

Committee	PLANNING COMMITTEE B	
Report Title	9-19 Rushey Green, London, SE6	
Ward	Rushey Green	
Contributors	David Robinson	
Class	PART 1	11 October 2018

<u>Reg. Nos.</u>	DC/17/101909
<u>Application dated</u>	05.06.2017
<u>Applicant</u>	GVA on behalf of Columbia Threadneedle
<u>Proposal</u>	Demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping.
<u>Applicant's Plan Nos.</u>	<p>01150_BP_01; 01150_E_03; 01150_P_00_V1;            01150_P_00_V2; 01150_P_00_V3;            01150_P_00_V4; 01150_P_00_V5;            01150_SP_01; 01150_SV_01; 01150_SV_02;            01150_SV_03; 01150_SV_04; 01150_SV_05;            01150_SV_07; 01150_SV_08; 01150_SV_09;            01150_SV_10; 01150_SV_11; 01150_SV_12;            01150_X; Air Quality Assessment dated 02 May 2017 reference number PC-16-0280-RP2-RevB;            Archaeological Desk Based Assessment dated April 2017; Design and Access Statement dated June 2017; Economic Statement dated June 2017; Environmental Noise Survey Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE; Statement Of Community Involvement dated April 2017; Sustainability Statement version V.2 dated May 2017; Planning Statement; Preliminary Construction Management Plan reference number 105922/12/001 dated 28 April 2017; Transport Statement dated June 2017 received 05 June 2017</p> <p>01150_BS_01; 01150_BS_02; 01150_DE_01;            01150_DE_02; 01150_DE_03; 01150_DE_04;            01150_CD_01; 01150_P_06 (Proposed PV layout); D0299_001 A; D0299_002 E; Ecological Assessment dated July 2017 received 14 August 2017</p> <p>01150_E_01 P2; 01150_E_02 P2; 01150_P_01</p>

P2; 01150\_P\_02 P2; 01150\_P\_03 P2;  
01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06  
P2; Accommodation Schedule (revision P2); CIL  
Form; Daylight and Sunlight Report dated 02  
March 2018; Energy Statement; Design and  
Access Statement Addendum (March 2018)  
received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

Background Papers

- (1) Case File LE/857/9/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority

Screening

N/A

**1.0 Introduction**

- 1.1 This application was considered by Planning Committee B on 26 April 2018 (the Committee Report which went to committee on 26 April is appended to this report). Planning Committee B resolved to approve the application subject to a legal agreement under Section 106 of the 1990 Act (and other appropriate powers).
- 1.2 Subsequently, the applicant, Columbia Threadneedle, has agreed terms for the sale of the site to The Elemento Group. The Elemento Group have proposed a revised affordable housing offer to the Council in conjunction with Phoenix Community Housing as registered provider.
- 1.3 The application has therefore been returned to Committee to enable Members to consider the revised affordable housing offer.

**2.0 Property / Site Description**

*Existing Site and Location*

- 2.1 The existing application site contains a four storey brick building constructed in the 1940's. The building is a 'T' shape and fronts Rushey Green with undercroft vehicle access to car parking and a substation to the rear. A legal right of way must be maintained to the substation.
- 2.2 The building is currently occupied by Lewisham's Job Centre Plus with other ancillary office space and falls under Use Class A2 (financial and professional services). The total site area is approximately 0.13 hectares. The existing site is outlined in red in the image below:



### *Surrounding Context*

- 2.3 The site is situated just north of Catford Town Centre with both Catford and Catford Bridge rail stations being located 10-15 minutes walk from the site. The site fronts Rushey Green which, along with Catford Road, make up Catford's main High Street. The site is located approximately 1km south of Lewisham town Centre and is well connected to such by a host of bus routes which run between Catford and Lewisham (47, 54, 75, 136, 185, 199, 208).
- 2.4 The surrounding built context is mixed in nature. On Rushey Green itself, the street is typically made up of two, three and four storey buildings, which are either wholly commercial, or exhibit commercial uses at ground floor level with residential uses above. The streets, which run east and west off Rushey Green, are largely characterised by two storey period properties in residential use.
- 2.5 In terms of the immediate proximity of the application site, to the north and northwest stands a part 5, part 6 storey residential development with a commercial use (Tesco Express) at ground floor level. This development contains 36 residential units. To the immediate south of the site, at 21-23 Rushey Green, there stands a two-storey period building with commercial units at ground floor level and 9 residential flats above.
- 2.6 To the south east of the site stands a single storey commercial building currently in use as a bathroom showroom and plumber's supplies shop.

### *Site Designations and Constraints*

- 2.7 Catford is identified as both a Major Town Centre and a Regeneration and Growth Area within Lewisham's Core Strategy (2011). The application site is outside of the defined 'Major and District Centre' of Catford and is not located within a designated 'District Centre Shopping Frontage'. Therefore, the site is defined as being within a commercial cluster.
- 2.8 The site is not within a Conservation Area nor is it subject to an Article 4 direction.

2.9 The site has a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 1 to 6 where 6 is excellent. Rushey Green is a red route designated under the Transport for London Road Network (TLRN). On street parking is not available along Rushey Green and is restricted to resident permit holders from 9am – 7pm Monday - Fridays on other residential streets to the east and west of Rushey Green.

### **3.0 Planning History**

3.1 This application for the “demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping” was heard by Planning Committee B on 26 April 2018 (the Committee Report which went to committee on 26 April is appended to this report). Planning Committee B resolved to approve the application subject to a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

#### *Housing*

- Minimum 24.4% affordable housing (by unit)
- Dwelling mix: London Affordable Rent 6 units and Shared Ownership 4 units. The mix of such units are as follows:

Affordable Housing Mix			
Unit Type	Affordable Rent	Shared Ownership	Overall
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
Total	6	5	11

- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/ Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).

- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

*Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

*Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

*Carbon Offset Payment*

- Financial contribution of £110,142

*Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit 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.

*Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

#### **4.0 Current Planning Application**

- 4.1 As outlined above, this application was heard by Planning Committee B on 26 April 2018 where members resolved to approve the application subject to a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters outlined above.
- 4.2 Since then, the applicant Columbia Threadneedle have exchanged contracts to sell the site to The Elemento Group.
- 4.3 The Elemento Group have proposed a revised, and increased, affordable housing offer to the Council on the premise that the late stage review, included in the previous late Section 106 heads of terms, be removed. This offer has been made in conjunction with Phoenix Community Housing who are in support of the revised offer and mix, and intend to take on the affordable units should the revised offer be approved and S106 completed.

4.4 The updated offer is as follows:

- Minimum 33.3% affordable housing (by unit) / 36.2% affordable housing (by habitable room)
- Dwelling mix: London Affordable Rent 9 units and Shared Ownership 6 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	6	8
2 bed	6	0	6
3 bed	1	0	1
Total	9	6	15

4.5 The review mechanism would be revised to read as follows:

*Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) in accordance with the London Plan Affordable Housing and Viability SPG.*

4.7 All other heads of terms would remain as approved by Planning Committee B on 26 April 2018.

## **5.0 Planning Assessment of Revised Offer**

5.1 As outlined in the previous committee report, the application site is within close proximity to local services and to the necessary social infrastructure, it is considered suitable for affordable housing in accordance with Core Strategy Policy 1 and London Plan Policies 3.11 and 3.12. The Core Strategy commits the Council to negotiating for an element of affordable housing to be provided in any major residential development with the starting point for negotiations being a contribution of 50% affordable housing on qualifying sites across the Borough, subject to financial viability.

5.2 With regard to tenure mix, Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix. Regard must also be had to London Plan 3.11 which seeks a tenure mix of 60% social rented and 40% intermediate housing.

5.3 The previously approved Affordable Housing Mix would change from:

<b>Affordable Housing Mix</b>
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<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
Total	6	5	11

5.4 To the revised mix of:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Intermediate</b>	<b>Overall</b>
1 bed	2	6	8
2 bed	6	0	6
3 bed	1	0	1
Total	9	6	15

- 5.5 The proposed revised offer is considered by officers to be a significant improvement on the offer which was previously presented to and approved at committee.
- 5.6 To summarise, the offer increases the number of affordable rented units (London Affordable Rent) by three (6 previously offered to 9 now being offered) and the number of intermediate units by one (5 previously offered to 6 now being offered).
- 5.7 This would result in a percentage mix of 68.4% affordable rented to 31.6% intermediate, which is in accordance with Core Strategy Policy 1 which requires a 70% social rented / 30% intermediate housing split. This again is considered to be a preferable split to the offer previously approved, which presented a 54.5% affordable rented to 45.5% intermediate split.
- 5.8 It is also noted that the overall affordable housing provision is now at 33.3% by unit and 36.2% by habitable room, versus the 24.4% by unit which was previously considered acceptable following a review of the applicant's Financial Viability Appraisal.
- 5.9 The Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance (2017) states that "*applications that meet or exceed 35 per cent affordable housing provision without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement).*" This is known as the 'fast track route' for applications proposing affordable housing. As such, given the scheme now meets the criteria for the 35% "fast track" route, a late stage review is no longer required in accordance with the Affordable Housing and Viability Supplementary Planning Guidance.

- 5.10 Officers note that this offer is being presented by The Elemento Group on the basis that the requirement for a late stage review is removed from the S106 heads of term. Given the increase in the affordable housing offer by three affordable rented units and one shared ownership unit, as well as the preferable and policy compliant 68.4% affordable rented to 31.6% shared ownership split now being offered; as well as compliance with the 35% “fast track” route as outlined above, officers consider that this presents a greatly improved affordable offer and on that basis, recommend that the offer is accepted and that the late stage review is removed from the S106 heads of term.
- 5.11 Further to the above, for a scheme of this scale (45 residential units), it is considered extremely unlikely that a late stage review would identify a surplus profit which would equate to an increased affordable housing offer of 3 affordable rented units and 1 shared ownership unit.
- 5.12 Given the above, the amended offer results in a scheme which is preferable in terms of policy in relation to the previously accepted offer and is acceptable with regard to the Development Plan.

5.13 Officers note that no new material planning considerations are raised by the amended affordable offer therefore the officer's assessment in the previous Committee Report (appended to this report) is otherwise still correct and relevant.

## **6.0 Local Finance Considerations**

- 6.1 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).

- 6.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.3 The Mayor of London's (CIL) and Local CIL are a material consideration in the determination of this application. CIL is payable on this application and the applicant has completed the relevant form.

## **7.0 Equalities Considerations**

- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- b. advance equality of opportunity between people who share a protected characteristic and those who do not;
  - c. foster good relations between people who share a protected characteristic and persons who do not share it.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 7.7 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.

## **8.0 Human Rights Implications**

- 8.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way

which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Freedom of expression
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association

- 8.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 8.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.4 This application has the legitimate aim of providing a new building for residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## **9.0 Conclusion**

- 9.1 This report has considered the amended affordable housing and review mechanism proposals in the light of adopted development plan policies and other material considerations.
- 9.2 It is considered that the amended affordable housing offer results in a scheme which is preferable and better in terms of policy in relation to the previously accepted offer with regard to affordable housing.
- 9.3 Officers note that no new material planning considerations are raised by the amended affordable offer therefore the officer's assessment in the previous Committee Report (appended to this report) is otherwise still correct and relevant.
- 9.4 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that the scheme accords with local and national policies.
- 9.5 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents. Such material considerations are not

considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

## **10.0 RECOMMENDATIONS**

### **Recommendation (A)**

10.1 To agree the revised affordable housing obligations and authorise the Head of Law to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

#### *Housing*

- Minimum 33.3% affordable housing (by unit) / 36.2% affordable housing (by habitable room)
- Dwelling mix: London Affordable Rent 9 units and Shared Ownership 6 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
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- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) in accordance with the London Plan Affordable Housing and Viability SPG).
- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

#### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

#### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

*Carbon Offset Payment*

- Financial contribution of £110,142

*Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit 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.

*Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

**Recommendation (B)**

10.2 Upon the completion of a satisfactory Section 106 in relation to the matters set out above, authorise the Head of Planning to grant Planning 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:

01150\_BP\_01; 01150\_E\_03; 01150\_P\_00\_V1; 01150\_P\_00\_V2;  
 01150\_P\_00\_V3; 01150\_P\_00\_V4; 01150\_P\_00\_V5; 01150\_SP\_01;  
 01150\_SV\_01; 01150\_SV\_02; 01150\_SV\_03; 01150\_SV\_04; 01150\_SV\_05;  
 01150\_SV\_07; 01150\_SV\_08; 01150\_SV\_09; 01150\_SV\_10; 01150\_SV\_11;  
 01150\_SV\_12; 01150\_X; Air Quality Assessment dated 02 May 2017  
 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based  
 Assessment dated April 2017; Design and Access Statement dated June  
 2017; Economic Statement dated June 2017; Environmental Noise Survey  
 Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE;

Statement Of Community Involvement dated April 2017; Sustainability Statement version V.2 dated May 2017; Planning Statement; Preliminary Construction Management Plan reference number 105922/12/001 dated 28 April 2017; Transport Statement dated June 2017 received 05 June 2017

01150\_BS\_01; 01150\_BS\_02; 01150\_DE\_01; 01150\_DE\_02; 01150\_DE\_03; 01150\_DE\_04; 01150\_CD\_01; 01150\_P\_06 (Proposed PV layout); D0299\_001 A; D0299\_002 E; Ecological Assessment dated July 2017 received 14 August 2017

01150\_E\_01 P2; 01150\_E\_02 P2; 01150\_P\_01 P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

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

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3

4. (a) No development (other than demolition of above ground structures) 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).

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

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

6. Prior to any above ground works (excluding demolition) a detailed schedule and sample panel of all external materials, including surface treatments, 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 constructed in accordance with approved details

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

7. The refuse storage and recycling facilities shown on drawing 01150\_P\_00 P2

hereby approved, shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

8. (a) A minimum of 64 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level on site 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).

9. (a) The commercial unit hereby approved shall be fitted with a minimum of 4 secure and dry cycle parking spaces in the case of an A1 (food retail use), 1 in the case of an A1(non-food) retail use, 2 in the case of an A2/A3 use and 4 in the case of a B1 use, prior to occupation
- (b) The commercial unit shall not be occupied 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).

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

similar size and species.

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

11. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. D0299\_001 A hereby approved and maintained thereafter. Prior to commencement of the above ground works, a planting specification shall have been submitted to and approved in writing by the local planning authority.  
  
(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.  
  
(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) , Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

12. (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).

13. (a) Notwithstanding the details approved, no part of the development hereby approved shall 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).

14. Prior to the occupation of the building hereby approved, details of screening to the balconies serving unit numbers 10, 13, 23 and 33 shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be installed prior to the occupation of unit numbers 10, 13, 23 and 33, and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified below:

- (i) Units 03, 09, 19, 29, 41 shall meet standard M4(3)(2)
- (ii) All other units shall meet standard M4(2)

(b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.

(c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

the building.

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

17. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes shall be fixed on the external faces of the building.

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

18. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

19. The whole of the amenity space (including roof terraces and balconies) as shown on the approved plans hereby approved shall be retained permanently for the benefit of the occupiers of all the residential units hereby permitted.

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

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

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31

Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

21. (a) No development shall commence above ground level on site until plans (1:50) and details showing the physical fit out of the commercial unit hereby approved have been submitted to and approved in writing by the local planning authority.
- (b) Prior to occupation of the residential units, the commercial unit shall be constructed in full accordance with the approved details.

**Reason:** To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 4 Mixed Use Employment Locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations

22. (a) Prior to commencement of an A3 use, 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) of the Development Management Local Plan (November 2014).

23. The commercial premises hereby approved shall only be open for customer business between the hours of 07:00 and 23:00.

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

24. (a) The commercial units shell and core works hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development of the commercial unit shall commence until a Design Stage Certificate for the commercial unit (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) of this condition.

- (c) Within 3 months of first occupation of any commercial unit, 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) of this condition in respect of such commercial unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (June 2011).

25. (a) No development (excluding demolition) shall commence until details of the following works to the highway (including drawings and specifications) have been submitted to and approved in writing by the local planning authority:

- (i) the extension of the existing Sheffield stand bank on Rushey Green to provide 4 no. Sheffield type stainless steel stands
  - (ii) the provision of two disabled parking spaces on Davenport Road;
- (b) The building shall not be occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under the said paragraph (a).

**Reason:** In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011). This is a pre-commencement condition because the local planning authority needs to be satisfied that the proposed and required Highways Works necessary to facilitate the development can be satisfactorily designed before development starts.

26. (a) Details of the proposed solar panels shall be submitted to and approved in writing by the LPA prior to the commencement of any above ground works.
- (b) The solar panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential 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 (2016) 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).

## Informatics

- 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.