

Suggested Conditions – APPEAL APP/L5810/W/20/3249153- 18/2714/FUL

Should the application be considered acceptable, a Unilateral Undertaking for the amount the viability work suggests would maximise the Affordable Housing provision would need to be completed by the applicant, as well as a Carbon offset payment, a playspace contribution, air quality contribution, restriction on residents obtaining parking permits from any controlled parking zone (CPZ) within the Borough, provides residents with free car club membership for two years, and provides 20% active and 20% passive electric vehicle charging points, enter into a Section 278 agreement for highways works and the following conditions:

Development begun within 3 years

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Approved Drawings

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents as follows: **4786_3_10_C, 4786_3_15_B, and 4786_3_25_B received on 29 January 2021**; 4786_3_11_B and 4786_3_20_B received on 26 October 2018; 2\001 (Outlines Elevations) and 2\001 (Outlines Elevations 2) received on 21 August 2018; 4786_2_01_A, 4786_2_02_A, 4786_3_12_A, 4786_3_13_A, 4786_3_14_A, 4786_3_21_A, 4786_3_22_A, 4786_3_23_A, 4786_3_24_A and TCP 01, TPP 01 A received on 10 August 2018.

REASON: To accord with the terms of the application, for the avoidance of doubt and in the interests of proper planning.

Details of Materials

3. The external surfaces of the building(s) (including fenestration) and, where applicable, all areas of hard surfacing shall not be constructed other than in materials details/samples of which shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as such thereafter.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality.

Sample Panels of Brickwork

4. Sample panels of facing brickwork showing the proposed colour, texture, face-bond and pointing shall be provided on site and approved by the Local Planning Authority before the relevant parts of the works are commenced and the sample panels shall be retained on site until the work is completed and has been approved.

REASON: To ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.

Balcony Details

5. The balconies shall not be constructed otherwise than in accordance with details to be submitted to and approved in writing by the Local Planning Authority, such details to specify the design and external finishes thereof. The details shall be carried out and retained thereafter.

REASON: To ensure that the proposed development is in keeping with the existing building(s) and does not prejudice the appearance of the locality.

Construction Management Statement

6. No development shall take place, including any works of demolition, until a Construction Management Statement (to include any demolition works) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The size, number, routing and manoeuvring tracking of construction vehicles to and from the site, and holding areas for these on/off site;
 2. Site layout plan showing manoeuvring tracks for vehicles accessing the site to allow these to turn and exit in forward gear;
 3. Details and location of parking for site operatives and visitor vehicles (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 4. Details and location where plant and materials will be loaded and unloaded;
 5. Details and location where plant and materials used in constructing the development will be stored, and the location of skips on the highway if required;
 6. Details of any necessary suspension of pavement, roadscape, bus stops and/or parking bays;
 7. Details where security hoardings (including decorative displays and facilities for public viewing) will be installed, and the maintenance of such;
 8. Details of any wheel washing facilities;
 9. Details of a scheme for recycling/disposing of waste resulting from demolition and construction works (including excavation, location and emptying of skips);
 10. Details of measures, not including the studios, that will be applied to control the emission of noise, vibration and dust including working hours. This should follow Best Practice detailed within BS5288:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites [The Control of Noise \(Code of Practice for Construction and Open Sites\) \(England\) Order 2015 \(legislation.gov.uk\)](#);
 11. Details of any highway licenses and traffic orders that may be required (such as for licences for any structures / materials on the highway or pavement; or suspensions to allow the routing of construction vehicles to the site);
 12. Details of the phasing programming and timing of works;
 13. Where applicable, the Construction Management Statement should be written in conjunction with the Arboricultural Method Statement, and in accordance with British Standard BS5837:2012 'Trees in relation to design, demolition and construction - recommendations', in particular section 5.5, 6.1, 6.2, 6.3 and 7;
 14. A construction programme including a 24 hour emergency contact number;
 15. Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

REASON: In the interests of highway and pedestrian safety together with the amenity of the area.
7. No development, including works of demolition, shall commence until a Construction Management Plan for protecting Twickenham Studios from Airborne noise, Groundborne noise and vibration for the duration of the construction phase of the project has been submitted to and approved in writing by the local planning authority. The Construction Management Plan must set out how the requirements of conditions

34 and 35 will be met in full for the duration of the construction phase of the development, including in relation to works of demolition.

Details of Hard and Soft Landscaping

8. (A) No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing utility services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant; a program or timetable of the proposed works
- (B) Soft landscape works shall include green roofs, soil provision; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); detailing the quantity, density, size, species, position and the proposed time or programme of planting of all shrubs, hedges, grasses etc, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with BS 3936:1986 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS 4043: 1989, Transplanting root-balled trees; and BS 4428:1989, Code of practice for general landscape operations (excluding hard surfaces).
- (C) All hard and soft landscape works shall be carried out in accordance with the approved details and in any event prior to the occupation of any part of the development.

REASON: To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests.

Boundary Treatment

9. A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the new units are occupied. Development shall be carried out in accordance with the approved details.
- REASON: To safeguard the visual amenities of the locality and the privacy/amenities of the adjoining properties.

Finished Floor Levels

10. No development shall take place until details of the finished floor levels of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- REASON: To ensure the proposed development does not prejudice the appearance of the locality or neighbouring amenity.

Details of Access/ Layout

11. No ground level development shall take place until details of layout, parking spaces and access road, have been provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority. Such details shall be constructed prior to first occupation on the development.

REASON: To ensure that the proposed development does not prejudice the free flow of traffic, the conditions of general safety along the neighbouring highway or the amenities of the area.

Delivery/ Servicing Plan

12. Prior to first occupation of the commercial units, a service and delivery plan shall be submitted to and approved in writing by the Local Planning Authority to confirm the size, number and frequency of vehicles to be used for the servicing of the commercial units, times and duration of deliveries/collections, area of roadside to be used, staff responsibilities in connection with the enforcement of the service and delivery plan and a programme for its implementation. The plan shall be implemented in accordance with the approved details and programme.

REASON: To satisfactorily safeguard the convenient and safe use of the area.

Written Scheme of Investigation

13. 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. 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.

REASON: To safeguard any potential archaeological interest on the site.

Refuse Storage

14. Notwithstanding the information submitted with the application, none of the buildings hereby approved shall be occupied until arrangements for the storage and disposal of refuse/ recycling have been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. No refuse shall be stored on site other than within a building or the refuse storage facilities approved pursuant to this condition, and such details shall be retained thereafter.

REASON: To safeguard the appearance of the property and the amenities of the area.

Energy Reduction

15. The dwelling(s) hereby approved shall achieve a 35% reduction in Carbon dioxide emissions beyond Building Regulations requirements (2013).

REASON: In the interests of energy conservation in accordance with the Councils sustainability policies and Local Plan Policy LP22.

Water Consumption

16. The dwellings hereby approved shall not be occupied other than in accordance with the water consumption targets of 105 litres or less per person per day, and 5 litres or less per head per day for external water use.

REASON: In line with Local Plan Policy LP22 - Sustainable Design and Construction and the interests of water efficiency in accordance with the Councils sustainability policies.

Cycle Parking

17. Notwithstanding the information submitted with the application, no building/ dwelling/ part of the development shall be occupied until cycle parking facilities have been provided (for the dwellings to be occupied) in accordance with detailed drawings to be submitted and approved in writing by the Local Planning Authority and retained thereafter

REASON: To accord with this Council's policy to discourage the use of the car wherever possible.

Car Parking Management Plan

18. . Prior to first occupation of the development, a vehicular parking management plan must be submitted to and approved in writing by the Local Planning Authority. This must show :

- Where the parking of vehicles is and is not allowed
- Which spaces have passive and active means of electric vehicle charging in accordance with standards set out in the adopted London Plan
- Which vehicular parking spaces shall be allocated to which units

REASON: In the interests of allowing safe and suitable access to all parts of the development for all road users in accordance with Para. 108b of the National Planning Policy Framework..

Air Quality Assessment

19. The details and mitigation measures set out in pages 18-20 of the submitted Air Quality Assessment shall be carried out in full.

REASON: In the interests of air quality in accordance with the Councils sustainability policies.

Restriction on use of roof

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order) no part(s) of the roof of the building(s) hereby approved shall be used as a balcony or terrace nor shall any access be formed thereto.

REASON: To safeguard the amenities of the occupiers of adjoining properties due to the proximity of the dwellings.

Wheelchair Accessible Units

21. A scheme for wheelchair accessible units shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include no less than 10% of the residential units to be compliant with Approved Document Part M4(3). All other residential units shall be compliant with Approved Document Part M4(2). Unless otherwise agreed in writing by the Local Planning Authority. The units shall be implemented prior to first occupation of the units and retained thereafter.

REASON: In the interest of inclusive access in accordance with Policy LP35 to ensure homes to meet diverse and changing needs.

Building Regulation M4(2) and M4(3) (Wheelchair)

22. Notwithstanding the information submitted with the application, prior to commencement of works on site, details of sustainable urban drainage shall be submitted to and be approved in writing by the Local Planning Authority. The approved details shall be installed and remain in situ unless otherwise agreed in writing with the Local Planning Authority. No other drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. All details shall be retained thereafter.
REASON: In the interests of reducing surface water discharge in accordance with policy LP21 of the Local Plan.

Biodiversity Net Gain

23. Prior to occupation/use of the buildings, biodiversity net gain shall be submitted to and agreed in writing by the Local Planning Authority. This should include bat /bird /butterfly /stag beetle habitats. The details for each aspect should be shown on a plan and include specific location, specific product/dimensions and construction method (including proposed aspect and height) and proposed maintenance. The approved details shall be implemented and retained thereafter.
REASON: To enhance nature conservation interest.

External Lighting

24. Prior to installation, details of any external lighting including locations, technical specifications, lux plan shall be submitted to and agreed in writing by the Local Planning Authority and thereafter constructed and retained in accordance with these details.
REASON: To safeguard the ecology of the site and neighbour amenity.

Travel Plan

25. Prior to first occupation of the development, travel surveys shall be undertaken in accordance with a survey methodology to be submitted to and approved by the Local Planning Authority prior to the survey being carried out. Within 6 months of the use commencing, a new travel plan based on the results of the survey shall be submitted with clear objectives, targets, actions and timeframes to manage the transport needs of staff and customer / visitors to the development, to minimise car usage and to achieve a shift to alternative transport modes.
Following approval by the Local Planning Authority, the applicant shall then implement these actions to secure the objectives and targets within the approved plan. The travel plan (including surveys) shall be annually revised and a written review of the travel plan submitted and approved by Council by the anniversary of its first approval and yearly thereafter. At the third anniversary, the travel plan (including surveys) shall be re-written and any approved revision shall be implemented within three months of the date of approval.
REASON: In order to comply with the objectives of national and local Planning Policies which promote sustainable development with particular regard to transport and to ensure that the development is air quality neutral from transport emissions.

Mechanical Services Noise Control Condition

26. a) Before any mechanical services plant including heating, ventilation and air conditioning (HVAC) associated with the commercial units to which the application refers are used, a scheme shall be submitted to and approved in writing by the local planning authority which demonstrates that the following noise design requirements can be complied with and shall thereafter be retained as approved. Limiting noise levels should be based on background noise measurements contained within the Aulos report Aulos Acoustic report reference #0-1796 R2961-633 dated 11.07.2018
- b) The cumulative measured or calculated rating level of noise emitted from the mechanical services plant including heating, ventilation and air conditioning (HVAC) associated with the commercial units to which the application refers, shall be no greater than the existing background noise levels as determined in the Aulos Acoustic report reference #0-1796 R2961-633 dated 11.07.2018, at all times that the mechanical system etc. operates. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 meter from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance to the latest British Standard 4142; An alternative position for assessment /measurement may be used to allow ease of access, this must be shown on a map and noise propagation calculations detailed to show how the design criteria is achieved.
- c) The plant shall be supported on adequate proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so maintained thereafter.
- d) A commissioning acoustic test and report shall be undertaken within 2 weeks of mechanical services commissioning in order to demonstrate that condition 1(b) above has been achieved. The results of the test shall be submitted to and approved in writing by the Local Planning Authority.
- REASON: To ensure satisfactory living standards for future residents.

New Residential Development Noise Control

27. Before construction commences, a detailed building construction for both the residential and commercial buildings, including balcony construction, glazing and ventilation specification scheme shall be submitted and approved in writing by the Local Planning Authority. The construction, glazing and ventilation scheme shall achieve the requirements set out in the Aulos Acoustic report reference #0-1796 R2961-633 dated 11.07.2018 to include enhanced glazing, mechanical ventilation, vibration isolation. The scheme shall thereafter be retained as approved.
- REASON: To ensure satisfactory living standards for future residents

Dust Management Plan

28. Save for emergency temporary works, no development shall be commenced until a dust management plan has been submitted to and approved by the Local Planning Authority. The dust management plan shall include the following details:
- (a) Demonstrates compliance with the guidance found in the control of dust and emissions from construction and demolition Best Practice produced by the Greater London Authority (GLA)
http://static.london.gov.uk/mayor/environment/air_quality/docs/construction-dust-pg.pdf
- (b) The dust management strategy must include a risk assessment of dust generation for each phase of the demolition and construction. The assessment and

identified controls must include the principles of prevention, suppression and containment and follow the format detailed in the guidance above. The outcome of the assessment must be fully implemented for the duration of the construction and demolition phase of the proposed development and include dust monitoring where appropriate.

(c) where the outcome of the risk assessment indicates that monitoring is necessary, a monitoring protocol including information on monitoring locations, frequency of data collection and how the data will be reported to the Local Planning Authority;

(d) details of dust generating operations and the subsequent management and mitigation of dust demonstrating full best practicable means compliance and covering construction activities, materials storage, on and off site haul routes, operational control, demolition, and exhaust emissions; and

(e) where a breach of the dust trigger level may occur a response procedure should be detailed including measures to prevent repeat incidence

REASON: In the interests of air quality in accordance with the Councils sustainability policies.

Contaminated Sites

29. Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) An additional site investigation scheme, based on the June 2018 report, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken shall be submitted prior to commencement of development.
 - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.
- REASON: For the protection of Controlled Waters.

Remediation Strategy

30. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy set out in condition 28 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 any 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, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved and retained thereafter.
- REASON: To protect future users of the site and the environment.

Unexpected Contamination

31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

REASON: To prevent unacceptable risk to Controlled Waters.

Piling

32. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater or noise levels that exceed the requirements in condition XX. The development shall be carried out in accordance with the approved details.

REASON: To prevent unacceptable risks to underlying groundwaters and to protect neighbouring residents.

Restriction on use

33. The use hereby approved shall only be used for uses which fall within Use Class E(g)..

REASON: To comply with policy LP42 of the Local Plan.

Construction noise and vibration levels

34. Construction noise and vibration levels shall be mitigated such that the following maximum noise limits are not exceeded at the Twickenham Studios site:

- Airborne noise: 50dB LAeq,1hr as a free-field measurement (or 53dB LAeq,1hr as a façade level) on any part of the building envelope of the sound theatres T1 or T2 or T3 or T4 as shown in appendix 3 of Mr Vohra's evidence.
- Airborne noise: 60dB LAmax,F as a free-field measurement (or 63dB LAmax,F as a façade level) on any part of the building envelope of the sound theatres T1 or T2 or T3 or T4 as shown in appendix 3 of Mr Vohra's evidence. In the event of failure to meet the airborne noise limit works will cease immediately and investigation undertaken into the cause of the exceedance undertaken to prevent reoccurrence.
- Groundborne noise: 30dB LAmax,S internally within each of the sound theatres T1 or T2 or T3 or T4 as shown in appendix 3 of Mr Vohra's evidence; measured as a spatial average towards the centre the room. It is noted access to the studio(s) may prohibited due to contractual obligations and therefore as an alternative the use of the metric peak particle velocity (ppv) as a surrogate remains acceptable. This would require in-situ trial measurements of sound and vibration to ascertain transfer functions to establish suitable vibration limits for continuous monitoring to ensure continuous compliance of the groundborne noise limit.

Continuous noise and vibration monitoring

35. Continuous noise and vibration monitoring shall be conducted at one or two representative positions with respect to the studios throughout the duration of the construction works. In the event of any exceedance of approved limits, all construction works must be suspended and the Local Planning Authority must be

notified immediately. Works shall not resume until remedial measures to be submitted to and agreed in writing by the LPA are implemented in full.

Phasing of uses

36. The Class E(g) use approved shall be completed in its entirety prior to the first occupation of any residential element of the approved development.
REASON: To ensure the delivery of the employment use in accordance with London Plan Policy E7(D)(2).

Waste Use – GRAMPIAN (Not agreed by the Council)

37. No development shall take place until a suitable scheme of compensatory hazardous waste provision, of up to 13,500 tonnes, has been agreed with the Council. Such provision should be made within the WLWP area. If such capacity cannot be met within the WLWP area, the shortfall can be made up within the neighbouring area or Greater London area.
Reason - To ensure compliance with Policy WLWP2 of the West London Waste Plan 2016 and LP24 of the Local Plan (2018).

Hours of Operation (Not agreed by the Appellant)

38. The use of the commercial premises hereby approved shall be restricted to the hours of 08:00 to 19:00 at any time, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To protect the amenity of occupiers of nearby properties)