

Committee	PLANNING COMMITTEE A	
Report Title	BMW Garage, Lee Terrace, Blackheath	
Ward	Blackheath	
Contributors	Monique Wallace	
Class	PART 1	14 July 2016

Reg. Nos. DC/16/95488

Application dated 10.02.16 revised 19.05.14, 31.05.16, 28.06.16; and 01.07.16

Applicant Tim Midwood of Boyer Planning on behalf of Berkeley Homes Eastern Countries

Proposal Demolition of existing buildings and structures at the BMW Garage Lee Terrace SE3 and the construction of a part 3/part 4 storey building to provide a car showroom (284 sq metres)(sui generis use) on the ground floor and 9 one bedroom, 8 two bedroom and 3 three bedroom self-contained flats fronting onto Lee Terrace and the erection of 10 four bedroom townhouses at the rear, together with the provision of 16 car parking and 58 cycle spaces, roof terraces, associated access, landscaping, amenity space and refuse storage.

Applicant's Plan Nos. 10186-T-00-0100-ZXX-02, 10186-T-00-0200-ZB1-02, 10186-T-00-0205-Z04-03, 10186-T-00-0501-ZBB-02, 10186-T-00-0501-ZBB-02, 10186-T-00-0600-ZXX 01, 10186-T-01-0400-ZXX-02, 10186-T-01-0401-ZXX-02, 10186-T-01-0410-ZSO-02, 10186-T-01-0502-ZAA-02, 10186-T-02-0400-ZXX-02, 10186-T-02-0401-ZXX-02, 10186-T-03-0400-ZNO-02, 10186-T-03-0401-ZSO-02, 9208-L-DT-01 REV B, 10186-T-00-0205-Z04-03, 10186-T-00-0600-ZXX, 9208-L-DT-01B, 10186-T-00-0101-ZXX-02, Ecological Appraisal, Energy Appendix 1.1, 1.2, 1.3, 2.1, 2.2 and 3, Energy Strategy, Heritage Statement, Noise Assessment, Planning Obligation Statement, Planning Statement, Residential Travel Plan, Transport Assessment, Statement of Community Involvement, Archaeological Desk Based Assessment 1-3, Design And Access Statement Daylight And Sunlight Report, Air Quality Assessment, Area Schedule, Living Roof Plan, Affordable Housing Statement, BREEAM Pre-Assessment, CGI 1, 2 And 3, Living Roof Maintenance Plan, Geo-Environmental Site Assessment, S106 Heads Of Terms, Proposed Site Plan, Area Schedule,

Received 9/3/16; 10186-1-00-0220-ZXX 03, 10186-T-00-0101-ZXX 03, 10186-T-00-0201-ZOO 03, 10186-T-00-0202-ZO1 03, 10186-T-00-0203-ZO2 03, 10186-T-00-0204-ZO3 03, 0186-T-00-0205-ZO4 04, 10186-T-00-0400-ZXX 02, 10186-T-00-0401-ZXX 03, 10186-T-01-0400-ZXX 03, 10186-T-01-0401-ZXX 03, 10186-T-01-4101-ZXX 01, 10186-T-01-4102-ZXX 01, 10186-T-01-4103-ZXX 01, 10186-T-01-4104-ZXX 01, 10186-T-01-4106-ZXX 01, 10186-T-01-4107-ZXX 01, 10186-T-01-4108-ZXX 01, 10186-T-01-4109-ZXX 01, 10186-T-01-4110-ZXX 01, 10186-T-01-4111-ZXX 01, 10186-T-01-4112-ZXX 01, 10186-T-02-0400-ZXX 03, 10186-T-02-0401-ZXX 03, 10186-T-03-0400-ZNO 03, 10186-T-03-0401-ZSO 03, 10186-T-03-0402-ZXX 03, 9208-L-DT-01, Internal Daylight And Sunlight Report, Transport Assessment, CGI Received 19/5/16; 10186-T-00-0500-ZXX 03, 9208-GA-01-I received 31/5/16; Materials schedule received 28/6/16; 10186-T-01-4200-ZXX, 10186-T-01-4201-ZXX, 10186-T-00-4202-ZXX, 10186-T-00-4203-ZXX, 10186-T-00-5000-ZXX, 10186-T-00-5001-ZXX, 10186-T-00-5002-ZXX, 10186-T-00-5003-ZXX, 10186-T-00-5004-ZXX, 10186-T-00-5005-ZXX received 1/7/16.

Background Papers

- (1) Case File DE/98/I/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Core Strategy - Existing Use - Other employment Site

1.0 Property/Site Description

- 1.1 The application site is located on the northern side of Lee Terrace and comprises a two storey BMW and MINI dealership with servicing bay, ground floor car park to the rear of the site and roof top car park over the existing building. The site is designated as part of the Blackheath Conservation Area. It is set adjacent to the listed gravestones within the remains of St Margaret's Church and opposite the St Margaret's Church of Lee and no 3 Lee Terrace, all of which are Grade II listed. Surrounding buildings along Lee Terrace are residential. 10 of the tombs in the church yard are identified as buildings of risk on the Heritage at Risk (HAR) register.
- 1.2 Lee Terrace is in Character Area 10 in the Blackheath Conservation Area Character Appraisal. The appraisal places particular importance on the grandeur of the houses and the importance of their set back position behind boundary walls lining Lee Terrace.

- 1.3 The ground levels from Lee Terrace drop sharply at the rear of the site, toward St Josephs Vale, where the St Matthew Academy is set several metres lower than the BMW dealership. The buildings on site are stepped in line with the steep gradient. The rear of the site is flanked by generous planting and tree screening and has an almost semi-rural character, which contrasts with the defined built edge of Lee Terrace.
- 1.4 The site is in an area of archaeological priority and has a PTAL rating of 4.

2.0 Planning History

- 2.1 In February 2016 a concurrent application for advertisement consent was submitted for the signage on the proposed building. This application was submitted for contractual obligations between the applicant and land owner, and will be determined at the same time, or after the current planning application.
- 2.2 The signage is for illuminated halo lighting surrounding the 'Stephen James' text, and external lighting (face lit) for the BMW logo above the showroom shop front, The advertisement application is referenced DC/16/95478.
- 2.3 There are various historic planning entries on the Statutory register relating to the BMW garage, such as signage and alterations to the existing building. None of which are relevant to the proposals.

3.0 Current Planning Application

The Proposals

- 3.1 It is proposed that all site buildings are demolished and the site redeveloped to provide 20 flats and 10 houses up to 4 storeys in height.
- 3.2 The proposals include the construction of four buildings arranged in three groups:
- Apartment building
- 3.3 This block sits at the edge of Lee Terrace and comprises a ground floor car showroom measuring 284 sqm. To the rear are plant space, cycle and refuse stores. This building has an opening at ground floor, known as a 'porte cochere' which provides a covered vehicle and pedestrian link through the building to the rest of the site. This is a 3.6m high entrance but also encloses a substation and refuse store. The entrance to the residential entrance is located adjacent to the porte cochere, where 20 flats (9 x 1 bedroom, 8 x 2 bedroom and 3 x 3 bedroom) are located between the 1st and 4th floor. The top floor is recessed.
- 3.4 This block would be car free with the exception of one wheelchair parking space, the BMW showroom would have 4 car parking spaces.
- Central Villas
- 3.5 These are set centrally within the site and comprises two pairs of semi-detached dwellings. The dwellings are accessed from their respective northern and southern flanks through the landscaped square which divides the buildings from the apartment block and the access road which separates them from the houses to the north. The dwellings are accommodated over 4 levels including a lower

ground floor which opens into a sunken garden. These dwellings would each have a single parking space.

Northern Terrace

- 3.6 This terrace of 6 houses is set toward the rear (north) of the site. These are accommodated over 4 storeys including a recessed lower ground floor. Each of these dwellings would have a single car parking space and each dwelling has a private garden and roof terrace.

Landscaping

- 3.7 All boundary treatments would be replaced, including that along the boundary with the church yard. Soft landscaping would be introduced across the site, firstly through the new landscape square between the apartment building and central villas, but also along the access road.

Supporting Documents

Affordable Housing Statement

- 3.8 The proposals include a total of 6 affordable housing units, comprising of shared ownership one-bedroom dwellings, which equates to 20% of the scheme. These units would be located within the apartment building. Each unit would be a two-person home with a floor area of between 50sqm and 55sqm. The proposed units are interspersed with the private sale units, sharing the same core.

Air Quality Assessment

- 3.9 The air quality assessment considered the impact of the proposed development during construction and occupation.
- 3.10 The report concluded that through mitigation, impact of dust and PM10 are considered to be negligible.
- 3.11 It also concluded that there may be an exceedance of the annual mean air quality objective for NO₂ at the ground-floor façade of the main building which fronts Lee Terrace but as this area is for the BMW showroom, there will be no relevant long-term exposure at this location. The predictions are that the remainder of the residential units on the upper floors of the frontage building and the dwellings in the centre and to the rear of the site are within the air quality objective of NO₂ and ground-level concentrations of PM10 and PM2.5 are well within the relevant air quality objectives across the proposed development.

Archaeological Desk Based Assessment

- 3.12 This archaeology assessment states that the site can be considered to have a moderate to high archaeological potential for the medieval period, a modern archaeological potential for post medieval and modern periods and a low potential for all other historic periods of human activity. The report recommends that a planning condition for archaeological assessment is attached to any permission.

Daylight and Sunlight Report

- 3.13 This report sets out an assessment as to whether the residential accommodation provided in the development would receive adequate levels of daylight and sunlight. The report concludes that overall using an assessment of BRE guidelines, the development would receive good levels of daylight and sunlight.

Design and Access Statement

- 3.14 This report provides a site description and overview of the schemes progression through the original proposals for a 64 unit all apartment scheme to the current proposals. Details as to the design and treatment of each building are detailed, as well as materials and servicing. The report concludes that the scheme is of high quality.

Energy Strategy

- 3.15 This report follows the London Plan energy hierarchy of Be Lean, Be Clean and Be Green for both the residential and commercial elements of the scheme. The report provides an assessment as to various energy systems, a district heating network has been discounted in this scheme due to the size and cost, wind turbines, biomass, solar thermal, ground and air source heat pumps have been discounted due to concerns about impact upon heritage assets and relatively small energy savings. Photovoltaic panels have been identified as an appropriate energy saving measures, where a 115 panels across the development could offset 14,541 tonnes of carbon per year. A BREEAM assessment is also provided which provides the commercial space with a BREEAM Score of 71.36% which equates to an 'Excellent' rating.

Heritage Statement

- 3.16 This report provides a site description and overview of the development in light of surrounding heritage assets. The report states that while the development is modern, it takes cues from surrounding traditional architecture. The proposals would enhance the setting of the church tower and churchyard by positively addressing their setting.

Noise Statement

- 3.17 This statement outlined methods to protect the proposed dwellings from excessive noise levels. It states that there are no local sources of excessive noise, other than road traffic. The report also provides an assessment as to noise levels upon existing residential occupiers as a result from construction. Noise projects as a result of completed development are outlined which are based around a methodology around possible plant and ventilation systems. The assessment has been carried out in accordance with the appropriate British Standard BS 4142. A series of mitigation measures are proposed which include various specifications for wall assembly, windows roof and ventilators.

Planning Statement

- 3.18 The Planning Statement justifies the scheme in context of planning policies. It provides a thorough description of development.

Transport Statement

- 3.19 This document provides an overview as to the existing highways activities from the site, a description of development and review of relevant planning policies and existing public transport connections. The report states that the new car sales showroom and residential development would result in a significant reduction in traffic for local roads over the morning and evening peak periods.

Statement of Community Involvement

- 3.20 This report outlines the consultation undertaken with the local community. Details of the boards presented have been submitted outlining scheme progression as a result of pre-application discussions.

Travel Plan

- 3.21 The proposals seek to provide a Travel Plan which promote sustainable modes of transport. The report provides an assessment of relevant planning policies.

4.0 Consultation

- 4.1 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

- 4.3 Twenty representations were received; 1 neutral comment and 19 against the proposals.

- 4.4 The neutral comment was received from 25 Lawn Terrace and is summarised as follows:

- The stone used should match the outer wall of the area and the church opposite - i.e. yellow stone
- 4 further affordable housing units should be provided for the Council, which should be (50-60% of market rates)

- 4.5 The objections were received from 3 Foxwood Road, 36 Boyne Road, 33 St. Joseph's Vale, 4 The Orchard, 60 Belmont Hill, 3 The Glebe, 54 Belmont Park, 35 Cedars Close, 18 Oakcroft Road, 3 Grottes Buildings 1 and 9 Spangate, 60 Belmont Hill, 34 Eastbrook Road, 16 Lee Road, 39 Kidbrooke Grove, 11 Camden Row, 2 Orchard Drive, 6 North Several. The objections to the proposals are summarised below:

- The proposed building would compromise existing views of St. Margaret's Church.
- The proposal would exacerbate existing traffic and congestion in the area.
- No alternative design has been proposed for the BMW showroom if it does not prosper which could then blight the area.
- The proposed materials are inappropriate for this part of the Conservation area.
- The proposed building fails to use the topography of the site.
- Larger affordable units should be provided in the scheme
- The proposals would result in overdevelopment of the site.

- The proposed design is not special enough for the Conservation Area and the gateway into Blackheath from Lewisham
- The scale of the proposed building is too large for its context
- Traffic movements would be worse as they would be during the days, evenings and weekends.
- The proposal would be unsympathetic to the surrounding Listed Buildings and structures
- The proposed building would be too tall
- Insufficient parking spaces are proposed which would exacerbate existing parking problems in the vicinity.

4.6 A local meeting was held 22 June 2016 to discuss the proposals. The applicant, the local ward Councillor, residents and the a council officer were at the meeting, The minutes of the local meeting are appended to this report.

Victorian Society

The Society suggest that the Lee Terrace block should be reduced by 1 storey and this mass could be accommodated elsewhere across the site.

Historic England

4.7 The existing site is detrimental to the character of the conservation area and efforts have been made to respond to the character of the conservation area. However, the development as a whole would introduce significant density and would cause some harm to the conservation area. There is the opportunity however in line with the NPPF to outweigh harm with public benefits through restoration of the church yard which comprises listed buildings and structures at risk.

Highways and Transportation

4.8 No objection, subject to conditions regarding the repair and re-instatement of any damage to the public highway, a refuse management plan and an obligation prohibiting future residents from applying from parking permits.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 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)

5.3 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.4 The NPPF was published on 27 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 in paragraph 211, that 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)'.

5.5 Officers have reviewed the Core Strategy 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.

Other National Guidance

5.6 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

London Plan (March 2015)

5.7 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

- Policy 3.1 Ensuring equal life chances for all
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 4.3 Mixed use development and offices
- Policy 4.4 Managing industrial land and premises
- Policy 4.12 Improving opportunities for all
- Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.13 Sustainable drainage
Policy 5.21 Contaminated land
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.19 Biodiversity and access to nature
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

5.8 The London Plan SPG's relevant to this application are:

Character and Context (2014)
Housing (2016)
Sustainable Design and Construction (2014)
Shaping Neighbourhoods: Play and Informal Recreation (2012)

Core Strategy

5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London 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 5 Areas of Stability and Managed Change
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 29	Car parking
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest
DM Policy 43	Art, culture and entertainment facilities

Residential Standards Supplementary Planning Document (Updated 2012)

- 5.12 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Blackheath Conservation Area Supplementary Planning Document (December 2007)

- 5.13 This document provides a description and review of the Blackheath Conservation Area, setting out the various character areas. The appraisal and SPD refer to appropriate local architectural detailing and materials as well key groups of buildings.

6.0 Planning Considerations

- 6.1 The main planning considerations in respect of the current proposal are:
- Principle of development
 - Layout, scale & mass and design and conservation
 - Commercial Space
 - Mix, Tenure and Standard of Accommodation

- Energy
- Contaminated land
- Archaeology
- Landscaping and ecology
- Impact on Neighbouring Amenities
- Transport and car parking
- S106 contributions and CIL

Principle of Development

- 6.2 The planning system plays a fundamental role in securing economic growth. At national level, the NPPF requires Local Planning Authorities to set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. The planning system should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Local Planning Authorities should identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.
- 6.3 London Plan Policy 4.4 Managing Industrial Land and Premises sets out the need to (a) identify and protect locally significant industrial sites where justified by evidence of demand and (d) accommodate demand for workspace for small and medium sized enterprises and for new and emerging industrial sectors.
- 6.4 Core Strategy Policy 5 seeks to protect employment locations throughout the borough outside of designated employment locations. The policy states that employment land within clusters of commercial and business uses, should be recommended for retention in employment use. The policy allows for a change of use to other uses (including residential) but only if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.5 This approach is carried forward into Development Management Local Plan Policy 11 Other employment locations. Policy 11 states that the Council will seek to retain employment uses (B Use Class) on sites where they are considered capable of continuing to contribute to and support clusters of business and retail uses and where the use is compatible with the surrounding built context by reason that they offer the potential for the provision of workshop/industrial units for small and medium sized enterprises (SMEs) serving local residential and commercial areas, particularly where there is little alternative provision in the local area and provide lower cost industrial accommodation suitable for small, start-up businesses. Point 5 of the policy states that mixed used schemes in employment locations would be considered favourably, subject the character of the area and the ability of the development to adhere to other relevant planning policies, such

as providing good standards of accommodation in residential elements of the scheme.

Reduction in employment floorspace

- 6.6 Officers have been previously approached by the current occupier Stephen James as a franchise of BMW regarding alterations to the existing car park in order to provide significant levels of additional on site car parking. These discussions were subject to an objection from officers on the basis of transport, design and conservation issues and as such were not progressed toward a planning application. However, it is acknowledge that enlargement of the parking facilities were based on around the ongoing functioning of the existing business (new car sales, used car sales and servicing centre).
- 6.7 It is acknowledged that the site is highly constrained, and despite the large forecourt there is a limited amount of parking, which means that cars are parked across the street at the St Margaret's Church car park. Considering the constraints of the existing site, and limited options for commercial extension given the conservation area and proximity of adjacent listed buildings that a release to allow for residential accommodation to be acceptable in principle.
- 6.8 The scheme proposes a residential led redevelopment of the site with a provision of a bespoke 284 sqm car sales showroom for BMW. This would continue to provide on-site employment. However, taking into account the loss of employment floorspace, in accordance with the adopted Planning Obligations SPD a financial contribution of £90,000 is to be secured by s106.
- 6.9 Officers consider the proposals meet the tests of Core Strategy Policy 5 and DM Policy 11 and that residential led redevelopment is acceptable in principle.

Layout, scale & mass and design and conservation

- 6.10 London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. Core Strategy Policy 15 High quality design for Lewisham repeats the necessity to achieve high quality design but also confirms a requirement for new developments to minimise crime and the fear of crime.
- 6.11 Development Management Local Plan Policy 30, Urban design and local character also states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 6.12 DM Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting... requires all planning applications for proposals affecting heritage assets to provide a statement setting out the impact to the significance of that asset and any harm or loss to that asset should be robustly justified. In particular, the policy continues to advise that planning permission would not be granted for developments that are deemed incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.

Existing buildings

- 6.13 The existing site is dominated by the BMW showroom which sits centrally within the plot, with the decked car park to the rear which extends out to the boundary with St Mathews Academy and the MINI showroom which projects forward towards Lee Terrace and adjoins the church yard. The entire site is covered in impermeable hard standing which forms a large area for car parking (circa 40 spaces). The buildings, decked car park and extensive areas of hard standing are an anomaly in the streetscene and wider conservation area, typified by villas and terraced dwellings. There is therefore no objection to the demolition and redevelopment of the site as this offers currently detracts from the area, but also crucially the church yard to the south, where all of the head stones are identified as listed buildings at risk. Officers consider that redevelopment of the site presents an opportunity to improve the setting for the church yard and wider conservation area.

Site Layout

- 6.14 All buildings and hard standing would be removed as part of the proposals. The site would be arranged with three grouped buildings. To the south facing Lee Terrace, a linear block, which would house a car showroom at ground floor with apartments above. Drawing number 10186-1-00-0220-ZXX 03 shows an outline of the proposed footprint overlaid on the footprint of the existing buildings. This drawing shows that the existing buildings are between 1.63m (south east corner) and 22m (south west corner) from Lee Terrace. The proposed building would be set back 9.1m from Lee Terrace and would comprise a landscaped forecourt.
- 6.15 The apartment block opens toward the west to provide a pedestrian and vehicular entrance to the rear of the site where centrally within the plot would be 2 semi-detached villas, one set facing west toward the church yard and the other facing east toward St Josephs Vale. To the rear of the site would be a linear terrace of 6 properties. These are referred to as the northern terrace.
- 6.16 The layout provides an opportunity for each block to formally address a new series of 'streets' within the site. The open grain which defines the site also provides public access into the site and provides a visual response to the church yard and St Josephs Vale, which are currently presented as blank and inactive frontages.
- 6.17 The apartment building is positioned to sit in line with the Lee Terrace building line, which although forward of the existing building marks an appropriate response to the street.
- 6.18 The position of buildings allows for open views across the site which at present are severely restricted due to the massing of the car showroom. The spaces between the buildings provide opportunities for landscaped courtyards, and front gardens. This is supported and reflects the formal setting of dwellings along Lee Terrace. The apartment building, albeit above a commercial unit, is set behind a formal forecourt which again which reflects the setting of the grand apartment buildings along Lee Terrace.
- 6.19 Officers consider the layout of the site to successfully respond to the surrounding context and the provision of an open un-gated development is supported.

Bulk, scale and mass

- 6.20 The scheme has been designed to reflect the hierarchy of buildings along Lee Terrace, where the main apartment block rises three storeys with a set back fourth floor. The central villas and northern terrace are three storey (but with a additional lower ground floor which is visible from the gardens but not the street.
- 6.21 The height of the buildings decrease toward the rear (north) of the site, whereby the front apartment building is the dominant mass. This is an acceptable and appropriate response to the street which reflects the hierarchy of buildings in the area. The apartment building would be taller than the immediately adjacent villas no 3-5 Lee Terrace, but lower than the next apartment building at No. 7. The applicant has also demonstrated that this building is set lower than the main massing of St Margaret's Church. A number of objections received relate to the height of this building, however, there is a varied building height along Lee Terrace, and this site is unusual in that it is not immediately flanked by adjacent properties, given the variation in the street and set back top floor, the height and massing of the building is considered acceptable.
- 6.22 The apartment building spans the majority of the site frontage, and whilst acknowledge that this would be a large and imposing building, it is considered to reflect those further along, such as No. 7 Lee Terrace. It is also important to consider that the existing car showroom dominates the site with a collection of buildings and car park ramps which occupy the entire frontage.
- 6.23 The central villas mark a significant decrease in scale and is designed to reflect the changing hierarchy away from the main street. This rear northern terraced comprises a traditional storey mass from the street, and is arranged with two 'book end' principle pavilion style properties which enclose the subservient properties arranged with traditional mansard roofs. The visible reduction in massing towards the site is supported.
- 6.24 Overall, the height, scale and massing is considered to be acceptable taking into account the context of the site surroundings and the design quality demonstrated in the proposal. Officers accept that height of this building has been a common topic throughout the objections received, however, officers and the applicant team have worked collaboratively to achieve a high quality layout, with an emphasise on landscaping/setting and permeability.

Architecture

- 6.25 It is considered that through the extensive design discussions, a high level of architectural quality has been achieved for the proposal. The design team have demonstrated their commitment to providing high quality design by including detailed sections and elevations as part of the application.
- 6.26 The architectural proposals attempt to reflect the Georgian buildings which dominate this part of the conservation area, but rather than imitate through a pastiche style, the scheme reflects traditional architecture through a contemporary pallet and form. Through simple, but elegant design details and a simplified palette of bricks and metals, such a desire is largely achieved. The three building groups have been designed to share a common design language through the use of brick and simple arrangement to the elevations, although each building is expressed through architecture in order to provide a distinction between the

grander apartment block facing Lee Terrace, the central villas and the northern terrace.

- 6.27 Specified bricks with an agreed mortar colour, stone detailing and anodised aluminium window surrounds have been submitted for approval during the course of the planning application. These materials have been chosen to reflect, but not copy surrounding stucco fronted properties. A contemporary interpretation of classical architecture is supported and would add to the richness of styles in the locality rather than provide a pastiche copy which is not considered an acceptable response.
- 6.28 The apartment building is expressed through a series of vertical bays, which assist in defining the commercial units shopfront, and successfully alleviates the horizontal mass of the building. The front elevation facing the churchyard has been carefully articulated with an extended colonnade which encloses balconies. This provides a rhythmic and active address to the churchyard in a simple and elegant manner. The vehicular and pedestrian 'porte cochere' is a wide and generous space, which additionally screens functional servicing for the building, which negates the need for external refuse stores. Overall, officers consider the architecture of the scheme to be of exemplary quality, a contemporary approach within a historic setting (surrounding buildings and conservation area, rather than the existing site buildings) which provides an sensitive response to a constrained site.

Deliverability

- 6.29 Paragraph 173 of the NPPF states that the viability and deliverability of development should be considered in decision taking. The document goes on to say that to ensure viability, the cost of requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
- 6.30 The applicant has submitted confirmation (by way of detailed drawings and the submission of materials and a sample panel, confirmed in a schedule) to deliver the proposed design, given that the quality of the materials is vital to demonstrate the acceptability of this development in principle and to show that the scheme is deliverable in the near future without any major redesign. A condition would be imposed for an exact specification/ samples of materials which would reflect the quality viewed an agreed with Officers.
- 6.31 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 and therefore not be delivered in accordance with the approved plans.
- 6.32 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, height and appearance of the proposal is inseparable from the design specification, including proposed materials. Given how vital these elements are to some of the fundamental elements of the scheme, it would not be possible in officers' view to leave the detailing to be secured by condition, as this

would suggest that the principle of the approach is acceptable, irrespective of detailing, which would be capable of being resolved as a separate matter.

- 6.33 Should future amendments to the scheme result in it being of a lesser quality than is currently proposed, the entire approach to the development, its scale, height and appearance would need to be reconsidered, as opposed to just considering alternative detailing. Given that the applicant has provided the details to be necessary as part of the submission and that they have confirmed that they are committed to delivering the scheme as designed, it is felt that the proposal would be acceptable in this regard and the quality of the proposal would be safeguarded.
- 6.34 It is officers' views that any future amendments to the materials and design quality would also necessitate a re-evaluation of the viability of the scheme and its ability to deliver increased affordable housing provision.

Impact upon Heritage Assets and Conservation area.

- 6.35 The site is within the Blackheath Conservation Area, but as discussed above, the existing site is of no heritage or architectural value. The Council's conservation officer raises no objection to the demolition of the existing buildings, but has raised objection at the scale of development, particularly the height and position of the apartment block facing Lee Terrace which they consider would be harmful to local views, the setting of the churchyard and subsequently the Blackheath Conservation area. These comments are largely repeated by representations by Historic England.
- 6.36 Officers having considered the representations do not agree that the scheme causes harm to either local views, the setting of the adjacent church yard or harm to the wider conservation area. The existing buildings are set up against the boundary with the church yard, and the MINI showroom projects forward toward the pavement with Lee Terrace. There is a large car park to the front, continuously filled with vehicles and a decked car park to the rear. The position of existing buildings does not allow for open views toward the church yard when viewed from the west and as discussed the buildings are of no historical or architectural merit.
- 6.37 The proposed scheme, although set further forward toward Lee Terrace than the existing building for the majority of the site would be set behind the position of the existing MINI showroom, and additionally is set away from the boundary with the church yard. The increased height would not impact views from the west which would represent an improvement over the existing. Furthermore, the quality of architecture is considered to be very high and represent a significant improvement over the existing buildings. Officers therefore conclude that the scheme does not harm surrounding heritage assets, but provides an improvement to the conservation area.
- 6.38 Representations from Historic England have stated that in order to off-set the harm, a financial payment of £81,986.73 should be secured which would be used to restore and upgrade 10 of the Grade II and II* listed tombs within the adjacent churchyard. The restoration of the tombs would allow them to be taken off the Heritage at Risk (HAR) register.
- 6.39 Officers, for the reasons set out above, do not agree that there is harm arising from the scheme. The financial payment suggested by Historic England has not therefore been included within the resolution (part 8 of the agenda), as this would

not meet the tests in the NPPF. However if Members come to the conclusion that harm is evident to the surrounding heritage assets, then they would need to consider whether or not an obligation in the form of the financial payment suggested by Historic England could mitigate the harm, is necessary to make the development acceptable, and is directly related in scale and kind to the development. If they conclude that this is the case then this could be added to the resolution at part 8 of the agenda.

Commercial Space

- 6.40 The visual appearance of the proposed commercial element of the proposals, was considered in earlier paragraphs of this report.
- 6.41 A smaller 3,000sq ft showroom is proposed at ground floor level, with a glass frontage returning onto St Joseph's Vale. The showroom would be set back from both Lee Terrace and St Joseph's Vale, but the forecourt on Lee Terrace would still be used for parking but to a much lesser scale when compared to the current arrangement.
- 6.42 The showroom would have space for 5 display cars internally and a further 4 spaces on the forecourt for visitors. Opening hours proposed are Mon to Fri 0700 to 1900, Sat 0800 to 1800 and Sun 1100 to 1600.
- 6.43 The showroom space would be used to accept visitors to view, test and experience the limited models of vehicles. The delivery of vehicles to the site would be limited to the display cars; the majority of vehicles purchased would be delivered directly to homes, rather than to and from the new showroom,
- 6.44 The proposal results in a significant loss of employment floorspace, which in turn would result in a significant reduction of employment, down from 42 employees to 10. For this reasons, Officers consider it necessary to secure a financial contribution to mitigate against the loss to ensure that the borough can invest in employment opportunities elsewhere in the borough.

Mix, Tenure and Standard of Accommodation

- 6.45 Development Management Policy 32 is consistent with the NPPF which states that developments should result in 'high quality design and a good standard of amenity for all existing and future occupants of land and buildings' (paragraph 17) the Core planning principles (paragraph 11) and Section 7, Requiring good design.
- 6.46 Core Strategy Policy 1 requires an appropriate mix of dwellings to be provided within a development, and that schemes over 10 dwellings should provide family housing, which is defined as units with 3 or more bedrooms. CS Policy 1 also seeks to provide the maximum provision of affordable housing with a starting point for negotiation on individual sites of 50% which will be subject to viability. The affordable housing component of a scheme should include 70% as social rented and 30% as intermediate housing. Furthermore, 42% of affordable housing should be as family dwellings with 3+ bedrooms. Affordable housing would be secured within a S106 agreement.

A) size, and tenure of residential accommodation

- 6.47 The proposed development would provide 30 residential units, including 6 on site shared ownership units. The unit sizes and tenures of the proposed development are summarised in the table below.

Table 1: Residential Tenure and Size Mix*

	1 Bed	2 Bed	3 Bed	4 bed +	Total
Private	2	9	3	10	24
Shared Ownership	6				6
Total	8	9	3	10	30

- 6.48 Based on this mix, the development would comprise 20% affordable units of which 100% would be for shared ownership. The remaining 80% of units would be for private occupation. Whilst CS Policy 1 refers to a split of 70/30 between affordable rented units and intermediate/ shared ownership, housing mix is considered on a case by case basis. The shared ownership units would be located via the single core shared with the private residential units. Officers acknowledge that the site is constrained and that it would not be possible to provide an additional core within the building which could serve rented units which Registered Providers prefer to be serviced off a single core in order to reduce management costs, and therefore the service charges for tenants. This is not normally an issues for shared ownership units and the applicant has provided details from a range of RP's which confirm interest in 6 shared ownership units in this location.
- 6.49 The applicant has submitted a financial appraisal for the scheme that has enabled the Council, advised by specialist independent consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. Further consideration of financial viability is set out later in this report. In summary, the financial appraisal demonstrates that, when taken with other policy requirements and the regeneration benefits of the scheme such as the provision such as financial contributions for restoring the church yard and listed buildings at risk, the proposed development provides the maximum viable amount of affordable housing at this time.
- 6.50 The proposed mix includes 6 x 3 bedroom 5 person dwellings and 10 x 4 bedroom 7 person dwellings, which equates to an overall provision of 43% family accommodation across the site. This provision of larger dwellings which would meet the needs of families is supported by officers.
- B) Standard of accommodation
- 6.51 The Council's Adopted Residential Standards SPD (updated 2012) sets out criteria for new residential units but this document is largely superseded by Core Strategy and London Plan requirements, Mayors Housing SPG and National Technical Standards. The Housing SPG sets out guidance to supplement London

Plan policies, Part 2 of the SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space including cycle storage facilities as well as core and access arrangements.

- 6.52 National Technical Standards require all new development to meet minimum space standards. The standards require that 1 bed 2 person dwellings are minimum of 50 sqm, 2 bed 4 person 70 sqm, 3, bed 5 person dwellings 86 sqm, and 4 bed 7 person dwellings 115 sqm. The Applicant has shown that all of the units comfortably meet the minimum sizes.
- 6.53 The majority of the units are dual aspect, including all of the family sized units and none of the units are single aspect north facing. All habitable rooms receive good levels of natural light, ventilation and outlook. Each dwelling additionally has its own amenity space

Energy

- 6.54 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 supports the London Plan principles and requires all new residential development to meet a minimum of Level 4 standard in the Code for Sustainable Homes.
- 6.55 A detailed energy assessment has been submitted in respect of each of the differing building typologies proposed and confirms that the development would minimise CO2 emissions in line with the Mayor's energy hierarchy as required by in Policy 5.2 of the London Plan. The proposed buildings would achieve their energy savings through the building fabric (passive design) of the building and the use of PV panels on the apartment block.. Daily water consumption would be below the minimum 110 litres per day per person.
- 6.56 It is a requirement for all commercial units to achieve a BREEAM 'excellent' rating in accordance with Core Strategy Policy 8 (point 4). The application was submitted with a pre-assessment confirming that the commercial space can achieve an 'excellent' rating for the shell and core of the space.
- 6.57 All new housing is to be built to Lifetime Homes standards as required by Core Strategy Policy 1 (Point 7). The Design and Access Statement confirms that all residential units proposed would meet the necessary 16 criteria.

Contaminated land

- 6.58 Given the current garage use of the site, the planning application has accompanied by a contaminated land report. The report confirms that contaminants were found which could compromise human health and recommended that further investigations to be carried out if planning permission were to be granted. The report also provides recommendations for remedial measures. For this reason, a condition would be necessary to ensure that the subsequent investigations are carried out and that the contaminants found are responsibly removed and/or buried.

Archaeology

- 6.59 As mentioned in earlier chapters, the application site abuts a churchyard which comprises locally and nationally historic monuments of interest. It would therefore not be unreasonable to assume that artefacts could be found at the application site. Further to this, the application site is within an area of archaeological priority and to that regard the application was submitted with a desk based archaeological assessment.
- 6.60 The assessment concluded that the application site does have a high potential for finding historic matters and recommended that an archaeological watching programme be implemented. This requirement would be secured via an appropriately worded condition to ensure that any archaeological remains are adequately considered and preserved during any breaking ground works.

Landscaping and ecology

- 6.61 The site does not comprise any significant amount of soft landscaping at present, and therefore the proposed provision would be an uplift.
- 6.62 The largest expanses of landscaped areas are proposed to the front of the site, abutting Lee Terrace, to the north of the apartment block and in the rear gardens of the houses. Further landscaped areas would be dispersed between parking spaces and in the front gardens of the houses and along the St. Joseph's Vale boundary.
- 6.63 In particular, planting is proposed along the western boundary abutting the churchyard is proposed with the intention to provide a green buffer between the application site and the churchyard whilst also shielding and reducing the car parking proposed behind the common boundary wall.

Child playspace

- 6.64 London Plan policy 3.6 Children's young people's play and informal recreation facilities and the Shaping Neighbourhoods: Play and Informal Recreation SPD require the provision of playspace for major developments. The 30 units would provide child yield 5 under 5's 15 5-11 year olds and 14 15+ years, a yield of 35 children in total. Using the GLA's online calculator, the scheme should provide just under 350 sqm of play space for the different age groups.
- 6.65 The site proposes a communal space to the north of the apartment block measuring 160 sqm. Further to this, all houses would have their own individual, private back gardens, and the north terraces also have additional amenity spaces in the form of roof terraces. Officers are also securing a financial contribution with regard to the adjacent church yard, and while this may not be an ideal playspace for children, officers consider it unreasonable to seek further contributions to this regard. Lastly, the site is within close proximity to Blackheath.
- 6.66 Officers are satisfied with the overall provision and location of the proposed landscaping as it would provide significant visual softening of the site and would complement the existing planting offer in the immediate vicinity. It would also provide an alternative outside space for the residential occupiers. A condition would be placed on the decision notice requesting a planting and maintenance strategy.

Living Roof

- 6.67 A living roof would be provided on the apartment block to the front of the site. Officers are satisfied that the houses do not comprise living roofs as long term maintenance per unit can be prohibitively expensive for owner occupiers.
- 6.68 Details of the proposed substrate depth and plugging and panning mix all proposed are considered to be acceptable. The Council's Ecology Officer did not raise any objections to the proposals.

Ecology

- 6.69 The application was submitted with an Ecology Appraisal which concluded that tree protection for the trees surrounding the site should be implemented to ensure that should there be any bats present, they are not disturbed. The appraisal also confirmed that no bats were present on site at the time of inspection, but recommended that the site is continuously monitored to confirm the continued absence of bats within the existing buildings.
- 6.70 For the proposed building, the appraisal recommended that light spillage is reduced, planting through soft landscaping and a living roof are initialled. In addition to this, bat and bird boxes should be installed around the site to encourage ecology expansion to the area. The recommendations would be secured via condition.

Impact on Neighbouring Amenities

- 6.71 DM Policy 32 of the Development Management Local Plan (2014) states that the Council expects all new residential development to be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours and meet the functional requirements of future residents. All new-build housing will be required to be sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.
- 6.72 The new commercial format would result in less overall noise and disturbance, and a more subtle and a less visually obtrusive form of commercial activity. The proposed opening times, starting from 7am in the week would have a limited footfall of visitors and vehicle movements for the reasons set out above, and therefore Officers consider would be acceptable in the context of the residential units proposed above.
- 6.73 The site is not directly bound by any residential properties. The nearest dwelling is no. 3 Lee Terrace to the east, which is set 17m away and is largely screened from the application site by a line of evergreen trees located on the eastern edge of St Josephs Vale. However, the daylight and sunlight assessment submitted with the application does identify that 1 window, serving a living room, on the ground floor of 3 Lee Terrace would experience a VSC (Vertical Sky Component/views of the sky) transgression of 0.3% away from the recommended levels but concludes that this loss would not be noticeable and would remain in line with the requirements for light within an urban environment. Overall, 3 Lee Terrace would achieve full adherence to the BRE with regard to daylight distribution in the room and the Average Probably Sunlight Hours.
- 6.74 All other existing and proposed surrounding buildings would have a negligible or null impact with regard to sunlight and daylight.

- 6.75 St Matthew's Academy is in excess of 25m from the rear elevations of the row of terraced houses at the rear. Officers are satisfied that the distance would result in relatively low levels of overlooking to and from the school to an acceptable level.

Transport and car parking

- 6.76 Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. The London Plan elaborates on the parking requirements for all types of developments. 1-2 bed units should have a maximum of 0-1 car parking space.
- 6.77 London Plan policy 6.13 requires the provision of electrical charging points in new developments as part of parking provision requirements, but other than that, local policies are more applicable.
- 6.78 Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision. This is echoed in DM Policy 29 which states that car limited development will be acceptable in areas of PTAL 4 or more. It further also states that electronic parking bays should be provided, together with wheelchair accessible parking in accordance with best practice.
- 6.79 The proposals include the re-provision of a car sales showroom at ground floor. This would be for new car sales only and would not include servicing or other ancillary uses. As such, compared to the existing site there would be a significant reduction in demand for car parking spaces which currently include external forecourt for used car sales and servicing bays.
- 6.80 The site has a PTAL rating of 4 and as such, is regarded as an accessible location, where the Council would support car free/ car limited development. The apartment building is car free with the exception of one wheelchair parking space. Each of the 10 townhouses has a single parking space allocated. The level of car parking is below the maximums outlined in the London Plan and has been negotiated with officers, recognising the need to promote car free schemes and sustainable modes of transport but also that families of larger dwellings are likely to have a car and as such provision has been made for the large townhouses to have a single parking space. Officers consider this to be a successful balance between wider objectives of reducing car travel against the practical demands of family life.
- 6.81 With regards to cycle storage, the proposal is for each townhouse to have 2 spaces and 6 further spaces would be provided for visitors of the residential units and car showroom. All of the cycle spaces would be dry and secure, and designed so that they are integral to the scheme. This is acceptable.
- 6.82 The proposed cycle parking for the apartment block building would have 32 spaces on the ground floor, However, these spaces are provided in Sheffield stands and access to them would be communal. The preference is for the cycle spaces to be individually accessed or for locations comprising no more than 10 cycle stands to minimise any risk to their security. Officers have requested that the provision of individual lockers or smaller and more storage rooms are investigated. Officers are satisfied that the initially proposed cycle parking for the

apartment would be policy compliant, but to further encourage use, Officers would seek to secure alternative strategies post decision.

- 6.83 Objections have been received regarding the lack of on-street parking even with the existing CPZ in place and the lack of car club spaces in the immediate vicinity of the application site.
- 6.84 The Council would seek to restrict the ability to apply for car parking permits in the vicinity as well as securing the use of the car parking spaces on site for the development, rather than to serve other developments as this would undermine the delivery of sustainable transport measures. These measures would be secured through a S106.
- 6.85 The Heads of Terms submitted with the application confirms that car club membership for new residential occupiers is to be secured via a S.106. The length of time the membership is free to residents was not specified in the document. To establish and embed a habit amongst residents of car club use instead of ownership, Officers consider it necessary to secure car club membership for first residential occupiers for 3 years.
- 6.86 A transport assessment has been submitted required to support the scheme in addition to a draft travel plan. The assessment has considered the impact of the proposal and its additional requirements on the local transport network. The document also considers delivery and servicing issues, construction impacts from the delivery of a development on this site and the potential cumulative effects from surrounding development sites. The relatively High PTAL of the site, combined with the proposition to provide free membership to the nearby car club confirm that the proposed development would encourage sustainable forms of travel.
- 6.87 An objection was raised with regard to the lack of car club spaces in the immediate vicinity of the application site. The relevant car club companies themselves assess the demand for their service and once the development is occupied, it is reasonable then for further car club spaces to be provided, if necessary.

S106 contributions and CIL

Planning Obligations

- 6.88 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

6.89 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.

6.90 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

6.91 London Plan Policy 8.2 (Planning obligations), and Core Strategy Policy 21 (Planning Obligations) and the Council's Adopted Planning Obligations SPD sets out the policy context for considering planning obligations. Whether a development makes appropriate provision for, or contribution towards, requirements that are made necessary by, and are related to, the proposed development would be a material consideration relevant to the planning application being considered. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should reflect strategic and local needs. In accordance with the statutory and policy context, and as a result of the assessment of the impacts of the proposed development the agreed Heads of Terms for a Section 106 Agreement are set out below.

6.92 On the 1st April the borough adopted its Community Infrastructure Levy, contributions that previously would have been secured by Section 106 such as Education, Health, Leisure are now collected by CIL, contributions (financial/ non-financial) which are site specific and therefore still secured by Section 106 are listed below:

- Affordable Housing – 6 x 1 bedroom shared ownership apartments
- Car Club membership for first residential occupiers for 3 years
- Withdraw of ability to apply for a parking permit
- Employment Contribution - £90,000
- Local Labour and Business Contribution - £15,900

7.0 CONCLUSIONS

7.1 Officers have considered the scheme in light of the development plan. The proposals have been negotiated at pre-application stage and have evolved to what is considered to be a very high quality scheme, which is considered to represent a considerable improvement over the existing site. The reduction in employment space is accepted given the site constraints and the provision of on site affordable housing is supported. It is acknowledged that the scheme has resulted in objections from the councils conservation officer and Historic England, however, for the reasons discussed in the report officers do not share the view that the scheme causes harm.

7.2 Members are therefore asked to agree the recommendations and grant planning permission.

8.0 RECOMMENDATION A

8.1 To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

- Affordable Housing – 6 x 1 bedroom shared ownership apartments
- Car Club membership for first residential occupiers for 3 years
- Withdraw of ability to apply for a parking permit
- Employment Contribution - £90,000
- Local Labour and Business Contribution - £15,900

8.2 RECOMMENDATION B

8.2 Upon the completion of a satisfactory Section 106, in relation to the matters set out above, 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.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

10186-T-00-0100-ZXX-02, 10186-T-00-0200-ZB1-02, 10186-T-00-0205-Z04-03, 10186-T-00-0501-ZBB-02, 10186-T-00-0501-ZBB-02, 10186-T-00-0600-ZXX 01, 10186-T-01-0400-ZXX-02, 10186-T-01-0401-ZXX-02, 10186-T-01-0410-ZSO-02, 10186-T-01-0502-ZAA-02, 10186-T-02-0400-ZXX-02, 10186-T-02-0401-ZXX-02, 10186-T-03-0400-ZNO-02, 10186-T-03-0401-ZSO-02, 9208-L-DT-01 REV B, 10186-T-00-0205-Z04-03, 10186-T-00-0600-ZXX, 9208-L-DT-01B, 10186-T-00-0101-ZXX-02, Ecological Appraisal, Energy Appendix 1.1, 1.2, 1.3, 2.1, 2.2 and 3, Energy Strategy, Heritage Statement, Noise Assessment, Planning Obligation Statement, Planning Statement, Residential Travel Plan, Transport Assessment, Statement of Community Involvement, Archaeological Desk Based Assessment 1-3, Design And Access Statement Daylight And Sunlight Report, Air Quality Assessment, Area Schedule, Living Roof Plan, Affordable Housing Statement, BREEAM Pre-Assessment, CGI 1, 2 And 3, Living Roof Maintenance Plan, Geo-Environmental Site Assessment, S106 Heads Of Terms, Proposed Site Plan, Area Schedule, Received 9/3/16; 10186-1-00-0220-ZXX 03, 10186-T-00-0101-ZXX 03, 10186-T-00-0201-ZOO 03, 10186-T-00-0202-ZO1 03, 10186-T-00-0203-ZO2 03, 10186-T-00-0204-ZO3 03, 0186-T-00-0205-ZO4 04, 10186-T-00-0400-ZXX 02, 10186-T-00-0401-ZXX 03, 10186-T-01-0400-ZXX 03, 10186-T-01-0401-ZXX 03, 10186-T-01-4101-ZXX 01, 10186-T-01-4102-ZXX 01, 10186-T-01-4103-ZXX 01, 10186-T-01-4104-ZXX 01, 10186-T-01-4106-ZXX 01, 10186-T-01-4107-ZXX 01, 10186-T-01-4108-ZXX 01, 10186-T-01-4109-ZXX 01, 10186-T-01-4110-ZXX 01, 10186-T-01-4111-ZXX 01,

10186-T-01-4112-ZXX 01, 10186-T-02-0400-ZXX 03, 10186-T-02-0401-ZXX 03, 10186-T-03-0400-ZNO 03, 10186-T-03-0401-ZSO 03, 10186-T-03-0402-ZXX 03, 9208-L-DT-01, Internal Daylight And Sunlight Report, Transport Assessment, CGI Received 19/5/16; 10186-T-00-0500-ZXX 03, 9208-GA-01-I received 31/5/16; Materials schedule received 28/6/16; 10186-T-01-4200-ZXX, 10186-T-01-4201-ZXX, 10186-T-00-4202-ZXX, 10186-T-00-4203-ZXX, 10186-T-00-5000-ZXX, 10186-T-00-5001-ZXX, 10186-T-00-5002-ZXX, 10186-T-00-5003-ZXX, 10186-T-00-5004-ZXX, 10186-T-00-5005-ZXX received 1/7/16.

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and are acceptable to the local planning authority.

3. No development (excluding demolition to ground level) shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

4. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
 - (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

5. No development (excluding demolition to ground level) shall commence until
 - (a) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; recommendations for treatment for contamination encountered (whether by remedial works or not), and a timetable for remediation work has been submitted to and approved in writing by the Council.
 - (b) The required remediation scheme shall be implemented in full in accordance with the timetable set out within the approved site investigation report
 - (c) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
 - (d) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) & b) 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 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 DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

6. (a) Prior to the construction of above ground works full written details, including relevant drawings and specifications of the proposed works of sound insulation against airborne noise to meet $D'nT,w + C_{tr}$ dB of not less

than 55 for walls and/or ceilings where residential parties and non-domestic use meet shall be submitted to and approved in writing by the local planning authority.

- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

Reason: In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 7. (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) Prior to the occupation of the development details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

- 8. (a) The commercial floorspace hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) Prior to the commencement of above ground works a Design Stage Certificate (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of the commercial floorspace, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for the commercial building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 9. (a) No development (excluding demolition) shall commence until written information, drawings and sections showing a scheme for the provision of

conduits and/or piping for future connection to a District Combined Cooling, Heat and Power (CCHP) or Combined Heat and Power Scheme CHP Scheme and Network have been submitted to and approved in writing by the local planning authority.

- (b) No part of the development shall be occupied until the scheme has been carried out in accordance with the approved details.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.5 Decentralised energy networks and 5.7 Renewable energy in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 10. The development shall be carried out in accordance with the submitted and approved detailed plans showing each type of window, bay, recess, door, balconies, terraces, entrances, shopfronts, important joints, and sections of the buildings.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- 11. (a) No development (excluding demolition) shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

- 12. (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to any piling work commencing on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

Reason: To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

13. The development shall be carried out in accordance with the submitted and approved external materials schedule and specification hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

14. (a) The provision of cycle parking for the commercial unit and houses hereby approved shall be provided in accordance with or in excess of the minimum standards as set out in Table 6.3 of the London Plan (2015)
- (b) Notwithstanding the details hereby approved, prior to the commencement of above ground works (excluding demolition) full details of the cycle parking facilities for the residential units within the apartment block shall be submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces approved under part (a) and (b) shall be provided and made available for use prior to occupation of the development and permanently maintained thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

15. (a) Prior to the commencement of above ground works drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

16. (a) No development (excluding demolition) shall take place until a full Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the local planning authority. Such a study shall consider the exact relationship between the proposed development and any existing trees on the site, in line with the recommendations of BS 5837:2012 (Trees in Relation to design, demolition and construction - Recommendations).

- (b) The AIA should include survey data on all trees on the site, with reference to the British Standard and assess all interfaces between the development and trees, their root zones and their crowns and branches, i.e.:-
- Protection of trees within total exclusion zones.
 - The location and type of protective fencing.
 - The location of the main sewerage and water services in relation to trees.
 - The location of all other underground services, i.e. gas, electricity and telecommunications.
 - The locations of roads, pathways, parking and other hard surfaces in relation to tree root zones.
 - Provision of design and engineering solutions to the above, for example, thrust boring for service runs; the use of porous surfaces for roads etc. and the remedial work to maintain tree health such as irrigation and fertilisation systems; the use of geotextile membranes to control root spread.
 - Suggested locations for the site compound, office, parking and site access.
 - The replacement planting necessary to compensate for any necessary losses.
- (c) Drawings should also be submitted to show the location of any protective fencing, site compounds, means of access etc. and the study should contain a method statement for arboricultural works which would apply to the site.
- (d) The development shall be implemented in accordance with the approved AIS.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

17. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

18. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

19. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

20. Details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

21. (a) Details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: 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), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

22. (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

23. (a) The commercial premises shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the commercial development and shall be adhered to in perpetuity.

Reason: In order to ensure satisfactory commercial vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

24. (a) The travel plan hereby approved shall be implemented, prior to the first occupation of the development hereby approved.

- (b) Within the timeframe specified by the Travel plan referred to in (a), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms as recommended.

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 25. The developer shall afford access at all reasonable times to any archaeologist(s) nominated by the local planning authority and shall allow them to observe the excavations and record items of interest and finds.

Reason: To ensure adequate access for archaeological investigations and to comply with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011).

- 26. (a) Prior to the occupation of the development hereby approved, a satellite scheme including scaled plans and manufacturers details where applicable shall be submitted to and approved in writing by the Local Planning Authority, indicating the location and design of a single satellite point/dish serving the entire development.
- (b) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no additional satellite dishes beyond that shown within the approved satellite scheme shall be installed within the development.
- (c) The development shall be carried in accordance with the approved details approved under part (a).

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 27. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no flues, plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the buildings hereby approved.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 28. No extensions or alterations to the houses hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-

enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

29. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in the north or south elevations of the four central courtyard houses other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

30. The whole of the residential car parking accommodation shown on drawing nos. 10186-T-00-0201-ZOO 03 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the space(s) for parking purposes, to ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

31. The whole of the commercial car parking accommodation shown on drawing nos. 10186-T-00-0201-ZOO 03 hereby approved shall be provided and retained permanently for the accommodation of vehicles of the occupiers of the commercial part of the development (including employees using the building and persons calling at the building for the purposes of conducting business with the occupiers thereof) and the premises shall not be occupied until such car parking accommodation has been provided.

Reason: To ensure the permanent retention of the spaces for parking purposes and to ensure that the use of the building does not increase on-street parking in the vicinity and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car parking of the Development Management Local Plan (November 2014), and Table 6.2 of the London Plan (2015).

32. (a) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm

on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

- (b) No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

33. No commercial deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 6 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and to comply with Paragraph 120 of the National Planning Policy Framework, and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

34. The commercial premises hereby approved shall only be open for customer business between the hours of 7 am and 7 pm on Mondays to Fridays, 8 am and 6 pm on Saturdays, and 11am and 4pm on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards, and DM Policy 16 Local shopping parades and corner shops of the Development Management Local Plan (November 2014).

Informatives

- A. 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 discussions took place which resulted in further information being submitted.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development (unless otherwise specified). Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- C. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the

development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- D. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

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.

- F. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- G. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- H. The assessment of the light spill and lux level at the window of the nearest residential premises shall follow the guidance provided in The Institution of Lighting Engineers, Guidance Notes for the Reduction of Obtrusive Light.
- I. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.
- J. Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.
- K. The applicant be advised that the details to be submitted pursuant to this permission should have regard to the principles of energy and natural resource efficiency through their design, orientation, density and location, in compliance with Policy 8 Sustainable design and construction and energy efficiency of the adopted Core Strategy (June 2011).
- L. Premises to comply within the provisions of the Workplace (Health, Safety and Welfare) Regulations 1992 and the Health and Safety at Work etc Act 1974 will apply.

M. Pre-commencement conditions:

The pre-commencement conditions imposed are to protect residents from contaminated soil, protect the amenity of neighbouring properties, the function of the surrounding highway network, and deliver high quality design.