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Date: 02 July 2021

Property Ref: LE/250/D/TP

Our Ref: DC/21/121691

Mr Haseltine  
HP Architects Ltd  
7 halifax street  
London  
SE26 6JA

Dear Mr Haseltine,

**PERMISSION FOR DEVELOPMENT  
Town and Country Planning Act 1990 (as amended)**

Notice is hereby given that the London Borough of Lewisham, in pursuance of its powers as local planning authority under the above Act, Regulations, Rules & Orders made thereunder, permits the development referred to in the Schedule below subject to the conditions set out therein and in accordance with the application and plans submitted, save in so far as may otherwise be required by the said conditions.

Your attention is drawn to the Statement of Applicant's Rights endorsed overleaf.

The grant of planning permission does not relieve developers of the necessity for complying with any local Acts, Public Health Acts & Regulations, Building Acts & Regulations and general statutory provisions in force in the area or modify or affect any personal or restrictive covenants, easements, etc applying to or affecting either the land to which the permission relates or any other land, or the rights of any person or authorities (including the London Borough of Lewisham) entitled to the benefit thereof or holding an interest in the property concerned in the development or in any adjoining property. In this connection applicants are advised to consult the Highways and Transportation team as to any works proposed to, above or under any carriageway, footway or forecourt. Your particular attention is drawn to the Building Acts & Building Regulations which must be complied with to the satisfaction of approved Building Control Inspectors.

**SCHEDULE**

Application Valid Date: 07 May 2021

Application No: **DC/21/121691**

Development: Construction of a single storey detached refreshment kiosk on a site within the Pleasure Gardens of Beckenham Place Park, BR3.

**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:

1316-EX-02; 1316-EX-05; 1316-PL-01; Site Location Plan Received 07 May 2021; 1316-PL-02 Rev.A; 1316-PL-03 Rev.A; Design And Access Statement Revised (HP Architects, July 2021) Received 1 July 2021

**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 a detailed schedule and specification of all external materials and finishes, external doors, roof coverings, brick plinths, hardstanding and retaining walls to be used on the Kiosk have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the development and to comply with Paragraph 145 of the National Planning Policy Framework (2019); Policy G3 Metropolitan Open Land of the London Plan (2021); Policy 15 High quality design for Lewisham, and Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011); and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character, and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens.

4. The litter disposal facilities shown on Plan Nos. 1316-PL-02 Rev.A and 1316-PL-03 Rev.A shall be provided in full prior to commencement of operation of the kiosk 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).

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

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies SI 12 Flood risk management in the London Plan ( March 2021), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

6. No trees shall be damaged or harmed during the construction of the development hereby approved.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25

Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

7. (a) Full details of the biodiversity living roof that is proposed to be installed shall be submitted to and approved in writing by the local planning authority, prior to first operation of the kiosk hereby approved.
- (b) 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 operation of the kiosk hereby approved.
- (c) 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.

**Reason:** To comply with Policy G5 Urban greening in the London Plan (2021) , 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).

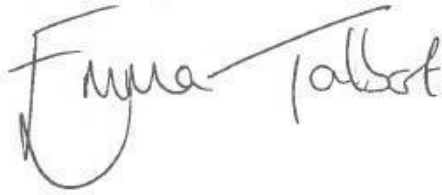
8. The kiosk must be removed from the site once customer operations have ceased, at the expense of the owner.

**Reason:** To ensure no harm to the openness of the MOL if the Kiosk closes to customer business, and to comply with Paragraph 145 of the National Planning Policy Framework (2019); and Policy G3 Metropolitan Open Land of the London Plan (2021).

## I N F O R M A T I V E S

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. The applicant is advised that any works associated with the implementation of this permission will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works take place.
- C. You are advised that under the provisions of the Environmental Protection Act 1990, the operators of take-away (or similar) businesses may be subject to prosecution by the Council if the use creates a litter problem in the vicinity of the premises.

Yours sincerely



Emma Talbot  
Director of Planning

**Statement of Applicant's Rights arising from Grant of Planning Permission subject to conditions:-**

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of the London Borough of Lewisham to refuse planning permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Tel No. 0303 444 5000, Email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) or fill in a form online via <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify both the London Borough of Lewisham ([planning@lewisham.gov.uk](mailto:planning@lewisham.gov.uk)) and the Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK and [Lewisham.gov.uk](http://Lewisham.gov.uk)
- The Secretary of State need not consider an appeal if it seems to the Planning Inspectorate that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Planning Inspectorate.

**Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the London Borough of Lewisham. This notice will require the London Borough of Lewisham to

purchase the owner's interest in the land in accordance with the provisions of Chapter 1 Part VI of the Town and Country Planning Act 1990.