

# MINUTES OF THE PLANNING COMMITTEE C

Thursday, 27 September 2012 at 7.30 pm

PRESENT: Councillors Paul Bell (Chair), Liam Curran, Helen Gibson, Madeliene Long and John Paschoud

ALSO PRESENT: Gavin Cooper - Planning Services, Paula Young - Legal Services and Yinka Ojo - Planning Committee Co-ordinator

Apologies for absence were received from Councillor Pauline Beck, Councillor Alexander Feakes, Councillor Peggy Fitzsimmons, Councillor Joseph Folorunso and Councillor Alan Hall

## 1. Declarations of Interests

There were no declarations of interest.

## 2. Minutes

The Minutes of the Planning Committee (C) meetings held on 16 August 2012 and 24 May 2012 were unanimously accepted as a true record and signed by the Chair.

## 3. 9 Independents Road SE3

The Planning Officer outlined the details of the proposal for conservation area consent to demolish 9 Independents Road SE3 and the construction of a part five/part six storey building to provide 10 one bedroom, 4 two bedroom and 2 three bedroom flats together with the provision of cycle storage, refuse store and associated landscaping.

The Committee received verbal representation from the applicant's architect, Jan Marc Petroschka of Emoli Petroschka, and objections from Alex Schweitzer of the Blackheath Society and residents of 7 Lawn Terrace

Councillor Long moved a motion to accept the officer's recommendation to grant planning permission subject to conditions, which was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Councillors Paschoud and Long.

AGAINST: Councillors Bell (Chair), Gibson and Curran.

Councillors Bell moved a subsequent motion to defer determination of the applications pending the provision of further information regarding the impact of the development on neighbouring properties and the provision of photos showing the relationship of the development on neighbouring properties.

Members voted as follows:

FOR: Councillors Bell (Chair), Gibson and Curran.

AGAINST: Councillors Long.

ABSTENTIONS: Councillors Paschoud.

RESOLVED: that determination of applications DC/10/76229 and DC/10/76230 be deferred until the next Planning Committee C meeting on 8 November 2012 pending the provision of further information regarding the:

- i. The impact of the proposed development on neighbouring properties on Lawn Terrace;
- ii. And the provision of photos showing the relationship of the development on neighbouring properties.

#### 4. Kender Phase 4 Triangle SE14

The Planning Officer outlined the details of the proposal for the development of Phase 4 of the Kender Triangle, bounded by New Cross Road, Avonley Road, Barlborough Street and Monson Road, SE14 including the construction of a part 6/part 9 storey building and two, 4 storey buildings comprising 164 residential flats together with 40, two and three storey houses to provide a residential development total of 204 new dwellings with 70 car parking spaces, cycle and refuse storage, private and communal amenity space and associated hard and soft landscaping. He mentioned that **Recommendation B** (Section 11 of the report) had been revised as follows:

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:-

- The provision of 150 affordable housing units (including 120 affordable rent units and 30 shared ownership units)
- The applicant is required to provide a minimum of one and a maximum of two Car Club spaces either on and/or off site and to pay for three years free membership for all first occupants of the development to promote sustainable modes of transport.
- Wheelchair housing: the developer shall provide 20 wheelchair units that meet the SELHP Wheelchair Homes Design Guidelines (October 2011) (including 12 affordable rent units to be fully fitted out for the nominated occupiers). Notwithstanding the drawings hereby approved, the applicant shall submit and have approved, prior to the commencement of works, 1:20 scaled drawings of the wheelchair units to ensure that the units comply with the aforementioned standards.
- The restriction on future occupiers to apply for a permit within any future Controlled Parking Zone permit within the immediate vicinity of the application site.
- An Education contribution of £732,548

- An Employment and Training contribution of £20,455
- A Health services and facilities contribution of £78,000
- An open space contribution of £57,896
- A Leisure contribution of £48,807
- A Community Facilities contribution of £18,844 including Community space and libraries
- A Transport and Environmental Improvement Contribution of £125,675
- Meeting the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement
- Reasonable endeavours shall be used to secure 50% Local Labour for and during the construction of the development.
- If Lewisham currently manage the strip of land to the south of Block 6, then the landscaping thereof shall be secured in the S.106 agreement. If the same land is managed by TfL, then the following condition shall be applied to the decision notice; Prior to the commencement of works on Block 6 of the development, the applicant shall enter into a Section 278 agreement with Transport for London to secure details of landscaping including any walls, planters, bollards and schedules of planting to the footway and landscaped area to the south of Block 6, between the application site and New Cross Road (as shown on plan KEN AL 9200 Rev C) unless agreed otherwise in writing with the local planning authority. The landscaping details shall be submitted to and approved in writing by the local planning authority and implemented prior to the occupation of Block 6.

And that **RECOMMENDATION (C)** (Condition and Informatives in Section 12 of the report) had been amended as follows:

Upon the completion of a satisfactory Section 106 Agreement, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:

- (1) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority

Reason

AR1R

- (2) Notwithstanding the proposal to provide a buff London stock brick, no development shall commence on site until samples of the proposed brick colouring and contrasting materials to be attached to all faces of the individual buildings (including their colour and texture), together with details of reveals have been submitted to and approved in writing by the local planning authority. The brick and materials submitted shall provide contrast and individual distinction to the buildings. The development shall be carried out in accordance with the approved samples, unless the local planning authority agrees in writing to any variation.

Reason

B01R

- (3) No works shall be carried out in respect of the development hereby approved until a Section 278 Agreement has been entered into in respect of highways works detailed in the Landscape Masterplan (drawing. no. KEN\_AL\_9200\_Rev C), which include junction works to Barlborough Street, Avonley Road and Monson Road, works to Reaston Street width reduction, traffic calming measures and pedestrian friendly treatments/features, and any necessary associated reinstatement works to roads and pavements including the blocking up of any redundant crossovers.
- (4) No dwelling hereby approved shall be occupied until a Stopping Up Order has been made under Sections 247 of the Town & Country Planning Act 1990 in respect of works to the southern footway of Reaston Street shown on drawing Landscape Masterplan (KEN\_AL\_9200\_Rev C) as forming part of the development.

Reason 3&4

In the interests of highway safety and to ensure a satisfactory standard of development, in accordance with Policies Objective 9 and Policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011).

- (5) Notwithstanding the details hereby approved, no development shall commence on site until drawings showing the roof top amenity space and any part of the site not occupied by buildings and the treatment thereof (including planting, trees, paving, walls and fences), have been submitted to and approved in writing by the local planning authority and all works which form part of the scheme shall be completed In the first planting season following the relevant construction phase, unless the local planning authority has given written consent to any variation. Any trees or plants which within a period of 5 years from the completion of 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, unless the local planning authority has given written approval to any variation.

- (6) No development shall commence on site until drawings showing the provision of 2,059.5m<sup>2</sup> of children's play and informal recreation space detailing the types of play space, including play equipment have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the relevant construction phase.

#### Reasons 5&6

In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004) and London Plan Policy 3.6 Children and young people's play and informal recreation facilities (July 2011).

- (7) A construction phasing plan which shall set out the order and timed sequence of commencement and completion of any Block and any communal amenity space to be provided shall be submitted to and approved in writing by the local planning authority prior to commencement.

#### Reason

To ensure that the construction processes is carried out in a manner which will ensure a suitable environment for first occupiers during the construction process in accordance with Policy 15 High quality design for Lewisham of the adopted Core Strategy, saved policies URB 3 Urban Design, URB 12 Landscape and Development, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

- (8) No development shall commence on site until such time as an Environment and Construction Management Plan (ECMP) has been submitted to and approved in writing by the local planning authority. The ECMP shall include, but is not limited to the following items:-
- Dust mitigation measures in accordance with section 6 of the Air Quality Assessment (March 2010) hereby approved.
  - A construction logistics Plan (CLP) specifying how the impacts of construction activities and associated traffic will be managed. The Plan should include details of access arrangement and safe routes for existing residents, particularly those requiring access to Hatfield Close.

- Measures to mitigate against noise and air quality impacts associated with site preparation, demolition, earthworks, materials, handling and storage, haul routes, vehicles and plant, construction and fabrication and waste.
- Methods of monitoring construction impacts (noise and air quality).
- Training of Site Operatives and ensuring the chosen contractor subscribes to the 'Considerate Contractors' scheme.
- The location of plant and wheel washing facilities and the operation of such facilities.
- Details of measures to be employed to mitigate against noise and vibration arising out of the construction process.
- Construction traffic details (volume of vehicle movements likely to be generated during the construction phase including routes and times).
- A risk management assessment of any flood events that might occur during the construction phase, registered with the Environment Agency's "Floodline Warning Direct" service.
- Security Management (to minimise risks to unauthorised personnel).
- Hours of working

Works on site shall only take place in accordance with the approved Environment and Construction Management Plan.

#### Reason

To ensure that the construction processes is carried out in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 10 Contaminated Land, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiency by reducing CO2 emissions, congestion and collisions in accordance with Policy 14 Sustainable movement and transport and Policy 21 Planning obligations of the adopted Core Strategy (June 2011).

#### (9) Fixed Plant

- (i) 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 BS4142:1997.

- (ii) Development shall not commence until details of a scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity.

Reason

N07 R

(10) External Noise Protection

- (i) Each Block shall be constructed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time-weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided.
- (ii) No Block shall commence construction until details of a sound insulation scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
- (iii) No Block shall be occupied until the sound insulation scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.

Reason

To safeguard the amenities of residents and to comply with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004), and to ensure any impacts arising from the proposed development (and any measures required to mitigate those impacts) are consistent with the Noise and Vibration Assessment Report Revision 3 accompanying the application.

- (11) No development shall commence until each of the following have been complied with:
  - (a) No development shall take place until each of the following has occurred:
    - (i) a site investigation has been carried out to survey and assess the extent of potential contamination and its effect (whether on or off site);

- (ii) a report comprising the results of that site investigation and recommendations for treatment of any contamination (whether by remedial works or not) has been submitted to and approved in writing by the Council; and
  - (iii) all measures or treatments identified in that report as being necessary or desirable for the remediation of the site have been implemented in full.
- (b) If during any works at the site (whether pursuant to paragraph (a) of this condition [“paragraph a,] or implementation of this planning permission generally) contamination is encountered which has not previously been identified (“the new contamination,,), then works on the affected part of the site and adjacent areas will cease and paragraph (a) shall apply to the new contamination and no further development shall take place on the affected part of the site until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council. The closure report shall include details both of the remediation (including waste materials removed from the site, an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.

#### Reason

To ensure that the Council may be satisfied that potential site contamination is identified and remedied to comply with Policy ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004), to meet the requirements of the Environment Agency GP3 policy on protecting groundwater as the site is in an Inner Source Protection Zone (SPZ1) and over a principle aquifer.

- (12) No piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

#### Reason



The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- (13) No development shall commence on site until adequate steps have been taken in accordance with Section 8 of BS 5837 Trees to safeguard all trees adjacent to the site against damage prior to or during building works, including the erection of fencing. These fences shall be erected to the extent of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree and such protection shall be retained until the development has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of the trees.

Reason

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

- (14) Notwithstanding the energy statement and addendums submitted with the application hereby approved, no development shall commence until a comprehensive energy statement, including the communal heating as referred to in drawings KEN AL (P) 039 B and KEN AL (P) 040 B have been submitted to and agreed in writing by the local planning authority. The energy statement shall include details and drawings demonstrating how the development will achieve a minimum 20% reduction in carbon dioxide emissions through renewable energy technologies including, but not limited to communal heating and PV panels. The agreed measures shall be implemented prior to first occupation and thereafter retained and maintained in perpetuity to the satisfaction of the local planning authority.

Reason

To ensure that the development is in accordance with the provisions of Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction and 5.7 renewable energy, in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (15) Details of any external lighting to be installed at the site, including measures to prevent light spillage onto existing nearby properties, shall be submitted to and approved in writing by the local planning authority within in 6 months of the commencement of works. Any such external lighting shall be installed in accordance with the approved drawings and prior to the first occupation of each Block. Directional hoods shall be retained permanently. 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 neighbouring properties and to comply with Policies ENV.PRO 12 Light Generating Development; HSG 4 Residential Amenity and OS17 Protected Species in the adopted Unitary Development Plan (July 2004).

- (16) Occupation of the development hereby approved shall not take place until 15 bird and 10 bat boxes have been placed in various locations on the site, details of which shall be submitted to and approved in writing by the local planning authority prior to first occupation. Once in place, the bat and bird boxes shall be retained and maintained in perpetuity.

Reason

To ensure that the development provides opportunities to increase biodiversity in and around the site in accordance with Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011).

- (17) A Parking Management Plan, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any Block hereby approved and shall include details of the location of 20 SELHP (South East London Housing Partnership) Wheelchair Homes Design Guidelines compliant car parking spaces for the wheelchair housing units, 2 visitor disabled parking spaces and a minimum of 1 and maximum of 2 Car Club spaces. The plan shall also include details of how the parking on the private roads/areas will be allocated and managed and details of measures to prevent vehicles parking on the hard and soft landscaped areas, to ensure routes through the site are not obstructed or visual amenity is not compromised.

Reason

In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 which relates to

the provision of satisfactory access to buildings for people with disabilities and to comply with Policies 14 Sustainable movement and transport and 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

- (18) No deliveries in connection with construction works shall be taken at or despatched from the site and no work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason

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- (19) A minimum of 12 active electrical charging points and 12 passive charging points of the car parking spaces hereby approved shall be installed prior to the first occupation of each relevant block in accordance with drawing 9437 492 as submitted with this application and retained permanently thereafter.

Reason

To reduce pollution emissions in an Air Quality Management Area in accordance with London Plan Policy 6.13 Parking (July 2011) and Policy 9 Improving local air quality of the adopted Core Strategy (June 2011).

- (20) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment by Tully De'Ath, referenced 9437, dated December 2011.

Reason

To prevent the increased risk of flooding, both on and off site.

- (21) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall demonstrate that:

- (i) Surface water run-off generated by the site will be limited to Greenfield run off rates for critical storms up and including the 1 in 100 year plus climate change event;
- (ii) The use of sustainable drainage systems will be maximised in line with the London plan policy 5.13 drainage hierarchy including maximising the use of rainwater harvesting, and permeable paving and infiltration.

- (iii) Above ground flooding will be limited to critical storm events greater than 1 in 30 and that any flooding from critical storm events up and including the 1 in 100 year plus climate change event will be satisfactorily contained on site without increasing flood risk.

The scheme shall subsequently be implemented in accordance with the approved details before any Block is occupied.

Reason

To prevent flooding by ensuring the satisfactory disposal / storage of surface water from the site and in accordance with London Plan Policy 5.12 Flood risk management (July 2011) and Core Strategy Objective 6 Flood risk reduction and water management (June 2011).

(22) Sustainable Buildings

- (i) The buildings hereby approved shall achieve a Code for Sustainable Homes Rating Level 4.
- (ii) No development (including works of demolition) shall commence on site until a Design Stage Certificate for each Block (prepared by an independent, qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (i).
- (iii) Within 3 months of occupation of each Block, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a qualified Assessor) to demonstrate full compliance with part (i) for that specific Block.

Reason

To ensure that the development achieves the maximum possible in respect of energy and carbon emissions and to comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 renewable energy, 5.15 Water use and supplies in the London Plan (2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (23) All units hereby approved shall be built in accordance with the plans as listed in Standard Condition 2 of this decision notice in order to comply with the 16 Criteria of Lifetime Homes.

Reason

In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 which relates to the provision of satisfactory access to buildings for people with disabilities and to comply with Policy HSG 5 Layout

and Design of New Residential Development in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability (June 2011).

- (24) No extensions or alterations to the houses hereby approved, whether or not permitted under Article 3 and Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, shall be carried out without the prior written permission of the local planning authority.

Reason

In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development in accordance with HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).

- (25) Details of flues, plumbing and/or pipes, other than rainwater pipes, to be fixed on the external faces of the buildings shall be submitted to and approved in writing by the local planning authority and installed in accordance with the approved plans.

Reason

It is considered that such flues, plumbing and pipes would seriously detract from the appearance of the buildings and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- (26) Any building ventilation systems shall be designed and operated so that air is not drawn from the ground level on the New Cross Road elevations of Block 6.

Reason

To ensure adequate air quality for the future occupiers of these Buildings and comply with Policy 7.14 Improving air quality in the London Plan (July 2011).

- (27) Travel Plan

- (i) Notwithstanding the Tully De'ATH Travel Plan for Kender Phase 4 Development (December 2011), no occupation of the development hereby approved shall take place until such time as a revised Travel Plan 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.
- (ii) The Travel Plan shall specify initiatives to be adopted by the new development to encourage access to 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.

- (iii) Within the timeframe specified by (i) and (ii), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (i) and (ii).

Reason

In order that both the local planning authority and highway authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham's waste management requirements (June 2011).

- (28) No block shall be occupied until the allocated cycle parking of the 384 cycle parking spaces hereby approved, have been provided. The cycle parking shall be thereafter retained and maintained in perpetuity.

Reason

So that the level and standard of cycle parking provision may be in accordance with the objectives of Policy 6.9 Cycling in the London Plan (July 2011) and Core Strategy Policy 14 Sustainable movement and transport (June 2011).

(29) Delivery and Service Plan

- (i) The building shall not be occupied until a Delivery and Servicing Plan (DSP) (including a detailed waste management strategy) has been submitted to and approved in writing by the local planning authority.
- (ii) The uses in the building shall be carried out in accordance with the approved DSP.

Reason

To ensure that the operation of the site after construction is undertaken efficiently and sustainably in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiently by reducing Co2 emissions, congestion and collisions in accordance with Policy 14 Sustainable movement and transport and Policy 21 Planning obligations of the adopted Core Strategy

(June 2011) and Policy 6.14 Freight in the London Plan (July 2011).

### Informatives

1. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
2. The applicant be advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, prior to submitting information pursuant to Condition 10. The Applicant 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 its successor bodies) and EA publications.
3. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
4. In preparing the Environmental and Construction Management Plan, the applicant will be expected to carry out a Risk Assessment including the following: -
  - The description of the site layout and access routes;
  - A summary of the work to be carried out on site;
  - An inventory of all dust generating activities;
  - An inventory of all non-road mobile machinery to be used on site and the location of such machinery;
  - Details of all dust and emission control methods to be used;
  - Summary of the monitoring protocol and agreed procedure of notification to the Council and;
  - Identification of sensitive receptors in the locality.

5. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with appropriate English Heritage guidelines.
6. Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant, and should comply with the standards given in the current BS8233 for internal noise design levels.
7. With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.
8. The applicant is encouraged to design the new streets hereby approved in accordance with the design principles within the Manual for Streets (March 2007, or any subsequent edition).

Copies of the amended and revised Recommendations were handed to Members, the applicant and the public.

The Committee received verbal representation from the John Moore of HTA, architects for the applicant.

Councillor Bell moved a motion to accept Recommendation A as laid out in the report, and of Recommendation B and C as revised and amended, which was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Councillors Bell (Chair), Paschoud, Long, Gibson and Curran.

RESOLVED: that in respect of Town Planning application No. DC/12/79828 as revised:

- (i) The application, the report and any other required documents be referred to the Mayor of London (Greater London Authority) under Article 5 of the Town and Country Planning (Mayor of London) Order 2008 (Categories 1A and 1C of the Schedule of the Order).
- (ii) That the Head of Law be authorised to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers),



to cover the principal matters as amended to ensure the acceptable implementation of the development.

And that upon completion of a satisfactory legal agreement, the Head of Planning be authorised to grant planning permission subject to the Conditions and Informatives as revised.

## **5. Unit 1 & 2 Evelyn Court SE8**

The Planning Officer outlined the key issues concerning all of the enforcement reports in terms of loss of employment and impact on neighbours. He also indicated that expediency of taking action and the impact of equalities must be considered for each application on its individual merits.

He outlined the history of Unit 1 & 2 and the breach of planning control by the unauthorised change of use from B1 Office Use to use as a place of worship, which falls within Use Class D1. He reported that the church held services between 1 and 4pm on Sundays and that residents had reported that services go on well into the night. About 100 people had attended a wedding in the church on 27 September 2012, which created noise and parking problems.

The Committee received verbal representations from Pastor Korede Oguntoye on behalf of the proprietor of Unit 1 & 2 Evelyn Court, Grinstead Road SE8, who said that the church cared for the underprivileged in the community that it was part of. He asked that they be given 2 years to arrange to find an alternative premises.

After deliberation, Councillor Bell moved a motion to accept the officer's recommendation to instigate enforcement action, which was seconded by Councillor Gibson.

Members voted as follows:

FOR: Councillors Bell (Chair), Paschoud, Long, Gibson and Curran

- RESOLVED
- i). that the Head of Law be authorised to take all necessary action to cease the use of Unit 1 & 2 Evelyn Court, Grinstead Road SE8 as a place of worship for the reasons set out in section 10 of the report, with 3 months for compliance;
  - ii). And that officers provide the applicant with contact details for the [Economic Development Service](#) department who assist businesses find premises in the borough.

## **6. Unit 3 Evelyn Court SE8**

The Planning Officer outlined the history of Unit 3 and the breach of planning control by the unauthorised change of use from B1 Office Use to use as a place of worship, which falls within Use Class D1. He

reported that the church held services on Sundays but does not know how many people are in the congregation.

The Committee received verbal representations from Pastor Korede Oguntoye the proprietor of Unit 3, who mentioned that Unit 3 was half the size of Unit 1 & 2 and had a congregation of about 30 people. They had occupied the site as a church since 2009. Along with functioning as a church, they train people to get back to work and help people who sleep rough. They had approached the Council for assistance in finding alternative premises, but the owner of the premises that had been found refused to allow them to use it as a church. He asked that they be given time to find an alternative premises.

The applicant was informed that Unit 3 can continue to be used as an office as this falls within its B1 Office Use.

Councillor Bell moved a motion to accept the officer's recommendation to instigate enforcement action, which was seconded by Councillor Gibson.

Members voted as follows:

FOR: Councillors Bell (Chair), Paschoud, Long, Gibson and Curran

- RESOLVED
- i). that the Head of Law be authorised to take all necessary action to cease the use of Unit 3 Evelyn Court, Grinstead Road SE8 as a place of worship for the reasons set out in section 10 of the report, with 3 months for compliance;
  - ii). And that officers provide the applicant with contact details for the [Economic Development Service](#) department who assist businesses find premises in the borough.

## **7. Unit 11a Evelyn Court SE8**

The Planning Officer outlined the history of the property and the breach of planning control by the unauthorised change of use from B1 Office Use to use as a place of worship, which falls within the Use Class D1. He reported that the church held services on Monday and Tuesday nights, Sundays and one Friday night in the month but does not know how many people are in the congregation.

The Committee received verbal representations from Pastor Teye Akangbe the proprietor of Unit 11A who said he had not been made aware by the property owner that the use of the Unit did not include worship, and that if he had known, they would not have rented the Unit. He had been trying to reduce the noise by double glazing the doors and asked to be given time to find alternative premises.

Councillor Bell moved a motion to accept the officer's recommendation to instigate enforcement action, which was seconded by Councillor Gibson.

Members voted as follows:

FOR: Councillors Bell (Chair), Paschoud, Long, Gibson and Curran

- RESOLVED
- i). That the Head of Law be authorised to take all necessary action to cease the use of Unit 11A Evelyn Court, Grinstead Road SE8 as a place of worship for the reasons set out in section 10 of the report, with 3 months for compliance;
  - ii). And that officers provide the applicant with contact details for the [Economic Development Service](#) department who assist businesses find premises in the borough.

## 8. Unit 12a Evelyn Court SE8

The Planning Officer outlined the history of the property and the breach of planning control by the unauthorised change of use from B1 Office Use to use as a place of worship, which falls within the Use Class D1, and reported that Unit 13A was used for late night worshipping that included the use of drums and loud singing during services.

Councillor Bell moved a motion to accept the officer's recommendation to instigate enforcement action, which was seconded by Councillor Gibson.

Members voted as follows:

FOR: Councillors Bell (Chair), Paschoud, Long, Gibson and Curran

- RESOLVED
- i). That the Head of Law be authorised to take all necessary action to cease the use of Unit 13A Evelyn Court, Grinstead Road SE8 as a place of worship for the reasons set out in section 10 of the report, with 3 months for compliance;
  - ii). And that officers provide the applicant with contact details for the [Economic Development Service](#) department who assist businesses find premises in the borough.

The meeting ended at 9:13pm                      Chair

8 November 2012