

Committee	PLANNING COMMITTEE (C)	
Report Title	Sydenham Gas Holder Station, Bell Green, London SE26 4PX	
Ward	Bell Green	
Contributors	Geoff Whittington	
Class	PART 1	23 November 2017

Reg. Nos. DC/17/100680

Application dated 08.03.2017

Applicant Kier Property Development Ltd and Southern Gas Network

Proposal The removal of existing gasholder's and associated equipment and redevelopment of land to the east of Perry Hill, SE6 to provide:-

- 1,855 sq m (A1 Use Class) Food Store and 100 car parking spaces, and cycle stores;
- 168 sq m (Use Class A1) Coffee Shop & 325 sq m (Use Class A3) Restaurant, fronting Alan Pegg Place, including outdoor seating and cycle stores;
- 1,104 sq m (B8 Use Class with ancillary offices) Depot for Southern Gas Networks consisting of a two-storey building and service yard, together with associated car parking and cycle stores;
- Boundary treatment, and hard/ soft landscaping works including the provision of a new garden area.

Applicant's Plan Nos. 1923-P-21; 1923-P-22; 1923-P-23; 1923-P-24; 1923-P-25; 1923-P-29; 1923-P-30; 1923-P-31; 1923-P-32; 1923-P-33; 1923-P-35; 1923-P-36; 1923-P-37; 1923-P-38; 1923-P-40; 1923-P-41; 1923-P-42; 9107/100 Rev B; Tree Retention/ Removal & Protection Plan; Tree Constraints Plan; LS-01 Rev C; LS-02 Rev C; LS-03 Rev C; Planning Statement; Design & Access Statement; Heritage Statement; Retail Planning Statement; Flood Risk Assessment and Drainage Strategy; Sustainability Statement; Energy Statement; Transport Assessment; External Lighting; Generic Quantitative Risk Assessment Reports (K3 Livesey & K3 SGN); Aldi Stores Ltd: Travel Plan; Archaeological Desk Based Assessment; Noise Assessment Report; Preliminary Ecological Appraisal; Bat Emergence & Activity Survey Report; BREEAM pre-assessment (SGN Unit); BREEAM pre-assessment (Unit A); BREEAM pre-assessment (Units B & C); Air Quality

Assessment; Statement of Community Involvement;
Arboricultural Impact Assessment Received 15
March 2017

1923-P-28 Rev A; Transport Highways Response
received 4 September 2017

Background Papers

- (1) Case File LE/214/A/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016)

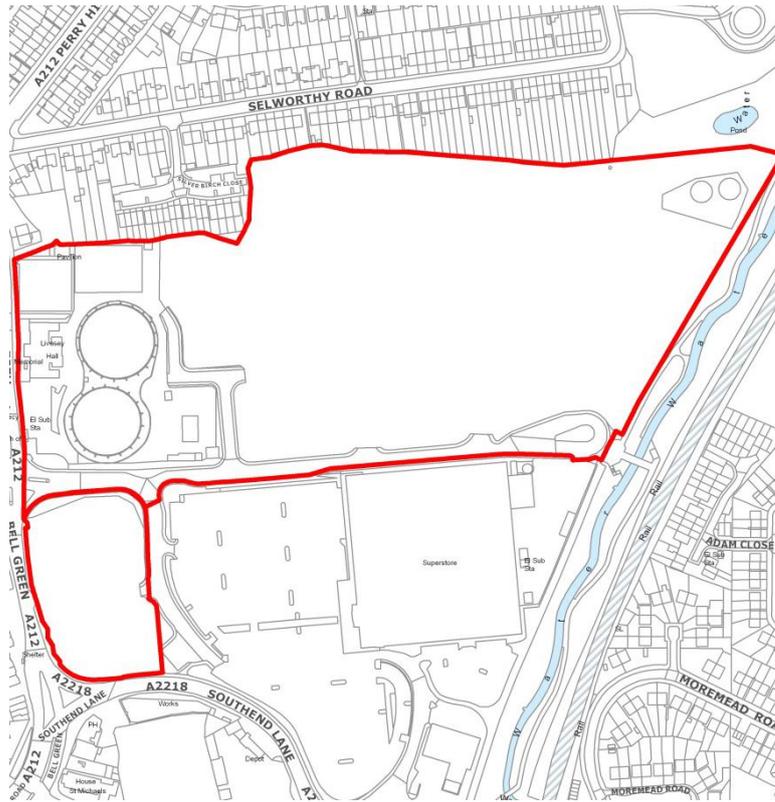
Designation

PTAL 3
Development Site
Local Open Space Deficiency
Area of Archaeological Priority

1.0 Property/Site Description

- 1.1 The application site is located on the east side of Perry Hill to the rear of the Grade II listed Livesey Hall, and is accessed from Alan Pegg Place. Part of the site is currently occupied by two redundant gasholders and associated infrastructure to the central and southern areas, whilst to the northern part is a scaffold yard and former bowling green. The Livesey Hall was constructed in 1911 after the two gasholders.
- 1.2 The subject site is not located within a conservation area, nor is it subject to an Article 4 Direction. The gasholders were formally designated as locally listed structures on 25 October 2017 at Mayor and Cabinet.
- 1.3 The site has a Public Transport Accessibility Level (PTAL) rating of 2, whereby on a scale of 1-6, 1 means poor access to public transport. However, bus stops are located within close proximity on either side of Perry Hill, and Alan Pegg Place, and the immediate area is served by 5 bus routes. The nearest train station is Lower Sydenham accessed from Kangley Bridge Road to the south.
- 1.4 The surrounding area provides a mix of residential and retail uses. A Sainsbury's store and associated car-park lies to the south-east of the site.
- 1.5 To the east is an existing retail park comprising six units and a drive-thru restaurant, with associated car-parking for 460 vehicles. Employment units and associated parking are located further to the east.
- 1.6 To the south of the site is a mixed use residential and commercial development, ranging in height between two to four storeys. The residential element comprises 4 one bedroom flats and 16 two bedroom flats. Further to the south of this is a 3-8 storey residential building comprising 32 one bedroom flats and 104 two bedroom flats with parking for 61 vehicles on the ground floor and residential amenity space provided on a first floor podium.
- 1.7 To the north and west of the site are 2-storey dwelling-houses. Mixed residential and commercial buildings are located on the western side of Bell Green to the south of the application site.
- 1.8 The Pool River is located 350 metres to the east of the site, and the Environment Agency flood map indicates the site falls within Flood Zone 1.
- 1.9 To the west and south of the site are Bell Green and Southend Lane, leading to Stanton Way. These are busy routes linking Sydenham, Catford, Beckenham and Bromley.

- 1.10 Spatial Policy 4 of the Core Strategy identifies this area of Bell Green as being a designated out of centre retail park.



2.0 Planning History

- 2.1 There have been no planning applications for this site.
- 2.2 There is extensive planning history relating to the comprehensive redevelopment of the adjacent sites. The following applications are relevant.

DC/05/59375: The redevelopment of part of the Former Bell Green Gas Works Perry Hill SE6, comprising the construction of business/industrial warehouse units, 10,644 sq.m gross (Use Class B1/B2/B8), non-food retail units including a DIY store with associated garden centre 13,517sq.m gross (Use Class A1) drive-thru restaurant 316sq.m (Use Class A3), together with the use of the Livesey Memorial Hall as a social club (Use Class D2), associated landscaping, highway improvements, provisions of refuse storage area 40 bicycle and 598 car parking spaces.

DC/08/070558: The construction of five blocks ranging from 3 to 7 storeys, comprising 178 residential units (including 65 affordable housing) and 1,247sq.m of commercial floor space (use classes A1/A2/A3/B1/D1) on Land at former Bell Green Gas Works, Bell Green SE26, together with associated landscaping, bin stores, 178 cycle parking spaces, 79 car parking spaces, highway works, plant and servicing.

DC/12/079820: Development of 11 double height (11.6m) warehouse units for business, general industrial, storage and distribution (including trade counters) and ancillary office accommodation with an overall gross internal floor area of 5,054 sqm in addition to associated access and 55 car parking spaces and soft landscaping at Phase II of the Former Bell Green Gas Works, SE26.

3.0 Current Planning Application

The Proposals

- 3.1 The application seeks consent for the demolition of the existing gasholders and associated equipment, and a comprehensive redevelopment that would include the construction of retail and commercial units, together with the construction of a 2-storey depot and compound area for Southern Gas Network (SGN).
- 3.2 The largest unit (A) would be centrally located directly to the rear of Livesey Hall (a Grade II Listed Building.) The A1 retail unit is currently planned to be operated by Aldi, and would deliver up to 50 jobs. The building would measure an internal floor area of 1855sq.m, and a single-storey height of 5 metres rising to 8 metres. A loading bay area would be sited to the rear, with 100 car-parking spaces to the south.
- 3.3 Two smaller single-storey (6.5m height) commercial units (B and C) would lie to the southern edge of the site fronting Alan Pegg Place, set within a hard and soft landscaped area that would provide outdoor seating for customers. Unit B would measure an internal area of 325sq.m, and Unit C 158sq.m. The two units would be capable of providing employment for 25-33 full and part-time jobs. At the time of writing this report, there were no proposed end users for either unit.
- 3.4 To the north of the site would be the 2-storey SGN depot (1104sq.m), which would provide a predominant B8 storage use with ancillary offices for between 75-100 staff, with approximately 50 staff on site during the working day. 42no. car parking spaces would be allocated to staff to the front of the building, with a service yard located at the rear. The offices would operate during 'normal' working hours, however the storage element would be accessible 24hrs a day so tools and materials can be used in any emergency call outs. Generally, engineers would park their work vehicles at home over-night rather than on-site. The existing SGN pumping station to the south-eastern corner of the site would be retained.
- 3.5 Ten dedicated parking bays for Livesey Hall would be provided to the western side of the Aldi store. A new garden area would also be formed for Livesey Hall directly to the south of the Hall.
- 3.6 Highways works beyond the site to be undertaken under a S278 agreement would include the formation of two crossings with dropped kerbs adjacent to the existing roundabout on Alan Pegg Place and Ron Stockbridge Close. In addition, the existing 2-lane approach toward the Perry Hill junction would be revised to 3 lanes without the need of widening the road.
- 3.7 Landscaping measures to the south-west corner of the site is proposed, which would create a route through the site from Perry Hill/ Alan Pegg Place. Existing trees (which are not subject to a Tree Preservation Order or within a conservation area) would be largely replaced with new trees and planting.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and by the Council following the submission of the application and summarises the responses received.

Pre-application consultation by applicant

- 4.2 The applicant has submitted a Public Consultation Statement in support of the application, which refers to a public event held on 7 December and 10 December 2016 at Livesey Hall. Details of the scheme were displayed on panels, and attendees were able to discuss the plans with members of the project team. Over the course of the two days, 163 people attended, with the main areas of feedback responses being toward increased traffic; low need for a further foodstore; welcome regeneration and loss of the gasholders.
- 4.3 The statement summarises the issues raised during the consultation process and how the applicant has sought to address these in the submitted application.

Post-submission consultation by Council

- 4.4 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.5 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.6 In response to consultation, 66 letters and a petition signed by 640 objecting to the proposal, and 81 letters of support were received.
- 4.7 The following planning concerns raised by objectors are summarised as follows:
- There is no need for further retail use in the area;
 - Gasholders should be retained;
 - Highways and congestion concerns;
 - High level of existing traffic using the existing retail park;
 - Gasholders are a symbol of Sydenham and its historic past;
 - Air quality concerns;
 - Unsympathetic form of development;
 - Large shops should be located in high streets;
 - A residential scheme should be considered instead of retail;
 - The proposal lacks imagination and creativity;
 - Impact upon local high streets.

- 4.8 The petition was submitted at the Council meeting on 17th July 2017 by Councillor Hall, entitled 'Save the Bell Green Gas Holders'.
- 4.9 The Sydenham Society object to the proposal due to the loss of the gasholders, and detail their historic context. They also consider the site inappropriate for further retail development; and raise air pollution concerns.
- 4.10 The Victorian Society consider the proposed scheme to have no architectural merit or architectural quality, and strongly supports the retention of the gasholders.
- 4.11 The Forest Hill Society object to the proposal on grounds including historic context; traffic management; and impact on local high streets.

- 4.12 The Greater London Industrial Archaeology Society objects, referring to the gasholders being 'good examples of the early form of lattice guide frames', and the very few examples remaining nationally of this earliest form of lattice frame.
- 4.13 Standard letters were distributed to local residents by a neighbouring occupier, which were then individually signed and sent to the Council in support of the proposal, stating the following:
- The site is currently not in use and attracts litter and fly-tipping. As the Country's gasholders are no longer in use and are scheduled for demolition, I support action to bring the site into positive use so it does not further deteriorate.
 - The proposed introduction of around 160-200 jobs, which will benefit local people in years to come.
 - I welcome SGN's plans for employment space, as this part of Lewisham needs to attract good quality industrial jobs;
 - The development will bring an estimated £2.7m a year into the economy;
 - Will be good to have a coffee shop and restaurant nearby for local residents.

Local Drop-in Session

- 4.14 The Council's Statement of Community Involvement (SCI) requires that a local meeting or drop-in session be offered to those who have made representations and the applicant at least two weeks prior to a decision being made on a planning application, in the following circumstances:
- where one or more objection(s) have been received from a residents' association, community/amenity group or ward Councillor; and/or
 - where a petition is received containing more than 25 signatures; and/or
 - where 10 or more individual written objections are received from different residents.
- 4.15 Subsequently, a drop in session was held on 6th November 2017 at the Civic Suite in Catford. Planning and Highways officers were present, and 6 members of the development team. Plans and visuals of the proposals were displayed.
- 4.16 In the event, 19 people attended the 2.5hr session, and the main areas of discussion centred around the heritage value and retention of the gasholders, and highways related matters, in particular congestion concerns associated with the proposed Aldi store.
- 4.17 One written comment by an attendee considered there to be no need for further retail provision in Bell Green, and raised concern toward additional traffic.

Written Responses received from Statutory Agencies

Historic England

- 4.18 Following an assessment, it was determined that the gasholders did not meet the criteria for national listing, however it would be appropriate for an historic building recording to be undertaken prior to development.

Environment Agency

- 4.19 No objections, subject to the inclusion of a site contamination condition.

Thames Water

- 4.20 No objection with regard to water and sewerage infrastructure capacity. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer.

TfL

- 4.21 TfL raised initial objections to the provision of disabled parking bays, and the layout of cycle stores. The applicant has since addressed their concerns, and TfL have raised no further objections.

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, 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

- 5.3 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 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:

Design

Health and wellbeing

Planning obligations

Renewable and low carbon energy

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

London Plan (2016)

5.6 The London Plan policies relevant to this application are:

Policy 3.16 Protection and enhancement of social infrastructure

Policy 4.1 Developing London's economy

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 5.13 Sustainable drainage

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.7 Better streets and surface transport

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage and assets and archaeology

Policy 7.14 Improving air quality

Policy 7.15 Reducing noise and enhancing soundscapes

Policy 7.19 Biodiversity and access to nature

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Social Infrastructure (2015)

Character and Context (2014)

Accessible London: Achieving an Inclusive Environment (2014)

Sustainable Design and Construction (2014)

Planning for Equality and Diversity in London (2007)

Control of dust and emissions from construction and demolition (2014)

Core Strategy (2011)

- 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, the Lewisham Town Centre Local Plan, the Development Management 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:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 4 Local Hubs

Core Strategy Policy 6 Retail hierarchy and location of retail development

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 12 Open space and environmental assets

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 21 Planning obligations

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 22 Sustainable design and construction

DM Policy 23 Air quality

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 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

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

6.0 Planning Considerations

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

- a) Principle of development;
 - Removal of gasholders, and design impact upon setting of the Livesey Hall
 - Retail and employment use
- b) Scale and siting of development, and operational impact upon neighbouring amenity
- c) Highways and traffic issues
- d) Impact on neighbouring occupiers
- e) Sustainability and energy
- f) Ecology and landscaping
- g) Planning obligations

Principle of Development

Removal of Gasholders

6.2 The NPPF (para.14) states that applications should be considered in the context of a presumption in favour of sustainable development and that development proposals which accord with the development plan should be approved without delay. The NPPF (para.17) promotes mixed use developments that encourage multiple benefits and encourages development on previously developed land.

6.3 Section 12 of the NPPF seeks to conserve and enhance the historic environment. The following paragraphs are relevant;

NPPF 129: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

133: Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply;

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

134: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

135: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136: Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

6.4 The proposed redevelopment of the site would include the removal of the last remaining Victorian gasholders, these being Gasholder No. 7 (built 1882), and No.8 (1890). Smaller gasholders to the east were demolished many years ago. The holders range in diameter between 49m to 54m and are between 27m and 38m in height. The gasworks ceased operating in the 1980s, and the cast iron structures were formally decommissioned in 2012 following changes in the way gas is stored. The gasholders are currently purged to air and capped off from the local distribution gas network.

6.5 Currently the site retains its Hazardous Substances Consent and the Health and Safety Executive remains a statutory consultee for development within the consultation distance. The applicant has confirmed that if planning permission should be obtained, in order to be able to remove the holders from the site, they will work with the Council to relocate the Hazardous Substances Consent. It is anticipated that the dismantling works could be completed over a period of 12 months.

6.6 Historic England were asked to statutorily list the gasholders in early 2017 but considered that given the large numbers of gasholders and the increasing standardisation in design, the threshold for special interest on a national level is necessarily high, with only 16 designated examples in the country. It was considered that the Bell Green examples were not more exemplar than other listed examples of gas holders found in London and the rest of the country, and Historic England declined to statutorily list the two gasholders.

6.7 The gasholders were however formally awarded locally listed status on 25 October 2017 at Mayor and Cabinet following a nomination. The Council's adopted criteria for local listing are as follows:

- **Historic Interest:** buildings that are of special social, economic or cultural interest to Lewisham, and/or have proven affiliation with locally important people and events, or other community associations (particularly important local architects);
- **Architectural Interest:** buildings that are of special architectural interest to Lewisham for reasons of their vernacular, aesthetic, type (i.e. form and function), style, plan, technology, townscape, unity, or association with important local architects;
- **Age or Rarity:** buildings that are:
 - Legibly pre-1700 in interest
 - Of appreciable interest from between 1700 to 1840
 - Of a high level of interest following 1840
 - Of an outstanding interest and less than 30 years old

- 6.8 Any one of the above criteria in isolation may be considered sufficient justification for local listing. In addition, heritage significance is assessed following national guidance as set out in the English Heritage publication 'Conservation Principles' (2008), which promotes a value-based approach for defining heritage significance. Heritage significance can derive from the aesthetic and design merits of a building, but equally can embrace more broader and less tangible values, such as evidential, historical or communal value:
- 6.9 The Mayor and Cabinet report presented on 25th October 2017 is attached in Appendix A. In summary, it concluded that the proposed demolition of the gasholders is considered by officers to cause harm to the visual amenities of the area as it will result in the loss of a building of significant historic, townscape and architectural qualities. The building is a landmark and forms a significant part of the visual amenity of the area. The report also addresses the relationship between the gasholders and Livesey Hall, stating 'The structures are prominently positioned within the setting of three grade II listed buildings, Livesey Memorial Hall, the War Memorial and the wall surrounding the Hall. All of these structures together with the gasholders have intrinsic group value, and are an integral part of the history of Sydenham and are of special social, cultural and economic interest to the borough of Lewisham and this part of south London.'
- 6.10 The report also refers to a case to be made in principle for an Article 4 Direction taking away permitted development rights to demolish the gasholders, however it advised that 'as there is no budget provision for compensation on this site, and there are other locally listed buildings outside conservation areas whose redevelopment may give rise to similar claims, the saving of one unlisted building at such substantial cost is not considered to be justified, particularly in current financial circumstances. For these reasons the Article 4 Direction is not recommended.'
- 6.11 Officers had acknowledged the concern previously expressed by consultees in relation to the loss of the gasholders prior to their potential local listing, in particular by virtue of their visual significance as landmarks within the public realm and symbolism of the industrial history of the wider site. The cultural importance of the industrial past was recognised, and the gasholders were therefore considered by officers as non-designated heritage assets prior to their listing, being synonymous with Bell Green generally, albeit lacking sufficient architectural merit and detailing as observed by Historic England.
- 6.12 DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest, advises 'The Council will seek to retain and enhance locally listed buildings and structures and may use its powers to protect their character, significance and contribution made by their setting, where appropriate. The Council will resist the demolition of locally listed buildings and expect applicants to give due consideration to retaining and incorporating them in any new development.'
- 6.13 The Heritage Statement document prepared by Montagu Evans (Chartered Surveyors) and submitted as part of this application, includes a review of relevant national and local heritage planning policies. The statement references the gasholders as non-designated heritage assets, as does the submission generally, however it considers them to have limited value as late-Victorian gasholders, whilst 'lacking any particular architectural quality, or claim to technical innovation.' Paragraph 6.6 does however acknowledge the gasholders contribute to the setting and special interest of Livesey Hall, being the last remaining industrial structures relating to the former gas works, whilst being a dominant presence in the skyline.
- 6.14 The statement establishes the significance of the designated heritage asset and assesses the impact of the demolition works upon it. The assessment viewed the proposed

demolition works from different locations, and had regard to the loss of the structures in the context of the existing physical fabric of the area.

- 6.15 It concluded that the dismantling of the gasholders would lead to 'some limited harm to the setting' of Livesey Hall, however it argues that there was no planned or formal relationship between the gasholders and Livesey Hall, and is more an outcome of the phased redevelopment of the gasworks site. Thereafter, the statement concentrates upon the wider benefits of the proposal.
- 6.16 The NPPF (para.126) advocates a positive strategy for conserving and enhancing the historic environment, taking account of (amongst other things) the desirability of new development to make a positive contribution to local character and distinctiveness.
- 6.17 The heritage value of the gasholders has been established with the recent local listing, and it is agreed that the removal of the structures would affect the setting of Livesey Hall, and would be a notable absence from the wider Bell Green area. This however must be weighed against other issues, including the feasibility of retaining the gasholders as part of a redevelopment of the site, the potential public benefits arising from the current scheme and the weight of the local listing outside of a conservation area.
- 6.18 It is also important to consider paragraph 3.7 of the applicant's Planning Statement, which states that 'regardless of the final outcome of this application, the gasholders will need to come down....'.
- 6.19 The applicant advises that SGN has 111 gas holders in the UK, and due to new technologies, they are no longer required to store gas and are being phased out of operation. 'The cost of upkeep of these structures is becoming an increasing burden, there is a full programme to dismantle 55 of the gasholders by 2021, with the remaining 56 to be removed soon after 2021.' Maintenance works to the gasholders generally include shot blasting and repainting approximately every 7 years, which amounts to considerable cost.
- 6.20 The applicants have advised the delivery of a scheme that seeks to retain the existing gasholders would be extremely difficult due to the existing constraints of the site, whilst a scheme that considers a refurbishment and retention of the gasholders would be unviable. It has therefore always been the intention of SGN to remove the gasholders on grounds of site constraints and cost implications. The position of SGN is clearly one of resistance to the retention of the gasholders, with no long term future for them irrespective of the outcome of the current application.
- 6.21 In respect of the status of the recent local listing - whilst the designation formally acknowledges the historic value of the gasholders, it does not prevent their demolition as would a statutory listing, or siting within a conservation area. Demolition in certain circumstances is permitted development by reason of Part 31 of Schedule 2 of the General Permitted Development Order 1995. However, for development to be "permitted" under Part 31, an applicant must apply to the Local Planning Authority for a determination as to whether Prior Approval of the authority will be required to the method of demolition and any proposed restoration of the site. A Prior Approval relates only to *the* proposed demolition methods and re-instatement of the ground, not the principle of demolition which is permitted by the Order if the Council is satisfied to the method of demolition.
- 6.22 A potential planning refusal in respect of this application on the grounds of the loss of the gasholders as non-designated heritage assets, and the subsequent impact it would have upon the setting of Livesey Hall, must therefore be considered in context with the weight of the local listing of structures that are not in a conservation area and the objectives of a potential Prior Approval, in addition to the intentions of SGN.

- 6.23 Para 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of a non-designated heritage asset.
- 6.24 On balance, officers consider that when material considerations such as potential regeneration benefits including significant employment benefits arising from a future redevelopment of the gasworks site are taken into account, they may be considered to outweigh any potential harm to heritage assets associated with the demolition of the two gasholders, in accordance with the provisions of paragraphs 134 and 135 of the NPPF.
- 6.25 The demolition of the gasholders that provide no operational functions would form the first stage of redeveloping the last remaining gasworks site in an integrated manner that fully complies with national and local planning policy. Other structures to be removed from the site associated with the gasworks use are considered to have no special architectural or historic interest and their loss would not cause harm to the character of the immediate area.
- 6.26 The SGN objectives for the gasholders – consistent with their approach toward many of their gasholders – is a material consideration in determining this planning application. For this reason, the Local Planning Authority must consider the wider implications of potentially refusing planning permission on non-designated heritage grounds, in the knowledge that the local listing would not prevent their demolition, ie a potential future planning appeal and substantial associated costs (including possibly the costs of the applicant if their planning appeal was successful.)
- 6.27 Officers have undertaken a full assessment of the demolition in accordance with DM Policy 37. It is acknowledged a new development that seeks to retain the gasholders would be significantly restricted by the difficulty of building within or around them, whilst the close proximity of Livesey Hall, the Bentonite Wall and the SGN pumping station (demonstrated in plan 1923-P-23), would reduce the useable space around the site, and subsequently, the scale of development. It is also appreciated that retaining the gasholders would require their dismantling to allow necessary groundworks and removal of the bells, before their rebuilding. The applicants have not confirmed the cost of undertaking these operations.
- 6.28 The current condition of the application site is neither welcoming or conducive to the public use of the already developed areas of the gasworks site. The site is desolate, characterised by a scaffolding yard; a hardstand area for motorcycle training; an overgrown bowling green that has been unused for many years, unsightly galvanised steel fencing around the gasholders; and overgrown hardstand areas for which their only function is to provide access for SGN workers. It may therefore be argued that the site itself is detrimental to the eastern setting of Livesey Hall, and that the redevelopment as proposed would provide an opportunity to enhance the appearance of the site, and its relationship with Livesey Hall as a listed building.
- 6.29 Considering the above factors on balance officers conclude the redevelopment of the site and the removal of the gasholders would be supportable, subject to an appropriately designed scheme that would not harm the setting of the adjacent Grade II Livesey Hall.

Design and Visual Impact upon Livesey Hall

- 6.30 DM Policy 37 states the Council will seek to protect locally listed buildings where they contribute to their setting.

- 6.31 Urban design is a key consideration in the planning process. The NPPF (para. 56) makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF (para. 57) states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.32 The NPPF (para. 58) requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.33 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design. Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure the highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.
- 6.34 DM Policy 30 states that the Council will require all development proposals to attain a high standard of design. Therefore the Council sets a high standard of design within the Borough.
- 6.35 In assessing the suitability of the proposed design response of the commercial and employment units, officers consider that the establishment of a positive relationship between the proposed development and a Grade II listed building, existing public realm, and neighbouring residential dwellings to be of high importance. In particular it is noted that DM Policy 30 expressly states that when considering the layout and access arrangements of development, 'large areas of parking and servicing must be avoided'. Additionally officers are required to consider how a proposed scheme relates to the scale and alignment of the existing street including its building frontages.

Unit A (Aldi)

- 6.36 The application proposes the removal of the existing redundant gasholders, and the construction of three separate buildings. The Aldi retail store would be roughly located to the central area of the site, being rectangular shaped, with its car-park directly to the south. The single-storey building would incorporate a sloping roof that would rise to a height of 8 metres, whilst the footprint would measure 60 metres in length and 35 metres wide.
- 6.37 External facing materials would include the use of extensive glazing to the eastern elevation, high level windows and cladding to the south (front facing) elevation, and predominant use of cladding to the northern and western elevations.
- 6.38 The simple appearance of the building is typical of a retail park unit, and not dissimilar to the approach undertaken to the nearby Sainsbury's. Its position within the site behind Livesey Hall would mean that its impact upon the public realm, ie Perry Hill, would be minimal, being visible mostly from within the retail park.
- 6.39 Of the three buildings proposed, the retail store would lie the closest to the Grade II Livesey Hall. DM Policy 36 requires the submission of a statement for new development proposals affecting heritage assets that describes the significance of the asset and its setting, and an assessment of the impact on that significance. This is in line with paragraph 128 of the NPPF.

- 6.40 The applicant has submitted a Heritage Statement that assesses the history of Livesey Hall and its architectural significance. Its western elevation in particular draws attention due to its detailing, choice of materials, elaborate porch, terracotta tiles and panel over the front entrance bearing the name of the Hall.
- 6.41 Paragraph 4.6 of the Heritage Statement observes Livesey Hall was intended to address Perry Hill, being the more public and visible side, rather than the gasworks to the east. This does appear to be a correct assessment as in comparison with the frontage, the rear elevation of Livesey Hall is less detailed, and has been subjected to various extensions of no creditable design value.
- 6.42 It is therefore considered that the proposed building would have less than substantial harm upon the character or setting of the listed Livesey Hall, its war memorial or front boundary wall. The proposed retail store would be positioned approximately 25 metres from the rear elevation of the Hall, which is further away than the existing gasholders. Currently, Livesey Hall does not have a notable presence when viewed from within the retail park as it is largely screened by the gasholders and trees. Historic England have raised no objections toward the impact of the proposed retail store upon Livesey Hall.
- 6.43 The smaller commercial units (B and C) would be accommodated within a single-storey building measuring 30 metres length and 19 metres wide, and a height of 6.5 metres. Officers consider the height and massing to be acceptable, and are satisfied that due to them being located approximately 40 metres to the south of Livesey Hall, they would not impact upon its character or setting.
- 6.44 Cladding would be the dominant facing material of Units B and C, with glazing to three elevations. Plan 1923-P-42 indicates the south elevation fronting Alan Pegg Place would be almost entirely clad, with two solid fire exit doors. Considering this would be the 'public' side of the building, it is appropriate that further consideration be afforded to the elevation treatment - this has been agreed with the applicant, and could be required by Condition.

SGN Depot

- 6.45 The proposed 2-storey building would be located 5 metres away from the northern boundary of the site, measuring a height of 9.6 metres, and a footprint of 25m x 25m. The building would be sited 40 metres from the Perry Hill frontage, approximately 13 metres set further back than the existing bowling green hut.
- 6.46 Silver coloured cladding would be used to all elevations, with most fenestration to the front elevation, and minimal use to the sides and rear.
- 6.47 The building is more functional than attractive, being conducive with office/ depot use. The proposed height would be less than the Livesey Hall – which lies 30 metres away - and comparable with neighbouring 2-storey plus roofspace dwellings. The distance away from the front boundary and partial screening from the existing listed wall would serve to reduce the visual impact upon the public realm.
- 6.48 Officers are satisfied with the siting and appearance of the proposed SGN building, and that it would not be detrimental to the setting of Livesey Hall.
- 6.49 In conclusion, having considered the scale and design of the proposed development, and the resulting visual impact upon the character and setting of Livesey Hall and the other listed elements, officers consider the design approach to be appropriate, comparable with the general height and appearance of the existing units within the adjacent retail park. A facing materials condition for all proposed buildings would require the submission of further details to ensure their suitability in terms of appearance and quality.

- 6.50 In regard to Livesey Hall, the development would be sited a sufficient distance back from the Perry Hill frontage, whilst the small commercial units and the SGN depot would lie more than 30 metres away. The Aldi store would lie directly to the rear of Livesey Hall, and would be sited further away from it than the existing gasholders.
- 6.51 The proposed development would clearly have a different relationship to Livesey Hall than the existing gasholders, however officers are satisfied that it would be respectful of Livesey Hall, and would avoid any sense of overbearing harm or undermining of its presence within the streetscene and historic value.
- 6.52 For the reasons therefore discussed, officers do not raise objections to the dismantling of the gasholders on the grounds that their removal is certain to be undertaken by SGN in any event due to financial and site constraints implications; their demolition would not be protected by the local listing; the design and scale of the development would not significantly harm the character or setting of Livesey Hall and the other listed features; and the positive impact of the proposal upon the local economy, in compliance with paras. 134 and 135 of the NPPF.

Principle of Retail Use

- 6.53 Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
- 6.54 Paragraph 19 of the NPPF sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 6.55 Spatial Policy 4 of the Core Strategy refers to the out-of-centre Bell Green retail park, and states the Council will aim to limit the floorspace and range of goods sold to that contained in the granted planning permission to protect the viability of adjacent town centres
- 6.56 Core Strategy Policy 6 states the Council will expect major retail development to be located within the major and district centres – such uses located outside these areas will be assessed against the Sequential Test.
- 6.57 DM Policy 13 states that for major retail development over 1000sq.m, if suitable sites are not available in the major and district centres, then edge of centre sites should be considered, followed only then by out-of-centre sites in locations that are accessible by public transport, walking and cycling and are well connected to the town centre.
- 6.58 The subject application has been accompanied by a Retail Statement, which details compliance with the NPPF and the local retail policy DM Policy 13 of the Development Management Local Plan. The applicant's impact assessment has been independently reviewed by Lichfields (Planning and Development Consultants) on behalf of the Council.
- 6.59 A sequential test assessment of the proposed scheme covers the main centres within their defined primary catchment area (Zone 7 of the 2009 Retail Capacity Study) which includes Catford, Sydenham and Forest Hill centres. Sites of a minimum 0.9ha have been considered, which is less than half the size of the application site.
- 6.60 The accompanying sequential test takes into account the national planning practice guidance on the sequential approach by looking at suitability, viability and availability of locations for main town centre uses. It therefore satisfies the requirements NPPF paragraph 24 which sets out that local planning authorities should apply a sequential test

to planning applications for main town centre uses that are not in an existing centre and when considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Lewisham's Development Plan allocations have been reviewed and a commercial land search has been carried out. It is noted that the assessment applies only to the Aldi store, and not the two smaller commercial units, which it is agreed would be ancillary and would predominantly serve the wider retail park, rather than places that people would necessarily travel to only.

- 6.61 Subsequently, the test demonstrates that there are no appropriate sites available for the subject application. All of the sites identified in Sydenham and Forest Hill fall below the 0.9ha threshold, and therefore would be unable to meet Aldi's store operational and market requirements.
- 6.62 An assessment of Catford town centre was undertaken, despite an existing Aldi presence on Rushey Green. The applicants concluded that none of the potential sites were available or suitable for the proposed store.
- 6.63 Lichfields, the Council's retail impact assessment consultants, have concluded they agree with the approach and outcomes of the sequential test, and that the identified sites may be dismissed as possible sites to accommodate the proposal.
- 6.64 For each centre, the assessment has identified how much convenience expenditure will be diverted away. In respect of Catford, the highest level of trade diversion would be from the existing Aldi, (which would remain if this application was granted) that could be up to 16.5%, however despite this, its residual turnover would still trade at benchmark level. Overall, the impact upon Catford town centre would not be significant, with only a projected 2.7% diversion expected, assisted by the performance of Tesco's.
- 6.65 It is also considered that Sydenham and Forest Hill town centres would be 'acceptable', with diversion of 2.6% and 0.2% respectively.
- 6.66 Lichfields have confirmed they are satisfied with the data assumptions and population estimates, and that the proposed Aldi store would not result in significant harm upon the retail performance or convenience of the neighbouring centres. This conclusion has also been agreed by Council Planning Policy officers.
- 6.67 Officers had raised early concerns to Lichfields prior to their assessment regarding the potential impact of the Aldi unit upon the viability of nearby centres, and in particular conflict with the policies listed in this report that seeks to avoid out-of-town centres expanding to the detriment of the established retail hierarchy.
- 6.68 Lichfields have undertaken work on behalf of the Council for other retail sites and development, and so are knowledgeable of policy approaches and retail performance within the Borough. Officers have reviewed and questioned the consultants' responses, and are satisfied a thorough assessment of the applicant's submission has been undertaken.
- 6.69 Objections have been received expressing concern toward the need for further retail provision in Bell Green, considering the relatively recent addition of the adjacent retail park, and the long standing presence of the nearby Sainsbury's. The Retail Statement demonstrates the quantities and qualitative need for the proposal by stating that it would improve the local convenience retail offer and improve local consumer choice. Importantly, the Aldi store would potentially provide full and part time employment for up to 50 staff, whilst serving to contribute to the local economy without resulting in significant harm to other centres.
- 6.70 The application site is a brownfield site that has potential to be redeveloped, however the nature of development is limited due to constraints of the site. The applicants advised

during pre-application discussions that a residential scheme had been explored, however this would be unfeasible due to the location of the existing underground bentonite wall, which contains contaminated groundwater emanating from the former gasworks use. Consequently, no development can be built within a prescribed distance of the wall, thereby negating a viable residential scheme. For this reason, the provision of a retail store would deliver an alternative form of development that would respect the existing retail character of the wider former gasworks site, whilst providing an opportunity to galvanise this largely redundant location. Officers acknowledge the Lewisham Site Allocations advises 'proposals for this out-of-centre site should be considered in the context of protecting existing town centres within the Borough's hierarchy and, allow for comprehensive redevelopment of the site.' It is considered that a detailed assessment of the level of potential impact upon existing centres has been undertaken in this case, and for the reasons stated, retail use appears to be the most viable alternative to residential development.

- 6.71 Accordingly, in light of the assessments, officers do not object to the principle of the redevelopment of the subject site to enable the provision for a retail store, in accordance with paragraphs 18 and 19 of the NPPF. Highways impacts of the proposal will be discussed later in this report.

Visual Impact Upon Neighbouring Amenity

- 6.72 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity arising from development proposals will need to be addressed.
- 6.73 Officers are satisfied the siting of the commercial units would result in no visual harm upon residential amenity.
- 6.74 The SGN unit would lie within close proximity of dwelling-houses to the north fronting Perry Hill and within Silver Birch Close. The dwelling at 191 Perry Hill lies approximately 25 metres to the north-west, whilst their rear garden measures less than 10 metres deep, therefore officers are satisfied that due to the distance away, the proposed building would not result in significant visual harm or unacceptable overlooking.
- 6.75 The nearest dwelling lies 20 metres to the north-east at 18 Silver Birch, and their rear boundary is approx. 15 metres away. The new building is therefore unlikely to result in any significant visual harm. Directly to the north of the building are the rear gardens of Selworthy Road dwellings, which measure considerable depths of up to 50 metres. With existing trees lying close to the boundary, the building would not significantly harm the amenities of the neighbouring occupiers.
- 6.76 In summary, officers are satisfied that the scale and proportions of the proposed scheme are appropriate to the context of the site and would not give rise to an overbearing impact upon neighbouring occupiers. Taking all of the above elements together, it is considered that the design constitutes a successful response to the local context and nature of proposed use, and would not be overly dominant or incongruous when viewed from the public realm.
- 6.77 The scale of development would not give rise to any unacceptable impact on the amenity of neighbouring properties in terms of an overbearing relationship, loss of privacy, daylight or overshadowing.

Operational Impact

SGN

- 6.78 The SGN depot would generally operate between the hours of 07:00am – 18:00pm, however there may be occasions where a gas emergency requires staff to enter the

premises late at night to collect tools and equipment. In regard to external lighting, paragraph 5.113 of the Planning Statement advises that whilst all lighting would be turned off at night, an employee having to access the service yard or building would have to turn the lights on for a short period.

- 6.79 Environmental Health officers have reviewed the external lighting document, and have requested further details be formally submitted by condition.
- 6.80 The car park to the front of the SGN depot would provide 42 spaces for office staff and visitors, whilst there would be vehicular activity within the rear compound from SGN vehicles and deliveries.
- 6.81 In regard to noise impact, a 3 metre high acoustic timber fence would be erected along the northern and eastern boundaries of the compound, similar to the existing fencing to the rear of the adjacent Retail Park. Environmental Health have raised no objections to the provision of the enclosure.

Aldi and Units B & C

- 6.82 Hours of operation for the retail commercial units would be 07:00 – 23:00, 7 days a week, whilst the A3 restaurant use would require longer opening hours between 07:00 – 00:00 (midnight) 7 days a week. Officers consider the hours of operation to be appropriate for this location, being similar to the neighbouring Sainsbury's, and will ensure they are adhered to by planning condition.
- 6.83 Aldi would require 3-4 deliveries to be undertaken each day between 06:00 – 23:00, 7 days a week as a minimum requirement due to 'the sale of fresh produce and the need to service food stores on a regular basis.' It is anticipated the greater range of hours would avoid deliveries being made during peak hours. Highways have raised no objections, and the proposed hours, whilst longer than the adjacent retail site (08:00 – 18:00 Monday to Friday, 08:00 – 13:00 on Saturdays and no deliveries or servicing on Sundays and bank holidays) would be appropriate. Details regarding servicing and deliveries for the site will be subject to condition.

Highways and Traffic Issues

- 6.84 Core Strategy Policy 14 'Sustainable movement and transport' supports government policy and guidance which promotes more sustainable transport choices through walking, cycling and public transport, adopting a restricted approach on parking to aid the promotion of sustainable transport and ensuring all new and existing development of a certain size have travel plans.
- 6.85 The application proposes highways works to mitigate the impact of the proposal, including the realignment of Alan Pegg Place to provide 3 lanes - from the existing 2 lanes - in a westerly direction at the junction with Perry Hill, with the single easterly lane narrowed to accommodate the works. Separate vehicular routes would be formed to provide access into the retail and SGN sites from the existing service access road that currently serves the retail park.
- 6.86 The proposed commercial car-park would provide 100 customer spaces, including 6 disabled spaces and 9 for parents with children. (An additional 4 disabled bays may be provided if required.)
- 6.87 TfL have stated they accept that the proposed level of car parking for the A1 uses are consistent with London Plan requirements, and would not exceed the maximum provision stated. No objections are therefore raised.

- 6.88 The front parking area to the SGN unit would provide 42 spaces for staff and visitors, including 2 disabled bays. Eight of the bays would provide electric vehicle charging points. The overall provision of 42 spaces would exceed the London Plan requirement due to the requirements of the operator.
- 6.89 The applicant has advised the depot would operate predominately as a B8 warehouse with ancillary office space. 'The depot would accommodate varying levels of demand for not only staff who operate from the depot on a daily basis but also engineers and other staff who predominantly operate off-site and use the depot intermittently. In addition, there are a number of vehicles, which will be required to be retained at the depot to respond to operational needs. As such, the proposed parking provision provides sufficient flexibility to accommodate periods when a large number of staff are located on site to ensure overspill parking does not occur.'
- 6.90 Highways officers are satisfied with the justification for the provision of the number of spaces, which may be conditioned to allow for further assessment should the premises be occupied by a different operator in the future. TfL accepts the rationale for exceeding car parking maximums based on operating requirements in this instance.

Highways Impacts

- 6.91 In terms of the highways impact of the proposal, TfL and Highways raised concern that the proposed multi modal trip generation for the proposed foodstore was not representative of the expected trips generated in an inner London Borough. Table 4.3 in the Transport Assessment (TA) suggested that only 0.7% of the trips to the foodstore would be by bus, which is not consistent with the expected bus trips in an inner London borough. This was due to the TA using survey data from TRICS sites that are not comparable with the application site – therefore proposed multi modal trip generation data was considered acceptable.
- 6.92 Highways officers advised the proposed trip generation should be reviewed against two similar consented developments in the Borough: - Lidl Store Extension, Bestwood Street (DC/15/092613); and Lee Green Regeneration, Leegate Shopping Centre (DC/14/090032). Subsequently, the trip generation for the application site would be more accurate in its approach.
- 6.93 Subsequently, the revised modal split to the proposed development traffic generation indicates that there will be a total of 333 two-way trips generated by the proposed foodstore during the Saturday peak. Of these, 15.6% will be via bus, which equates to 52 two-way trips. 'Given the quantity and frequency of local bus services within an easily accessible distance of the site, it is considered the additional patronage could be accommodated within existing bus capacity.'
- 6.94 The original model results indicated the inclusion of development traffic would result in an increase in queues on the surrounding highways network (section 7.6 of the TA). The traffic impact assessment within the TA identifies that a number of the roads /junctions within the surrounding highway network currently operate close to or at capacity, and that queues occur on Southend Lane and Perry Hill during both the pm and Saturday peaks.
- 6.95 Following the updated modelling, the transport assessment advises the Perry Rise/Perry Hill junction would experience a modest increase of 3.4% and 4.7% in development traffic during the PM and Saturday peaks respectively. Traffic modelling undertaken as part of the submitted Transport Assessment indicates that the '2016 Observed + Development' Saturday peak hour shows an increase in queueing on Perry Hill of 53 vehicles compared with 28 in the '2016 Observed' case, the increase in queueing is significantly lessened with the proposed mitigation in place.

- 6.96 Considering there would be congestion relating to the proposed retail use, officers have engaged with the applicant's transport consultant during the course of the application, and it has been agreed that a financial contribution of £84K by the developer toward a 'SCOOT' on the Bell Green gyratory would serve to mitigate the impact of the development.
- 6.97 SCOOT (Split Cycle and Offset Optimisation Technique) has proved to be an effective and efficient tool for managing traffic on signalised road networks and is now used in over 250 towns and cities in the UK. SCOOT uses data from vehicle detectors and optimises traffic signal settings to reduce vehicle delays and stops, providing a fast response to changes in traffic conditions in response to variations in traffic demand, and avoids large fluctuations in control behaviour as a result of temporary changes in traffic patterns.
- 6.98 A SCOOT system would not eliminate congestion attributed to the proposed use, but it would serve to have benefits toward the busy junctions around the site, whilst reducing the prospect of 'rat-runs' to residential streets. The SCOOT system would be installed to link the signals on the Bell Green gyratory, and would optimise the traffic signals by constantly adjusting the signal timings to minimise the modelled queuing/ delays.
- 6.99 The timescales of implementing SCOOT would be for TfL to determine, but it is likely that it would be in place prior to the operational commencement of the proposed uses. The junctions that would be affected, and the estimated costs, would be;
- Stanton Way - £14,519.80
 - Bell Green - £13,312.44
 - Perry Rise - £10,238.82
 - Kangley Bridge Road - £ 27,527.87
 - Worsley Bridge Road - £ 18,527.30
- 6.100 TfL have stated that based on the location of the site, it does not anticipate that the scheme would result in trips generated that would adversely impact on either the strategic highway or transport networks.
- 6.101 Planning conditions will secure the following:
- The submission of a Construction Logistics Plan to minimise the impacts during the construction phase of the development.
 - A Delivery & Servicing Plan for all of the proposed units, it should include details of times of deliveries and any delivery booking systems that will be used.
 - A site wide Travel Plan (should include workplace travel plans for all the proposed units).
 - A Parking Management Plan (for the parking areas associated with the proposed retail uses), to include details of enforcement measures to ensure parking is available for customers and a review system to ensure any increase in demand for disabled parking is accommodated.
 - Full details of dry and secure cycle parking facilities.
- 6.102 A S278 Agreement will be required to secure the proposed highways works on Alan Pegg Place (including the provision of a pedestrian crossings, the creation of three traffic lanes on the approach to the Perry Hill / Alan Pegg Place junction, and the provision of tactile paving and dropped kerbs at the vehicle access to Sainsbury's).

- 6.103 The proposed pedestrian crossings would be welcomed, particularly across the highway between the Sainsbury's car-park and the existing roundabout, which can be difficult for pedestrians to cross.
- 6.104 The S278 Agreement should also include accessibility works to the highways in the vicinity site (as identified in the PERS Audit, route 3) to make the application site accessible to the mobility and visually impaired. The works will include the installation of dropped kerbs and tactile paving on the following junctions on Perry Rise - Priestfield Road, De Frene Road and Adamsrill Road.
- 6.105 The applicant will also be required to undertake the works to achieve the visibility splays illustrated on drawing 110009/SK/01 (as per the Road Safety Audit of the proposed highways works on Alan Pegg Place).

Cycle Parking

- 6.106 Cycle parking should be provided in line with London Plan Policy 6.9 Cycling and Table 6.3 Cycle Parking minimum standards.
- 6.107 10 Sheffield Stands (20 cycle parking spaces) are proposed to be installed adjacent to the Aldi store entrance, whilst 12 secure cycle parking spaces would be provided for SGN staff. A further 15 stands would provide 30 spaces. Overall, 62 cycle spaces would be afforded for customers and staff, in accordance with the London Plan, and all would be covered.
- 6.108 In regard to the SGN, 14 covered spaces would be provided to the front of the building, in accordance with London Plan requirements.
- 6.109 Elevation details of the cycle stores would be required by condition, and all spaces must be provided prior to first commencement of the uses.

Refuse

- 6.110 The Design and Access statement advises the SGN Depot will have waste containers within the fenced external storage compound.
- 6.111 Unit A (Aldi) would have a dedicated bin store alongside the loading bay at the rear. A timber fenced and screened enclosure is to be provided for Units B & C to accommodate mobile refuse containers to suit the tenants' specific requirements.
- 6.112 Each tenant and end user would be responsible for the collection of their refuse using a recognised trade contractor. Elevation details of the refuse stores will be required by condition, as will a waste management plan.

Summary

- 6.113 The Council's Highways team consider the proposal is acceptable in transport terms, subject to the mitigation specified in the form of a financial contribution towards SCOOT, and highways and pedestrian environment improvements, as well as the implementation of Travel Plans, provision of a construction logistics plan for approval, and provision of car parking and cycle parking prior to commencement.

Landscape and Boundary Treatment

- 6.114 The south-west corner of the application site is prominently sited at the junction with Perry Hill and Alan Pegg Place, and has a dense tree coverage with hoarding and totem signage associated with the retail park.

- 6.115 The proposal would effectively open up the area between the existing Livesey boundary wall fronting Perry Hill and the SGN pumping station fronting Alan Pegg Place, providing a new pedestrian route from the junction into the application site and through to the Aldi unit.
- 6.116 In principle this would be a welcome introduction to the streetscene, subject to the quality of proposed landscaping works. Plan LS-01 Rev C provides a detailed hard and soft landscape proposal that would see many of the undesignated trees removed and replaced with new trees and planting.
- 6.117 This has been reviewed by the Council's Tree officer, who is satisfied with the proposal, and would meet the requirements as stated in the applicant's Ecology report.
- 6.118 The two existing signs on the corner would remain, sited upon a grassed area.
- 6.119 The application also proposes the provision of a new landscaped garden that would be afforded to users of Livesey Hall only. The area currently falls within the red line of the application site, and is a largely unused space.
- 6.120 Details of boundary treatments including the acoustic timber fence and adjacent 1.8m high chain link fencing to the northern boundary will be requested by condition. In particular, details of the new 2.4m high mesh security fencing to the south of the SGN car-park would be required due to its close proximity to Livesey Hall, and confirmation whether it would be no higher than the existing front boundary wall.
- 6.121 In regard to the bin store to front of Unit B, elevation details of the timber screen will be required considering its proximity to Alan Pegg Place, although it appears planting to that area would provide additional screening.

Sustainability and Energy

- 6.122 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.123 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy;
 - 2 Be clean: supply energy efficiently;
 - 3 Be green: use renewable energy.
- 6.124 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. 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 requires all new non-residential development to achieve a BREEAM rating of 'Excellent'.
- 6.125 The applicant has submitted a BREEAM Pre-Assessment Report in support of the application, prepared by BRE accredited assessors. The report assesses the performance of the proposed scheme in respect of the 10 BREEAM accreditation areas: management, health & wellbeing, energy, transport, water, materials, waste, landuse and ecology, pollution and innovation and concludes that a BREEAM score of 74.5% in regard

to the SGN building, and 72% for the two commercial units is achievable, giving a BREEAM rating of 'Excellent'.

- 6.126 On this basis, the scheme would meet the requirements of Core Strategy Policy 8, and can be secured by condition.
- 6.127 The applicant has also submitted an Energy Assessment that demonstrates a 35% CO2 emission reduction target beyond Part L 2013 of the Building Regulations can be achieved on the site, which would be in compliance with London Plan standards. Proposed measures would include the installation of Air Source Heat Pumps, solar panels and building fabric.

Other considerations

Air Quality

- 6.128 The NPPF (para. 128) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 6.129 DM Policy 23 states the Council will require all major developments that have the potential to impact on air quality will be required to submit an Air Quality Impact Assessment. The application site falls within a designated Air Quality Management Area, one of six in the Borough.
- 6.130 In response, an assessment has been undertaken by Entran Limited (Environmental and Transportation Consultants) and formally submitted to the Council. It concludes that the implementation of appropriate measures and good practice during the construction phase would mitigate potential harm from dust. In regard to emissions arising from traffic generated by the operation of the development, based upon data including trip lengths and emission factors, it would be air quality neutral.
- 6.131 The Council's Environmental Health officers have reviewed the document, and have confirmed they are satisfied with the conclusions reached.

Ecology

- 6.132 The application site contains planting to the perimeter - existing trees are not subject to Tree Preservation Orders and the site is not located within a conservation area or an area of designated landscape or wildlife conservation value.
- 6.133 The application is supported by a Preliminary Ecological Appraisal (February 2017), which identified that the site shows moderate potential for nesting birds, low potential to support roosting bats, and low potential to provide habitat for foraging bats.
- 6.134 As bats are a protected species, a further survey was undertaken by qualified surveyors, the results of which were presented in a separate report. The report identifies low levels of commuting activity, and therefore existing boundary vegetation should be retained, or suitably replaced.
- 6.135 In regard to nesting birds, any clearance of dense vegetation or trees should be undertaken outside of the bird breeding season between March to September.
- 6.136 Enhancements suggested by the surveyors include wildlife friendly landscaping such as native, biodiverse and species rich areas of wildflower meadow and fruit and berry producing trees and shrubs; and bird nest and bat boxes.

- 6.137 Both reports have been reviewed by the Council's Ecological Regeneration Manager, who has advised that the methodology and results are accepted, and raises no objections, subject to the implementation of appropriate mitigation measures, including the provision of artificial roosting features, the retention of as much landscaping as possible and restricting site lighting to a minimum. A condition has been specified to require details of artificial bird and bat nests to be provided for approval. Although limited existing vegetation would be retained, the landscape proposals indicate native/semi-native species and this can be controlled by condition. Similarly, details of lighting can be adequately controlled by condition.
- 6.138 In summary, the site is not designated for its nature conservation value, and provided that the specified mitigation measures are put in place, the proposals would result in net gains for biodiversity.

Construction

- 6.139 Concern has been raised regarding disruption to local residents arising from construction works. A condition requiring a Construction Management Plan, plus the Council's normal Code of Construction Practice would enable the Council to limit working hours to reasonable times in order to address these concerns, although it is inevitable that some disruption would occur during the demolition and construction phases.

Planning Obligations

- 6.140 The National Planning Policy Framework (NPPF) (para. 203) 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 (para. 204) 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
- 6.141 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.
- 6.142 The obligations sought are as follows:
- Financial contributions in respect of highways improvements:
 - SCOOT: £84,000
 - Undertaking of public realm landscaping works, and submission of a Landscape Maintenance Plan.
 - Developer to undertake initial fit-out of the commercial Units B & C prior to first occupation of Unit A to include:
 - service connections for gas, electricity, water and foul drainage;
 - provision for telecommunication services and broadband services;
 - wall and ceiling finishes;

- wheelchair accessible entrances;
 - screed floors;
 - glazing solution.
- A 3 month rent free period granted to the commercial occupiers to allow the tenant to fit-out the unit and begin trading before any rental payments are due.
 - S278 highways works
 - To submit a Marketing Strategy for the commercial units to the Council within 6 months of Commencement of Development.
 - Monitoring, legal and professional costs

As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010.

Removal of certain permitted development rights

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 certain permitted development rights as set out in draft conditions (34) and (35) for the reasons stated therein.

Prevention of crime and disorder

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. Officers do not consider that this application raises any crime and disorder issues.

Human Rights Act

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

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 Community Infrastructure Levy**
- 8.1 The above development is CIL liable.
- 9.0 Equalities Considerations**
- 9.1 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.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 9.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.
- 10.0 Conclusion**
- 10.1 This application has been considered in the light of policies set out in the development plan and other material considerations. The dismantling of the two gasholders, which are formally recognised as non-designated heritage assets has raised objections for reasons including their presence and scale, the relationship with Livesey Hall, and the historic link with the former gasworks. However, this report has acknowledged that the operators propose to dismantle the holders regardless of the outcome of this application, and advised that the weight of the local listing would not prevent the dismantling of the gasholders as the application site does not fall within a conservation area.
- 10.2 The proposal represents a redevelopment scheme that would make a significant contribution towards the improvement of this part of Bell Green, whilst providing an acceptable balance of employment generating use, and retail/ commercial interest.
- 10.3 The principle of retail development on the site is acceptable in planning policy terms and it is considered that the applicants have satisfied the sequential test to site selection. As such, the proposal satisfies the tests set out in the NPPF and would not result in significant harm to neighbouring shopping centres in the Borough.
- 10.4 The proposal would provide up to 183 new full and part time jobs, whilst there is also an opportunity for local labour and apprenticeships during the course of construction.

- 10.5 In regard to highways matters, the Council's Highways officers raise no objection to the level of parking proposed. The projected traffic generation would be likely to result in highways congestion around the gyratory, however it is considered that the implementation of SCOOT and road realignment works would mitigate against significant impact on the performance of the local road network. The proposed accesses and internal routes provided are acceptable and would not cause harm to highway and pedestrian safety.
- 10.6 The proposal is considered to be in accordance with the National Planning Policy Framework, the London Plan (2016) and the Councils Local Development Framework. For the reasons outlined in the report, it is recommended that planning permission be granted, subject to appropriate conditions.

11.0 RECOMMENDATION (A)

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:-

- Financial contributions in respect of highways improvements:
 - SCOOT: £84,000
- Public realm landscaping works and Maintenance Plan
- S278 highways works
- Developer to undertake initial fit-out of the commercial Units B & C prior to first occupation of Unit A to include:
 - service connections for gas, electricity, water and foul drainage;
 - provision for telecommunication services and broadband services;
 - wall and ceiling finishes;
 - wheelchair accessible entrances;
 - screed floors;
 - glazing solution.
- A 3 month rent free period granted to the commercial occupiers to allow the tenant to fit-out the unit and begin trading before any rental payments are due.
- To submit a Marketing Strategy for the commercial units to the Council within 6 months of Commencement of Development.
- Monitoring, legal and professional costs

RECOMMENDATION (B)

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:-

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:

1923-P-21; 1923-P-22; 1923-P-23; 1923-P-24; 1923-P-25; 1923-P-29; 1923-P-30; 1923-P-31; 1923-P-32; 1923-P-33; 1923-P-35; 1923-P-36; 1923-P-37; 1923-P-38; 1923-P-40; 1923-P-41; 1923-P-42; 9107/100 Rev B; Tree Retention/ Removal & Protection Plan; Tree Constraints Plan; LS-01 Rev C; LS-02 Rev C; LS-03 Rev C; Planning Statement; Design & Access Statement; Heritage Statement; Retail Planning Statement; Flood Risk Assessment and Drainage Strategy; Sustainability Statement; Energy Statement; Transport Assessment; External Lighting; Generic Quantitative Risk Assessment Reports (K3 Livesey & K3 SGN); Aldi Stores Ltd: Travel Plan; Archaeological Desk Based Assessment; Noise Assessment Report; Preliminary Ecological Appraisal; Bat Emergence & Activity Survey Report; BREEAM pre-assessment (SGN Unit); BREEAM pre-assessment (Unit A); BREEAM pre-assessment (Units B & C); Air Quality Assessment; Statement of Community Involvement; Arboricultural Impact Assessment Received 15 March 2017

1923-P-28A; Response to Highways Comments [August 2017] Received 4 September 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.
 - a) No development shall be undertaken until the applicant (or their heirs and successors in title) has secured the implementation of a programme of structural assessment relating to the gasholders in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.
 - b) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of structural assessment in accordance with a Written Scheme of Investigation.
 - c) No development shall take place until the applicant (or their heirs and successors in title) has secured the implementation of a programme of identified level of structural recording in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing and a report on that evaluation has been submitted to and approved by the local planning authority in writing.
 - d) Under Part A, the applicant (or their heirs and successors in title) shall implement a programme of identified level of structural recording in accordance with a Written Scheme of Investigation.
 - e) The development shall not be occupied until the site recording and post site work assessment has been completed in accordance with the programme set out in the

Written Scheme of Investigation approved under Parts (A and C), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

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 (2016).

4. (i) No development (except for the dismantling of the gasholders and associated construction works within the ground) shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
 - (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
 - (b) A commitment to working with the local planning authority's local labour and business coordinator.
 - (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
 - (d) Early warnings within the local planning authority's area of contracts to be let at the development.
 - (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
 - (f) Recommended training routes to secure jobs.
 - (g) Proposals to encourage diversity in the workforce.
 - (h) Measures to encourage local businesses to apply for work in relation to the development.
 - (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
 - (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
 - (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
 - (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
 - (m) Provision of childcare and employee assistance to improve working environments.
 - (n) Interview arrangements for jobs.
 - (o) Arrangements for working with schools and colleges.

- (p) Measures to encourage local people into end use jobs.
- (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
- The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
 - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
 - Number of days of work experience provided.
 - Number of apprenticeships provided.

(ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.

(iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

Reason: In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to supports sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

5. No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (a) Rationalise travel and traffic routes to and from the site.
- (b) 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 vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

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

6. (a) No development (including demolition of existing buildings and structures) shall commence 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 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, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

7. 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.

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 buildings hereby approved shall achieve a minimum BREEAM Rating of ‘Excellent’.
- (b) No above ground construction works (excluding the dismantling of the gasholders and associated construction works within the ground) shall commence above ground until a Design Stage Certificate for each building (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 any of the buildings, 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 that specific 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 (2016) 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 construction works (except for the dismantling of the gasholders) 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).

- 10. No above ground construction works (which excludes the dismantling of the gasholders and associated construction works within the ground) shall commence on site until a detailed schedule and specification of all external materials and finishes/ windows and external doors/ roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the buildings 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 above ground construction works (which excludes the dismantling of the gasholders and associated construction works within the ground) shall commence above ground on site until elevation plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop fronts and details of the south facing elevation of Unit B/ C, have been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.
- (b) The development shall be constructed in full accordance with the approved details.

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 Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

12. (a) A minimum of 62 secure and dry cycle parking spaces for retail and commercial staff and customers shall be provided within the development as indicated on the plans hereby approved.
- (b) No above ground construction works (which excludes the dismantling of the gasholders and associated construction works within the ground) shall commence above ground until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and 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).

13. (a) A minimum of 14 secure and dry cycle parking spaces in connection with the SGN commercial staff and visitor spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No above ground construction works (which excludes the dismantling of the gasholders and associated construction works within the ground) shall commence above ground until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and 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).

14. (a) No above ground construction works (which excludes the dismantling of the gasholders and associated construction works within the ground) shall commence on site until 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 (2016), 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.

15. (a) Details of the proposed boundary treatments including any screening, 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 (which excludes the dismantling of the gasholders and associated construction works within the ground).
- (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).

16. 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 (which excludes the dismantling of the gasholders and associated construction works within the ground) 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 (2016), 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).

17. (a) Details of a programme for the installation of electric charging points as shown on Plan 1923-P-28 Rev A and their maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works (which excludes the dismantling of the gasholders and associated construction works within the ground).
- (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 (2016), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

18. (a) Detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

Reason: To safeguard the amenities of the adjoining premises and the area

generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

19. (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).

20. (a) The development 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 development and shall be adhered to in perpetuity.

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

21. (a) The commercial unit A hereby approved shall not be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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).

22. (a) The SGN depot hereby approved shall not be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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).

23. The development hereby approved shall not be occupied until the new vehicular accesses as shown on plan 1923-P-28 Rev A has been constructed in full accordance with the said plan.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

24. All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 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 Policy 12 Open space and environmental assets, and 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).

25. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the buildings.

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).

26. The whole of the retail/ commercial car parking accommodation shown on plan 1923-

P-28 Rev A hereby approved shall be provided and retained permanently for customers and staff, 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 (2016).

27. No deliveries shall be taken at or despatched from Unit A (Aldi) other than between the hours of 6am and 11pm.

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).

28. No deliveries shall be taken at or despatched from Units B and C as referred to on plan 1923-P-28 Rev A other than between the hours of 7am and 8pm on Mondays to Fridays, 8am and 1pm on Saturdays and Sundays, and not at all on 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).

29. The Southern Gas Network premises shall only be operational between the hours of 6.30am and 7pm on any day of the week. (Please note this does not restrict access to the depot for the collection of equipment outside the specified hours.)

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 of the Development Management Local Plan (November 2014).

30. The premises shown as Units A and C on plan 1923-P-28 Rev A shall only be open for customer business between the hours of 7am - 11pm on any day of the week, and Unit B between the hours of 7am and 12am on any day of the week.

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 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014).

31. No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within neighbouring buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management

Local Plan (November 2014).

32. No repairs or mechanical operations shall take place outside of the SGN depot building shown on plan 1923-P-28 Rev A.

Reason: To safeguard the amenities of the adjoining premises and the area generally 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 process shall be carried on nor machinery installed which may result in unacceptable noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

34. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the SGN premises shall be used for B8 with ancillary offices and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to protect employment use and to protect neighbouring amenity and the character of the area, in compliance with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

35. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), and the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re-enacting that Order), the premises shown as Unit B on plan 1923-P-28 Rev A shall not be used for any purpose other than the sale of food or drink for consumption on the premises and no take-away or home delivery service shall be provided.

Reason: To ensure that the use does not result in parking and congestion in surrounding streets, to safeguard the amenities of adjacent premises and to comply with DM Policy 18 Hot food take-away shops (A5 uses) of the Development Management Local Plan (November 2014).

36. The whole of the Southern Gas Network car parking accommodation shown on plan 1923-P-28 Rev A hereby approved shall be provided and retained permanently for customers and staff, 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 (2016).

37. Should Southern Gas Network vacate the depot premises, a future operator shall be required to submit a parking strategy to the Council to demonstrate the extent of car parking required as part of their operation.

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 (2016).

38. The proposed memorial garden to be provided for Livesey Memorial Hall shall be implemented in full prior to first occupation.

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 and 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).

39. The whole of the car parking and servicing area shown on plan 1923-P-28 Rev A in connection with Livesey Memorial Hall shall be provided and retained permanently for users of Livesey Hall only, and the commercial and employment Units hereby granted 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 (2016).

40. a) Prior to occupation of the commercial units A, B and C, a parking management plan for the retail/ commercial car-park shall be submitted to and agreed in writing by the local planning authority, including measures to ensure parking is available for customers; a review system to ensure any increase in demand for disabled parking is accommodated; and measures to prevent vehicular access to the car-parking areas beyond operating hours.

b) The measures specified in the approved details shall be maintained thereafter.

Reason: In order to ensure satisfactory vehicle management and to prevent anti-social behaviour, in compliance with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

41. a) Details of the siting and appearance of the proposed solar panels shall be submitted to and agreed in writing by the local planning authority.
- b) The solar panels approved in (a) shall be installed in full prior to first occupation of the units hereby approved, and retained in perpetuity.

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 and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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 - 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>

C - 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.

D - The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

E - 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.

F - 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.

G - You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

H - Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.

I - You are advised that new advertisements relating to the proposed uses would require separate permission.

J - The applicant is advised to submit a Part 31 Prior Approval application to the Council before the dismantling of the gasholders.

K – The applicant is advised that night deliveries must adhere to measures outlined in TfL’s guidance on night-time deliveries: see link: <http://content.tfl.gov.uk/code-of-practice-out-of-hours-deliveries-.pdf>