to be accepted that the scheme would not take place because of the low profitability and is therefore not deliverable. It is explained that the Mayor of London's Affordable Housing and Viability SPG (2017) and Tower Hamlets' Development Viability SPD (2017) both emphasise that viability assessments must demonstrate deliverability and realism.
13. However, profitability and the related deliverability can change through time and a scheme that may not be profitable or deliverable now may be in the future. For instance, Bank of England interest rates have been falling which could make a scheme more likely to be constructed. Furthermore, there was the package of support for housebuilding in London which was jointly announced by the UK Government and the Mayor of London on 23 October 2025. This package of proposals are intended to provide some temporary Community Infrastructure Levy (CIL) relief, a reduced affordable housing threshold, with the Fast Track Route requiring 20% affordable housing (down from 35%). A reduction in CIL payments would again help to make the scheme more likely to be viable.
14. Viability and profitability issues and, therefore, deliverability in this case relate in part to the inclusion or not of the affordable housing but the provision of affordable housing has been accepted as not being able to be included at this initial stage. The review mechanisms will help assess viability at those future times, when variables are likely to have changed, and this process has been agreed.
15. It is for the developer with the benefit of a planning permission to decide whether or not to build out a scheme and I am not convinced that a test of deliverability is in this case, in itself, a planning issue that would justify refusal of an otherwise acceptable proposal.
16. Indeed, while I note the approach of the SPG guidance mentioned above, key policies, including Policy H5 of the London Plan 2021 and Policy D.SG5 of the Tower Hamlets Local Plan 2031, do not include any specific test of deliverability to be applied when considering the planning merits of a proposal. I therefore conclude that, in this case where the UU with its review mechanisms is agreed, the concerns around the deliverability of the scheme at the present time are not matters that conflict with the development plan nor form a material planning issue of such substance that it should form a reason for refusal.

Unilateral Undertaking

17. The UU contains details in terms affordable housing requirements and, in particular, the early and late review mechanisms. These are necessary and policy compliant requirements to ensure that any uplift in profitability allows for an appropriate contribution to affordable housing. These obligations meet with the requirements of the Community Infrastructure Levy Regulations 2010 and I attach them full weight.
18. The UU includes a range of other obligations. These other obligations largely mirror those in the legal agreement that was executed in relation to the original approval. The Council has set out the need and policy justification for all these other obligations in a CIL Compliance Statement. Having examined each justification in detail I am satisfied that these other obligations, both individually

and collectively, 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. They meet the requirements of the Community Infrastructure Levy Regulations 2010 and I attach them full weight.

Conditions

19. An approval under s73 of the Act results in a new and separate planning permission. It is appropriate, subject to the varied condition 2, to attach all those conditions from the original permission that are necessary and reasonable. I have therefore examined all the conditions and where they meet the Framework tests, I have included them in the schedule of conditions.
20. Section 73(5) of the Act confirms that planning permission cannot be granted under section 73 to the extent that it has the effect to change a condition of the previous planning permission so as to extend the time within which a development must be started. Consequently, condition 1 should provide that the scheme shall be commenced within 3 years of the previous approval on 15 September 2023.
21. In the interests of certainty, and the amended details, condition 2 is necessary to list the plans and related documents that form the development proposal.
22. It is necessary to control the external appearance of the building and site in the interests of the character and appearance of the area. The following conditions are, therefore, reasonable and necessary - 3 (facing materials), 11 (landscaping), 23 (roof top additions), 26 (control of windows), and 27 (roller shutters).
23. The development would be constructed on a fairly restricted site within an area of residential and commercial buildings, with the railway lines nearby. Works to construct the building and then occupy the site need to be undertaken in such a way so as to protect the living conditions of existing and future residents and businesses. Conditions are required to ensure that these amenities are protected and maintained. Consequently, the following conditions are reasonable and necessary: 5 (refuse and recycling storage), 8 (piling), 9 (potential contamination), 12 (communal areas and play space), 13 (Construction Environmental Management and Logistics Plan), 14 (hours of working and noise levels), 15 (Dust Management Plan), 16 (non-road mobile machinery), 17 (secured by design), 20 (deliveries and service plan), 25 (air extraction and plant operation), 28 (internal sound levels), 29 (mechanical equipment noise levels) and 30 (site waste management plan).
24. Conditions 4 (cycle storage), 6 (energy and sustainability standards), 10 (boiler and plant efficiency), 19 (electric vehicle charging), 21 (sustainable drainage) and 22 (biodiversity mitigation) are reasonable and necessary in the interests of sustainability and biodiversity. Condition 7 concerning archaeology is reasonable and necessary in the interests of protecting and recording the historic environment that the site may contain. Conditions 18 and 19 are important to ensure that the units and external environment meet requirements for disabled access. The ability to control different uses under condition 24 is necessary to ensure that the benefits accruing from the non-residential uses are realised and maintained.
25. I have not included the proposed condition restricting advertisements as these are controlled under a different regime and the condition would not meet the test that it should be relevant to planning.

Conclusion

26. I conclude that the removal of the requirement to provide an affordable housing contribution, subject to the agreed review mechanisms in the UU, has been proven on viability grounds. For the reasons explained above, the concerns regarding deliverability should not form a reason for refusal. The scheme, as amended and with the UU obligations, would accord with the development plan when considered as a whole and planning considerations do not indicate that a decision should be made otherwise. I therefore conclude that the appeal should succeed and a new planning permission should be granted.

David Wyborn

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from 15 September 2023.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Plans

- 3527_PL01 – Site Location Plan
- 3527_PL02 – Existing Ground Floor Plan
- 3527_PL03 – Existing First Floor Plan
- 3527_PL04 – Existing Elevations 1+2
- 3527_PL05 – Existing Elevations 3+4
- 3527_PL06 – Existing Elevations 5+6
- 3527_PL10 Rev B – Proposed Lower Ground Floor
- 3527_PL11 Rev K – Proposed Ground Floor
- 3527_PL12 Rev A – Proposed First Floor Podium
- 3527_PL13 – Proposed Second Floor
- 3527_PL14 – Proposed Third Floor
- 3527_PL15 – Proposed Fourth Floor
- 3527_PL16 – Proposed Fifth Floor
- 3527_PL17 – Proposed Sixth Floor
- 3527_PL18 – Proposed Roof Layout
- 3527_PL30 – Proposed Elevations 1+2
- 3527_PL31 Rev A – Proposed Elevations 3+4
- 3527_PL32 – Proposed Elevations 5+6
- 3527_PL33 Rev A – Proposed Elevations 7+8
- 3527_PL34 – Elevation 1
- 3527_PL35 – Elevation 2
- 3527_PL36 – Elevation 3
- 3527_PL37 Rev A – Elevation 4
- 3527_PL38 – Elevation 5
- 3527_PL39 – Elevation 6
- 3527_PL40 Rev A – Elevation 7
- 3527_PL41 – Elevation 8
- 3527_PL45 - Sections A-A & B-B
- 3527_PL46 - Sections C-C & D-D
- 3527_PL50 Rev A – Type A02 Wheelchair Apartment Layout
- 3527_PL51 Rev A – Type A03 Wheelchair Apartment Layout
- 3527_PL52 – Type B05 Wheelchair Apartment Layout
- 3527_PL53 – Type B01 Wheelchair Apartment Layout
- 70089628-DP-SK-01 Rev P06 – Proposed Servicing and Parking Arrangement
- 70089628-DP-SK-01-TR1 – Proposed Servicing and Parking Arrangement Swept Path Analysis

Other application documents

- Design and Access Statement prepared by Stockwool and dated November 2021
- Letter from Lichfields dated 9 December 2024
- Letter from Stockwool dated 23 January 2025
- Planning Statement prepared by Lichfields and dated November 2021
- Letter from James R Brown and Co Ltd dated 19 June 2025
- Letter from James R Brown and Co Ltd dated 23 April 2025
- Letter from Lichfields dated 23 April 2025

- Letter from James R Brown and Co Ltd dated 11 April 2025
- Report from James R Brown and Co Ltd dated 17 October 2025
- Acoustic Design Statement prepared by Airo dated 5 November 2021
- Railway Noise and Vibration Survey and Assessment prepared by Airo and dated 30 May 2017
- AIRO Letter (ref: DJB/6957/L1; dated 14 July 2017)
- Review of Noise Impact Assessment prepared by Temple and dated 25 June 2017
- Air Quality Assessment prepared by Aether and dated October 2021
- Archaeological Desk-Based Assessment prepared by RPS Group and dated December 2021
- Construction Environmental Management Plan prepared by Trinity Construction Consultancy Limited and dated December 2021
- Contaminated Land Assessment prepared by Site Analytical Services dated September 2016
- Daylight & Sunlight report prepared by XCO2 and dated November 2021
- Daylight & Sunlight & Overshadowing Addendum prepared by XCO and dated 5 November 2021
- Drainage Strategy Report prepared by Heyne Tillett Steel and dated November 2021
- Energy Statement prepared by XCO2 and dated November 2021
- Fire Statement prepared by Ashton Fire and dated 5 November 2021
- Rapid Health Impact Assessment prepared by Lichfields and dated 9 November 2021
- Rapid HIA Note by Lichfields dated 22 January 2025
- Heritage Impact Assessment prepared by HCUK Group and dated October 2021
- Landscape Strategy – Rev A prepared by Standerwick Land Design and dated October 2021
- Operational Waste Management Strategy prepared by Velocity Transport Planning Ltd and dated June 2022
- Preliminary Bat Roost Assessment prepared by Applied Ecology Ltd and dated October 2021
- Preliminary Ecological Appraisal prepared by Ecology and Land Management and dated October 2021
- Statement of Community Involvement prepared by Thorncliffe/You Shout dated September 2016
- Schedule of Accommodation dated 12 December 2024
- Sustainability Statement prepared by XCO2 and dated November 2021
- Transport Assessment prepared by WSP and dated November 2021
- Utilities Statement Report produced by XCO2 and dated November 2021

- 3) No superstructure works shall take place until samples (to be provided on-site) and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.

Details submitted pursuant to this condition shall include but are not restricted to:

- a) Mock-up panels of no less than 1m by 1m of each external cladding material.

Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding.

If an off-site manufactured cladding system is to be used, the full details of the system shall be provided and the mock-up panel shall include at least one junction between pre-assembled panels.

b) Details at scale of no greater of 1:10 of key junctions/bonds between materials/finishes including the elevation locations of all joints, e.g. structural, movement, panels.

c) Samples and drawings of fenestration.

Details of fenestration, where relevant, shall include, but not be limited to, glazing, reveals, jambs, head, jamb and cills and lintels of all windows and doors. Drawings shall be at a scale of no less than 1:20.

d) Drawings and details of entrances.

Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20.

e) Drawings and details of shopfronts.

Details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20.

f) Details and samples of roofing including, but not limited to, details of parapets, roof edges, rooftop plant screening, lift over runs etc.

g) Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage.

h) Details of any external rainwater goods, flues, grilles, louvres and vents.

i) Details of any external plant, plant enclosures and safety balustrades.

j) A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.

The development shall not be carried out other than in accordance with the approved details.

- 4) No superstructure works shall take place, until details of cycle storage facilities at a 1:20 scale of drawings shall have been submitted to and approved in writing by the Local Planning Authority.

The details shall reflect the cycle stores and spaces shown on approved drawing numbers 3527_PL10_B and 3527_PL11_K.

The cycle storage facilities shall be completed in accordance with the approved details prior to the first occupation of the development and thereafter maintained in operational condition and made available to the occupiers of the development for the lifetime of the development.

- 5) The communal residential and/or commercial refuse, recycling and compostables stores shown on approved drawing number 3527_PL11_K shall be provided prior to the occupation of the development and thereafter shall be made permanently available for the occupiers of the building.

- 6) a) The development shall be carried out in accordance with the approved Energy and Sustainability Statements (by XCO2 dated 05 November 2021). The energy efficiency and sustainability measures set out therein shall be completed prior to the first occupation of the development and retained for its lifetime.
- b) The development shall achieve regulated carbon dioxide emission savings of no less than 53.6% against the Target Emissions Rate of Part L of Building Regulations (2013) (as amended).
- c) The photovoltaic array system shall be installed prior to the first occupation of the development, have an output of no less than 21.60kWh and be retained for the lifetime of the development.
- d) Any non-residential units under 500sqm (GIA) shall achieve compliance with at least the 'Very Good' BREEAM standard. Any non-residential units over 500sqm (GIA) shall achieve compliance with at least the 'Excellent' BREEAM standard. Within 3 months of first occupation of the development the applicant shall submit the final BREEAM certificates to demonstrate the scheme has achieved a BREEAM Excellent rating which shall be certified by the awarding body.
- e) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network.
- f) All of the approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement G2(36)(2)(b) '110 litres water consumption per person per day' (including a 5 litre per person per day allowance for external water use).
- g) The development shall not be occupied until a post completion verification report, including a microgeneration certificate relating to photovoltaic array system, has first been submitted to and approved in writing by the Local Planning Authority to confirm that the above minimum standards have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 7) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
- If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

- 8) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be carried out other than in accordance with the approved details.

- 9) No works shall take place (save for demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority.

The scheme shall include:

- a) A site investigation scheme, based on (Phase 1 Desk Study Report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - i. 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 and mitigation measures required and how they are to be undertaken;
 - ii. A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (i.) are complete to a satisfactory standard; and
 - iii. A monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

- i. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:

- a) The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.

or

b) Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remedied prior to the first occupation of the development.

ii. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

10) a) Any gas-fired boilers installed within the development shall not exceed the maximum emission standard of <40mgNO_x/kWh.

b) Any gas-fired CHP plant installed within the development shall not exceed the maximum emissions standards:

- Spark ignition engine: <250mgNO_x/Nm³

- Compression ignition engine: <400mgNO_x/Nm³

- Gas turbine: <50mgNO_x/Nm³

The boilers and plant shall be maintained so as not to exceed the relevant standards for the lifetime of the development.

11) No superstructure works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Reasonable endeavours shall be made to ensure that the Scheme achieves the target Urban Greening Factor score for the site of 0.4.

The scheme shall include details of:

a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces;

b) accessibility and inclusivity, including ground levels, gradients, thresholds and inclusive access provisions, characteristics and features which signal open and public access and belonging, without cues to keep away, or cues of private use;

c) Safety and greening improvements to the Green Grid and links to the Thames Path/Riverside Walk;

d) Soft landscaping, including urban greening integrated through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality;

e) provisions for communal gardening and details of any other play and social activities supported by communal amenity spaces;

f) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting,

monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details;

g) hard infrastructure, including lighting and light spill drawings and proposed Lux levels, drain inlets and outlets, manholes and covers for access to drainage, services and utilities, CCTV and other security measures;

h) play equipment and playable landscape features, including the location and size of each of the play areas according to age groups, situated away from higher levels of air pollution, design and playable contents and equipment well integrated into surroundings and landscape features with natural surveillance, and any other details to demonstrate compliance with the Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation';

i) street furniture, including street furniture palette demonstrating contribution to the area's character and supporting infrastructure for active travel, external cycle parking stands, benches, litter bins for separated collection allowing recycling, ash trays, informal and dedicated seating areas, signage and wayfinding measures including Legible London signage, and any other street furniture;

j) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure;

k) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight;

l) public art locations, fixings and materials including surface finishes and colours;

m) Urban Greening Factor and Biodiversity Net Gain tables.

The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development.

Any trees or shrubs which die, are removed or become seriously damaged or diseased following the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the Local Planning Authority.

- 12) Prior to the completion of superstructure works, an Inclusive Communal Amenity and Play Spaces Access Management Plan regarding access for disabled users, and ensuring social cohesiveness and access of communal amenity and play areas for all residential occupants shall be submitted to and approved in writing by the Local Planning Authority.

The communal amenity and play spaces shall be completed prior to occupation of residential units they are to serve. The communal amenity and play spaces shall be operated in accordance with the Inclusive Communal

Amenity and Play Spaces Access Management Plan as approved and thereafter be permanently retained in this form.

- 13) No development shall take place, including any works of demolition, until a Construction Environmental Management & Logistics Plan have been submitted to and approved in writing by the Local Planning Authority.

The plans shall aim to minimise the amenity, environmental and road network impacts of the demolition and construction activities and include the details of:

- a) Telephone, email and postal address of the site manager and details of complaints procedures for members of the public;
- b) Dust Management Strategy to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions;
- c) Measures to maintain the site in a tidy condition in terms of disposal/storage of waste and storage of construction plant and materials;
- d) Scheme for recycling/disposition of waste resulting from demolition and construction works;
- e) Ingress and egress to and from the site for vehicles;
- f) Safeguarding of buried services;
- g) Proposed numbers and timing of vehicle movements through the day and the proposed access routes, delivery scheduling, use of holding areas, logistics and consolidation centres;
- h) Parking of vehicles for site operatives and visitors;
- i) Travel Plan for construction workers;
- j) Construction lighting and timings of such, not to unduly impact on neighbouring amenity;
- k) Location and size of site offices, welfare and toilet facilities;
- l) Erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- m) Measures to ensure that pedestrian access past the site is safe and not obstructed;
- n) Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress; and
- o) Mitigation and monitoring measures for Spills and Pollution Prevention, Noise and Vibration and Air Quality.

The development shall not be carried out other than in accordance with the approved details.

- 14) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles):

- a) Shall be carried out in accordance with the Tower Hamlets Code of Construction Practice.
- b) Shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works shall take place on Sundays and Public Holidays.
- c) Ground-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential and 3.0mm/s PPV at commercial properties neighbouring the site.
- d) Noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(LAeqT*) at any point 1m from the façade of residential and noise sensitive commercial properties Monday to Friday, reduced to 65dB(LAeqT) on Saturdays and 65dB(LAeqT) at schools and hospitals and other noise sensitive premises.

*(LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).

- 15) Prior to the commencement of development, a Dust Management Plan (DMP), based on an Air Quality and Dust Risk Assessment (AQDRA), shall be submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP will need to detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan.

During each four construction sub-phases of the proposed development (demolition, earthworks, construction, and trackout), PM10 continuous monitoring shall be carried out on site. Parameters to be monitored, duration, locations and monitoring techniques must be approved in writing by the London Borough of Tower Hamlets prior to commencement of monitoring.

- 16) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) dated July 2014, or any subsequent amendment or guidance, shall comply with the emission requirements:
- a. Prior to the commencement of the relevant part of the development details of all plant and machinery to be used at the demolition and construction phases shall be submitted to, and approved in writing by, the Local Planning Authority. Evidence is required to meet Stage IIIA of EU Directive 97/68/ EC for both NOx and PM. All Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW has been registered at <http://nrmm.london/>.
 - b. Proof of registration must be submitted to the Local Planning Authority prior to the commencement of any works on site.
 - c. The NRMM used during the demolition and construction phases as detailed above must be carried out in accordance with the approved details.
 - d. An inventory of all Non-Road Mobile Machinery (NRMM) must be kept on site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of

emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

- 17) (a) No superstructure works shall take place until design details of security (Secured by Design) measures have been submitted to and approved in writing by the Local Planning Authority.
- (b) Full details and appropriate certificates detailing implementation of security (Secured by Design) measures in line with (a), shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

The security measures approved shall be implemented in accordance with the approved details, completed prior to first occupation of the development and retained for the lifetime of the development.

- 18) a) The following residential units shall comply with the Building Regulations 2010 (as amended) optional requirement M4(3)(2)(a) 'wheelchair adaptable'.

Block A: NA

Block B: B1.1.01 (private), B2.1.01 (private)

b) The following residential units shall comply with the Building Regulations 2010 (as amended) optional requirement M4(3)(2)(b) 'wheelchair accessible'.

Block A: A2.1.04 (Private), A2.1.01 (Private), A2.2.01 (Private), A2.3.01 (Private)

Block B: NA

c) All of the other approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4 (2) 'accessible and adaptable' and shall not thereafter be occupied other than in accordance therewith.

d) No residential unit identified in (b) above shall be fitted out, have internal partitions erected or be subject to any construction works other than shell and core works until floor layouts at a scale of no less than 1:50 and full details of fixtures and fittings including ceiling hoists, floor gullies, automatic doors to communal entrances and any other reasonable adaptations to make the units suitable for occupation by a wheelchair user have been submitted to and approved in writing by the Local Planning Authority and shall not thereafter be occupied other than in accordance with such approval.

e) The Local Planning Authority shall be notified in writing at least 9 months prior to Practical Completion of the residential units identified in (b) above.

f) Any lifts shown on the approved drawings for all of the Blocks shall be installed and in an operational condition prior to the first occupation of the relevant residential access cores. The lifts shall be retained and maintained in an operational condition for the lifetime of the development.

- 19) a) The 3no. wheelchair accessible car parking spaces shown on the approved drawings shall be provided prior to the first occupation of the development and retained for its lifetime.

b) No less than 1no. car parking spaces shall be provided with electric vehicle charging points. Passive provision for future provision of electric charging points shall be made for further 2no. car parking spaces. The

charging points as well as passive provision shall be in place prior to the first occupation of the development and retained for its lifetime.

c) The development shall not be occupied until a Car Parking Management Strategy is submitted to and approved in writing by the Local Planning Authority. The Strategy shall govern the allocation of car parking spaces, including the wheelchair accessible spaces for the lifetime of the development.

d) At no time shall any other external areas of the development save for those explicitly identified on the approved drawings be made available for parking of motor vehicles other than to facilitate essential maintenance works.

- 20) Prior to commencement of the use, a Deliveries and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to, details on the arrangement of refuse collection, servicing & deliveries to residents, and servicing associated with the on-going maintenance of the development.

The deliveries and servicing of the approved uses shall not take place otherwise than in accordance with the Deliveries and Servicing Plan thus approved.

- 21) No superstructure works shall take place until a Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the Local Planning Authority.

The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

- 22) Prior to completion of superstructure works, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the Local Planning Authority.

The biodiversity enhancements shall include but not be limited to the following:

- biodiverse roofs designed in accordance with 'Creating Green Roofs for Invertebrates' best practice guide by Buglife – details provided should include the location and total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (though sedum mats should be avoided if possible) and any additional habitats to be provided such as piles of stones or logs;
- landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible – details should include species list and planting plans;
- climbing plants, including ivy, honeysuckle and jasmine, on appropriate walls to provide a further source of nectar and cover for nesting birds such as house sparrows - details to include species and locations of climbers; details to include species and locations of climbers;

- bat boxes, insect boxes and nest boxes for appropriate bird species including house sparrow, swift and black redstart– details should include number, locations and type of boxes;
- details of maintenance provisions for all of the above.

The biodiversity improvement measures shall be completed in accordance with the approved details prior to the first occupation of the development and retained and maintained in accordance with the approved maintenance provisions for the lifetime of the development.

- 23) No plant, water tanks, water tank enclosures, air conditioning units or other structures that are not shown on the approved plans shall be erected upon the roofs of the buildings hereby permitted.
- 24) Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 (or any order revoking and re-enacting that Order with or without modification):
- a) the unit marked as Commercial Unit 1 on approved drawing numbers 3527_PL10_B and 3527_PL11_K shall only be used as a use falling within Use Class E(a), (b), (c) or (g) and for no other purposes (including any other use within Class E of the afore-mentioned Order);
 - b) the units marked as Commercial Unit 2 and Commercial Unit 3 on approved drawing numbers 3527_PL10_B and 3527_PL11_K shall only be used as a use falling within Use Class E (c) or (g) and for no other purposes (including any other use within Class E of the afore-mentioned Order); and
 - c) 789sqm of the commercial floorspace shall be provided exclusively for use within use class E(g)(iii) industrial processes which can be carried out in a residential area without detriment to its amenity.
- 25) Prior to any use of any of the commercial floorspace within a use falling within Use Class E(a), (b) or (g)(iii) of the Town and Country Planning Use Classes Order 1987 (or any order revoking and re-enacting that Order with or without modification), full details of internal and external plant equipment and trunking, including any heat pump equipment, building services plant, ventilation and filtration equipment and any commercial kitchen exhaust ducting/ventilation, shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include extraction hoods, internal fans, flexile couplings, three-stage filtration (grease filters, pre-filters and activated carbon filters), height of extract duct discharge and anti-vibration mounting. The development shall thereafter be carried out in accordance with the approved details and 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 maintained in accordance with the manufacturers' instructions.

The air extraction system shall be retained and maintained for the lifetime of the use in accordance with the approved details.

Flues must be at least one-metre above the highest part of the nearby buildings, and in many circumstances will need to be significantly higher. The appropriate stack height should be determined using dispersion modelling, and not only by using the Memorandum on Chimney Heights or the Technical

Guidance Note (Dispersion) (known as a D1 calculation), which are not suitable when considering annual mean NO₂ concentrations. Flues should not be 'hidden' behind structures likely to impact of the dispersion of emissions.

No hot food preparation shall take place within any of the non-residential uses hereby permitted until all relevant kitchen and hot food preparation areas have first been provided with air extraction and filtration systems designed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

- 26) For the life of the development, a minimum of 60% of the external glazed surface areas to the ground floor frontages of the development hereby approved shall be maintained wholly transparent, shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing.
- 27) No roller shutters shall be installed on any shopfront, commercial entrance or display façade hereby approved.
- 28) 1) None of the approved residential units shall be occupied unless they have first been constructed to ensure that in regard to transportation noise (air-borne and structure-borne) sources and noise (air-borne and structure-borne) without characteristics likely to enhance its impact such as tones, impulsive elements or prominent low frequency content:
 - a. The construction accords with the core guidelines of BS8233 'Sound Insulation and Noise Reduction for Buildings' and the 5 decibel relaxation of those guidelines will only apply with the written agreement of the Council;
 - b. Internal ambient noise levels in habitable rooms except bedrooms do not exceed 35dB LAeq,16 hour, between the hours 07:00 - 23:00 and within bedrooms do not exceed both 30 dB LAeq, 8 hour and LAmax 45 dB more than 10 times between the hours 23:00 - 07:00.
 - c. ground and structure-borne noise from transportation sources shall not exceed LA_{s,max} 35 dB;
 - d. exposure to vibration is no higher than of the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'; and
 - e. at any junction between adjoining residential and non-residential uses, the internal noise insulation level is designed to take account of the noise levels generated in the noise source so that in habitable rooms the typical worst case i.e. 90th percentile LAeq,15 min level of intruding noise is at least 10 dBA below the equivalent prevailing LAeq,15 min in the receptor.
 - f. It has regard to non-transportation noise sources and noise with specific character likely to enhance its impact; such as tones, impulsive elements or dominant low frequency content. The above noise level criteria shall apply minus an appropriate correction to take account of the enhanced impact. For example, where the noise has tonal or impulsive elements the corrections for such features from the reference methods described in BS 4142, and where low frequency content is dominant a fixed correction of -5 dB. Where the noise contains more than 1 characteristic likely to enhance its impact the corrections shall be added linearly.

- 2) None of the residential units shall be occupied until a post completion verification report, including acoustic test results for all habitable rooms directly facing the railway lines (i.e., 35 bedrooms and 10 living/dining rooms), has first been submitted to and approved in writing by the Local Planning Authority confirming that the above minimum standards have been achieved.
- 29) a) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the typical measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting of the planning permission. Vibration from the plant hereby approved (when assessed as per advice of the version of BS 6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to “low probability of adverse comment” in accordance with BS6472 ‘Evaluation of Human Exposure to Vibration in Buildings’;
- b) No mechanical plant or equipment shall be operated within the site until a post installation verification report, including acoustic test results, has first been submitted to and approved in writing by the Local Planning Authority confirming that the above maximum noise standard has been achieved and that the mitigation measures are robust.
- 30) The development shall not be occupied until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details to demonstrate compliance with the following guidelines:
- Internal waste storage is to be provided for each residential unit (if applicable);
 - Bin stores are to be built in accordance with relevant standards;
 - Measurement of bins are to be provided in cubic meters to demonstrate there is sufficient space in bin stores;
 - Sufficient door sizes with catches or stays are to be provided;
 - The facilities are appropriately ventilated.
 - They have a suitably robust design including walls that are fitted with rubber buffers and that any pipes/services are fitted with steel cages.
 - They feature gates/doors with galvanised metal frames/hinges and locks.
 - They have sufficient capacity to service the relevant building/use.
 - They have maintenance facilities, including a wash-down tap and floor drain.
 - All bin stores are to be free from any steps;
 - Bins are to be built in accordance with relevant standards;
 - Bulky waste storage must be in its own separate storage unit away from other waste streams;
 - Information of dropped kerbs is to be provided and within 10m of trolleying distance from bin stores;
 - Waste carrying distance for residents should be maximum 30 metres to the bin store;

- Managing agent shall present all waste streams including bulky waste where these are not within 10 metres trolleying distance for the waste collection operatives including all waste stored at all other levels except ground level, and;
- Details of how the waste collections vehicle will service this proposal including all loading and unloading areas must be provided.

The provisions for waste storage shown on the approved plans shall be maintained for the lifetime of the development. The waste storage and waste collection facilities shown on approved drawings shall be provided prior to the first occupation of the development and be maintained in an operational condition and made available to the occupiers of the building for the lifetime of the development.

End of Schedule

APPENDIX 2



Appeal Decision

Hearing held on 6 January 2026

Site visit made on 6 January 2026

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 23 January 2026

Appeal Ref: APP/N5660/W/25/3370761

Petrol Station, 212 Kennington Road, LONDON, SE11 6PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Hornstar Limited against the decision of the Council of the London Borough of Lambeth.
 - The application Ref is 23/04056/FUL.
 - The development proposed is the demolition of the existing buildings and the construction of a new 6-storey apartment building to deliver 14No residential units with private and communal gardens proposed at ground floor level.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings and the construction of a new 6-storey apartment building to deliver 14No residential units with private and communal gardens at ground floor level at Petrol Station, 212 Kennington Road, LONDON, SE11 6PR in accordance with the terms of the application, Ref 23/04056/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is located on the western side of Kennington Road. This highway includes an impressive avenue of London plane trees, 3 of which are adjacent to, but just outside, the site. The main trunks of the trees are located in the footway alongside Kennington Road. The trees, identified as T1, T2 and T3 are protected by a tree preservation order (TPO) made in June 2024.
3. There is no dispute that the provision of housing is a significant element in favour of this proposal given the imperative to provide more housing in London (and elsewhere). There is also no dispute that the Council is unable to demonstrate a 5 year supply of deliverable housing land and that the 'tilted' balance resulting from the advice of paragraph 11d) of the National Planning Policy Framework is engaged.

Main Issue

4. The main issue in the appeal is whether the proposed development would be likely to unacceptably affect the health of the adjacent protected trees.

Reasons

5. There are 2 main concerns identified by the Council. These relate to the possibility of underground disturbance causing harm to the trees, and the possibility of above ground harm.

Underground

6. The existing use at the appeal site is that of a petrol fuel station (PFS). Clearly any development on what is a small site would require the demolition of existing structures and removal of fuel storage tanks. The storage tanks are underground below the forecourt of the PFS.
7. It is common ground that the trees in question are unlikely to have any significant roots below Kennington Road itself, but there is a lack of certainty about the likelihood of roots being present in the forecourt area of the PFS. Some investigation has been carried out, but of necessity it was restricted in area. However, that investigation did not find evidence of significant tree roots within the area covered by the forecourt. The case for the Appellant is that rooting in this area would be limited because of the inhospitable ground conditions and barriers created around the underground tanks. That seems entirely reasonable to me, and is supported by the limited evidence available.
8. It therefore seems more likely than not that the root zone of these trees would be concentrated principally below the footway to Kennington Road, with much less root intrusion to east and west. I prefer the evidence of the Appellant that the root protection area is likely to be more rectangular than circular. That is not to say that no roots would be found below the forecourt; evidence is that there would be some, but of minor importance.
9. The question, then, is what harm would be likely to be caused by the removal of underground tanks, concrete surrounds, canopy foundations, and other below ground infrastructure associated with the PFS. Based on the likelihood of the main rooting area being under or close to the footway, it follows that with a carefully planned and implemented scheme to remove underground features that scheme would be capable of avoiding material harm to tree roots, thus avoiding damage to the health of the trees. It is possible to impose a condition requiring a fully detailed method statement to minimise any potential harm.

Overground

10. The canopies of the trees are significant, but it is not disputed that the canopy of T3 would not require pruning or lopping to enable the development to proceed. T1 and T2 have been identified for some crown pruning to allow access for the construction. There is no agreement about the extent of the pruning necessary.
11. The extensive information supplied by the Appellant identifies a modest area of pruning of a maximum of some 2 to 3 metres in selected parts of T1 and T2. The Council is of the opinion that the cutting back would need to extend to 5 metres or more. The Council is also concerned that there could be potential damage to the canopies from the use of a crane on site.
12. Given what I was told at the hearing in relation to the sophisticated mechanisms built into modern craneage which is designed to avoid collisions I am reassured that damage from the use of a crane would be unlikely. However, construction of

the proposed block would involve the use of other access structures. But it seems to me that a distance of 2 to 3 metres from the walls of the proposed building would be likely to be enough, given careful working procedures, to avoid damage to the canopies.

13. In relation to both underground and above ground works I am therefore satisfied that with sensitive working practices, together with adequate protection during demolition and construction, it would be possible to avoid material harm to the trees, thus preserving their presence and health for the longer term.
14. One other matter here is the possibility of future occupants of the block bringing pressure to bear for future pruning of the trees, in order to avoid potential allergic reactions and any concerns about leaf fall. But there are many situations where trees exist successfully in close proximity to buildings without undue problems. In this case those moving into the block would no doubt be made aware of the protected nature of the trees. As such pruning could not be assumed to be acceptable, and in any case the Council would retain control over such matters. Hence this is not a point which weighs against the proposal.
15. Taking this matter in the round, I am satisfied that with adequate protections in place (which can be ensured by condition(s)) the health of these 3 protected trees would be unlikely to be unacceptably harmed. As such I find no conflict with the provision of Lambeth Local Plan Policy Q10, or London Plan Policy G7¹, both of which seek to avoid harm to, or loss of, significant trees.

Other Matters

16. The design of the proposed development has been criticised by some as being too high and bulky in this location. On the other hand there have been some supportive comments from local residents. This is an urban area where tall buildings to the western side of Kennington Road are not unusual. The proposed building seems to me to successfully address its context by being of similar height to other buildings along this part of the road. It would also introduce a well articulated building which would add some interest to the streetscape. It would surely be an improvement on the utilitarian PFS which currently occupies the land.
17. There have also been some criticisms of the proposal in relation to the impact on the privacy of neighbouring occupiers, as well as the potential to block sunlight and daylight. These matters have been thoroughly examined and, although some impact would be inevitable, I agree that the effects would not be so severe that the proposal should be refused for these reasons. I bear in mind here that this is a high density urban area where some impairment of privacy and light is a common feature of everyday life.
18. These other matters raised do not alter my consideration or conclusions on the scheme as a whole.

Conditions and Obligation

19. A list of conditions was submitted as part of the Statement of Common Ground, for which I am grateful. All bar one of the conditions are agreed in principle. I agree that conditions are necessary and reasonable which deal with the following broad topics.

¹ The development plan here includes the London Plan and the Lambeth Local Plan.

- The time limit for commencing development, and the identification of approved drawings, plans and reports which must be adhered to, in order that the development aligns with the submitted details;
 - Management plans detailing matters such as site logistics, programmes for demolition, construction, tree protection, waste disposal, piling methods, delivery and servicing arrangements, waste and recycling storage, in order to ensure development is carried out in a satisfactory manner;
 - Specifications for the use of non-road mobile machinery, to protect air quality;
 - A scheme for dealing with any contamination on the site, to ensure that the development does not pose a risk to future occupiers;
 - The requirement to provide greater detail of design, finished floor levels, external materials, security measures and landscaping in order to ensure that the development is of a suitable standard and is protected from flooding;
 - The provision of at least one unit accessible for wheelchair users, the provision of cycle storage, the inclusion of measures to minimise water and energy use, and the use of sustainable materials, in order to provide a development suitable for future use.
 - The approval of a scheme of surface water drainage in order to properly manage the water environment.
 - The approval of updated tree constraints plans, and the routes for utilities and service runs in order to protect trees adjacent to the site.
20. There was some debate at the hearing in relation to the potential to impose condition(s) restricting work to the protected trees. But as pointed out it is lawful to carry out such works where they are necessary to implement a planning permission. As such I agree with the Appellant that the conditions suggested by the Council would not be reasonable. The alternative suggested is to be preferred.
21. I have received an obligation pursuant to S106 of the 1990 Act which binds the parties to certain actions in the event of planning permission being granted. Amongst the most notable matters the obligation requires actions by the developer which would restrict the entitlement to residential parking permits, would require the developer to enter into a contract with a car club operator, and a contract with a cycle hire scheme operator. These measures are designed to ensure the development would encourage use of transport other than the private car.
22. In addition the obligation makes provision for the payment of contributions towards the healthy routes network, disabled persons parking bay, EV charge point, off-site play space, open space and urban greening.
23. The obligation also requires the developer to prepare and submit an employment and skills construction plan (ESCP) which broadly would be designed to identify apprenticeship and job opportunities for local people during the implementation of the scheme. A contribution to employment and skills would sit alongside this.

24. Similarly the obligation requires the submission of energy performance indicators and to monitor and report on energy performance for a fixed period. Contributions relating to carbon offset and reduction are also required.
25. The obligation also makes provision for affordable housing viability assessments to be carried out and, if necessary and justified by the assessment(s) to pay affordable housing contributions.
26. Having considered all of the schedules and obligations in the deed I am satisfied that, taken together, they all meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations. The S106 Agreement therefore bites in its entirety.

Conclusion

27. As set out earlier in this decision I have found that the health of the 3 protected trees adjacent to the site is unlikely to be unacceptably harmed by this proposal. There is no conflict with the development plan as a whole and there are no other matters which would warrant this scheme being refused.
28. For the reasons given above the appeal should be allowed.

Philip Major

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

Drawings:

1914-TDO-ZZ-00-DR-A-20000 P2;
1914-TDO-ZZ-00-DR-A-20500 P1;
1914-TDO-ZZ-00-DR-A-20501 P1;
1914-TDO-ZZ-00-DR-A-20002 P1;
1914-TDO-ZZ-00-DR-A-21100 P2;
1914-TDO-ZZ-00-DR-A-21101 P3;
1914-TDO-ZZ-00-DR-A-21102 P2;
1914-TDO-ZZ-00-DR-A-21103 P2;
1914-TDO-ZZ-00-DR-A-21104 P2;
1914-TDO-ZZ-00-DR-A-21105 P2;
1914-TDO-ZZ-00-DR-A-21106 P2;
1914-TDO-ZZ-00-DR-A-21110 P2;
1914-TDO-ZZ-00-DR-A-21200 P2;
1914-TDO-ZZ-00-DR-A-21201 P2;
1914-TDO-ZZ-00-DR-A-21202 P2;
1914-TDO-ZZ-00-DR-A-21300 P2;
1914-TDO-ZZ-00-DR-A-21301 P2;

Documents:

Air Quality Assessment, December 2023;
Energy and Sustainability Statement, May 2024;
Part L 2021 GLA carbon emission reporting spreadsheet v2.0;
SAP Worksheets Lean and Green;
Demand Response Design Note;
Rainwater and Greywater Harvesting Design Note;
Photovoltaics Query Response;
Flood Risk Assessment and Drainage Strategy, 16 December 2024;
Environmental noise and impact assessment, December 2023;
Ventilation and extraction strategy, December 2023;
London Plan Fire Statement, 1 November 2023;
Transport Statement, 5 December 2023.

- 3) The development hereby permitted, including demolition, shall not commence until a Construction 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 relevant measures for both demolition and construction phase:
- a) A description of the demolition and construction programme which identifies activities likely to cause high levels of noise or dust;
 - b) A named person for residents to contact within the main contractor's organisation;
 - c) Detailed Site logistics arrangements including provision of a suitable booking system for HGV deliveries;
 - d) Details regarding parking, deliveries, and storage;
 - e) A scheme of dust and noise mitigation measures to be deployed including identification of sensitive receptors, and a scheme of ongoing continuous monitoring and reporting for demolition and construction noise and dust impacts. The scheme shall be developed by suitably qualified persons and shall include suitable targets and management actions in accordance with BS5228 Code of Practice for Noise and Vibration control and the Mayor of London's SPG 2014 (dust control) and provision of monitoring results to the Local Planning Authority;
 - f) Site delivery hours and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - g) Communication procedures with the Local Planning Authority and local community regarding key construction issues – including newsletters and fliers;
 - h) A Site Wide Waste Management Plan (SWWMP) demonstrating how waste from demolition and construction will be minimised and dealt with giving due regard to the waste hierarchy, with minimal (target of less than 5 per cent by weight) disposal to landfill (the SWWMP shall include details of the likely destination of all waste streams (beyond the Materials Recycling Facility) and a written confirmation that the destination landfill(s) has/have the capacity to receive waste; and
 - i) A note stating the following:

“With respect to the hours of operation for the site during construction, we note the standard hours indicated on the Public Protection/Noise part of

Lambeth's website and the requirements of the Control of Pollution Act 1974' and any variance to these hours will be negotiated with the council via the s61 prior consent process"

- j) Specific measures for the protection of all trees potentially affected by demolition, construction activity, construction traffic, crane operations, temporary works and material storage, including trees beyond the application boundary where relevant.
- k) A commitment that construction activities will be managed in accordance with the Construction (Design and Management) Regulations 2015, including clear lines of responsibility for tree protection measures.
- l) An existing footway survey and proposed plans for the reinstatement of the footway and kerb line, together with a post-construction footway survey.

The construction and demolition shall thereafter be carried out in accordance with the details and measures approved in the CEMP, unless any variation is approved in writing by the local planning authority.

- 4) Prior to first occupation of the development hereby permitted, evidence shall be submitted to and approved in writing by the local planning authority demonstrating that 95% of non-hazardous construction and demolition waste has been reused, recycled or recovered and 95% of non-hazardous excavation waste has been put to beneficial use.
- 5) Where Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW is required on site during demolition, site preparation and construction phases, it must comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be placed on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer must register all NRMM on the official online register prior to bringing it on to site and shall keep the register up to date by listing all NRMM used during the demolition, site preparation and construction phases of the development.
- 6) No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 7) A. Unless otherwise agreed in writing by the local planning authority no development shall commence until the following components of a scheme to deal with the risks associated with contamination of the site, including asbestos and unexploded ordnance have been submitted to and approved in writing by the local planning authority:
 - a) A desk study and site investigation scheme based on previous findings to provide information for a detailed assessment of the risks, to all receptors, including those off-site; that may be affected, as well as groundwater;

- b) The site investigation results and the detailed risk assessment resulting from a);
- c) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall thereafter be implemented in accordance with the details and measures approved.

B. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall thereafter be carried out as approved unless otherwise agreed in writing by the local planning authority.

C. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with.

- 8) The ground floor finished floor level must be set no lower than 4.03 metres above Ordnance Datum (mAOD), in line with Section 5 of the submitted flood risk assessment. This mitigation measure shall be fully implemented prior to occupation and/or subsequently in accordance with the scheme's timing/phasing arrangement.

The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 9) Notwithstanding the approved drawings, prior to the commencement of above ground level works hereby permitted, detailed drawings shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - a) 1:10 scale drawings of all external construction detailing and materials (including sections) including balconies, balustrades, handrails, windows and doors (inc. opening method, door number, letterbox, lockset), soffits and fascias, copings, cills, roofs, dormers, porches, rainwater goods, vents, extracts, pointing, jointing, fixings of cladding, plant screening, ramps, steps, retaining walls and means of enclosure;
 - b) Details of the building name and number to be displayed at the entrance and construction from robust material;
 - c) Details of any balcony balustrades including privacy screens (where required);

d) Boundary details, including metal work.

The development hereby permitted shall be thereafter built in accordance with the approved details.

- 10) Prior to commencement of any building operations above ground level, a schedule of all materials to be used in the external elevations and roofs, including samples to be viewed on site, shall be submitted to and approved in writing by the local planning authority.

With regard to the provision of samples to be viewed on site; samples shall be available on site for the review by the local planning authority. These shall include sample panels of all external wall facing materials including cills, pointing, jointing, fixings of cladding, copings; together with samples of windows and door surrounds, soffits and fascia's, and plant screening.

The development shall be carried out in full accordance with the approved materials.

- 11) At least one 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), and any communal areas and access serving M4(3)(2)(b) compliant Wheelchair User (accessible) Dwellings should also comply with Part M4(3)(2)(b). All other residential units, communal areas and accesses hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.

- 12) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the development and shall be implemented in accordance with the approved details prior to occupation.

Prior to occupation, a satisfactory Secured by Design inspection must take place. The resulting Secured by Design certificate shall be submitted to and approved by the local planning authority.

- 13) No vents, pipes, soil vent pipes, or extracts other than those shown on the approved drawings shall be installed unless otherwise approved in writing by the local planning authority. All services and plant should be concealed from view on elevation, roof, and carriage arch soffit which includes vents, pipes and rainwater goods.

- 14) Notwithstanding the information on the plans, prior to the first occupation of the development hereby permitted, a hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to first occupation. All trees, shrubs and hedge planting included within the landscaping scheme shall accord with BS3936:1992, BS4043:1989 and BS8545:2014 (or subsequent superseding equivalent) and current arboricultural and landscape industry best practice. The submitted details shall demonstrate the following:

- a) The quantity, size, species, position, soil volumes and the proposed time of planting of all trees and shrubs to be planted;
 - b) An indication of how they integrate with the proposal and existing trees and street trees in the long term with regard to their mature size and anticipated routine maintenance and protection;
 - c) The specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape;
 - d) Specification of hard landscaping;
 - e) Details of the long-term management and maintenance of the landscaping scheme;
 - f) Details of water irrigation systems serving the soft landscaping;
 - g) Evidence to demonstrate that a net increase in biodiversity has been achieved.
- 15) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which, within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 16) Prior to the installation of green roofs, a detailed specification of the green roofs shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the type, quantity, size, species, position, and the proposed time of planting of all elements of the green walls and roofs, together with details of their anticipated routine maintenance and protection. The specification shall accord with the GRO Code of Best Practice (latest edition) unless otherwise agreed in writing by the local planning authority. The green roofs shall thereafter be maintained in accordance with the approved details.
- If any planting forming part of the green roof shall die, be removed, or become seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.
- 17) Notwithstanding the approved documents, there shall be no occupation until a Delivery and Servicing Management Plan has been submitted to and approved in writing by the local planning authority which details the expected delivery and servicing arrangements for the whole block (but not individual residences). The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details must include the following:
- a) expected frequency of deliveries to the site;
 - b) predicted dimensions of delivery and servicing vehicles;
 - c) proposed loading and delivery locations; and
 - d) a strategy to manage vehicles servicing the site.
- 18) Notwithstanding the approved drawings, prior to the commencement of the use hereby permitted, the following waste and recycling details shall be submitted to and approved in writing by the local planning authority.

- a) Details how the development would meet the recycling target of 65 per cent;
- b) Detailed drawings showing the proposed waste and recycling waste storage;
- c) Details relating to the collection of waste;
- d) Details relating to how the bins will be moved from the stores to the collection points on collection day and how the bins will be returned after collection.

The waste and recycling storage shall be provided in accordance with the approved details prior to the commencement of the use hereby permitted, and shall thereafter be retained solely for its designated use.

- 19) Notwithstanding the approved drawings, prior to the occupation of the development, 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 thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.
- 20) Prior to first occupation of the development hereby approved, evidence (including a schedule of fittings and manufacturer's literature) shall be submitted to the local planning authority and approved in writing to show that a residential internal water use of 105L/person/day or less has been achieved for all dwellings.
- 21) The development shall be built in accordance with the approved Energy Statement listed under Condition 2, demonstrating how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure a minimum 35% reduction in CO2 emissions beyond Building Regulations Part L 2021.

Prior to occupation of the development hereby permitted, evidence (e.g. photographs, copies of installation contracts and as-built worksheets prepared under the National Calculation Method) shall be submitted to and approved in writing by the local planning authority to demonstrate that the development has been carried out in accordance with the approved Energy Statement unless otherwise agreed by the local planning authority in writing.
- 22) Prior to the occupation of the development, evidence shall be submitted to and approved in writing by the local planning authority demonstrating that the risk of overheating has been minimised and the reliance on air conditioning has been minimised in line with the GLA's cooling hierarchy and confirming compliance with CIBSE TM59 (including the results from the analysis) and that CIBSE TM49 has been considered. Any mitigation measures required to reduce overheating shall be completed prior to occupation and thereafter be retained for the lifetime of the development.
- 23) The development hereby permitted shall make space available for a connection to a decentralised heat network, should one become available in future.
- 24) Prior to the occupation of the development, evidence shall be submitted to and approved in writing by the local planning authority demonstrating that the materials used are in accordance with the approved sustainability statement listed under Condition 2.

- 25) Prior to the installation of the photovoltaic panels, a scheme showing the siting, size, number and design of the photovoltaic (PV) arrays, including cross sections of the roof of the building with the equipment in situ, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be completed in strict accordance with the approved details.
- 26) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the national Planning Practice Guidance (or any subsequent guidance), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall include:
- a) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) a timetable for its implementation; and
 - c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- Thereafter the development shall be implemented, managed and maintained in accordance with the approved details.
- 27) Prior to commencement of construction a scheme of assessment of the acoustic impact arising from the operation of all internally and externally located plant shall be 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 subsequent superseding equivalent) and other relevant measures, and shall include a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed building services plant is 5dBA less than background.
- 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 including suitable measurements to confirm compliance with the approved noise criteria and which has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and attenuation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.
- 28) The development must be carried out in accordance with the provisions of the approved document London Plan Fire Statement, dated 1 November 2023, as listed under Condition 2, unless otherwise approved in writing by the local planning authority.
- 29) No development shall commence until an updated tree constraints plan has been submitted to and approved in writing by the local planning authority,

based on verified on-site survey data and clearly identifying stem positions, crown extents, root protection areas and construction exclusion zones.

- 30) No development shall commence until full details of all proposed underground and overground service routes have been submitted to and approved in writing by the local planning authority. The details shall demonstrate how services will avoid conflict with tree root protection areas and street trees. Underground and overground service utilities routes are to be provided in accordance with the approved details.
- 31) No development shall commence until an updated Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The updated Statement shall detail the specific protection measures, working methodologies and pruning requirements to be adopted as part of the demolition and construction phases of the project. Thereafter all works to the trees must be carried out in accordance with the details set out in the approved updated Statement.
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APPEARANCES

FOR THE APPELLANT:

Mr N Helme	Counsel
Mr J Harris BA(Hons) MSc MRTPI	Associate Director Nathaniel Lichfield & Partners Ltd
Mr J Forbes-Laird BA(Hons) DipGRStud MICFor MRSB MRICS MEWI DipArb(RFS)	Senior Director Forbes-Laird Arboricultural Consultancy Ltd
Mr J Brown BSc(Hons) MRICS Registered Valuer	Director James R Brown & Company Ltd – in attendance to address any viability issues

FOR THE LOCAL PLANNING AUTHORITY:

Ms A Gkiza	Senior Planning Officer LB Lambeth
Ms F Dyson	Principal Planning Officer LB Lambeth
Mr C Henderson	Arboricultural Officer LB Lambeth
Mr C Hurst	Senior Arboricultural Officer LB Lambeth

INTERESTED PERSONS:

Mr F Belk	Local Resident
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