

Committee	STRATEGIC PLANNING COMMITTEE	
Report Title	LAND NORTH AND SOUTH OF SURREY CANAL ROAD (known as the Surrey Canal Triangle Site) SE14, SE15 & SE16	
Ward	New Cross	
Contributors	Stephanie Gardiner	
Class	PART 1	Date:12 DECEMBER 2012

Reg. Nos. DC/13/85143

Application dated 02.10.2013

Applicant Signet Planning Ltd on behalf of Renewal New Bermondsey Two Ltd

Proposal **An application submitted under Section 73 of the Town & Country Planning Act 1990 for a minor material amendment to planning permission (DC/11/76357)** for the comprehensive, phased, mixed use development of the site on the land to the north and south of Surrey Canal Road, for up to 240,000sqm (GEA) of development as set out in the revised Development Specification dated 1 July 2011 as amended 2 September 2011. The principal elements of the outline planning permission comprise up to 2,400 homes (Class C3); retail (Class A1-A5); business space (Class B1); hotel (Class C1); non-residential institutions (Class D1); assembly and leisure (Class D2) excluding the Millwall FC stadium. The demolition of all existing buildings on the site with the exception of the Millwall FC Stadium (retained and its facade upgraded and/or re-clad), Guild House (retained and extended) and Rollins House (retained); re-profiling of site levels; alterations to Surrey Canal Road and the re-alignment of Bolina Road; associated works and landscaping **comprising reconfiguration of buildings on Plots Timber Wharf, Stockholm 1 & 2 and Senegal Way 1& 2 and the redistribution of land uses between these Plots, within the overall approved development by floorspace area and land use as set out in amended Parameter Plans and Development Specification.**

Applicant's Plan Nos. Parameter Plan 04 – Proposed Minimum and Maximum Block Extent and Heights (SC_SEW_01_004_23); Parameter Plan 05 – Proposed Lower Floor Uses (SC_SEW_01_005_21); Parameter Plan 06 – Proposed Upper Floor Uses (SC_SEW_01_006_20); Parameter Plan 07 – Proposed Ground Floor Uses (SC_SEW_01_007_22); Parameter Plan 08 – Proposed Enclosed Car Parking Extent (SC_SEW_01_008_18); Parameter Plan 09 – Proposed Car Parking Extent Below Ground (SC_SEW_01_009_17); Parameter Plan 10 – Proposed Access, Circulation and Streets (ITL8335-SK-002 Rev D); Parameter Plan 11 – Landscape and Open Space Plan, Ground Level (TOWN428(08)5001 Rev 27); Parameter Plan 12 – Landscape and Open Space Plan, Roof Level (TOWN428(08)5002 Rev 20); Phasing Plan – Indicative Phasing Plan (SC_SEW_2_006_05); Supplementary Environmental Statement (dated 27th September 2013) and Supplementary Design and Access Statement (October 2013).

Background Papers (1) Case File DE/450/B/TP

- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan (July 2011)

Designation

Core Strategy – Strategic Site Allocation 3

Screening/Scoping

Scoping Opinion issued 20 September 2013

1.0 Introduction

- 1.1 In March 2012 outline planning permission was granted, subject to conditions and a s.106 agreement, for the comprehensive redevelopment of the Surrey Canal Triangle site (excluding the Millwall FC stadium). The proposals are for a mix of residential, sport and retail and business space with development to be undertaken in a series of phases and likely to be built out over a 10+ year period. The approved scheme is based on an overall masterplan with the site broken down into a number of plots. The scale, form and land use mix of the approved development is defined by a series of Parameters Plans and Development Specification and the March 2012 permission (Condition 3) requires the development to be carried out in accordance with the approved Parameter Plans and Development Specification. The s.106 agreement includes a number of obligations relating to such matters as a financial contribution towards the provision of a station on the East London Line Extension at Surrey Canal Road (due on commencement of development) and to bus services, access improvements including pedestrian links to South Bermondsey Station, affordable housing, the design of the proposed multi-faith centre, and the management of sports and other events on the site.
- 1.2 Accompanying the original application were images that illustrated how the development might look, however the detailed design and implementation of the scheme will be determined through reserved matters applications. Consequently the final design might differ from the illustrative images, but the detailed proposals will need to adhere to the parameter plans, development specification, conditions on the outline planning permission and clauses in the s106. Applications for reserved matters for the development have yet to be submitted and this process will provide the opportunity for further assessment and scrutiny by the Council.
- 1.3 This current application is made under s.73 of the Town and Country Planning Act 1990 and seeks approval to revisions to certain of the Parameter Plans and thus a revision to Condition 3 of the planning permission. The approved Development Specification (also listed in Condition 3) is also to be updated to bring the document in line with the alterations to the Parameter Plans.
- 1.4 The changes to the Parameter Plans relate only to Plots Timber Wharf 1 and 2, Stockholm 1 and 2 and Senegal Way 1 and 2. No changes are proposed to any of the other Plots – Orion, Excelsior 1, 2, 3 and 4, Stadium Avenue, and Bolina East, West and North 1 and 2, or to the Millwall FC stadium.

- 1.5 No changes are proposed to the description of development on the planning permission or to any other planning conditions. There is no increase in the overall floorspace of the development granted planning permission in March 2012, only a change in the quantum of floorspace for the land uses concerned within each relevant Plot. The effect of the changes is to maintain the overall quantum of development, and within the specified limits on floorspace by use across the site as a whole and the application proposals for not fundamentally change the nature or scale of the previously consented development.

2.0 Property/Site Description

- 2.1 The site is located in the north west of Lewisham and borders the London Borough of Southwark, which lies immediately to its north and west. Overall the site comprises of an area of approximately 10.28 hectares. It is bounded on two sides by railways set on embankments and also has the East London Line Extension running through the site (roughly north-south) and Surrey Canal Road (east-west). To the south is Rollins Street and the Winslade Estate and further to the south is Bridge House Meadows. In the northern part of the site is the Millwall Football Club stadium.

- 2.2 For the purposes of describing the site it is split into the following sub-areas (a) North of Surrey Canal Road including the Stadium and surrounds, Lions Centre and Bolina Road industrial premises; (b) east of the East London Line comprising the Orion Business Centre; and (c) land to the south of Surrey Canal Road (north of Rollins Street/ west of the East London Line and east of Ilderton Road.

(a) North of Surrey Canal Road – The Stadium and Surrounds.

- 2.3 The western, northern and eastern parts of this area is triangular in shape, framed by the existing railway embankments and bridges, with Surrey Canal Road forming the boundary to the south. The area is accessed from Ilderton Road via Zampa Road (which then becomes Bolina Road) and runs north under various railway lines into Silwood Street. The area is also served by Stockholm Road which is bounded to the north by a car park for the stadium and a warehouse building to the south. This warehouse building has been divided into three units that are the subject of temporary planning permissions for change of use of part from B8 to Use Class D1 (occupied by a church), D2 (occupied by a basketball club) and sui generis (use by waste transfer operation).

- 2.4 This part of the site is dominated by Millwall FC Stadium (The New Den) a 20,000 seater stadium and associated car parking (160 spaces), part of which is used during week days by Kingsway Coaches. Immediately north of the Stadium lies the two-storey Millwall Community Scheme sports centre and to the north-west is the Enterprise Industrial Estate, a multi-tenanted estate of 42 small single-storey industrial units.

(b) North of Surrey Canal Road – Orion Business Centre

- 2.5 This occupies a triangular piece of land to the north of Surrey Canal Road (bounded by the East London Line Extension and mainline railway) and comprises a number of single-storey industrial units.

(c) Surrey Canal Road and Land to the South

- 2.6 Surrey Canal Road between the existing railway bridge to the west (close to its junction with Ilderton Road) and the East London Line Extension bridge to the east forms part of the site. To the south of Surrey Canal Road is the Excelsior Works (accessed from Surrey Canal Road and Rollins Street) comprising a number of one to three-storey industrial buildings and warehouses (19 units), two small two-storey residential buildings fronting Rollins Street, the two to four-storey Rollins House fronting Rollins and the three-storey Guild House (currently used by a number of small businesses). A new temporary floor to Guild House was granted planning permission in 2013 and is under construction. To the west is a scaffolding yard and building and the Jewsons building merchants, both served from Rollins Street.

The Surrounding Area

- 2.7 South Bermondsey Station (which is served by trains to London Bridge) is located on an embankment at the northern apex of the site, accessed by a sloping path up from Rotherhithe New Road, with stairs to Ilderton Road. There is an existing fenced-off path from the station for the away supporters to access the Stadium on match days only, otherwise the application site is not currently directly linked with the station.
- 2.8 To the east is the South East London Combined Heat and Power plant (SELCHP) with the Council's Landmann Way Waste and Recycling Centre to the south. To the south of Surrey Canal Road and east of the site is the Elizabeth Industrial Estate of mainly one and two-storey industrial units.
- 2.9 To the south of the Orion Estate is a residential estate built in the early 1990s comprising three and four-storey flats and houses, with those on Bridge Meadows and Myers Lane being the closest to the site.
- 2.10 Bridgehouse Meadows, an area of public open space is located to the east of the application site, with access from Rollins Street and Surrey Canal Road.
- 2.11 Directly to the south of the application site on Rollins Street is the Winslade housing estate. This comprises a four-storey block of maisonettes that are bounded to the east by Bridgehouse Meadows with vehicular access from Ilderton Road.
- 2.12 Between the railway embankment and Ilderton Road is a mix of industrial, scaffolding yard and residential uses including a travellers site.

Thameslink

- 2.13 Works to the Thameslink line are currently being undertaken to the east of the application site, and are due to be completed by 2016. The works have closed Bolina Road (within the application site) for vehicular through access from the railway viaducts to the north east of the site through Silwood Street.

3.0 Planning History

- 3.1 **Surrey Canal Triangle** (DC/11/76357) – Outline Planning permission was granted on 30th March 2012 for the comprehensive, phased, mixed use development of the site for up to 240,000sqm (GEA) of development as set out in

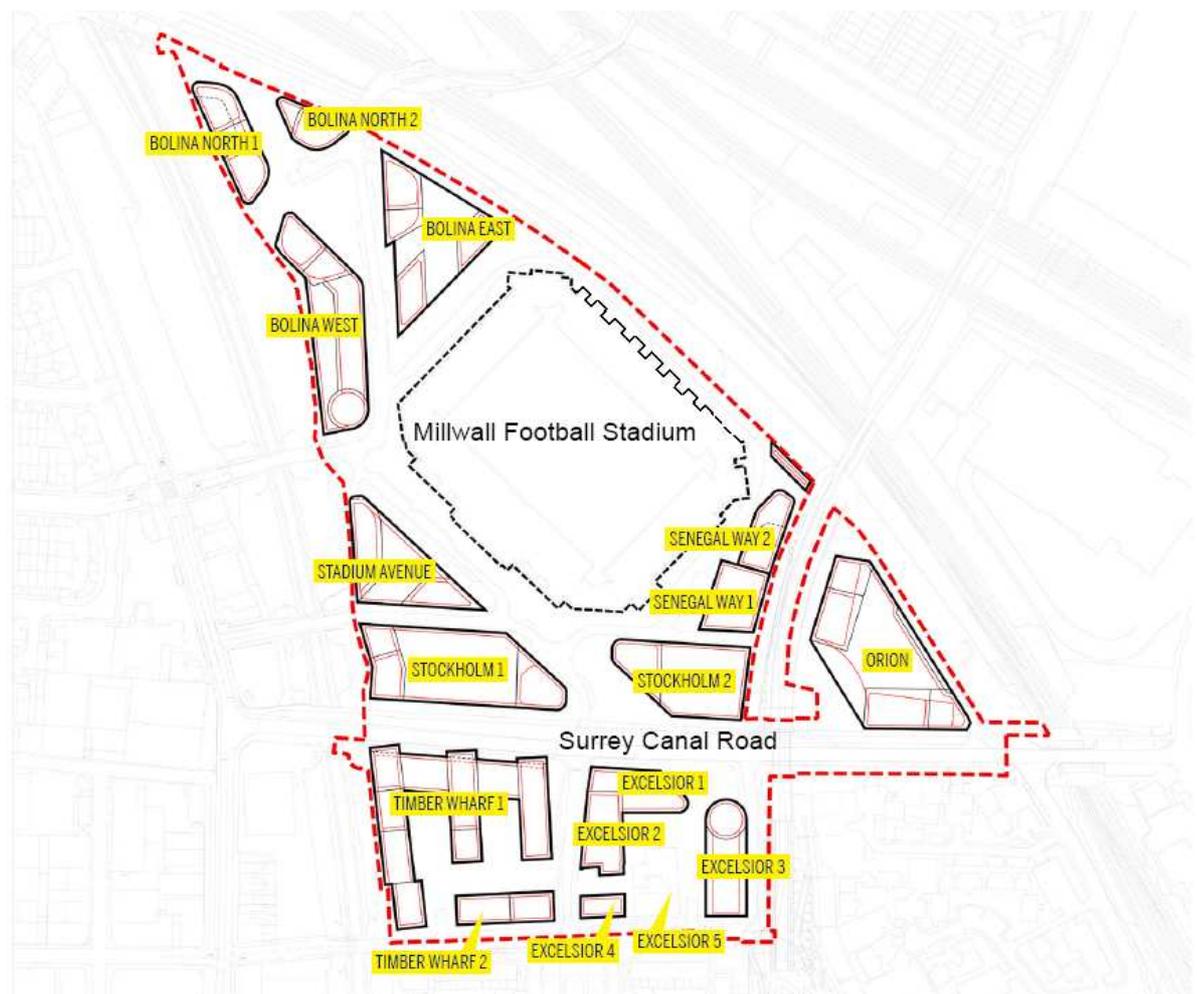
the revised Development Specification dated 1st July 2011 as amended 2nd September 2011. The principal elements of the outline planning permission comprise up to 2,400 homes (Class C3); retail (Class A1-A5); business space (Class B1); hotel (Class C1); non-residential institutions (Class D1); assembly and leisure (Class D2) excluding the Millwall FC stadium. The proposals involve the demolition of all existing buildings on the site with the exception of the Millwall FC Stadium (retained and its facade upgraded and/or re-clad), Guild House (retained and extended) and Rollins House (retained). The works also involve re-profiling of site levels, alterations to Surrey Canal Road and the re-alignment of Bolina Road, associated works and landscaping.

- 3.2 In terms of the type and mix of uses on the site, the outline planning permission gave consent for 4,260m²-15,800m² of D2 floorspace (excluding the Stadium which remains as existing). Class D2 includes a range of indoor and outdoor sports related uses including sports halls, swimming baths, skating rinks, gymnasiums but also other leisure uses. Condition 5 of the outline planning permission however specifically prevents the use of this space for other purposes within Class D2 i.e. cinema, concert hall, bingo hall or dance hall, and the s.73 application does not propose to change this. Accordingly the sport-related focus of the development is safeguarded and any change to this would require a further application to the Council. The s.106 agreement includes further provisions relating to the sports uses on the site including a 'Sport Facilities Strategy' relating to the provision and operation of the sport facilities which will cover such matters as a business plan for the management of the facilities, proposed opening hours and uses, charging structure/entrance fees/membership subscription and operational costs, as well as details of the measures ensuring that the sports facilities are available to local people at discounted rates. The design of the buildings will be addressed through reserved matters applications with input and advice from the Design Quality Team.
- 3.3 Renewal, the promoters/developers of the Surrey Canal Triangle development, have applied for and been granted a number of temporary planning permissions for uses and a building extension on parts of the site. These are outlined below (para. 3.6-3.10).
- 3.4 **Millwall FC Stadium (90/32084)** – the initial outline planning permission for the stadium was granted in September 1991 and provided for a 25,000 capacity stadium, up to 2,050sqm of business/light industrial (B1) floorspace, a two-storey multipurpose sports centre and five-a-side football pitches, car parking for 240 cars, new vehicular accesses from Zampa, Bolina and Stockholm Road and a pedestrian/emergency access to Surrey Canal Road. In May 1992, the Council approved reserved matters for the stadium (92/4539) and in doing so agreed to a number of significant amendments including:
- (a) A reduction in capacity to 20,000 (although restrictions imposed by the Council and the Metropolitan Police have effectively reduced this further to 17,000);
 - (b) A reduction in business space to 1,300m²;
 - (c) The relocation of the sports centre/five-a-side football pitches to Bolina Road; and

- (d) Clarification that only 160 of the permitted 240 car parking spaces would be in use on match days (to allow sufficient space for spectators, emergency vehicles and outside broadcast vehicles).
- 3.5 In July 1992 Millwall FC applied to vary the original S.106 agreement to permit an intensification and diversification of use and the Council and the Club entered into a supplementary legal agreement in April 1993. The original and supplemental agreements control and limit aspects of use of the stadium including a) the maximum number of events in any one year, b) the timing of events, c) the provision of a minimum number of off street car parking spaces, d) the provision of park and ride facilities for non-football events.
- 3.6 **East London Line Extension** – the Order (October 2001) under the Transport and Works Act that gave Transport for London the powers to build the East London Line Extension was accompanied by a planning Direction granting deemed planning permission for the proposals.
- 3.7 **Stockholm Road** – Following the grant of outline planning permission for the redevelopment of the Surrey Canal Triangle site planning permission has been granted for the temporary use of a vacant warehouse building on Stockholm Road (see 3.8-3.10 below). One unit has been occupied by an existing business relocating from elsewhere on the site. The other two have been occupied by prospective long-term occupiers of part of the Surrey Canal Triangle development.
- 3.8 Temporary planning permission granted until 31st August 2017 for change of use of Unit 1 Stockholm Road from B8 (warehouse and storage) to sui-generis waste transfer and installation of temporary weighbridge along with storage facilities and car parking (ref. DC/12/80047). The unit is occupied by RTS Limited.
- 3.9 Temporary planning permission granted until 31st August 2017 for change of use of Unit 2 from B8 to D2 (assembly and leisure) including seating for 200 spectators (ref. DC/13/83984). The unit has been fitted out and occupied by Lewisham Thunder as a basketball courts.
- 3.10 Temporary planning permission granted until 31st August 2017 for change of use of Unit 3 from B8 to D1 (church) together with ancillary offices and storage (ref. DC/13/83984). The unit has been fitted out and is occupied by Hillsong.
- 3.11 **Guild House** DC/13/82738 – Planning Permission granted for the temporary construction of an additional storey to the existing building to provide 161m² office floor space (Use Class B1), together with the formation of a new entrance on ground floor, enlargement of the existing lift shaft and staircase incorporating a timber canopy, alterations to elevations including installation of wall mounted lighting at Guild House Rollins Street SE15. A condition attached to the decision notice requires the structure to be removed and building restored to its original condition on or before 30th April 2018.
- 3.12 DC/13/82971 – Planning permission granted for the temporary change of use of the existing building at Guild House Rollins Street SE8 from storage and distribution (Use Class B8) to Business (Use Class B1).
- 3.13 An EIA Scoping Opinion (DC/13/84328) was issued on 20 September 2013 in respect of the further assessment required of the current proposals.

4.0 Current Application

4.1 This application is made under s.73 of the Town and Country Planning Act 1990 for amendments to certain plots of the previously approved Parameter Plans (and consequential changes to the approved Development Specification) and thus a variation of Condition 3 of the planning permission dated 30 March 2012 (DC/11/76357) in respect of the comprehensive redevelopment of the site. The changes to the Parameter Plans relate to Plots Timber Wharf 1 and 2, Stockholm 1 and 2 and Senegal Way 1 and 2. No changes are proposed to any of the other Plots – Orion, Excelsior 1, 2, 3 and 4, Stadium Avenue, and Bolina East, West and North 1 and 2, or to the Millwall FC stadium.



4.2 No changes are proposed to the description of development on the 30 March 2012 planning permission or to any other planning conditions. There is no increase in the overall floorspace of the development granted planning permission in March 2012, only a change in the quantum of floorspace associated with each land use concerned within each relevant Plot. The effect of the changes therefore is to maintain the overall quantum of development, and within the specified limits on floorspace by use across the site as a whole.

4.3 Specifically the changes being sought are:

- Change to the configuration of Timber Wharf comprising a larger continuous plot extent for Timber Wharf 2 to allow for the construction of one building for D2 use (including ancillary A1 – A5 retail uses) fronting Surrey Canal Road. Plot Timber Wharf 2 comprises an extension to the plot extent along the

Rollins Street frontage with minimum and maximum parameters of 5.72m (min) and 6m (max). The minimum and maximum parameter heights for the new building are the same as the parameter heights for the consented Plot Timber Wharf 1 as it fronts on to Surrey Canal Road.

- Extension to Timber Wharf 1 along the frontage of Surrey Canal Road for C3 (residential) use with minimum and maximum parameter heights of 6.10m (min) and 6.40m (max).
- Increase in the minimum and maximum parameter heights of Plot Senegal Way 1 from 18.34m (min) and 19.31m (max) to 30.90m (min) and 33.40m (max), representing an increase of between 12.56m and 14.09m respectively. Increased building height to be for C3 (residential) use.
- Alteration of the lower level land uses in Plot Senegal Way 1 from D2 (Assembly and Leisure) to A1-A5 (Retail/Restaurants), B1 (Business) and C3 (Residential - lobby) uses.
- Alteration to the Plot extent of Senegal Way 1.
- Increase in the minimum and maximum parameter heights of Plot Senegal Way 2 from 40.89m (min) and 43.40m (max) to 44.09m (min) and 46.60m (max), an increase of 3.2m respectively. Increased building height to be for residential use.
- Alteration to the configuration of Stockholm 1 reducing the maximum height for the central section of the proposed building by 10m (from 18.34m (min) and 19.31m (max)) with podium elements fronting Surrey Canal Road and Stockholm Road for residential use at 17.16m (min) and 18.91m (max). The maximum and minimum height of the new middle segment is 7.56m (min) and 9.31m (max).
- Alteration to the configuration of Stockholm 2 increasing the minimum and maximum parameter heights of the upper east of the building fronting Surrey Canal Road and the East London Line Extension from 18.34m (min) and 19.31m (max) to 29.48m (min) and 30.90m (max), an increase of 11.14m and 11.59m and a change in the upper floor land use from C3 (residential) to D2 (assembly and leisure).
- Increase in the minimum and maximum parameter heights of both towers on Stockholm 1 and 2 from 70.02m (min) and 73.71m (max) to 76.42m (min) and 80.11 (max), an increase of 6.4m.
- Relocation of a coach parking space from Stadium Avenue to Rollins Street, in place of a consented coach drop-off space.

4.4 The implications of the proposed changes are considered in detail in Section 7 below.

Supporting Documents

4.5 In addition to Revised Parameter Plans and a Revised Development Specification that define the scope of the proposed changes, the application is supported by a Supplementary Design and Access Statement which explains the rationale for the

changes. It includes a description of the changes to the Parameter Plans and a summary of the changes to landscape and open space, play space, accessibility and inclusive design, access circulation and streets, and to critical dimensions of the development.

Environmental Impact Assessment

- 4.6 The scheme encompassed by the 30 March 2012 consent was the subject of an Environmental Impact Assessment (EIA) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. These regulations were replaced by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the '2011 Regulations'). Whilst certain aspects of the 2009 Regulations have changed, the overarching requirements for EIA have not been changed by the 2011 Regulations. Relevant to the current application is paragraph 13 of Schedule 2 to the 2011 Regulations, which applies to changes and extensions to consented schemes where the development as changed or extended may have significant adverse effects on the environment or the relevant thresholds and criteria in Schedule 2 of the 2011 Regulations as applied to the change or extension are met or exceeded.
- 4.7 The application was accompanied by a Supplementary Environmental Statement which assesses the impact of the proposed changes on a range of receptors. As provided for in the 2011 Regulations, the Council must not grant planning permission pursuant to an application to which the Regulations apply unless they have first taken the environmental information into consideration, such information encompassing the environmental statement, any 'further' or 'other' information, any representations made by any body required to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development.
- 4.8 In respect of construction related effects the Supplementary Environmental Statement concludes that these impacts are unaffected by the proposed minor revisions to the consented scheme. Moreover, all the measures related to the mitigation of construction impacts remain a suitable and appropriate basis for securing the mitigation measures identified in the January 2011 ES and July 2011 Addendum.
- 4.9 In terms of the operational effects of the completed development the Supplementary Environmental Statement concludes that the effects in relation to ground conditions and contamination, water resources, ecology, archaeology, transport, socio-economics, and noise do not change as a consequence of the proposed changes to the approved scheme. Visual effects, wind effects, daylight and sunlight effects and air quality effects in this case are related to massing and form. The assessment of the proposed development concludes that the scale of the proposed changes would not materially affect the assessments carried out nor the mitigation measures set out in the January 2011 ES and July 2011 Addendum.
- 4.10 The Supplementary Environmental Statement concludes that the mitigation measures to be secured by planning conditions and/or S106 obligations remain robust and that no changes are required to any of the conditions attached to outline planning permission in order to secure the identified mitigation measures. Further, the principles adopted in order to secure mitigation measures identified in the January 2011 ES and July 2011 Addendum remain robust.

- 4.11 An assessment of the environmental impacts arising as a consequence of the proposed changes and the conclusions reached in the Supplementary Environmental Statement are covered in Section 7 below.

5.0 Consultation

Pre-Application Consultation

- 5.1 Prior to submission of the application Officers met with the applicant team to understand the rationale for and scope of the proposed changes as well as the procedural implications of the changes. The proposals were also presented to the Design Quality Team appointed to advise on design aspects of the proposed development before and after determination of the original application. In commenting on the proposed changes the Panel “recognised the logic of combining the sporting village into one complex, with associated residential, on the Timber Wharf site to the south of Surrey Canal Road. To the north the additional height of the proposed dive centre and a greater articulation of residential within the consented volume will enhance the sense of gateway from the new station. It was acknowledged that the proposed adaptations were within the spirit of the approved parameter plans, but that the areas affected should be looked at in greater sectional detail to explore the impact of the relationship between different uses and private, semi public and external public space.”
- 5.2 The terms of reference for the Design Quality Team are that it will review and provide advice to the Council on all significant reserved matters applications or separate detailed planning applications, and up to detail design final proposals. There is therefore further opportunity for their input to the design of the scheme as it emerges, including during the preparation and determination of reserved matters applications.

Consultation on s.73 Application

- 5.3 The s.73 application has been publicised and consulted upon in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2010. In addition, the application has been advertised and consulted upon in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 5.4 Under the Town and Country Planning (Mayor of London) Order 2008 the Council is also obliged to refer the application to the GLA. This was undertaken on 24th October 2013. Comments are awaited from the GLA and TfL.
- 5.5 The following internal and external consultees were also consulted:-

Internal Consultees

- Ecological Regeneration
- Highways
- Environmental Health

External Consultees

- LB Southwark
- Thames Water

- English Heritage
- Metropolitan Police Designing Out Crime Officer
- Sport England
- London Fire and Emergency Authority
- Network Rail
- SELCHP
- London Underground.

5.6 362 letters were sent to residents and business in the surrounding area. In addition 10 Site notices were displayed within the vicinity of the site on the 23rd October 2013 and Ward Councillors were notified.

Written Responses received from Local Residents and Organisations

5.7 At the time of writing two local representations had been received, one letter of support from a property at 179 Ilderton Road and one letter of objection from solicitors acting on behalf of Millwall Football and Athletic Company (1985) PLC ("Millwall").

5.8 The letter on behalf of Millwall FC raises a number of grounds of objection:

- The application is described as a minor material amendment which is considered to be an inaccurate description
- The indoor stadium represents a substantial amendment both in terms of location and functionality. It would create the possibility of a stadium with over 3,000 seats which has not been subject to any previous assessment and is not subject to any further assessment in the revised Environmental Statement. If the area were to host a professional basketball game our client cannot understand where the car parking capacity for the event may be located. The envisaged availability of shared car parking may not be visible. The Environmental Statement was predicted on a quite different basis. While the use class definition may be the same, the character of the uses put forward in very specific terms, are very different.
- Stockholm 1 and 2 will be raised from 21 storeys to 23 storeys and the maximum height increased by nearly six metres. This will impact on the views into and from the stadium and will reduce sunlight received onto the pitch. Similar concerns relate to the increases in height in Senegal Way 1, to 9 storeys, and Senegal Way 2 from 43.4m to 46.6m, which will add to the dominance and sense of enclosure. All these buildings dwarf the stadium individually and collectively.
- The revised residential development proposals are increasingly reliant on temporary play space in the immediate parameter of the stadium. The roof-top private residential amenity space is proposed to be reduced and the DAS refers to "*wrapping the stadium with play space*". The applicant should be aware that the stadium is still active on non-match days and it is expected that this activity will increase when development is implemented.
- Although the application states there will be no increase in the overall floor space to be allocated to the different use classes, the consequence of the changes in the nature of the uses and intensification they will bring could

lead to serious adverse impacts on the football club. The proposals may well conflict with the obligations set out in the s106 agreement.

- 5.9 One further point of objection relates to “changes to the multi-faith centre”. This element does not form part of the current s.73 application and is therefore not addressed within the scope of this report.
- 5.10 These matters are addressed in Section 7 below.
- 5.11 A supporting comment has been received by Millwall relating to the proposals for the increased scope and scale of ground floor retail activity.
- 5.12 Comments had also been received from a resident on Ilderton Road supporting the proposals, noting that the scheme will have a good impact on the area including improvements to safety and activity.

Written Responses received from Statutory Agencies

Environment Agency

- 5.13 The proposed amendment does not affect our previous comments with respect to flood risk management, and groundwater protection and contaminated land and we therefore have no objection to the variation of condition 3.
- 5.14 The site lies within an Air Quality Management Area (AQMA) as designated by your Authority. The SELCHP energy recovery facility is regulated by the Environment Agency. We would like to highlight the statement in the submitted Supplementary Environmental Statement that the changes to the building heights may potentially affect the dispersion of emissions from the SELCHP facility and the proposed energy centre and introduce new receptor locations at different heights in the development. The report states that the air quality model has been adjusted to reassess the proposed changes and in paragraph 4.109 concludes from the results that there would be *‘no change to the significance of the environmental effects associated with the proposed changes’*. This issue relates to human health and is therefore for your Environmental Health Officer to consider

Natural England

- 5.15 Consultation acknowledgement received but no further response.

Metropolitan Police

- 5.16 Lewisham Police state that on the basis that they understand that there are no issues that have come to the attention of the Stadium Working Group concerning the management of events in and around the Football stadium they have no comment on the proposals. They state that Lewisham police fully support the regeneration of this area and the benefits it will bring.

Other Consultees

Thames water

- 5.17 All previous comments made on the original application remain valid. Note that the waste implications of the proposed changes do not affect Thames Water and as such we have no comments to make.

Sport England

- 5.18 Consultation acknowledgement received but no further response.

Lewisham Highways and Transportation

- 5.19 Comments awaited.

Ecological Regeneration

- 5.20 No comments

Environmental Health

- 5.21 Note air quality assessment includes for the effect from SELCHP in terms of the taller buildings proposed on the site.

6.0 Policy Context

Introduction

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

- 6.2 The policies below are relevant to the changes being sought by way of this s73 application.

6.3 National Planning Policy Framework

- 6.4 The NPPF was published on 27th March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 6.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

National Planning Practice Guidance

- 6.6 In August 2013 the Government published draft National Planning Practice Guidance for consultation which closed in October. This complements the National Planning Policy Framework and provides advice on how to deliver its policies. The guidance includes advice on the determination of applications, on flexible options for planning permissions (including s.73 applications), and viability in determining applications. As a consultation draft whilst the guidance is a material consideration, at this stage it has limited weight in determining applications.

Other National Guidance

- 6.7 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)
Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
Guidance on Tall Buildings (English Heritage/CABE, July 2007)

London Plan (July 2011)

- 6.8 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.9 Inner London
Policy 2.14 Areas for regeneration
Policy 3.5 Quality and design of housing developments
Policy 3.7 Large residential developments
Policy 3.19 Sports facilities
Policy 4.1 Developing London's economy
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings

In October 2013 the Mayor of London published Revised Early Minor Alterations to the London Plan and these are operative as formal alterations and form part of the development plan.

London Plan Best Practice Guidance and Supplementary Planning Documents

- 6.9 Of relevance are:

Draft Sustainable Design and Construction SPG (July 2013)
Shaping Neighbourhoods: Character and Context - draft (February 2013)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

Core Strategy

- 6.10 The Core Strategy was adopted by the Council on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 - Lewisham Spatial Strategy

Spatial Policy 2 - Regeneration and Growth Areas

Core Strategy Policy 12 - Open space and environmental assets

Core Strategy Policy 14 - Sustainable movement and transport

Core Strategy Policy 15 - High quality design for Lewisham

Core Strategy Policy 18 - The location and design of tall buildings

Core Strategy Policy 19 - Provision and maintenance of community and recreational facilities

Strategic Site Allocation 1 - Requirements for strategic site allocations

Strategic Site Allocation 3 - Surrey Canal Triangle

Unitary Development Plan (2004)

- 6.11 The saved policies of the UDP relevant to this application are:

STR URB 1 - The Built Environment

STR URB 4 - Regeneration Areas

URB 1 - Development Sites and Key Development Sites

URB 3 - Urban Design

HSG 4 - Residential Amenity

HSG 5 - Layout and Design of New Residential Development

LCE 1 - Location of New and Improved Leisure, Community and Education Facilities

Planning Obligations Supplementary Planning Document (January 2011)

- 6.12 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Emerging Plans

- 6.13 Para. 216 of the NPPF states that decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given.

6.14 Development Management Local Plan (Proposed Submission Version) – following the close of public consultation on 4 October 2013 the Proposed Submission Version will be submitted to the Planning Inspectorate for an Examination in Public. The Proposed Submission Version is a material planning consideration and the weight decision makers afford it should reflect the advice in the NPPF para. 216.

6.15 The following policies are considered to be relevant to this application:

DM Policy 1 Presumption in favour of sustainable development

DM Policy 9 Mixed use employment locations

DM Policy 30 Urban design and local character (General Principles, Detailed Design Issues)

DM Policy 32 Housing design, layout and space standards (Siting and layout of development, Internal standards)

DM Policy 35 Public realm

DM Policy 43 Art, culture and entertainment facilities

7.0 Planning Considerations

Procedural Matters

7.1 This application is seeking approval for minor material amendments to the approved development under s.73 of the Town and Country Planning Act 1990. A minor material amendment is described in 'Greater Flexibility for Planning Permissions' (October 2010) as one "whose scale and nature results in a development which is not substantially different from the one which has been approved". Whilst this is not a statutory definition it is acknowledged as appropriate by the Department for Communities and Local Government and has recently been endorsed in the draft National Planning Practice Guidance. Case law has also established that conditions cannot be imposed on a s.73 permission that fundamentally alter the development proposed under the original consent sought to be varied, any more than they can be imposed on the original consent

7.2 Applying the applicable principles, it is considered that the scale and nature of the amendments would not result in a substantially different development from that already approved and that the amendments can be appropriately dealt with through a s.73 application. The nature of the outline planning permission, with all matters reserved means that there is some flexibility within the permission, however the overall scope and scale of development (including the floorspace and land use mix, and the maximum and minimum Plot and building dimensions) is defined by Parameter Plans and the Development Specification and within which reserved matters applications will need to be progressed. Imposing a revised condition 3 to accommodate the revised development parameters does not of itself therefore necessarily amount to a fundamental alteration to the approved development requiring a new planning application to be submitted. The issue is one of fact and degree. Officers are satisfied that the nature and scale and/or nature results in a development which is not substantially different from the proposals as previously approved.

- 7.3 As noted above, no changes are proposed to the description of development on the planning permission or to any other planning conditions. There is no increase in the overall floorspace of the development granted planning permission in March 2012, only a change in the quantum of floorspace associated with each relevant land use within the relevant Plots. The effect of the changes therefore is to maintain the overall quantum of development, and within the specified limits on floorspace by use across the site as a whole. The proposed scheme as amended would therefore still fall within the description of development on the face of the planning permission including the quantum and mix of land uses across the site. Whilst the changes are likely to give rise to new or materially different effects on the environment, these have been assessed and reported in the Supplementary ES in accordance with the EIA Regulations.
- 7.4 The Supplementary Environmental Statement concludes that the construction impacts and measures to mitigate as set out in the January 2011 ES and July 2011 Addendum remain suitable and appropriate. Given the nature and scale of the identified impacts and the scope of changes proposed under the current application Officers concur with this conclusion. In terms of the effects of the completed development the Supplementary Environmental Statement concludes that the effects in relation to ground conditions and contamination, water resources, ecology, archaeology, transport, socio-economics, and noise do not change as a consequence of the proposed changes to the approved scheme. Visual, wind, daylight and sunlight, and air quality effects have been assessed and reported in the Supplementary Environmental Statement and Officers consider that the impacts and mitigation measures set out in the January 2011 Environmental Statement and July 2011 Addendum remain robust and can be secured by planning conditions and/or S106 obligations.
- 7.5 In the objection submitted on behalf of Millwall FC it is stated that the description of the application as a “minor material amendment” is inaccurate given the extent of the changes (in terms of the amount of the site affected by them) and that the changes are at odds with the original application. It is also described as ‘fairly telling’ that the application requires some 96 documents to support it. On this second point, it is appropriate that the proposals are explained in full and in comparison with the approved scheme so that changes to both the application documents and the impact of the amended scheme can be identified and assessed. More particularly, the number of documents referred to simply reflects the way in which they are presented on the Council’s website (with documents broken down into sections for ease of downloading).
- 7.6 Government guidance on the determination of planning applications and related matters notes that by virtue of the fact an application under s.73 seeks to amend an approved scheme, then by definition the development itself will have been judged to be acceptable in principle at an earlier date. The original application for the development of the Surrey Canal Triangle site was considered by the Strategic Planning Committee in October 2011 with a resolution to grant permission subject to referral to the GLA and completion of a s.106 agreement. The Decision Notice was issued dated 30 March 2012.
- 7.7 Accordingly whilst applications under s.73 should be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004 i.e. in accordance with the development plan (and any other material considerations), the focus should be on any significant changes to national or local policies or other material considerations since the original grant of permission as well as the

changes sought themselves, but not the principle of the development as a whole. Since the original permission was granted the London Plan (2011) has been amended by the Revised Early Minor Alterations however Lewisham's Core Strategy (2011) remains unchanged. There are also emerging documents, including alterations to supplementary planning documents and Lewisham's draft Development Management Local Plan.

- 7.8 Where an application under s. 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. As noted above, the changes are to the Parameter Plans (and consequential changes to the Development Specification) but not to other conditions or the commitments and obligations on the developer in the s.106 agreement. The Decision Notice will therefore need to set out all of the conditions related to it. This will include the conditions from the existing planning permission, with the varied Condition 3. A further agreement will need to be entered into under s.106 to ensure the obligations in the existing agreement are applied to the new permission.

Considerations

- 7.9 The main issues to be considered in respect of this application are:

- a) Principle of proposed amendments
- b) Scale, massing and impacts on adjoining properties and the local area
- c) Transport, access and movement
- d) Other considerations
- e) Planning obligations
- f) Delivery

Principle of Proposed Amendments

- 7.10 The original application was considered by the Council's Strategic Planning Committee in October 2011 and planning permission granted subject to conditions and s.106 agreement in March 2012. The Development Plan at the time of determination of the original application comprised the London Plan 2011, the London Borough of Lewisham Core Strategy (adopted 29 June 2011), and the saved policies within the London Borough of Lewisham Unitary Development Plan (adopted 2004). In October 2013 the Mayor of London published Revised Early Minor Alterations to the London Plan and these are operative as formal alterations and form part of the development plan. Since determination of the original application the Government has published the National Planning Policy Framework (March 2012) that replaced Planning Policy Statements. There have also been supplementary planning documents prepared by the GLA and Lewisham's draft Development Management Local Plan has been published. These are identified in Section 6 above.
- 7.11 The current application has arisen out of discussions following the original grant of outline planning permission between Renewal and prospective occupiers of the sports facilities regarding their operational needs. The planning permission has also raised the profile of the development and working with the Surrey Canal Sports Foundation and governing bodies of various sports there has been further testing of the sports elements within the development. From this work it has been concluded that the majority of the new sports facilities should be consolidated in a single location rather than split across a number of buildings.

This is proposed in the form of a single 'sports box' on the south side of Surrey Canal Road, with a number of floors accommodating a range of different activities. The s.73 application seeks approval for the reconfiguration of buildings on specific Plots and disposition of land uses between Plots to accommodate this refinement of the sports facilities.

- 7.12 The effect of providing the sports box within the overall land use mix and floorspace cap, is to 'displace' residential floorspace currently approved on the south side of Surrey Canal Road in Plot Timber Wharf 1. This gives rise to consequential changes to Plots Stockholm 1 and 2 and Senegal Way 1 and 2. Plots Orion, Excelsior 1, 2, 3, 4, Stadium Avenue and Bolina East, West, and North 1 and 2 remain unchanged in terms of the floorspace, building heights and land use. In addition, the proposals relating to Millwall Football Club and its operations remain unchanged from the original application. The overall amount of D2 (assembly and leisure) and C3 (residential) floorspace also remains within the maximum permitted under the original permission.
- 7.13 The objection submitted on behalf of Millwall FC states that the changes amount to "a very substantial amendment both in terms of location and functionality" of the sports uses and "creates the possibility of a large indoor stadium with a capacity of over 3,000 seats which has not been the subject of any previous assessment and is not the subject of any further assessment in the revised environmental statement". They comment further that "if the arena were, for example, to host professional basketball it is not clear where car parking capacity for such an event might be located and that the envisaged availability of shared car parking (with Millwall FC) may no longer be feasible nor an alternative parking solution."
- 7.14 It is relevant to note that the existing planning permission permits D2 uses within Plots Timber Wharf 1, Senegal Way 1, and Stockholm 1 and 2 whereas the amended proposals locate these uses within Plots Timber Wharf 2 (but not 1) and Stockholm 1 and 2 but not Senegal Way 1. The change in location therefore relates to Plots where the use is proposed now to be omitted (Plots Timber Wharf 1 and Senegal Way 1). The change relates primarily to the consolidation of the sports use space within a single building south of Surrey Canal Road and the effect of this change (and consequential changes to the other Plots) has been assessed in the Supplementary ES. In terms of functionality both the approved and proposed amended Development Specification state that the development will include large span sporting centres for a range of different sports. In addition, both documents state that the existing Millwall Community Scheme (in proposed Plot Bolina East) would be accommodated within either of Plots Stockholm 1 or 2 or Timber Wharf. Therefore whilst the location of the proposed D2 sports uses would change, and the majority consolidated within one building, the overall floorspace for sports uses, format and range of potential occupiers on the site remains the same.
- 7.15 In terms of the capacity of the new sports box, the applicant has stated that the final capacity of each sporting facility/centre within the permitted D2 floorspace is not yet known and will be the subject of further discussions with the stakeholders of the sporting facilities, prior to the submission of reserved matters applications. They have also clarified that whilst there would be the capacity to accommodate a 3,000 seat arena, these spectator facilities for sporting events would not be a permanent feature of the space. Rather they would comprise retractable seating to be used when required such as for tournaments with the main day-to-day use being for sports training.

- 7.16 The original assessments, including of transport and other impacts arising from the development, were undertaken based on the quantum of floorspace for the site as a whole, rather than on a plot-by-plot basis. The assessments in the original ES (and ES addendum 2011) also considered the cumulative effect of the proposed development with other committed schemes, as well as any potential crowding on public transport services as a consequence of match day attendance at the Stadium. That assessment was considered to be robust and the further assessment undertaken for the current application is considered to appropriately address the changes as far as they are relevant i.e. the location rather than quantum of floorspace would change. In this regard it is relevant to note that the provision, management and operation of sports facilities within the development are addressed in the s.106 agreement. This includes the requirement for Millwall and the developer to jointly submit to the Council a Stadium Event Day Management Plan (including how events are co-ordinated, timetabled and managed) and also a Sport Facilities Strategy (to include details of their management by the Surrey Canal Sporting Foundation and on such matters as opening hours and uses, charging structure and operational costs). These Strategies are specifically intended to address operational issues and the interface between Millwall FC and the new development. These would be agreed with Millwall FC and it is considered that they provide a suitable mechanism to manage and control activities across the site.
- 7.17 The proposal to consolidate the majority of the D2 use into one building is intended to support the development of Surrey Canal as a regional and local centre of sporting excellence. This strategy is consistent with the overall objectives for the Surrey Canal Triangle site as set out and assessed in the original planning application and as such the principle of the proposed changes in terms of the location of the D2 uses across the site are considered acceptable and do not result in a substantially different development from that already approved. Concerns raised regarding the management and operation of the facility are considered to be adequately covered in the s.106 agreement to which Millwall FC is a signatory. In the circumstances, whilst the proposed amendments differ from those shown in the original planning application the changes are within the overall floorspace limits set out in the outline planning permission. In addition, the impact of the changes, as far as they are relevant, have been assessed and there are mechanisms set out in the s.106 Agreement regarding events that require joint working between Millwall and the developer that will control and manage how the site functions.
- 7.18 One of the consequences of consolidating the majority of the D2 floorspace south of Surrey Canal Road is that this displaces residential floorspace from this part of the site and locates it to the north of Surrey Canal Road within Plots Stockholm 1, 2 and Senegal Way 1 and 2. This will result in additional residential floorspace than originally approved being located closer to Millwall FC stadium however these dwellings, to be provided predominately within Plot Stockholm 1 and Senegal Way 2, are generally either not immediately adjacent to the stadium or the building is moved further away from the stadium than as currently approved. Part of the displaced residential floorspace will also be located at higher levels than originally approved as a consequence of the proposed increase in building heights within Plots Stockholm 1 and 2 and Senegal Way 1 and 2. However the increase in height is limited to a maximum of two floors, other than Senegal Way 1 which is now proposed as a nine storey residential building whereas in the approved scheme it was a four storey building.

Details of the design and layout of the residential accommodation is to be approved at reserved matters stage and the revised Development Specification maintains commitments regarding the housing design standards that will be applied. In the circumstances the proposed changes are considered acceptable.

- 7.19 The proposed changes also include amendments to the access and circulation for buses and coaches and these are considered below.

Scale, Massing and Impacts on Adjoining Properties and the Local Area

South of Surrey Canal Road

- 7.20 The proposed changes to Plot Timber Wharf 2 involve replacing two of the three parallel residential 'finger' blocks (running north-south from Surrey Canal Road plus a lower linking building fronting onto Surrey Canal Road and free standing residential building fronting onto Rollins Street) with a single building occupying the position of two of the blocks (and the space between them). The western most residential building on Timber Wharf 2 (adjacent to the railway embankment) and the residential building on Timber Wharf 1 (on to Rollins Street) are unchanged although they also include lower 'extensions' at their northern and southern end respectively.
- 7.21 The principal effect of the proposed changes is to locate a building of greater mass closer to Rollins Street and Surrey Canal Road and also change the setting of the two residential blocks to the west and south. In the case of the building adjacent to the railway embankment, whereas previously the adjoining building stepped down and stopped short of the full length of that building the proposed sports box maintains a consistent height and mass from Surrey Canal Road to the new residential building on Rollins Street. In the case of this building its depth is narrowed (to accommodate the sports box) and whereas as permitted it was dual aspect it is likely to be single aspect (south facing). Whilst the detailed layout of the building is still to be submitted and the interface of the residential accommodation with the sports box has yet to be resolved it is considered that the building dimensions will allow for a satisfactory solution to be progressed.
- 7.22 The outlook from residential accommodation in Timber Wharf 1 will change from a residential building stepping down in height (from approximately nine to five storeys) to a building of a consistent height of approximately nine storeys, and that connects with that fronting Rollins Street. The communal open space separating this building from the proposed sports box will be of a similar dimension to that approved although extended slightly to the north and now connecting through to Surrey Canal Road. This will clearly affect the setting of this residential building creating a more enclosed courtyard space. However the building-to-building distance is maintained and this space has a southerly aspect allowing direct sunlight into it. Subject to careful design of the western elevation of the sports box, acknowledging the sensitivity of the outlook from Timber Wharf 1, then the overall setting for this building is considered to be acceptable.
- 7.23 The outlook for residents of properties on the south side of Rollins Street will also change from a building between 18.63m to 28.23m high (with two separate taller buildings maximum 31.76m high) beyond to a single building maximum 31.76m high across the width of the previous two buildings and closer to Rollins Street. The Supplementary ES notes that the edge of the sports box will be visible behind the building on Rollins Street but that it will not exceed the approved maximum

parameter. It also notes that the proposed residential building on Rollins Street steps down to between 5 and 8 storeys as in the approved scheme. In terms of the impact on views (as part of the Landscape, Townscape and Visual Assessment in the ES), this is assessed from a number of locations with the most significant from Lovelinch Close, located to the south of Rollins Street (viewpoint 19). The original ES assessed the overall significance of the effect of the development from this viewpoint (including the replacement of the existing industrial buildings with modern buildings) as 'major beneficial'. The assessment in the Supplementary ES reaches the same conclusion. Whilst the replacement of the existing poor quality industrial buildings with a mix of new residential and sports buildings will improve the general outlook from this viewpoint, this needs to be set against the increased bulk of the sports box and so overall this is considered to result in minor beneficial effect.

7.24 Views along Surrey Canal Road will also change as a consequence of the proposed amendments, replacing two of the three end-on buildings to Surrey Canal Road (with a lower linking building) with a single building of consistent height up to the maximum approved in the original planning permission. This 'infilling' between the two taller buildings will be noticeable from selected viewpoints, however given the general scale of buildings fronting onto Surrey Canal Road this is considered acceptable with control over the detailed design being maintained through the reserved matters process and review by the Design Quality Team.

7.25 The Supplementary ES has also assessed the impact in terms of daylight and sunlight to adjoining properties as a consequence of the changes in massing. This concludes that there will be slight additional adverse effects on properties at 209-229 Ilderton Road (to the west of the railway embankment) and Reculver House (south side of Rollins Street). However to each window, the additional losses of daylight and/or sunlight are typically less than 1%, and the overall significance of the additional effect is described in the Supplementary ES as negligible. Whilst there will be adverse impacts as a consequence of the proposed development these were identified, assessed and accepted by the Council at the time of the outline application. The changes as a consequence of the proposed amendments whilst more significant are considered to be negligible and do not amount to a reason for seeking amendment to or refusing the proposed changes.

North of Surrey Canal Road

7.26 The changes north of Surrey Canal Road can be summarised as the reconfiguration of the massing of the central section of Plot Stockholm 1 (within the approved building heights) and increase in height of the eastern tower of that Plot by two storeys. An increase in the height of the tower on Plot Stockholm 2 by two storeys (for residential use) and increase in the height of the eastern section of that Plot from approximately five storeys to nine storeys (for D2 use). Plot Senegal Way 1 is reconfigured and increased in height from approximately five to nine storeys (and use changed from D2 to residential) and an additional two storeys added to Plot Senegal Way 2 (for residential use).

7.27 The principal change is the relocation of the D2 sports use space from Plot Stockholm 1 to the new 'sports box' south of Surrey Canal Road. An illustrative layout of this plot shows retail uses on the ground floor (as in the approved scheme) but with retail floorspace also introduced onto the Surrey Canal Road

frontage together with residential access cores which will help animate this frontage which was previously shown as the edge of the sports use in this plot. Internally to this plot, the lower floors would be used for residential car parking (subject to the overall cap on parking approved for the site). The floor-ceiling height of this ground floor space would be as originally proposed. Where the sports use has been relocated the podium level has been lowered with residential on the north and south side of this plot facing in to the new communal amenity space. Based on the illustrative layout, the reconfiguration of Plot Stockholm 2 would extend the area of D2 use within this plot (displacing some retail floorspace).

- 7.28 The change in massing to the buildings has been assessed in terms of townscape and visual impacts, daylight and sunlight to adjoining properties. The changes to Plot Stockholm 1 are limited to the lowering of the podium level from the roof of a five storey building to a building of two storeys (as a result of the removal of the sports use in this Plot) and provision of residential space along the southern and northern edge of the Plot. The increase in height of the towers on Stockholm 1 and Stockholm 2 (from 21 to 23 storeys) extends beyond the approved building height parameters by approximately 7m. In the overall masterplan for the development of the site these buildings are intended to act as 'gateway' markers for the main route to the Millwall FC stadium from Surrey Canal Road/East London Line station and buildings of height in this location were approved as part of the outline planning permission. Whilst the final design will be the subject of a reserved matters application (with the maximum dimensions capped by the amended Parameter Plan) in the context of the general scale of development across the site this marginal increase in height is not considered significant or detrimental in visual impact terms.
- 7.29 Objection has been received from Millwall FC to the proposed increase in height of the tallest buildings on Plots Stockholm 1 and 2 and to the buildings on Senegal Way 1 and 2. They assert that this will impact on the views into and from the stadium and will reduce the sunlight received on the pitch and add to the dominance and sense of enclosure with all these buildings dwarfing the stadium individually and collectively. The Supplementary ES has assessed the impact of the changes to daylight and sunlight to properties adjoining and within the development, including the Millwall FC stadium, and this shows that there will be a change in the extent of overshadowing of adjoining parts of the site as a consequence of the re-massing of the Plots and increase in height of buildings. Whilst the path of the sun and building location and massing means that permanent overshadowing is limited, in the case of the Millwall FC pitch there is an area (about 10% of the pitch in the southern corner) that will receive less than two hours of sunlight (measured on 21 March) as a consequence of the development. With the proposed changes to building heights, this area will increase to 15%. Whilst there will be an increase in the area of the pitch receiving less than two hours of sunlight, the effect of the increased building height on Plots Stockholm 1 and 2 is marginal and transient, with the existing stands contributing in part to the overshadowing of the pitch. In the circumstances, the scale of the effects are considered acceptable. A more significant change will occur to the communal amenity space on Plot Stockholm 1, likely to be as a consequence of the rooftop amenity space being provided at a lower level within the re-massed building. However parts of this amenity space will receive direct sunlight and the overall quality of this space is considered to remain acceptable, and will also benefit from being shielded from external noise sources.

- 7.30 Overall, it is considered that the current proposed changes will not significantly alter the effects in terms of daylight and sunlight to properties within the development, nor the recommended mitigation set out in the original ES. Achieving acceptable levels of daylight and sunlight to dwellings within the development will be addressed at reserved matters stage although it should be noted that due to the scale of the development as originally approved it is considered very unlikely that every room will meet the BRE guideline standards when the detailed design is undertaken. Nonetheless the proposed dwellings overall have the potential to receive good levels of daylight and sunlight in accordance with the BRE guidelines. The outline planning permission includes a condition (20) requiring each reserved matters application for specified Plots to achieve a satisfactory level of amenity and this condition will remain. In addition, the Development Specification sets out a commitment to ensure that no more than 40% of any new publicly accessible open space or communal residential amenity space provided on site will be in permanent shadow on 21 March and this will not change as a result of the proposed amendments. In the circumstances the identified impacts are considered acceptable.

Transport, Access and Movement

- 7.31 The existing planning permission gives consent for 4,260m²-15,800m² of D2 floorspace (excluding the Stadium which remains as existing but including a replacement ground person's store of 140 sqm). The current s.73 application does not propose to change the amount of D2 floorspace nor the nature of the use, with the only change being to the Plots where this floorspace is able to be accommodated. As permitted, the D2 floorspace can be accommodated within Plots Timber Wharf, Stockholm 1 and 2 and Senegal Way 1. As part of this S73 application, this use is able to be accommodated in the same Plots other than Senegal Way 1.
- 7.32 The approved (and revised) Development Specification states that the intention is that these Plots will accommodate large span sporting centres and that this will include a range of sports activities. It has also been anticipated that members of the public would attend events within the D2 floorspace. Given the existing Millwall FC stadium activities and approved multi-faith centre also located within the wider site, the need for a mechanism to manage the operation of these uses and to ensure that the public transport system can handle the likely number of visitors forms part of the signed s.106 agreement.
- 7.33 The approach in the Transport Assessment undertaken to support the original application was to assess the scheme as a whole (rather than on a Plot by Plot basis) and assessed the impact of the proposals in the context of a capacity crowd of 26,500 persons at Millwall FC and a greater quantum of D2 floorspace than was granted permission for. Given current crowd levels attending Millwall FC matches it is considered that the Transport Assessment was based on a worst case scenario and remains a robust assessment.
- 7.34 The final capacity of each sporting facility/centre within the permitted D2 floorspace is not yet known and will be the subject of further discussions with the stakeholders of the sporting facilities, prior to the submission of reserved matters applications. The applicant has indicated that the spectator facilities for sporting events would not be a permanent feature of the space but would comprise retractable seating to be used when required such as for tournaments with the main day-to-day use being for sports training.

- 7.35 The changes proposed in the current application do not amend the overall layout of roads within the site or vehicular access points however there are changes proposed to the location of coach parking. This involves the relocation of a single coach drop off/loading bay from north of Surrey Canal Road to Rollins Street in place of a bus stop/layover bay. The remaining bus layovers on Rollins Street are retained and all road widths and access points remain as approved. Rollins Street is identified on the approved access and movement plans as a route for buses including the new terminus of bus route 168 that currently operates from 0530 to 0100. The use of the proposed coach bay will only be used when there is an event in the sports box on Timber Wharf with coaches travelling eastbound to allow passengers to alight on the footway. The s.106 agreement currently includes provisions relating to coach parking and also to event day management principally to address the interface between Millwall FC activities and the adjacent Plots north of Surrey Canal Road. Given the relocation of the majority of the D2 uses south of Surrey Canal Road and proposed use of Rollins Street for coach drop off loading it is appropriate that the Event Day Management Plan relates also to the operation of the proposed sports box.
- 7.36 The indicative location for the main pedestrian access to the proposed sports box is shown as being from Surrey Canal Road (i.e. as originally proposed) with secondary access along its eastern edge where retail and café uses are also proposed. Locating the main entrance on Surrey Canal Road is considered appropriate, both to give the facility an active frontage and also to encourage pedestrian movement from the proposed London Overground station and bus stops along Surrey Canal Road rather than the more residential Rollins Street.

Other Considerations

- 7.37 Daylight and sunlight to new dwellings within the site was assessed at the time of the original application and using the same methodology tests have been undertaken based on the revised maximum parameter plan drawings. The results of this assessment show that all of the assessed rooms will meet the recommended daylight standards as set out in the BRE guidelines. The sunlight assessment results show that the dwellings should be able to receive adequate levels for an urban environment. The Supplementary ES concludes that the proposed dwellings have the potential to receive acceptable levels of daylight and sunlight and that the significance of the potential effects and recommended mitigation as set out in the original and ES Addendum still apply. Officers concur with these broad conclusions and it is also relevant to note that Condition 20 of the outline planning permission requires each reserved matters application for Plots Timber Wharf 1 and 2 to be accompanied by written details of how the proposed details apply the BRE guidelines to ensure that a satisfactory level of amenity would be provided. This condition remains unchanged.
- 7.38 The commitments in the Development Specification relating to residential design standards, Lifetime Homes and Code for Sustainable Homes (minimum Level 4) and BREEAM (Excellent standard) remain unchanged as is the intention to connect to SELCHP as part of a district heating network.
- 7.39 The proposed changes to building massing and Plot layouts will result in changes to the configuration of public and communal amenity space within the development. As a consequence there will be a reduction in roof level residential communal amenity space across most of the affected Plots and an objection to the change has been made on behalf of Millwall FC on the grounds that the

development is increasingly reliant on the temporary play space in the immediate perimeter of the stadium. They also note the stadium is still active on non-match days and the club expect that this activity will increase when the overall development is implemented. Whilst roof level communal amenity space for residents will decrease, all flats will be provided with private amenity space in the form of balconies (of a dimension to meet the London Housing Design Standards) with any communal space on site supplementing this provision.

- 7.40 In terms of air quality impacts, the 2011 ES considered the effects of road traffic emissions on both existing properties and receptors within the development itself, as well as the effects of SELCHP and the proposed on-site Energy Centre. The proposed changes to the Parameter Plans do not alter the overall permitted quantum of development by land use and accordingly the traffic generated by the scheme and predicted impacts on existing properties remain as in the 2011 ES. The proposed change to the distribution of uses between Plots introduces residential accommodation along Surrey Canal Road however there are no predicted exceedences of the relevant air quality objectives and the Supplementary ES concludes that the mitigation identified in the 2011 ES remains appropriate. Officers concur with this assessment.
- 7.41 The effect of the proposed changes in terms of emissions from SELCHP and the proposed on-site Energy Centre have been reassessed and reported in the Supplementary ES using the methodology adopted in the ES Addendum (July 2011). Building heights and configuration have been adjusted and new receptors included to reflect the proposed change to the approved scheme. The assessment concludes that there is no material effect on the original outcome and no likely significant effects are identified. Officers consider that the conclusions that have been reached in the Supplementary ES are robust.
- 7.42 No changes are proposed to the development in terms of housing numbers, mix, size of units or in relation to affordable housing. The affordable family housing will be provided on Plot Timber Wharf 1, close to existing family housing and with access to ground level communal open space and play space. Affordable family housing will also be provided north of Surrey Canal Road. The detailed design of the residential units will be part of reserved matters applications that will come forward in due course and be assessed and determined by the Council.

Planning obligations and Community Infrastructure Levy

- 7.43 The current s.73 application re-confirms the commitments in the Development Specification regarding the overall implementation of the scheme and the principles of the original s.106 agreement such as the scope and amount of financial contributions and triggers for payments remain unchanged. The financial appraisal submitted with the original planning application has been updated by the applicant to reflect the proposed changes and this has been reviewed by consultants appointed by the Council who reviewed the original financial appraisal. The review has assessed whether the changes to the scale and massing of individual Plots and/or the timing of the delivery of particular uses result in a different level of return to the applicant/developer. To ensure a like-for-like comparison this has been undertaken using the costs and values at the time of the original application. The review concludes that there is a marginal reduction in the overall return to the developer, largely attributable to the displacement of residential accommodation previously in earlier phases of the development to later phases to accommodate the proposed sports box on Plot

Timber Wharf 2. The outcome of the review does not materially change the conclusions reached on the original application regarding implementation of the development and provisions regarding such matters as the financial review mechanism in respect of affordable housing provision remain unchanged.

7.44 Officers consider that the obligations in the s.106 remain relevant and meet the legal tests as set out in Regulation 122 of the Community Infrastructure Levy Regulations (April 2010) (that is to say that they are considered to be 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) and should be carried forward to the new planning permission by way of a further s.106 Agreement.

7.45 The signed s.106 includes obligations in respect of the following items, and which remain relevant and appropriate in the current circumstances.

- Transport and Access including public transport investment; highways; traffic management, pedestrian/cycle routes; parking/cycle hire/car club; links to South Bermondsey station; travel plans and coach parking and event day issues; Senegal access and taxis)
- Phasing and Land Assembly
- Affordable Housing
- Sports Facilities And Multi-Faith Centre
- Lions Centre And Millwall Memorial Garden
- Public Open Space (including Bridgehouse Meadows); Public Art
- Education, Employment, Health And Training
- Business (Existing And New)
- Working Groups, Forums And Panels
- Construction Matters
- Management Plans: Stadium Event Day Management Plan And Cumulative Site Management Plan
- Energy And Environmental Sustainability
- Waste Management, Envac And Composting
- Millwall FC Stadium
- CCTV

8.0 Local Finance Considerations

8.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 As an application under s.73 of the Town and Country Planning Act 1990 where there is no increase in floorspace or the number of residential units as a consequence of the changes the Mayor of London's CIL is not payable in this case.

9.0 Equalities Considerations

- 9.1 It is considered that the application does not raise new or different considerations from those in the original planning application.

10.0 Conclusion

- 10.1 For the reasons set out in this report the proposed amendments are considered to be minor material. Specifically whilst the layout, massing of buildings and building heights on selected plots is to be amended the changes fall within the scope of the original description of development on the planning permission. There is no increase in the overall floorspace of the development granted planning permission, only a change in the quantum of floorspace associated to each land use within each Plot. The effect of the changes therefore is to maintain the overall quantum of development and within the specified limits on floorspace by use across the site as a whole.
- 10.2 The proposed amendments have been subject to consultation, including in accordance with the EIA Regulations and Lewisham's approach to consultation. The application has been the subject of further environmental assessment and considered in the light of policies set out in the development plan and other material considerations.
- 10.3 On balance Officers consider that with mitigation and compliance with the commitments set out in the revised Development Specification regarding design and environmental standards the impact of the proposed changes on adjoining properties or those within the development are acceptable. Objections raised to the proposed changes have been considered in the report. They are not considered to give grounds for not approving the proposed changes. Accordingly the proposals are considered acceptable and are recommended for approval.

11.0 RECOMMENDATION

11.1 RECOMMENDATION (A)

Subject to no direction being received from the Mayor of London Members are recommended to:

- (i) Authorise Officers to enter into a further agreement under s.106 of the 1990 Act to ensure the obligations in the existing agreement (as summarised in para. 7.45 above) together with such additions or amendments as are considered appropriate by the Head of Planning are applied to the new permission.

11.2 **RECOMMENDATION (B)**

- (ii) Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PERMISSION subject to conditions including those set out below and such amendments and/or additions as considered appropriate by the Head of Planning to ensure the acceptable implementation of the development.

(1) **Time Limit**

- (i) Applications for approval of Reserved Matters must be made not later than 30 March 2022.
- (ii) The development to which this permission relates must be begun not later than:-
 - (a) The expiration of 3 years from the date of the grant of this outline permission, or
 - (b) If later, the expiration of 2 years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with the provisions of Section 92 of the Town & Country Planning Act 1990 (as amended) and the timescale of the development and to allow for the progressive process of approvals to enable the Development and the regeneration of the area in accordance with relevant planning policies to commence as soon as reasonably practicable and within a realistic timetable.

(2) **Reserved Matters/Details**

Development shall not commence in a particular Phase until layouts/plans/sections, elevations and other supporting material for that Phase detailing:

- (i) Siting and layout of the buildings and other structures;
- (ii) Design of the buildings (including floor areas, height and massing);
- (iii) External appearance (including samples of the materials and finishes to be used for all external surfaces and including but not limited to roofs, elevation treatment and glazing);
- (iv) Means of access including car parking, cycle storage/parking, carriageways, cycleways and footways and servicing arrangements, including all surface treatments;
- (v) Hard and soft landscaping and planting, site boundary treatments of all publicly accessible open space and all private open space (including play space, private residential amenity space and communal residential amenity space) have been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, the development shall in all aspects be carried out in accordance with the details approved under this condition.

Reason: In order that the local planning authority is satisfied with the details of the proposed development in accordance with Policy 15 High quality design in Lewisham in the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

(3) **Plans and Documents**

The Development shall be carried out strictly in accordance with the following application documents, plans or drawings hereby approved:

Parameter Plan – 01 – Planning Application Boundary

Parameter Plan 03 – Existing Buildings to be Retained (SC_SEW_01_003_07);

Parameter Plan 04 – Proposed Minimum and Maximum Block Extents and Heights (SC_SEW_01_004_23)

Parameter Plan 05 – Proposed Lower Floor Uses (SC_SEW_01_005_21);

Parameter Plan 06 – Proposed Upper Floor Uses (SC_SEW_01_006_20);

Parameter Plan 07 – Proposed Ground Levels (SC_SEW_01_007_22);

Parameter Plan 08 – Proposed Enclosed Car Parking Extent (SC_SEW_01_008_18);

Parameter Plan 09 – Proposed Car Parking Extent Below Ground (SC_SEW_01_009_17);

Parameter Plan 10 – Proposed Access, Circulation and Streets (ITL8335-SK-002 Rev D);

Parameter Plan 11 - Landscape and Open Space Plan, Ground Level (TOWN428(08)5001 Rev 27);

Parameter Plan 12 – Landscape and Open Space Plan, Roof Level (TOWN428(08)5002 Rev 20);

Parameter Plan 13 – Proposed Critical Distances (SC_SEW_01_013_03);

Phasing Plan – Indicative Phasing Plan (SC_SEW_2_006_05);

Tree Removal Plan (TOWN428 (08) 3001 Rev 09);

Revised Development Specification (27 September 2013)

Supplementary Environmental Statement (27 September 2013)

Reason: To ensure that the proposal is carried out in accordance with the approved Development Specification and Plans and to ensure that the details of development accord with the assessment and conclusions of the Environmental Impact Assessment.

(4) **Business (B1) Use**

Notwithstanding any changes that may be made to the Town and Country Planning (Use Classes) Order 1987 (as amended) and/or the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any statutory instrument revoking and re-enacting that Order or Order, the Business (B1) floorspace shall be used for Business (B1) purpose only and for no other purpose.

Reason: To maintain the mixed-use nature of the development in accordance with Spatial Policy 2 Regeneration and Growth Areas, Strategic Site Allocation Policy 3 Surrey Canal Triangle and Policy 4 Mixed use employment locations in the adopted Core Strategy (June 2011).

(5) Leisure and Assembly (D2) Use

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any Order revoking and re-enacting that Order, the permitted D2 (Leisure and Assembly) floorspace shall not be used for the purpose of a cinema, concert hall, bingo hall or dance hall.

Reason: To safeguard the vitality and viability of town centres in Lewisham and Southwark in accordance with Core Strategy Spatial Policy 2 Regeneration and Growth Areas and Policy 6 Retail hierarchy and location of retailing of the adopted Core Strategy (June 2011).

(6) Restriction of Comparison Shopping (A1) Use

Notwithstanding Paragraph 2.9 of the Revised Development Specification (27 September 2013) the total amount of Class A1 comparison shopping floorspace on the site shall not exceed 2,000sqm (GEA).

Reason: 6.To ensure that the amount of Shopping A1 floorspace provided at the site does not adversely affect the viability and vitality of existing town and district centres, and to comply with Policy 6 Retail hierarchy and location of retail development of the adopted Core Strategy (June 2011), Policy STC 2 Location of New Stores (Sequential Test) in the adopted Unitary Development Plan (July 2004) and Policy 4.7 Retail and Town Centre Development in the London Plan (July 2011).

(7) Restriction on Size of Comparison Shopping (A1) Unit Size

Notwithstanding Paragraph 2.9 of the Revised Development Specification (27 September 2013), Class A1 retail shop units on the site, other than for the sale of convenience goods, shall not exceed 250sqm (GEA).

Reason: To ensure that the amount of Shopping A1 floorspace provided at the site does not adversely affect the viability and vitality of existing town and district centres, and to comply with Policy 6 Retail hierarchy and location of retail development of the adopted Core Strategy (June 2011), Policy STC 2 Location of New Stores (Sequential Test) in the adopted Unitary Development Plan (July 2004) and Policy 4.7 Retail and Town Centre Development in the London Plan (July 2011).

(8) Restriction on Size of Convenience Shopping (A1) Unit Size

Notwithstanding Paragraph 2.9 of the Revised Development Specification (27 September 2013), Class A1 retail shop units for the sale of convenience goods shall not exceed 1,000sqm (GEA).

Reason: To ensure that the amount of Shopping A1 floorspace provided at the site does not adversely affect the viability and vitality of existing town and district centres, and to comply with Policy 6 Retail hierarchy and location of retail development of the adopted Core Strategy (June 2011), Policy STC 2 Location of New Stores (Sequential Test) in the adopted Unitary Development Plan (July 2004) and Policy 4.7 Retail and Town Centre Development in the London Plan (July 2011).

(9) Hours of Opening (A3/A4 and A5 Uses)

The cafes/restaurants, drinking establishments and hot food take-aways (Use Classes A3, A4 and A5) permitted shall not be open to members of the public other than between the hours of 08.00AM and 11.00PM on any day of the week.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development, HSG 4 Residential Amenity and STC 9 Restaurants, A3 Uses and Take Away Hot Food Shops in the adopted Unitary Development Plan (July 2004).

(10) Hours of Opening (D2 Uses)

The Leisure and Assembly space (Use Class D2) hereby permitted shall not be open to members of the public other than between the hours of 06.00AM and 11.00PM (Sunday to Thursday) and 12.00 Midnight on Friday and Saturday.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(11) Restriction on development of Phase 1A

No part of the development forming part of Phase 1A (as shown on the Indicative Phasing Plan 006 Rev 05) hereby permitted shall be commenced unless and until:

- (1) All interests in the land within Phase 1A and Phase 2 (as shown on the Indicative Phasing Plan 006 Rev 05) other than statutory undertakers' apparatus and adopted public highways in the said land have been acquired by the person commencing said development and title to the said land has been deduced to the local planning authority; and
- (2) All interests in Phase 1A and Phase 2 (as shown on the Indicative Phasing Plan 006 Rev 05) have been bound by the terms of the S.106 Agreement entered into pursuant to the Town and Country Planning Act 1990 (and all other powers) of the same date of this planning permission.

Reason: To avoid inappropriate piecemeal development across the site and to ensure a comprehensive phased approach to development in accordance with Strategic Site Allocation 3 Surrey Canal Triangle of the adopted Core Strategy (June 2011).

(12) Restriction on development of Phases 3, 4, 5 and 5A

No development shall be carried out under this permission on any land within Phases 3, 4, 5 or 5A (as shown on the Indicative Phasing Plan 006 Rev 05) unless and until:

- (i) All interests in the land within Phase 1B (as shown on the Indicative Phasing Plan 006 Rev 05) other than Rollins House (as identified on Parameter Plan 03: Existing Buildings to be Retained) have been acquired and are held by the same person who owns all interests in the land comprised within Phases 1A, 2 and 3 and title to the said land has been deduced to the local planning authority.
- (ii) All interests in the said land have been bound by the terms of an Agreement entered into between the local planning authority and the applicant pursuant to section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) of the same date of this planning permission.

Reason: To avoid inappropriate piecemeal development across the site and to ensure a comprehensive phased approach to development in accordance with Strategic Site Allocation 3 Surrey Canal Triangle of the adopted Core Strategy (June 2011).

(13 A) No part of the development forming part of Phase 5 (as shown on the Indicative Phasing Plan 006 Rev 05) hereby permitted shall be commenced unless and until:

- (1) All interests in the land within Phase 5 (as shown on the Indicative Phasing Plan 006 Rev 05) other than statutory undertakers' apparatus and adopted public highways in the said land have been acquired by the person commencing said development and title to the said land has been deduced to the local planning authority; and
- (2) All interests in Phase 5 (as shown on the Indicative Phasing Plan 006 Rev 05) have been bound by the terms of the S.106 Agreement entered into pursuant to the Town and Country Planning Act 1990 (and all other powers) of the same date of this planning permission.

(13 B). No part of the development forming part of Phase 5A (as shown on the Indicative Phasing Plan 006 Rev 05) hereby permitted shall be commenced unless and until:

- (1) All interests in the land within Phase 5A (as shown on the Indicative Phasing Plan 006 Rev 05) other than statutory undertakers' apparatus and adopted public highways in the said land have been acquired by the person commencing said development and title to the said land has been deduced to the local planning authority; and
- (2) All interests in Phase 5A (as shown on the Indicative Phasing Plan 006 Rev 05) have been bound by the terms of the S.106 Agreement entered into pursuant to the Town and Country Planning Act 1990 (and all other powers) of the same date of this planning permission.

Reason: To avoid inappropriate piecemeal development across the site and to ensure a comprehensive phased approach to development in accordance with Strategic Site Allocation 3 Surrey Canal Triangle of the adopted Core Strategy (June 2011).

(14) Water Supply

- (i) No part of the development shall commence until impact studies of the development on existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- (ii) No such works shall be carried out other than in accordance with the approved impact studies.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand in accordance with Policy ENV PRO 17 Management of the Water Supply in the adopted Unitary Development Plan (July 2004) and Policy 5.15 Water use and supplies in the London Plan (July 2011).

(15) Flood risk

No part of the development other than works of demolition shall commence until a Site-wide Specific Breach Assessment with details of safe refuge above the 1:200 year flood level or site specific breach level has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the risks of flooding are managed in ways that safeguard the safety of people in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011) and Policy 5.12 Flood risk management in the London Plan (July 2011).

(16) Site-wide Drainage Strategy

- (i) No part of the development other than works of demolition shall commence until a Site-wide Drainage Strategy (SDS) has been submitted and approved in writing by the local planning authority (in consultation with Thames Water and the Environment Agency). The SDS shall be informed by investigations into the extent of potential contamination and its effect, together with an assessment of the potential for disposing of surface water by means of sustainable drainage systems in accordance with the principles set out in Policy 5.13 of the London Plan (July 2011) and CIRIA C697 SUDS Manual (or equivalent) and shall set out a framework for the future development of individual Phases and Plots during both construction and long-term operation. The SDS shall include:
 - (a) A plan at 1:1000 scale showing the layout of proposed Site-wide drainage system;
 - (b) Details of any on and/or off-site drainage works;
 - (c) Details of any on and/or off-site drainage works during the construction phase;

- (d) Details of proposed sustainable drainage techniques to collect surface water run-off (including soakaways, ponds and infiltration trenches where feasible);
- (e) Explanation as to how the SUDS hierarchy would be followed and justification for any proposed mechanical pumping of water where discharge by gravity is not feasible; and
- (f) Proposals for meeting a Greenfield run off rate of 8 l/s/ha for storm events up to the critical duration 1 in 100 year plus climate change return period event, with justification for any proposed higher flow rates.
- (ii) Detailed drainage arrangements for individual Plots shall be implemented and maintained in perpetuity in accordance with the approved SDS.
- (iii) No foul or surface water from the development shall be discharged into the public system until the drainage works referred to in an approved SDS have been completed.

Reason: To ensure adequate drainage arrangements during both the construction and long-term operational phases of the development in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011) and Policies 5.13 Sustainable drainage and 5.14 Water quality and sewerage infrastructure in the London Plan (July 2011).

(17) Reconciliation Document

- (i) Each Reserved Matters application that is submitted for a particular Plot or Phase shall be accompanied by a Reconciliation Document comprising a Development Table, Illustrative Plan and Commitments Note. The Document shall set out the detail of: (1) what has been built to date; (2) what is proposed in the Reserved Matters application, (3) what is permitted in outline but has yet to be approved in detail, and; (4) what has reserved matters approval. In doing so it shall demonstrate how the development the subject of the Reserved Matters application is consistent with the overall proposals for the site, as established by the Revised Development Specification (27 September 2013) and Parameter Plans (as set out in Condition 3).
- (ii) The Development Table element of the Reconciliation Document shall include details of the following for (1), (2), (3) and (4):

The type and quantum of non-residential use(s) (sqm GEA);

The type and number of 1-bed, 2-bed, 3-bed and 4-bed dwellings and the number of habitable rooms for 'Private', 'Social Rented', 'Intermediate' and wheelchair accessible/'easily adaptable' housing;

The amount (sqm) of private residential amenity space, communal residential amenity space (including play space), publicly accessible open space and living roofs; and

The number of car parking, motor cycle parking and cycle parking spaces for residential dwellings, non-residential uses and visitors.

- (iii) The Illustrative Plan element of the Reconciliation Document shall include a plan at 1:1000 scale showing details of the following for (1), (2), (3) and (4):

The disposition of buildings on the Plots;
The disposition of roads, footpaths and cycle paths;
The location of the District Heat Network pipes; and
The location of the Envac System pipes and portals.

- (iv) The Commitments Note element of the Reconciliation Document shall include details of how the proposals the subject of the Reserved Matters application would meet all of the relevant commitments in the Revised Development Specification (September 2011). It shall also confirm how the mitigation assumed in the Environmental Statement (January 2011) , Addendum (June 2011), Supplementary Environmental Statement (27 September 2013) and secured by other planning conditions or planning obligations are to be incorporated in to the detailed proposals and that the predicted environmental effects are not materially different from those that were assessed at outline stage.

Reason: To enable the Council to be satisfied that detailed proposals for part of the site are consistent with the outline proposals for the Site as a whole, as established by the Revised Development Specification (September 2013) and Parameter Plans and to ensure that the development on each Phase makes a positive contribution towards the delivery of the comprehensive and integrated masterplan for the Site as a whole.

18 Detailed Design and Access Statement

Each Reserved Matters application that is submitted for a particular Phase or Plot shall be accompanied by a Detailed Design and Access Statement which demonstrates the underlying approach of the proposed development and explains how it meets the design and access principles and character areas set out in the Design and Access Statement (January 2011), Addendum (July 2011) and Supplementary Design and Access Statement (September 2013).

Reason: To ensure that development on each Phase makes a positive contribution to the delivery of the comprehensive and integrated masterplan for the Site as a whole in accordance with Policy 15 High quality design for Lewisham and Strategic Site Allocation 3 Surrey Canal Triangle of the adopted Core Strategy (June 2011).

(19) Detailed Energy Strategy

Each Reserved Matters application that is submitted for a particular Phase or Plot shall be accompanied by a Detailed Energy Statement which sets out how the proposed development would fully contribute to CO2 emissions reduction, with reference to the Energy Strategy January 2011, Energy Strategy Addendum 2011 and commitments in planning obligations.

Reason: To ensure that development on each Phase fully contributes to CO2 emission reductions in accordance with Policy 7 Climate change and adapting to the effects, Policy 8 Sustainable design and construction and energy efficiency and Site Specific Allocation 3 Surrey Canal Triangle of the adopted Core Strategy (June 2011) and Policy 5.2 Minimising carbon dioxide emissions, Policy 5.5 decentralised energy networks, Policy 5.6 Decentralised energy in development proposals and Policy 5.7 Renewable energy in the London Plan (July 2011).

(20) Daylight and Sunlight

Each Reserved Matters application that seeks approval of details of permitted residential dwellings or details of scale of permitted buildings on Plots Timber Wharf 1 (adjacent to Rollins Street only), Timber Wharf 2, Excelsior 3 and Excelsior 4 shall be accompanied by written details of how the proposed details apply the commitments set out in the Revised Development Specification (September 2013) and the guidelines in the Building Research Establishment's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 1991" and ensures that a satisfactory level of amenity would be provided.

Reason: To provide sufficient information to enable the local planning authority to ensure that a satisfactory level of amenity is provided for future occupiers of the proposed residential dwellings and occupiers of existing residential dwellings, in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(21) Wind

- (i) Each Reserved Matters application that seeks approval of details of landscaping associated with communal residential amenity space and/or publicly accessible open space shall confirm how the mitigation measures identified in Section 10.7 of the Environmental Statement Addendum (June 2011) have been incorporated into the proposals. They shall also be accompanied by a written assessment of the likely wind effects of the proposals based on a purposely-designed boundary layer wind tunnel study and set out details of any mitigation that may be necessary.
- (ii) Wind mitigation measures that are approved in relation to Reserved Matters applications shall be implemented before the housing in the Plot(s) to which they relate are first occupied, or as otherwise agreed in writing by the local planning authority, and thereafter retained.

Reason: The Development has been the subject of Environmental Impact Assessment and the mitigation identified in Section 10.7 of the Environmental Statement Addendum (June 2011) needs to be incorporated to ensure that impacts are not materially different from those that have been assessed. To provide sufficient information to enable the local planning authority to ensure that a satisfactory level of amenity is provided for future occupiers of the proposed residential dwellings and users of publicly accessible open space, in accordance with saved Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(22) Use of Car and Coach Parking

All car and coach parking spaces within the Development shall be reserved for and used by vehicles of the occupiers or users of the Millwall FC Stadium and Development only (including visitors of residents living in the Buildings, employees of businesses within the Buildings and persons visiting the Buildings for the purposes of conducting business with the occupiers thereof).

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the Buildings does not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the adopted Core Strategy (June 2011) Policy 6.13 Parking in the London Plan (July 2011).

(23) Amount of Car Parking

The Development shall provide:

- (i) A maximum of 318 new non-residential car parking spaces (and 70 spaces shared with Millwall Football Club);
- (ii) 22 car parking spaces for a car club;
- (iii) A maximum of 720 residential car parking spaces;
- (iv) A minimum of 10% of car parking spaces for residential dwellings to be provided at the same time as the dwellings to which they relate are provided and maintained as 'blue-badge' sized spaces; and
- (v) A minimum of 20 surface level car parking spaces to be provided as 'blue-badge' sized spaces.

Reason: In Accordance with Policy 14 Sustainable transport and movement of the adopted Core Strategy (June 2011) and Policy 6.13 Parking) in the London Plan Policy (July 2011). The Development has been the subject of Environmental Impact Assessment and any material changes in the amount of car parking and/or cycle parking may have an impact which has not been assessed by that process.

24. Cycle Parking and Facilities

- (i) Secure and covered cycle parking shall be provided within the Development for the permitted residential dwellings at a ratio of 1 space per 1 or 2-bed residential dwelling and 2 spaces per 3-bed or more residential dwelling.
- (ii) Secure and covered cycle parking shall be provided for the permitted non-residential uses in accordance with the following standards:
 - Land Use Standards (GEA
 - A1 (Food) 1 space per 125sqm
 - A1 (Non-food) 1 space per 300sqm
 - A2 (Financial Services) 1 space per 125sqm
 - A3, A4 and A5 (Cafes and Restaurants, Drinking Establishments and Hot Food Take-aways) 1 space per 20 staff and 1 space per 20 customers
 - B1 (Business) 1 space per 250sqm
 - C1 (Hotels) 1 space per 10 staff
 - D1 (Health) 1 space per 5 staff and 1 space per 10 visitors
 - D2 (Assembly and Leisure) 1 space per 10 staff and 1 space per 20 peak period visitors
- (iii) No Phase of the Development shall be commenced until details of the proposed provision of cycle parking for residents, occupiers of non-residential uses and visitors (including the numbers, type of cycle stands and their location) for that Phase have been submitted to and approved in writing by the local planning authority. Approved cycle parking facilities shall be provided before the occupation of residential dwellings and non-residential uses to which they relate are first occupied and shall be retained thereafter.
- (iv) Changing facilities (including a shower) shall be provided within each Building for which non-residential uses are proposed for each separately defined element of the Building.
- (iii) No Building where changing facilities are to be provided shall be first occupied until the approved changing facilities have been provided and made available for use. Thereafter such facilities shall be retained and used only as changing facilities for use as provided for in (ii) of this Condition.

Reason: To encourage cycling in accordance with Policy 14 Sustainable transport and movement of the adopted Core Strategy (June 2011) and Policies 6.9 Cycling and 6.13 Parking in the London Plan (July 2011).

(25). Motorcycle Parking

Motorcycle parking spaces shall be provided within each Phase of the Development for occupiers and visitors of the permitted residential dwellings and non-residential floorspace. The number of spaces provided in any Phase shall be a minimum of 5% and a maximum of 10% of the number of car parking spaces provided in that Phase. The motor cycle

parking spaces shall not be used for any other purpose and shall be maintained for use as motorcycle parking spaces.

Reason: In order to ensure adequate provision for motorcycle parking and to comply with Policy TRN 28 Motorcycle Parking in the adopted Unitary Development Plan (July 2004).

(26) Parking Management Plans

No Development within a particular Phase shall be first occupied until such times as a Parking Management Plan (PMP) for car, cycle and motorcycle parking (in Buildings and outside of Buildings) has been submitted to and approved in writing by the local planning authority. PMPs shall include details of:

The location, size, layout and access arrangements (including allocation of spaces) of all car parking spaces including 'blue-badge' car parking spaces, cycle parking spaces and motorcycle parking spaces;

- (ii) The location, size, layout and access arrangements (including allocation of spaces) of all cycle storage/parking spaces; and
- (iii) Arrangements for the on-going monitoring of the need for 'blue-badge' car parking spaces and for making adjustments to the number and location of on-street 'blue-badge' car parking spaces in response to monitoring results.

Car, cycle and motorcycle parking relating to a particular Plot in the Phase shall be provided before any Building is first occupied and maintained in perpetuity in accordance with an approved PMP unless otherwise agreed in writing by the local planning authority.

On the Stadium Avenue Plot, the maximum number of vehicles to serve the permitted non-residential uses at any one time shall be limited to 130, excluding any Outside Broadcasting Vehicles.

Reason: In order to ensure adequate provision for car, cycle and motorcycle parking and to comply with Policy 14 Sustainable transport and movement of the adopted Core Strategy (June 2011), Policy TRN 28 Motorcycle Parking in the adopted Unitary Development Plan (July 2004) and Policies 6.9 Cycling and 6.13 Parking in the London Plan (July 2011).

(27). Use of Enclosed Broadcast Vehicle Area on Plot Stadium Avenue

The Enclosed Broadcast Vehicle Area on Plot Stadium Avenue (shown on Parameter Plan 08 (SC_SEW_01-008_18)) shall be used only for Outdoor Broadcasting Vehicles on days when events take place at the Millwall FC Stadium and for servicing purposes on all other days. The Area shall not be used for general car parking purposes at any time.

Reason: To manage the amount of off-street car parking in the Development, in accordance with Policy 4 Sustainable movement and transport of the adopted Core Strategy (June 2011) and Policy 6.13 Parking in the London Plan (July 2011).

(28) Car Parking for Retail Uses

Notwithstanding Condition 21 no car parking (other than 'blue-badge' bays) shall be allocated or otherwise made available to staff working in or visitors visiting the permitted Retail Uses (Use Class A1, A2, A3, A4 and A5) in the Development.

Reason: To safeguard the vitality and viability of town centres in Lewisham and Southwark in accordance with Spatial Policy 2 Regeneration and Growth Areas and Policy 6 Retail hierarchy and location of retailing of the adopted Core Strategy (June 2011).

29. Electric Vehicle Charging Points

- (i) Full particulars of the Electric Vehicle Charging Points (EVCPs) to be provided in the car parks and a programme for their installation and maintenance in a particular Phase shall be submitted to and approved in writing by the local planning authority before any development in that Phase is first occupied.
- (ii) The provision of EVCPs shall be in accordance with Table 6.1 of the Replacement London Plan (July 2011).
- (iii) The said EVCPs shall be installed and maintained in accordance with the approved particulars and programme of installation and maintenance.

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policies 4A.19 Improving air quality and 6.13 Parking in the London Plan (July 2011).

(30) Delivery and Service Plan

- (i) No Building on a particular Plot shall be first occupied until a Delivery and Servicing Plan (DSP) for that Plot that is consistent with Parameter Plan 10 (ITL8335-SK-002 Rev D) has been submitted to and approved in writing by the local planning authority. DSPs shall set out details of the proposed serving areas (location, size and dimensions) and proposed hours of servicing.
- (ii) The uses in all buildings shall be carried out in accordance with the relevant approved DSP.

Reason: To ensure safe, efficient and sustainable access to and protect amenities of existing and future occupiers and comply with Policy 14 Sustainable transport and movement of the adopted Core Strategy (June 2011), Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 6.14 Freight in the London Plan (July 2011).

(31) Highway Layouts

No Building on a particular Plot shall be first occupied until the (public or private) highway(s) serving that Plot have been constructed to the satisfaction of the local planning authority.

Reason: To ensure safe, efficient and sustainable means of access to the development in accordance with Policy 14 Sustainable transport and movement of the adopted Core Strategy (June 2011).

(32) Match-day Supporter Segregation Barriers

- (i) Prior to the commencement of development in Phases 3, 4, 5 and 5A details of proposed physical method of separation of away supporters and home supporters during the construction and operational stages of the particular Phase shall be submitted to and approved in writing by the local planning authority, in consultation with the Metropolitan Police Service and Millwall Football Club.
- (ii) Match-day supporter segregation barriers in accordance with the approved details shall be provided on days when there is a football match at the Stadium from 2 hours before to 2 hours after the scheduled start of the match.

Reason: To ensure that the coach parking area can be used on match-days in ways that reduce crime and the fear of crime and that such barriers are of a suitably high quality design and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011).

(33) Emergency Flood Plan

- (i) No development other than works of demolition in a particular Plot shall be first occupied until an Emergency Flood Plan in accordance with guidance in PPS25 (or any guidance that replaces it), the findings of Flood Risk Assessment (NTW/321/FRA-D dated 13/01/11) and Flood Risk Assessment Addendum (July 2011) and the findings of a Site-wide Specific Breach Assessment required by Condition 15 has been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency).
- (ii) The approved Emergency Flood Plan shall be kept in place and its findings implemented for as long as development in the Plot to which it relates is occupied.

Reason: To ensure that the risks of flooding are managed in ways that safeguard the safety of people in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011) and Policy 5.12 Flood risk management in the London Plan (July 2011).

(34) Sustainable Urban Drainage

- (i) No development in a particular Phase shall commence until proposed surface water drainage works consistent with the approved Site Wide Drainage Strategy (See Condition 14) for that Phase have been submitted to and approved in writing by the local planning authority (in consultation with the Environment Agency). Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - (a) Provide information about the design storm period and intensity, including calculations for storm events up to the critical duration 100 year plus climate change event, 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. The drainage arrangements shall demonstrate that no surface water flooding occurs on site up to the 1 in 30 year return period and no offsite flooding occurs up to the 1 in 100 year plus climate change return period;
 - (b) Include a timetable for its implementation; and
 - (c) Provide 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.
- (ii) The approved surface water works shall be provided before building(s) in any Plot in the particular Phase are occupied and shall thereafter be retained thereafter.

Reason: To ensure adequate drainage arrangements during both the construction and long-term operational phases of the development in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011) and Policies 5.13 Sustainable drainage and 5.14 Water quality and sewerage infrastructure in the London Plan (July 2011).

(35) Contaminated Land

- (a) No development (including works of demolition) in a particular Phase shall take place until each of the following have been complied with:
 - (i) A site assessment has been carried out to survey and characterise the nature and extent of contamination, and its effect (whether on or off-site) and will require the submission of a conceptual site model, to the local planning authority for approval.
 - (ii) A site investigation report to characterise and risk assess the site, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or

not) has been submitted to and approved in writing by the local planning authority. No development shall commence until the gas, hydrological and contamination status has been characterised and risk assessed; and the required remediation scheme implemented.

(b) If during any works on the site contamination is encountered which has not previously been identified ("the new contamination") the local planning authority shall be notified immediately thereof; then the terms of paragraph (a) above, shall apply to the new contamination; and no further works shall take place on that part of the site and adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) Development in a particular Phase shall not be occupied until:

A closure report has been submitted to and approved in writing by the local planning authority for development in the Phase in question.

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

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

Reason: To ensure that the Council may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes, and to comply with Policy ENV.PRO 10 Contaminated Land in the adopted Unitary Development (July 2004) and Policy 5.21 Contaminated land in the London Plan (July 2011).

(36) Controlled Waters

Prior to the commencement of development in a particular Phase (or such other date or stage in development as may be agreed in writing with the local planning authority), 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) A preliminary risk assessment which has identified:

- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (3) The site investigation results and the detailed risk assessment (2) 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.
- (4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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.

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

Reason: To prevent pollution of controlled waters and to comply with Policies ENV.PRO 10 Contaminated Land and ENV.PRO 17 Management of the Water Supply in the adopted Unitary Development (July 2004) and Policy 5.21 Contaminated land in the London Plan (July 2011).

(37) Archaeology

No Development (including works of demolition) on a particular Phase shall commence until the implementation of a programme of archaeological work in accordance with a written scheme for investigation for that Phase which has been submitted to and approved in writing by the local planning authority. The development in that Phase shall only take place in accordance with the approved detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

Reason: To safeguard/record any archaeological remains and to comply with Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policy 7.8 (Heritage assets and archaeology in the London Plan (July 2011)).

(38) Noise - Internal Residential Environment

- (i) Other than works of demolition, development shall not commence in a particular Plot until details have been submitted to and approved in writing by the local planning authority for sound insulation measures for Buildings on that Plot against external noise to residential units that achieve levels not exceeding 30dB LAeq and 45dB LAm_{ax} (night) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. The ventilation shall be capable of overcoming thermal overheating as defined in Approved Document Part L1A. To avoid opening windows, alternative means of purge ventilation shall be provided. The ventilation shall consider measures that reduce the intake of poor quality air and for development in Plots Stockholm 1, Stockholm 2, Orion, Timber Wharf 1, Excelsior 1 and Excelsior 3 the ventilation shall be designed avoiding the intake of air from the Surrey Canal Road side of the site.
- (ii) Other than works of demolition, development shall not commence in any particular Plot until details of a sound insulation and ventilation scheme for Buildings on that Plot in compliance with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) The Building(s) in a particular Plot shall not be occupied until:
 - (a) The sound insulation and ventilation scheme for that Building(s) approved pursuant to paragraph (ii) of this condition has been implemented in its entirety;
 - (b) Noise measurements have been carried out, within and external to the residential premises, the number and location of which to be agreed with the Pollution Control Group prior to measurement and to comply with the noise levels determined at the design phase; and
 - (c) The measurement data has been submitted to and approved in writing by the local planning authority.

Thereafter, the sound insulation scheme shall be maintained in perpetuity.

Reason: To provide sufficient information to enable the local planning authority to ensure that a satisfactory level of amenity is provided for future occupiers of the proposed residential dwellings, in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(39) Noise - Residential Amenity Space Environment

- (i) Development other than works of demolition shall not commence in a particular Plot until the location and details of winter gardens/barriers to safeguard the noise environment of the proposed private and communal residential amenity areas have been submitted to and approved in writing by the local planning authority.

- (ii) The approved winter gardens/barriers shall be installed before any residential dwellings in the particular plot are first occupied and retained thereafter.

Reason: The Development has been the subject of Environmental Impact Assessment and the mitigation identified in Section 13.7.4 of the Environmental Statement (January 2011) needs to be incorporated to ensure that impacts are not materially different from those that have been assessed. To provide sufficient information to enable the local planning authority to ensure that a satisfactory level of amenity is provided for the proposed private and communal residential amenity areas, in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

40. Noise from Fixed Plant and Machinery (General)

- (i) The rating of the noise emitted from fixed plant on the site shall be a minimum of 5dB below the existing background level at any time. The noise levels shall be determined at the facade of any noise sensitive property. The measurements and assessments shall be made by a suitably qualified acoustic consultant according to BS 4142:1997.
- (ii) Other than works of demolition, development shall not commence in a Particular Plot until details of a scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until:
 - (a) The scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety and noise measurements have been carried out, within and external to the residential premises, the number and location of which to be agreed with the Pollution Control Group prior to measurement and to comply with paragraph (1); and
 - (b) The measurement data has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be maintained in perpetuity.

Reason: To ensure a satisfactory environment for the future occupiers of Buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

41. Noise – Proposed Multifaith Centre

- (i) Development other than works of demolition shall not commence on the Orion Plot) until full details of sound insulation for the ceiling between the permitted Non-residential Institutions (D1 Use Class) space and permitted residential accommodation above has been submitted to and approved in writing by the local planning authority.
- (ii) The permitted residential accommodation (C3 Use Class) on the Orion Plot shall not be occupied until the sound insulation approved under paragraph (i) of this condition has been implemented.

- (iii) The sound insulation approved under paragraph (i) of this condition shall be retained thereafter.

Reason: To ensure a satisfactory environment for the future occupiers of Buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).

(42) Ventilation Systems

Other than works of demolition, no development shall commence on a particular Plot until detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary), associated with uses in that Plot have been submitted to and approved in writing by the local planning authority. The ventilation system shall be installed in accordance with the approved plans and specification before the use in that Plot to which it relates is first occupied and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(43) CHP Plant

- (i) Details of a suitable catalytic convertor or equivalent low emission controls for the combined heat and power (CHP) plant in the Energy Centre shall be submitted to and approved by the local planning authority before the CHP plant is first brought into use.
- (ii) A catalytic convertor complying with the approved details shall be installed and brought into operation at the same time that the CHP plant is first brought into use and shall be retained in operation and in accordance with the manufacturer's instructions thereafter for as long as the CHP plant is operational, unless minor variations are otherwise approved in writing by the local planning authority.

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 9 Improving local air quality of the adopted Core Strategy (June 2011) and Policy 4A.19 Improving air quality in the London Plan (July 2011).

(44) External Lighting

- (i) Details of all external lighting (including feature lighting) to be installed within each Phase including details of directional hoods and measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority not later than nine months from the commencement of works in any Phase.

- (ii) All such external lighting shall be installed in accordance with the approved details before any part of the Development in the relevant Phase is first occupied and thereafter any external lighting (including any directional hoods) shall be retained in accordance with the approved details.
- (iii) Details submitted for approval pursuant to paragraph (i) of this Condition, shall be accompanied by a supporting statement which demonstrates that the proposed lighting is the minimum needed for security, working purposes and for highlighting design features and that the proposed lighting would minimise pollution from glare and spillage.

Reason: To ensure that the lighting is installed and maintained in a manner which will minimise possible light pollution to neighbouring properties and to comply with Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011) and Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(45) Children's Play Space

The total amount of children's play space, as shown on Parameter Plans 11 and 12 shall comprise no less than 1,750sqm (for children aged 0-5), 860sqm (for children aged 5-11) and 245sqm (for children aged 12-17.)

Reason: To ensure that there is sufficient children's play space provided and to comply with Policy 3.6 Children and young people's play and informal recreation facilities in the London Plan (July 2011).

(46) Protection of Trees to be Retained

No development (including works of demolition) shall commence in a particular Phase until adequate steps have been taken to safeguard all trees in that Phase that have been identified for retention (on the Tree Removal Plan) against damage prior to or during building works, including the erection of fencing. These fences shall be erected to the extent of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree and such protection shall be retained until the development in that Phase has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of the trees.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004), Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011) and Policy 7.21 Trees and woodlands in the London Plan (July 2011).

(47) Trees and Planting – 5 Year Replacement

All planting, seeding or turfing forming part of the details of landscaping hereby approved relating to or corresponding to a particular Phase shall be carried out in the first planting and seeding seasons following the first occupation of a Building in that Phase and in any event no later than the completion of the whole of the Development in that Phase. Any trees or plants which within a period of 5 years from the completion of development in that Phase 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 has given written consent to any minor variation.

Reason: To protect the visual amenity of the neighbouring occupiers and to comply with the duty imposed on the local planning authority by Section 197 of the Town and Country Planning Act 1990 and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004), Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011) and Policy 7.21 Trees and woodlands in the London Plan (July 2011).

(48) Living Roofs Habitat Creation Management Plans

- (i) Prior to any Superstructure Works commencing in a particular Plot, a Habitat Creation and Management Plan (HCMP) for the biodiversity based living roof areas on that Plot consistent with Parameter Plan 12 – Landscape and Open Space Plan, Roof Level (TOWN428(08)5002 Rev 17) shall be submitted to and approved in writing by the local planning authority.
- (ii) The HCMPs shall set out details of the proposed plug planted and seeded substrate (that shall vary between 80-150mm with peaks and troughs and an average of at least 133mm), the proposed plant species, management arrangements and any proposed photovoltaic panels and fixings.
- (iii) Living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (iv) Evidence that the plug planted and seeded living roof has been installed in accordance with approved details shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development on the particular Plot; and
- (vi) Approved planting shall take place within the first planting season following practical completion of the building works on the particular Plot and shall thereafter be managed in accordance with the approved HCMP.

Reason: To ensure that the Development incorporates adequate sustainable drainage techniques and enhances biodiversity and complies with Policy 12 Open space and environmental assets in the Core Strategy (June 2011) and Policies 5.11 Green roofs and development sites environs and 7.19 Biodiversity and access to nature in the London Plan (July 2011).

(49) Bat and Bird Boxes

- (i) Prior to any Superstructure Works commencing in a particular Plot, details of proposed bat and bird boxes for building(s) on that Plot (including any to be incorporated within the structure of buildings) shall be submitted to and approved in writing by the local planning authority.
- (ii) Bat and bird boxes that are approved in relation to Reserved Matters applications shall be implemented before buildings to which they relate are first occupied and shall be retained thereafter.

Reason: To ensure that the Development enhances biodiversity and complies with Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011) and Policy 7.19 Biodiversity and access to nature in the London Plan (July 2011).

(50) Relationship between Millwall FC Stadium and Plot Stockholm 2

Notwithstanding what is shown on the approved Parameter Plans listed in Condition 3, the distance between the Millwall FC Stadium and buildings built on Plot Stockholm 2 shall be at least 18.8m at the nearest point.

Reason: To ensure the safe management of crowds and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy 7.13 Safety, security and resilience to emergency in the London Plan (July 2011).

(51) Privacy of Future Occupiers of Plots Excelsior 2 and Excelsior 4

No windows that light habitable room(s) in dwellings shall be installed, nor protruding balconies constructed, in the southern elevation of an extension for residential use to the existing building in Plot Excelsior 2.

Reason: To safeguard the privacy of future occupiers of permitted dwellings in Plots Excelsior 2 and Excelsior 4, in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(52) Privacy of Existing Occupiers of Plot Excelsior 5 and future occupiers of Plot Excelsior 4

No windows that light habitable room(s) in dwellings shall be installed in the eastern elevation of Plot Excelsior 4.

Reason: To safeguard the privacy of existing occupiers of Plot Excelsior 5 and future occupiers of permitted dwellings in Plot Excelsior 4, in accordance with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(53) Code of Construction Practice

- (i) No works (including demolition and construction) shall commence in a particular Phase until an Air Pollution Risk Assessment (APRA) for that Phase has been carried out in accordance with the Best Practice Guidance 'The control of dust and emissions from construction and demolition' produced by the GLA and London Councils (2006) or equivalent.
- (ii) No works (including demolition and construction) shall commence in a particular Phase until a Code of Construction Practice (CoCP) (incorporating an APRA, details of measures to be employed to mitigate against likely adverse noise and vibration effects demonstrating best practical means including details of a noise monitoring and communication strategy, together with details of proposed reptile barrier fencing and measures to prevent light spill for Phases that abut a railway embankment) has been submitted to and approved in writing by the local planning authority.
- (iii) No such works in that Phase shall be carried out other than in accordance with the approved Phase-specific CoCP.

Reason: To ensure that the demolition and construction processes are carried out in a manner which will minimise possible noise, vibration, dust and mud pollution and minimise disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011).

(54) Construction Logistics Plan

- (i) No works (including demolition and construction) shall commence in a particular Phase until a Construction Logistics Plan (CLP) for that Phase has been submitted to and approved in writing by the local planning authority. All CLPs shall accord with the relevant approved CoCP required by Condition 49.
- (ii) No works shall be carried out other than in accordance with the relevant approved CLP.

Reason: To ensure that the demolition and construction processes are carried out in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiency by reducing Co2 emissions in accordance with Policy 6.14 Freight in the London Plan (July 2011).

INFORMATIVES

1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

2) Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

3) Assessment of the sound insulation scheme (Condition 36) should be carried out by a suitably qualified acoustic consultant, and should be guided by the advice in PPG24 and comply with the standards given in the current BS8233 for internal noise design levels. A suitably qualified ventilation engineer should carry out assessment of the ventilation scheme.

4) Assessment of the scheme required by Condition 38 (Noise from Fixed Plant and Machinery (General) shall be carried out by a suitably qualified acoustic consultant.

5) The applicant is reminded of the need to secure a licence from LB Lewisham Highways for any structure or part of structure that overhangs the public highway.

6) Japanese Knot Weed (*Fallopia japonica*) has been identified close to the western boundary of the site and will need to be removed.

7) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

8) There is a large water main in Surrey Canal Road and also a smaller distribution main in Bolina Road, both of which are shown as being situated within the proposed development boundary. Thames Water will not permit any building within 5 metres of them and will require 24 hours unrestricted access for maintenance purposes.

- 9) The applicant is advised that Network Rail has asked that it give the company 6 weeks' notice of their intention to start works on site, as it is useful for drivers and maintenance crews to know when works occur adjacent to the railway. You are advised to give such notice to Network Rail, quoting the application reference number, to Head of Town Planning, Network Rail, 1 Eversholt Street, London NW1 2DN.
- 10) Piling or other sources of ground penetration could create a pathway for contaminants to migrate into the Principal aquifer. Preventive measures should be taken in order to protect groundwater quality. We recommend that where soil contamination is present a risk assessment is carried out as per our guidance 'Piling into Contaminated Sites'.
- 11) The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with appropriate English Heritage guidelines.