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| Committee | PLANNING COMMITTEE C | |
| Report Title | HEATHSIDE AND LETHBRIDGE ESTATE, BLACKHEATH HILL SE10 | |
| Ward | Blackheath | |
| Contributors | Helen Milner | |
| Class | PART 1 | 28 AUGUST 2014 |

Reg. Nos. DC/14/87335

Application dated 22.04.14

Applicant BPTW Partnership on behalf of Family Mosaic Housing

Proposal Application submitted under Section 73 of the Town and Country Planning Act 1990 for minor material amendments to the planning permission DC/09/72554 dated 22 March 2010, as amended by planning permissions DC/10/75267 dated 29 September 2010, DC/10/75395 dated 11 November 2010 and DC/12/81165 dated 24 January 2013, for the redevelopment of the Heathside and Lethbridge Estates, Blackheath Hill and Lewisham Road SE10, comprising outline planning permission (Phases 2-6) for up to 512 square metres of retail floorspace, 768 square metres of community floorspace, an energy centre and 1,054 residential units in buildings ranging from 3 to 17 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space and detailed planning permission (Phase 1) for the redevelopment of land fronting onto Blackheath Hill for 138 residential units in buildings ranging from 4 to 7 storeys in height, together with car and cycle parking, associated highway infrastructure, public realm works and provision of open space; *to allow for the provision of an additional storey on blocks Db, Dc, Fa and Fb and associated changes in the footprint and elevational treatment of blocks (D and F) in Phase 4.*

Applicant's Plan Nos. CD, CIL, Planning Statement, Daylight Report Phase 4, Whole Phase: Plan Views, 13-011/MMAA-002b, 003b, 004a, 005b, 006b, 007b, 008b, 009b, 010b, 011b, 012b, 013b, 014b, 015b, 016b, 100b, 101b, 102b, 103b, 104b, 105b, 106b, 107b, 108b, 109b, 110b, 111b, 112b, 113b, 114b, 115b, 116b, 201c, 202c, 203c, 204c & 511c

Background Papers

- (1) Case File LE/H30/TP
- (2) NPPF
- (3) Adopted Unitary Development Plan (July 2004)
- (4) Local Development Framework Documents
- (5) The London Plan

Designation

PTAL 3 and 4
Local Open Space Deficiency
Not in a Conservation Area

Screening

A Screening Opinion was issued on 3 July 2014 which determined that an updated EIA was not required.

1.0 Background

- 1.1 This application was considered by Members at the meeting of Planning Committee C held on 17 July 2014. Members resolved to defer determination of the application to the following meeting of Planning Committee C in order for further information to be provided on the financial viability of the proposal in relation to the provision of social housing. Members also requested that additional information be provided with regard to the number of units that would be lost should the development remain within the building envelope as approved in the outline planning permission.
- 1.2 Members are referred to the report considered at that meeting which is included as an appendix to this report, and which contains a full description of the site and its planning history, the details of the application, an explanation of the planning policy background and an assessment of the main planning issues raised by the application.

2.0 Additional Information Submitted

- 2.1 The applicant has submitted further information in relation to the viability of Phase 4, with a revised financial model produced looking specifically at the viability of Phase 4, which has been independently reviewed. In addition, data demonstrating the number of units (and tenure mix) that could be provided within the building envelope of the scheme approved at outline stage, compared to that of the scheme now proposed, has also been submitted.

3.0 Planning Considerations

- 3.1 The main planning considerations raised by the application are assessed in the appendix.

Viability and Affordable Housing

- 3.2 The application was deferred by Committee C on 17 July on the basis that there should be further assessment of the viability of Phase 4 owing to the proposed increase in scale and massing to determine the potential for the scheme to deliver an increased level of affordable housing. A viability assessment has now been submitted in support of the application which has been assessed by an independent consultant who found that many of the assumptions made in the viability assessment were reasonable. Whilst the report prepared by the independent assessors raised some queries concerning the developer's overall expected financial outputs, it is agreed that Phase 4 cannot deliver any increase in affordable housing.

- 3.3 The Phase 4 scheme would provide 236 units, 121 affordable rent and 115 for private sale. Fifteen of the private sale unit are to be shared equity units due to the fact that there are a number of existing 'right to buy' units on site that are to be re-provided within Phase 4. However unlike shared ownership units, shared equity will not deliver any rent to the developer and so cannot be considered in the same light as full private sale units.
- 3.4 It should be noted that since the original hybrid application was granted planning permission in 2010, HCA funding has been significantly withdrawn, therefore the inclusion of private units is necessary for viability. The scheme is also redelivering 1:1 replacements for existing affordable housing tenants, and additional costs derive from the fact that all the affected blocks cannot be demolished at the same time to enable appropriate decanting of existing residents to new accommodation.
- 3.5 To scrutinise the viability of Phase 4 the independent assessment examined how changes to sales values and building costs may impact on the viability. The assessment showed that a 5% reduction in build costs and a 10% increase in sales values will increase the anticipated viability of the scheme. However this increase is not sufficient to generate a surplus which could be used to support additional affordable housing.
- 3.6 Phase 4 will deliver circa 54% of its units as affordable, which is greater in total than the current Lewisham or London Plan policy target. Whilst a number of these units are replacement units for the existing dwellings within this part of the estate, it is noted that there are no other developments currently hitting this proportion (without grant support) in London. Phase 4 would not be viable as a stand alone scheme. However in the context of the wider redevelopment of the estate, comprising six phases, the developer will be able to balance out the costs of the current scheme in future phases, as the next two phases are envisaged to deliver a greater proportion of private sale units. The viability assessment confirms the reasonableness of this approach and therefore the current delivery proposal is supported.
- 3.7 It is materially relevant for the Council to consider the likelihood of a proposed development being carried into effect and the planning consequences should a scheme be unviable, with the result that it would not be delivered in accordance with the approved plans. Having given the applicant the opportunity to respond to the concerns about the viability, the assurances provided about their intention and willingness to proceed, despite a level of return lower than normally accepted, and the commitment to deliver the scheme as designed, are welcomed.
- 3.8 Officers consider that the acceptability of this scheme in principle is inextricably linked with the design and quality that is inherent within it. The acceptability of the scale, massing, alignment and positioning is inseparable from the design specification and delivery of the development as a whole, including the high quality landscaping of the external areas. The scheme as submitted is consistent with the application for approval of Reserved Matters for Phase 4 which is currently under consideration. The applicant has provided the details considered to be necessary as part of the submission and they have confirmed they will deliver the scheme as designed, accordingly it is felt that the proposal would be acceptable in this regard and the quality of the proposal would be safeguarded.

Loss of units from decrease in height/massing:

- 3.9 The proposed amendments to Phase 4 would increase the height and massing of both blocks D and F. There would be no increase in the number of units, with the loss of one unit in comparison with the approved scheme for Phase 4. The dwelling sizes would be slightly increased in size. The increases in unit size have been made to improve the standard of accommodation and to comply with more recent London Plan housing standards. The Committee raised questions about the impact on the number of units which could be provided if blocks D and F of Phase 4 were to remain within the building envelope of the approved outline scheme parameters.
- 3.10 The agents have provided a high level overview of the impacts, on the basis of floorspace of the different dwelling sizes and ceiling height. The figures set out in the tables below have been reached by calculating the floorspace of the dwellings within the approved scheme compared to that now proposed and reducing the number of units in line with the percentage spread of 1-4 bed units across both blocks. Tables A and B below show the effect on the numbers of private sale and affordable rent units respectively.

Table A: Impact of reduced floorspace on Private Sale units

| Current Planning Application no. units private sale | Predicted no. of units | No. of units lost |
|---|------------------------|-------------------|
| 1 bed – 50 | 41 | 9 |
| 2 bed – 44 | 36 | 8 |
| 3 bed – 20 | 16 | 4 |
| 4 bed – 1 | 1 | 0 |
| Total – 115 | 93 | 22 |

Table B: Impact of reduced floorspace on Private Sale units

| Current Planning Application no. units affordable rent | Predicted no. of units | No. of units lost |
|--|------------------------|-------------------|
| 1 bed – 35 | 28 | 7 |
| 2 bed - 34 | 28 | 6 |
| 3 bed – 41 | 33 | 8 |
| 4 bed – 11 | 9 | 2 |
| Total - 121 | 98 | 23 |

- 3.11 By reducing the footprint a total of 45 units overall would be lost. In addition to this by reducing the height of Blocks D and F back to the originally approved heights, a further 18 units would be lost, 12 from Block D and 6 from Block F. In total this would result in a reduction of 63 units from Phase 4, which would have significant implications for the delivery of affordable units as well as private sale units within the scheme and consequently on the overall viability of this Phase of the redevelopment of the estates.
- 3.12 Officers have reviewed the conclusions of both the viability and floorspace studies and are of the view that Phase 4 cannot accommodate any increase in the number of affordable units. It is also considered that reducing the height and massing of the scheme now proposed would jeopardise further the viability of Phase 4. Accordingly the proposed application for Minor Material Amendments is considered acceptable.

Other Matters

- 3.13 At the previous meeting of the Committee comments were also received regarding the noise impact on the proposed scheme compared to the outline scheme and the potential daylight, sunlight and overshadowing impacts on the adjacent Brain Injury Unit and sites to the east of the application site.
- 3.14 The applicants have confirmed that they have raised the noise issue with their retained noise specialists, who have confirmed their view that the probability of the Phase 4 Blocks having a perceptible effect from reflected noise is unlikely.
- 3.15 The impact of the increased height on the neighbouring Blackheath Business Centre and the Blackheath Brain Injury Rehabilitation Centre has also been further considered. With regard to the Business Centre, impact on commercial property is not normally considered significant, however it has been noted that the property has a significant number of rooflights, which due to their orientation (facing directly skywards) will continue to provide ample daylight to the units.
- 3.16 On account of its use as a place of recovery, the Blackheath Brain Injury Rehabilitation Centre would have a greater requirement for Daylight and Sunlight. A preliminary BRE Guideline test shows that the proposed development would not breach a 25 degree plane measured at the lowest window, and therefore the facility would not be materially affected in relation to Daylight and Sunlight. Daylight and Sunlight.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

- 3.17 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 3.18 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

4.0 Local Finance Considerations

- 4.1 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).
- 4.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 4.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

5.0 Community Infrastructure Levy

- 5.1 The above development is CIL liable.

6.0 Equalities Considerations

- 6.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 6.4 In this matter there is considered to be no impact on equality

7.0 Conclusion

- 7.1 The local planning authority has considered the particular circumstances of the application against relevant planning policy set out in the London Plan 2011, the Council's adopted Core Strategy 2011 and saved policies in the Council's adopted Unitary Development Plan (July 2004) and emerging Development Management

Local Plan. The local planning authority has further had regard to the Mayor of London's Supplementary Planning Guidance as well as Government Planning Policy, and other material considerations including comments received in response to third party consultation and the conditions to be imposed on the permission.

- 7.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area or the amenities of neighbouring occupiers, or occupiers of the scheme and would be capable of delivering the approved vision for the site. The proposal is thereby in accordance with Policies 3.4: Optimising Housing Potential of the London Plan 2011, CSP15 High Quality Design for Lewisham of the 2011 adopted Core Strategy and URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).

8.0 **RECOMMENDATION**

Upon the completion of a Deed of Variation to the original Section 106 authorise the Head of Planning to **Grant Permission** subject to the following conditions:-

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.
- (2) Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed in the Schedule overleaf.
- (3) Time Limit of Outline Element
 - (a) Applications for approval of Reserved Matters for Phases 2 and 3 must be made not later than the expiration of 5 years beginning with the date of the grant of the original planning permission DC/09/72554 as revised dated 22 March 2010.
 - (b) Applications for approval of Reserved Matters for Phases 4, 5 and 6 must be made not later than the expiration of 10 years beginning with the date of the grant of the original planning permission DC/09/72554 as revised dated 22 March 2010.
 - (c) The development to which this outline permission relates must be begun not later than 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.
- (4) Reserved Matters details for Phases 2 to 6

No Phase of the development shall be commenced until layouts, plans, sections, elevations and other supporting material for that Phase detailing:

 - (i) design of the buildings (including internal layouts);
 - (ii) 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, glazing);

- (iii) landscaping of all public and other areas (including locations of trees and play equipment). 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 30.

(5) Detail for all Phases

No Phase of the development shall be commenced until details of the following matters in respect of that Phase have been submitted to and approved in writing by the local planning authority:

- (i) on-site vehicle servicing and parking;
- (ii) footpath layout, including all surface treatments;
- (iii) hard and soft landscaping and planting;
- (iv) site boundary treatments;
- (v) foul and surface water drainage, including on site and off site connections/improvements;
- (vi) daylight and sunlight information for all habitable room windows (except for those in Phase 1);
- (vii) wind tunnel testing and wind mitigation measures (except for Phase 1);
- (viii) updated air quality assessment and mitigation measures;
- (ix) detailed elevational drawings and sections to a scale of 1:50 and 1:100;
- (x) details of ground levels around each building; and
- (xi) details of compliance with Code for Sustainable Homes standards.
- (xii) details of means of access to the development for people with disabilities; and
- (xiii) details, including drawings and information relating to energy performance, of roof mounted photovoltaic arrays (except for Phase 1) or other renewable energy measures to be submitted to and approved in writing by the local planning authority.

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

(6) Compliance with Approved Application Details

Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in accordance with the application documents, plans and drawings hereby approved as detailed in the SCHEDULE

(7) Detailed Waste Management Plans

- (i) A detailed waste management plan (WMP) (to include details for the disposal, processing, recycling and storage of waste and for the provision of composting facilities) for each Phase shall be submitted to

and approved in writing by the local planning authority no later than three months from the commencement of a particular Phase.

- (ii) The development of each Phase shall be carried out and operated in accordance with the approved WMP relating to that Phase unless minor variations are otherwise approved in writing by the local planning authority.

(8) Habitat Management Plans

A habitat management plan (HMP), including details of monitoring arrangements, for each Phase shall be submitted to and approved in writing by the local planning authority not later than three months from the commencement of that Phase.

(9) Living Roofs

- (i) Details (including sections, details of proposed substrate, plant species and management and confirmation that the roofs shall not be used as outdoor amenity spaces) of the living roofs shall be submitted to and approved in writing by the local planning authority not later than three months from the commencement of construction of each Phase to which they relate.
- (ii) Prior to the occupation of a Phase, the approved details and sections relating to that Phase shall be implemented.
- (iii) Thereafter the roofs shall be retained in accordance with the approved details and sections for the Phase to which they relate.

(10) Bird and Bat Boxes

- (i) Details of bird and bat boxes to be provided shall be submitted to and approved in writing by the local planning authority prior to commencement of the Phase in which they are to be located.
- (ii) Thereafter the approved bird and bat boxes shall be retained in accordance with approved details.

(11) District Heating

A district heating network supplying every dwelling in the development shall be installed and shall be sized to the space heating and hot water requirements of the development. The network shall have the following characteristics:

- (a) It shall be operational prior to the occupation of the first dwelling in Phase 2 and shall thereafter serve all completed apartments within the development;
- (b) It shall be supplied with heat generating plant installed in a single energy centre or an external district heating network; and
- (c) By the completion of the 1,100th dwelling combined heat and power capacity shall be installed in the single energy centre with an electrical output capacity of 400 kW.

(12) Sustainable Design and Construction

The development shall meet all of the “essential” (except E1.3) and the majority of the “preferred” requirements in the Mayor of London’s SPG on Sustainable Design and Construction 2006.

(13) Ventilation

Any building ventilation systems shall be designed and operated so that air is not drawn from the ground level on the Blackheath Hill elevations of blocks A, B, C and D.

(14) Electric Vehicle Charging Points

- (i) Full particulars of electric vehicle charging points to be provided on site and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to commencement of the building at which they are to be located.
- (ii) The said electric vehicle charging points shall be installed and maintained in accordance with the approved particulars and programme of installation and maintenance.

(15) CHP Plant

- (i) Details of suitable measures to mitigate emissions to air 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) The approved means of mitigation 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.

(16) Biomass Boiler Management

- (i) Details of the proposed biomass boiler (or other solutions approved in writing by the local planning authority) type, design, type of fuel, supply chain, thermal net input, and method of start-up and means of mitigating emissions to air shall be submitted to and approved by the local planning authority in writing before it is first brought into use.
- (ii) The approved means of mitigation shall be installed and brought into operation at the same time that the biomass boiler (or other solutions approved in writing by the local planning authority) is first brought into use and shall be retained in accordance with the manufacturer’s instructions thereafter for as long as it is operational.

(17) Noise Insulation

- (i) Details of glazing, balcony doors and ventilation (including Whole House Ventilation Systems) of the dwellings shall be submitted to and approved in writing by the local planning authority within three months from the commencement of each Phase.
- (ii) All dwellings shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq

(night) and 45dB LAmax (measured with F time-weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided, including both passive and rapid systems unless the local planning authority approves alternative internal noise levels in writing in advance of dwellings being occupied.

- (iii) For dwellings where with assumed mitigation of R_w45 specification glazing, high performance balcony door and Whole House Ventilation in place it is predicted that the noise levels referred to in (ii) will not be achieved, detailed predicted internal noise levels for all rooms in those dwellings shall be submitted to and approved in writing by the local planning authority before work commences on the building in which the dwelling(s) are located.
- (iv) Any glazing, balcony door and ventilation within the dwellings shall be provided in accordance with approved details and no dwelling shall be occupied until a report in relation to that dwelling, verifying that the dwelling accords with the approved details or noise levels, has been submitted to and approved in writing by the local planning authority.
- (v) Thereafter, the works undertaken pursuant to the approved scheme shall thereafter be retained in accordance with the details approved therein.

(18) Noise from Fixed Plant and Machinery

- (i) The rating level of the noise emitted from fixed plant and machinery on the development shall be 5dB below the existing background level at any time, as measured at the façade of any noise sensitive receptor. The measurements and assessments shall be made according to BS 4142:1997.
- (ii) Design, operation and maintenance details of a scheme for compliance with paragraph (i) of this Condition shall be submitted to and approved in writing by the local planning authority within three months from the commencement of development of a Phase.
- (iii) No building shall be occupied until the approved scheme has been implemented in its entirety in relation to that Phase.
- (iv) Thereafter, the approved scheme shall be retained and maintained in accordance with the approved details.

(19) Noise from Energy Centre

- (i) No development of the Energy Centre shall commence until design, operation and maintenance details of a scheme of noise mitigation has been submitted to and approved in writing by the local planning authority.
- (ii) The Energy Centre shall not be occupied until the approved noise mitigation scheme has been implemented in its entirety.
- (iii) Thereafter, the approved scheme shall be retained and maintained in accordance with the approved details.

(20) Sound Insulation where Non-Residential adjoins Residential

Full written details, including relevant drawings and specifications, of works of sound insulation against airborne noise to meet $D'_{nT,w} + C_{tr}$ dB of not less than 55 between the ground floor and first floor, and between the first floor and second floor, where residential parties non-residential use, shall be submitted to and approved in writing by the local planning authority. The residential units within that Phase that are located adjacent to the non-residential uses hereby permitted shall not be occupied until the sound insulation works have been implemented in accordance with the approved details. The sound insulation shall be retained permanently in accordance with the approved details.

(21) Flood Risk Assessment

The development shall be carried out in accordance with the Flood Risk Assessment appended to the ES.

(22) Surface Water

- (i) No Phase shall commence until details of impact studies of the existing water supply infrastructure (to determine the magnitude of any additional capacity required in the system and a suitable connection point) and of a scheme for complying with the surface water management measures hereby approved, have been submitted to and approved in writing by the local planning authority, in consultation with the Environment Agency and Thames Water.
- (ii) Each Phase shall be carried out in accordance with the approved scheme for that Phase and thereafter the approved scheme is to be retained in accordance with the details approved therein.

(23) Waste Water

- (i) No development shall commence until a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the local planning authority, in consultation with the sewerage undertaker.
- (ii) No foul or surface water from the development shall be discharged into the public system until the drainage works referred to in an approved strategy have been completed.

(24) Contaminated Land

- (a) No development shall take place until each of the following has occurred:
 - (i) a site investigation has been carried out to survey and assess the extent of potential contamination and its effect (whether on or off site);
 - (ii) a report comprising the results of that site investigation and recommendations for treatment of any contamination (whether by remedial works or not) has been submitted to and approved in writing by the Council; and

- (iii) all measures or treatments identified in that report as being necessary or desirable for the remediation of the site have been implemented in full.

If during any works at the site (whether pursuant to paragraph (a) of this condition [“paragraph a,,] or implementation of this planning permission generally) contamination is encountered which has not previously been identified (“the new contamination,,), then works on the affected part of the site will cease and paragraph (a) shall apply to the new contamination and no further development shall take place on the affected part of the site until the requirements of paragraph (a) have been complied with in relation to the new contamination. The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

The closure report shall include details both of the remediation (including waste materials removed from the site, an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.

(25) Controlled Waters

Prior to the commencement of development approved by this planning permission (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:

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.

(26) Trees - 5 year Replacement

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

(27) Trees - Protection During Construction

No development of any Phase shall commence until adequate steps have been taken in accordance with Section 8 of BS 5837 Trees to safeguard all trees to be retained within or adjacent to that Phase 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 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.

(28) External Materials

No development shall commence on any Phase on site until details of all facing materials (including their colour and texture) to be used on the building(s) in that Phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local planning authority agrees in writing to any variation.

(29) Landscaping Details

No development of any Phase shall commence on site until drawings showing the use of any part of the Phase not occupied by buildings and the treatment thereof (including planting, tree species and location, paving, walls and fences), and details of the management and maintenance of the landscaping, have been submitted to and approved in writing by the local planning authority and all works which form part of the landscaping scheme for a particular Phase shall be completed in the first planting season following the completion of that Phase, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 years from the completion of a 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 approval to any variation.

(30) Ecological Enhancement

Development shall not commence on any Phase until a detailed scheme for ecological enhancement and mitigation (including details of exclusion zones, and updated ecological survey information) for that Phase has been submitted to and approved in writing by the local planning authority and no

part of that Phase shall be occupied until the approved scheme has been implemented in full.

(31) External Lighting

- (i) Details of all external 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 six months from the commencement of works in that Phase.
- (ii) All such external lighting shall be installed in accordance with the approved details before any dwelling in the relevant Phase is 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 and working purposes and that the proposals minimise pollution from glare and spillage.

(32) Viewing Platform

No work shall commence on Phase 6 until detailed drawings of the proposed public viewing platform have been submitted to and approved in writing by the local planning authority. The viewing platform shall then be constructed in accordance with the approved drawings.

(33) Car Club Car Parking

- (i) A minimum of 4 car parking spaces within the site shall be reserved for Car Club use only.
- (ii) Details of the proposed location, size and layout of the spaces to be provided pursuant to paragraph (i) of this Condition shall be submitted to and approved in writing by the local planning authority before Phase 2 commences.
- (iii) The said spaces shall be provided and made available for use before any part of Phase 2 is occupied. Thereafter the spaces shall be retained and used only for parking cars associated with the Car Club.

(34) Use of Car Parking

All car parking spaces within the development shall be reserved for and used by vehicles of the occupiers or users of the development only.

(35) Cycle Parking

- (i) A minimum of 1,192 cycle parking spaces shall be provided within the development, as follows:-
 - a. Within block A - 64 spaces
 - b. Within block B - 49 spaces
 - c. Within block C - 55 spaces
 - d. Within block D - 78 spaces
 - e. Within block E - 168 spaces

- f. Within block F - 175 spaces
 - g. Within block G - 194 spaces
 - h. Within block H - 264 spaces
 - i. Within block I - 145 spaces
- (ii) A minimum of 178 visitors' cycle parking spaces shall be provided.
- (iii) No Phase shall be occupied until the cycle parking spaces to be provided within that Phase have been provided and made available for use. Thereafter, such spaces shall be retained and used only as cycle parking for use as provided for in paragraphs (i) and (ii) of this Condition.

(36) Motorcycle Parking

- (i) A minimum of 30 motorcycle parking spaces shall be provided within the Development.
- (ii) No Phase shall be occupied until the motorcycle parking spaces to be provided within that Phase have been provided and made available for use. Thereafter such spaces shall be retained and used only as motorcycle parking for use as provided for in paragraph (i) of this Condition.

(37) Code of Construction Practice

- (i) No works (including demolition and construction other than demolition in Phase 1) shall commence on a Phase until a code of construction practice (CoCP, incorporating a Construction Environmental Management Plan) for that Phase has been submitted to and approved in writing by the local planning authority.
- (ii) No such works shall be carried out other than in accordance with the approved CoCP.

(38) Construction Traffic Management Plan

- (i) No works (including demolition and construction, other than demolition in Phase 1) shall commence in a particular Phase until a construction traffic management plan (CTMP) (incorporating a Construction Logistics Plan) for that Phase has been submitted to and approved in writing by the local planning authority. All CTMPs shall set out proposals to reduce the impact of construction traffic, including proposed lorry routeing.
- (ii) No such works shall be carried out other than in accordance with the relevant approved CTMP.

(39) Delivery Hours

No deliveries to or from the site in connection with demolition or construction works shall take place outside the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and no such deliveries shall take place at all on Sundays or public holidays, unless otherwise agreed in writing with the local planning authority.

(40) Deliveries and Servicing

No work shall commence on any Phase until a Delivery and Servicing Plan for that Phase has been submitted to and approved in writing by the local planning authority.

(41) Archaeology

No development shall take place on the site until the applicant, or any successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, observation and recording which has been submitted to and approved in writing by the local planning authority.

8.1 **Reasons**

- (1) As required by Section 91 of the Town and Country Planning Act 1990.
- (2) To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.
- (3) To comply with Section 92 of the Town and Country Planning Act 1990.
- (4) In order that the local planning authority is satisfied with the details of the proposed development.
- (5) In order that the local planning authority is satisfied with the details of the proposed development.
- (6) To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and acceptable to the local planning authority.
- (7) To ensure that waste is minimised as far as practicable and managed in an environmentally sustainable way and to comply with Policy 13 Addressing Lewisham's waste management requirements in the Core Strategy (June 2011).
- (8) 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 adopted Core Strategy (June 2011).
- (9) To ensure that the development enhances biodiversity and complies with Policies 5.10 Urban Greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 sustainable drainage and 7.19 Biodiversity and access to nature in the London Plan (July 2011).
- (10) To ensure that the development enhances biodiversity and complies with Policy 12 Open space and environmental assets in the Core Strategy (June 2011) and Policy 7.19 Biodiversity and access to nature in the London Plan (July 2011).

- (11) To ensure adequate provision of combined heat and power and to comply with Policies 5.2 Minimising Carbon Dioxide Emissions, 5.3 Sustainable Design and Construction and 5.6 Decentralised Energy in Development Proposals in the London Plan (July 2011).
- (12) To ensure the development meets a high standard of sustainable design and construction and to comply with Policy 5.3 Sustainable Design and Construction in the London Plan (July 2011).
- (13) To ensure adequate air quality for the future occupiers of these Buildings and to comply with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
- (14) To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
- (15) To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
- (16) To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving Air Quality in the London Plan (July 2011).
- (17) To ensure a satisfactory living environment for the future occupiers of the Dwellings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
- (18) 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).
- (19) To ensure a satisfactory environment for the future occupiers of these buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
- (20) To ensure a satisfactory environment for the future occupiers of these buildings and so as to comply with Policy ENV.PRO11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
- (21) To ensure the development is designed safely in reference to flood risk in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011).
- (22) To prevent the increased risk of flooding and to improve water quality in accordance with Policy 10 Managing and reducing the risk of flooding of the adopted Core Strategy (June 2011) and Policy 5.13 Sustainable drainage in the London Plan (July 2011) and ensure that water supply infrastructure has sufficient capacity to cope with additional demand.

- (23) To ensure that the development does not lead to sewage flooding and that sufficient drainage capacity is made available to cope with the development and in order to avoid adverse environmental impact.
- (24) To ensure that the local planning authority 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 Plan (July 2004).
- (25) To prevent pollution of controlled waters and to comply with Policy ENV.PRO 17 Management of the Water Supply in the adopted Unitary Development (July 2004).
- (26) 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).
- (27) 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).
- (28) To ensure that the Development is of a satisfactorily high design standard to ensure that it makes a positive contribution to the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (29) In order that the local planning authority may be satisfied as to the details of the proposal 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).
- (30) In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 12 Open space and environmental assets in the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).
- (31) 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 Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).
- (32) In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).

- (33) To limit car ownership/use and encourage sustainable modes of transport in accordance with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
- (34) 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 in the adopted Core Strategy (June 2011).
- (35) In order to ensure adequate provision for cycle parking and to comply with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
- (36) In order to ensure adequate provision for motorcycle parking and to comply with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011).
- (37) 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).
- (38) 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, congestion and collisions in accordance with Policy 14 Sustainable movement and transport in the adopted Core Strategy (June 2011) and Policy 6.14 Freight in the London Plan (July 2011).
- (39) In order to safeguard the amenities of adjoining occupants at unsociable periods 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)
- (40) In order to safeguard the amenities of adjoining occupants at unsociable periods 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)
- (41) To ensure adequate access for archaeological investigations in compliance with the advice contained in the Department of Communities and Local Government Planning Policy Statement No.5, entitled 'Planning for the historic environment' (June 2010) and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policy 7.8 Heritage assets and archaeology of the London Plan (July 2011)