

Committee	PLANNING COMMITTEE C	
Report Title	8 Eliot Park, SE13 7EG	
Ward	Blackheath	
Contributors	Simon Vivers	
Class	PART 1	23 November 2017

Reg. Nos. DC/17/102680

Application dated 21 July 2017

Applicant Apex Architecture

Proposal Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of Condition 2 of planning permission DC/14/86806 granted 3 September 2014 (amended by s.73 planning permission DC/15/93126 granted 11 November 2015) for the erection of a two storey and basement single dwelling house in the rear/side garden of 8 Eliot Park SE13, together with removal of trees and changes to the boundary wall to provide a new vehicle access to the site **in order to: revise landscaping plans to show the proposed removal of a Mulberry tree (subject to a Tree Preservation Order) and inclusion of a replacement Horse Chestnut tree.**

Applicant's Plan Nos. AAA/64 (received 31 August 2017), L180EP – 101 Rev A (received 18 October 2017), L180EP – 102 Rev A (received 30 October 2017)

Background Papers

- (1) Case File LE/135/8/TP
- (2) Core Strategy (2011) Development Management Local Plan (2014)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation Blackheath Conservation Area

## **1.0 Property/Site Description**

- 1.1 The application site forms part of the grounds of 8 Eliot Park (also known as Barton House), which is a substantial detached three storey and basement residential property converted into 2 maisonette flats. The property and surrounding land occupy a large plot of 1400m<sup>2</sup> on the west side of Eliot Park opposite the junctions of Eliot Park with St Austell Road and Oakcroft Road. The house at 8 Eliot Park is located towards the north west boundary and the remainder of the plot is predominantly open garden area. The site has a frontage of over 65m to Eliot Park, with the boundary to the street being formed by a brick wall.
- 1.2 The site is within the designated Blackheath Conservation Area but is not adjacent to any locally or statutory listed buildings.
- 1.3 The garden land associated with 8 Eliot Park has now been divided, with the land associated with the current application fenced off from the remaining garden area. The

application site is 520m<sup>2</sup> in area, is rectangular in shape and has a frontage of 13.5m to Eliot Park to the south east. To the north west are the rear gardens of 6 Eliot Park.

- 1.4 The land levels change across the site, as they do visibly when approaching the site from the south. Coming from the south along Eliot Park, the land rises so that the application site is at a lower level than 8 Eliot Park, yet slightly higher than the neighbouring site to the south. Within the site the land is also at a higher level to the front than the rear.
- 1.5 The site has a long frontage to Eliot Park to the east. To the south west is a three storey post war block of flats at 9-11 Eliot Park. There is an electricity sub-station located on the boundary.
- 1.6 The site has been cleared of vegetation in conjunction with the commencement of existing planning approval DC/15/93126 with exception of a Mulberry tree towards the front which is to be retained under existing planning approval.
- 1.7 The Mulberry tree is part of a wider Tree Preservation Order (TPO) granted 8 July 2010 which covers eleven trees over the original 8 Eliot Park site. The Mulberry is the single tree within the TPO, which sits within in the subdivided part of the land. The other trees under the TPO comprise consist of 3 x Ash, 3 x Horse Chestnut, 2 x Sycamore and 1 x Walnut, and are situated on the bend as Eliot Park rises and curves towards the entrance of Barton House.

## **2.0 Relevant Planning History**

- 2.1 **DC/14/86806** – The erection of a two storey and basement single dwelling house in the rear/side garden of 8 Eliot Park SE13 together with removal of trees and changes to the boundary wall to provide a new vehicle access to the site

Planning permission granted 3 September 2014.

- 2.2 **DC/15/93126** - Section 73 application - Variation of conditions (2), (6), (12) & (13) of planning permission DC/14/86806 in order to allow:

- Removal of rear cantilever at first floor level;
- Removal of front projection at ground floor level;
- Removal of a window and sliding doors from south west elevation;
- Removal of a window from the north east elevation;
- Increase in footprint of basement together with the construction of a lightwell;
- Inclusion of additional roof planters together with alteration to the height of the roof;
- Relocation of roof lights;
- Widening of the ground floor at the north east elevation to match the overhang above;
- Installation of granite pavers to roof in lieu of timber panelling;
- Installation of sliding doors to the front elevation.
- Installation of a “clear storey” glazed element separating ground and first floor levels;
- Installation of an additional gate and the relocation of the existing vehicular access to the site;
- Installation of a timber deck at the front elevation; and
- Minor alterations to landscaping and site layout at the front of the property.

Planning permission granted 11 November 2015.

- 2.3 **DC/16/96303** – Section 73 application – Variation of condition (2) of planning permission DC/14/86806 (as amended by planning permission DC/15/93126) in order to allow:

- addition of a rear extension

Withdrawn by applicant 21 June 2016 following advice of recommendation of refusal.

- 2.4 **DC/16/095627** - Approval of details submitted in compliance with Conditions 3, 4(a), 4(b), 5(a), 6, 7(a), 7(b), 8(a) and 11(a) of planning permission DC/15/93126.

Details approved 6 June 2017. Conditions outlined as follows:

Condition 3	Construction Management Plan
Condition 4(a), 4(b)	Code for Sustainable Homes Rating Level 4
Condition 5(a)	Schedule and specification of windows, reveals and external doors
Condition 6	Detailed drawings and sections through principal features of facades
Condition 7(a), 7(b)	Detailed schedule, specification and samples of all external materials and features
Condition 8(a)	Proposals for the storage of refuse and recycling facilities)
Condition 11(a)	Details of the proposed boundary treatments

- 2.5 **DC/17/102766** - Approval of details submitted in compliance with Condition 9 (Tree Protection) of planning permission DC/15/93126. Details approved 1 September 2017.

- 2.6 It is noted that there has been no attempt to discharge conditions of the original planning permission. Approval of details applications have only been made in relation to the amended scheme granted under DC/15/93126.

### **3.0 Current Planning Application**

#### The Proposal

- 3.1 The application seeks approval of a further s.73 application for a Minor Material Amendment of planning permission DC/15/93126.
- 3.2 The amendment would consist of a Variation of Condition 2 (approved plans) of planning permission DC/15/93126, in order to allow the submission of a replacement landscaping plan showing the proposed removal of the existing Mulberry and provision of a replacement Horse Chestnut.
- 3.3 Existing planning permissions over the site show the construction of a single dwelling with retention of the subject Mulberry. It is noted however, that the removal of several other trees (not subject to the TPO) in the general footprint of the proposed building are captured under the existing planning permissions.

#### Supporting Documents

- 3.4 Ground Investigation Report prepared by Oakley Soils and Concrete Engineering Ltd, dated March 2016.

### **4.0 Consultation**

#### External

- 4.1 Adjoining occupiers, Ward Councillors and The Blackheath Society were notified. In addition, a site notice was displayed at the property boundary and a press notice was run. Four objections were received from occupiers located at 1 and 8 Eliot Park.

Grounds of objection are summarised as follows:

- Destruction of the limited remaining vegetation within the site further reducing habitat and foraging opportunity for bats;
- Lack of evidence of contamination;
- Replacement of (mature) Mulberry with a species which is not native;

- Lack of enforcement action regarding previous damage to the Mulberry together with such works occurring prior to approval of tree protection details; and
- Compensatory planting should be required in relation to all trees removed from the site.

### Internal

4.2 The Council's Conservation, Trees and Environmental Protection officers were consulted

#### *Conservation:*

- o No Response

#### *Environmental Protection:*

- o Recommendation that full remediation of soil take precedence over tree retention, subject to further testing to determine the source and extent of the contamination;
- o Additional testing should also include all contaminants with emphasis of testing in proposed private/landscaped garden areas. Testing should also include ground gases, asbestos and Poly-Chlorinated Bi-Phenyls (PCBs)
- o Concern for safety of end users of the site should remediation not properly occur.

#### *Tree Officer*

- o Requested further details of contamination to justify loss of Mulberry;
- o Subject to contamination being demonstrated and remediation necessary, replacement tree should be a Walnut, Liquidambar, Horse Chestnut, Beech, Evergreen Oak, London Plane (including Cut leaf Plane), Zelkova, Lime. Tree to be pot grown and have a girth of 12cm – 16cm.

## **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.

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)

5.2 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, Development Plan Document (DPD) (adopted in June 2011), the Development Management Local Plan (November 2014) and policies in

the London Plan (2016). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

- 5.3 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)'.
- 5.4 Officers have reviewed the Core Strategy and Development Management policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

- 5.5 The other relevant national guidance is:
- Climate change
  - Conserving and enhancing the historic environment
  - Tree Preservation Orders and trees in conservation areas
  - Use of Planning Conditions

#### London Plan (2016)

- 5.6 The London Plan policies relevant to this application are:
- Policy 3.5 Quality and design of housing developments
  - Policy 7.4 Local character
  - Policy 7.6 Architecture
  - Policy 7.8 Heritage assets and archaeology

#### London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:
- N/A

#### Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, Development Management Local Plan, the Lewisham Town Centre Local Plan 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 Lewisham Core Strategy as they relate to this application:

- 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

5.9 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:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 25	Landscaping and Trees
DM Policy 28	Contaminated Land
DM Policy 30	Urban design and local character
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

#### Blackheath Conservation Area Character Appraisal

5.11 The site is located within Character Area 6: Granville Park, Oakcroft Road, St Austell Road, Walerand Road and The Knoll. The appraisal notes that rigid building lines with houses set back off the street with boundary walls formalise the townscape of this character area and also contributes to tying the groups of houses together along streets. While 8 Eliot Park is identified as a building making a positive contribution to the conservation area, several properties surrounding the site to the west and south are not identified as making a positive contribution to the conservation area.

### **6.0 Planning Considerations**

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

- a) Principle
- b) Design & Conservation
- c) Contamination & Remediation

#### *Presumption in favour of sustainable development*

6.2 The National Planning Policy Framework (NPPF) sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

6.3 When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements.

6.4 New issues may arise after planning permission has been granted, which require modification of the approved proposals and where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed the applicant can apply for either a non-material amendment (under section 96a of the Town and Country Planning Act) or a minor material amendment (under section 73 of the Town and Country Planning Act). The grant of a s73 permission results in a new planning permission.

- 6.5 There is no statutory definition of 'non-material' or 'minor material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. A minor material amendment is considered an amendment where the development's scale and/or nature results in a development, which is not substantially different from the one that has been approved.
- 6.6 It is further considered that the authorised development which the application under s.73 seeks to replace will by definition have been judged acceptable in principle by the LPA at an earlier date. Consequently, the extent of the material planning considerations are somewhat restricted and only the changes being applied for should normally be considered when considering a s.73 application, depending upon whether there have been any significant planning policy changes. Having said that, when determining the application the LPA will have to consider the application in the light of current policy. The local planning authority therefore has to make a decision focusing on national or local policies which may have changed significantly since the original grant of planning permission as well as the merits of the changes sought. In this case, there has been no relevant shift in planning policy given the current Local Development Framework was given significant weight when determining the original application.
- 6.7 Although welcomed, the status of the Mulberry (through its TPO) and its retention is not considered a key or overarching factor in determining factor for the principle of the original development (for the construction of a dwelling). Further, the change would not result in a substantially different development should replacement tree planting be provided. The change sought is therefore appropriate for consideration under a s.73 amendment.

#### Design, Conservation & Justification

- 6.8 Core Strategy Policy 16 (Conservation areas, heritage assets and the historic environment states) that new development should be of high quality design and should preserve the historic environment and sense of place. Development Management Policy 36 (New Development, changes of use and alterations affecting designated heritage asset and their setting) states that where the significance of an asset may be harmed or lost through physical alteration or destruction, or development within its setting, the Council will require clear and convincing justification. Additionally, the Council will not grant approval to development, which in isolation would lead to less than substantial harm to the building or area, but cumulatively would adversely affect the character and appearance of the conservation area
- 6.9 Development Management Policy 25 (landscaping and trees) states that where there is a Tree Preservation Order in place, applicants will be required to retain existing trees for the most part and in the event of tree removal being required, replacement planting will normally be required. New and replacement tree planting must use an appropriate species that reflects the existing biodiversity in the borough.
- 6.10 Development Management Policy 28 (contaminated land) states that the Council will ensure that contaminated land is fully investigated and remediated, to minimise and mitigate any harmful effects to human health and the environment. This is applicable wherever development is proposed on contaminated land, land suspected of being contaminated, or if a sensitive use is proposed, to ensure contamination is properly addressed.
- 6.11 In order to provide justification for the loss of the tree, the applicant has submitted a Ground Investigation Report prepared by Oakley Soils and Concrete Engineering Ltd, dated March 2016. The ground investigation was carried out at the instruction of the applicants consulting engineers (AECOM), to determine the nature and stratification of the subsoils and to investigate and record details of the existing foundations to assist the structural design of the proposed building.

- 6.12 Testing is stated to have included the sinking of two boreholes to depths of 6.0m and 15.0m. The boreholes are located centrally within the site (borehole 1 towards the rear of the proposed building and borehole 2 towards its front, and approximately 2.0m in front of the Mulberry).
- 6.13 The testing found that all metals, except lead were within acceptable limits (within the General Assessment Criteria) for Category 4 screening. Category 4 is a low or no risk contamination level, with category 1 being the highest and indicating a high probability of significant harm would occur if no action taken. A category 4 screening level is therefore appropriate when considering residential development.
- 6.14 The samples analysed from the two boreholes (BH1 @ 0.1-0.2m and BH2 @ 0.5-0.6m) recorded values of 600 mg/kg and 1300 mg/kg, both which are well in excess of the General Assessment Criteria of 200 mg/kg. The report states that further investigation and analysis will be required to determine if the two areas are localised hot spots or if the lead concentrations are indicative of the site, however regardless, the higher concentration falls in close proximity to the Mulberry Tree.
- 6.15 As outlined in the referral response, the Council's Environmental Protection Officer has reviewed the Ground Investigation Report, and has recommended that full remediation be paramount and take precedence over tree protection given the residential status of the site; however, this would be subject to further testing to determine the source and extent of the contamination. Further recommendations include for additional testing to include all contaminants with emphasis of testing in proposed private/landscaped garden areas. Testing should also include ground gases, asbestos and Poly-Chlorinated Bi-Phenyls. Currently, there is concern for the safety of end users of the site (use of the site for residential purposes) should remediation not properly occur, for example through food growing.
- 6.16 Notwithstanding that further testing has not occurred at this point, the concentration of lead in both samples (and in particular, that from borehole 2 in close vicinity to the Mulberry) is excessive, with levels of lead concentration recorded at being at between 400 – 1,100 mg/kg above the 200 mg/kg General Assessment Criteria for a Category 4 screening. It is reasonable to establish that effective remediation would be unable to occur with the tree and its surrounding topsoil retained. While regrettable, the loss of the Mulberry tree is considered adequately justified, as required by DM Policy 25 in context of the need for remediation of the site.
- 6.17 As also required by DM Policy 25, replacement tree planting must use an appropriate species which reflects the existing biodiversity in the borough. The applicant originally proposed a Silver Birch replacement tree (located in the north eastern corner of the site). The Council's Tree Officer raised objection, and accordingly negotiations occurred to secure the planting of a Horse Chestnut, which is in keeping with the local area, and is one of the main trees under the 8 Eliot Park TPO. Additionally, plans have been annotated to secure that the tree is pot grown (not bare rooted) and has a girth of 12cm – 16cm which would add instant visual maturity in the garden as opposite to a new undeveloped tree.
- 6.18 It is noted that Condition 10 of planning permission DC/15/93126 would require further details of the replacement tree including its maintenance and replacement if diseased. This would continue to be relevant.
- 6.19 It is therefore considered that the proposed loss of the Mulberry is justified, and the replacement tree would be appropriate for the site, and reflects the existing character of Eliot Park and wider Blackheath Conservation Area.
- 6.20 As required by DM Policy 28, and also in line with the comments provided by Council's Environmental Health Officer, a comprehensive condition is recommended to be applied

which requires detailed site investigation and remediation of all contamination prior to any further development (including the submission of a closure report prior).

- 6.21 Removal of certain permitted development rights
- 6.22 Officers recommend that if this application is approved conditions are imposed to remove certain permitted development rights in respect of the site. Paragraph 017 of that part of the Planning Practice Guidance that is concerned with the use of planning conditions states that “conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances”. Officers in this case consider that exceptional circumstances exist to justify the limited removal of the permitted development rights in draft conditions 14 – 17 for the reasons stated therein.

## **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- 7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

## **8.0 Prevention of crime and disorder**

- 8.1 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder etc in its area. However, Officers do not consider this application raises any crime and disorder implications.

## **9.0 Human Rights Act**

- 9.1 Officers consider that this application does not raise any Human Rights Act issues that need to be considered

## **10.0 Equalities Considerations**

- 10.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter there is minimal/no impact on equality

## **11.0 Conclusion**

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 While the loss of the Mulberry is regrettable, its loss has been adequately justified and the replacement tree is considered acceptable in line with Core Strategy Policy 16 and Development Management Policies 25 and 36, and as conditioned, contamination rectified in line with Development Management Policy 28.

## **12.0 RECOMMENDATION                    GRANT PERMISSION** subject to the following conditions:

### **Conditions**

1. The development to which this permission relates must be begun no later than **3 September 2017**.

**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:

**Still relevant original drawings/ documents previously approved under reference DC/14/86806:**

TCP-01 (2 April 2014)

**Still relevant original drawings/ documents previously approved under reference DC/15/93126:**

1808 P 001, 002, 003, 004, 005, 006, 007, 008, 013, 015, 016, 017 (received 29 July 2015), 1808 P 100 (received 26 October 2015)

**Submitted under application DC/17/102680:**

L170cs 102 Rev A (received 30 October 2017)

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

- 3.
4.
  - (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
  - (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes 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 any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

**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 (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- 5. (a) Notwithstanding the details hereby approved, no development shall commence until a detailed schedule and specification of all windows, reveals and external doors including detailed plans and sections at a scale of 1:10 have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

**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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- 6. Prior to the commencement of development, detailed drawings and sections at a scale of 1:5 through all principal features of the facades, including:
  - a) Roof edges/eaves, roof openings;
  - b) Junctions of different facing and roofing materials including the living roof elements shown on Drawings **L170cs 102** and 1808 P 013 hereby approved;
  - c) Heads, cills and jambs of all openings;
  - d) Details of the living roof

shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:** To ensure that the design is of a necessary high standard and detailing and delivers the standard of architecture detailed in the plans and rendered images and design and access statement in accordance with policies 15 High quality design for Lewisham and 16 Conservation Areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).

- 7. (a) Notwithstanding the drawings and information hereby approved no development shall commence on site until a detailed schedule and specification and samples of all external materials and finishes to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- (b) Notwithstanding part a) above, a sample panel of a minimum size 1m<sup>2</sup> of the proposed brickwork, showing details of bonding mortar and pointing shall be constructed on site and approved by the local planning authority prior to

commencement; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:** To ensure that the design is of the necessary high standard and detailing, and delivers the standard of architecture detailed in the plans, rendered images and design and access statement in accordance with policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).

8.
  - (a) No development shall commence on site until details of proposals for the storage of refuse and recycling facilities for the residential unit hereby approved, have been submitted to and approved in writing by the local planning authority.
  - (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- 9.
10.
  - (a) A scheme of hard and soft landscaping (including details of paving works, 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 die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, 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 Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

11.
  - (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 Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

12. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. 1808 P 013 hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

13. The dwelling shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 1808 P 006 and 1808 P 007 hereby approved.

**Reason:** In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

14. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of the building.

**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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external front or side elevation of the building.

**Reason:** It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

16. No extensions or alterations to the building 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).

17. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roof areas of the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

18. (a) No further development (including any above ground building work) shall proceed until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
  - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any further 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.
- (c) 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) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

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

monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

### **Informatives**

- A. The applicant is advised that the following conditions attached to application DC/15/93126 remain outstanding:
- (10a): Landscaping
  - (12c): Living Roof
  - (18): Contamination
- B. The applicant is advised that the following conditions attached to application DC/15/93126 have been partially discharged as required:
- (4[a], 4[b]) Code for Sustainable Homes Rating Level 4
  - (5[a]) Schedule and specification of windows, reveals and external doors
  - (6) Detailed drawings and sections through principal features of facades
  - (7[a], 7[b]) Detailed schedule, specification and samples of all external materials and features
  - (8[a]) Proposals for the storage of refuse and recycling facilities)
  - (11[a]) Details of the proposed boundary treatments
- C. The applicant is advised that the following conditions attached to application DC/15/93126 have been fully discharged:
- (3): Construction Management Plan
  - (9): Tree Protection Plan
- D. The applicant is advised that the following conditions attached to application DC/14/86806 remain outstanding:
- (3): Construction Management Plan
  - (4[a], 4[b]) Code for Sustainable Homes Rating Level 4
  - (5[a]) Schedule and specification of windows, reveals and external doors
  - (6) Detailed drawings and sections through principal features of facades
  - (7[a], 7[b]) Detailed schedule, specification and samples of all external materials and features
  - (8[a]) Proposals for the storage of refuse and recycling facilities)
  - (9) Tree Protection Plan
  - (11[a]) Details of the proposed boundary treatments
  - (10a): Landscaping
  - (12c): Living Roof