

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 15 JANUARY 2015 TIME 7.30 PM**

PLACE: **ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

Membership

Councillors:

Paul Bell (Chair)
Suzannah Clarke (Vice-Chair)
John Coughlin
Maja Hilton
Simon Hooks
Ami Ibitson
Helen Klier
Olurotimi Ogunbadewa
John Paschoud
Jonathan Slater

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

Barry Quirk
Chief Executive
5th Floor Laurence House
London SE6 4RU
Date: Tuesday, 6 January 2015

For further information please contact:
Patricia Simpson Committee Co-ordinator
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	PLANNING COMMITTEE C	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 15 January 2015

Members are asked to declare any personal interest they have in any item on the agenda.

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception);
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt;
- (d) Allowances, payment or indemnity for members;
- (e) Ceremonial honours for members;
- (f) Setting Council Tax or precept (subject to arrears exception).

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Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 15 January 2015

MINUTES

To approve the minutes of the Planning Committee C meeting held on 18 November 2014

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Committee	PLANNING COMMITTEE C	
Report Title	HAZELHURST COURT, BECKENHAM HILL ROAD SE6 3AG	
Ward	Downham	
Contributors	Suzanne White	
Class	PART 1	15 JANUARY 2015

<u>Reg. Nos.</u>	DC/14/88227
<u>Application dated</u>	02.07.2014, as amended 05.11.14
<u>Applicant</u>	Phoenix Community Housing
<u>Proposal</u>	Demolition of the existing Community Building and construction of an Extra Care development on part of the site of Hazelhurst Court, Beckenham Hill Road SE6, to provide 58 one-bedroom and 2 two-bedroom flats for older people, including the provision of 6 wheelchair units, together with shared communal facilities at ground floor including a kitchen, living rooms, staff rooms and multi-use spaces in 3 blocks of four-storeys arranged around a courtyard on the main site to the north of Hazelhurst Court [Block A] and 1 block of five-storeys to the south of 'Beckenham Park Heights' [Block B], with the re-organisation of 22 parking spaces (including 6 disabled vehicle bays), the provision of 64 cycle spaces, the felling of existing trees and provision of new tree planting and landscaping.
<u>Applicant's Plan Nos.</u>	3125 D100 Rev P2, 3125 D101, 3125 D102, 3125 D103, 3125 D104, 3125 D105, 3125 D108, 3125 D109, 3125 D110, 3125 D111 Rev P2, 3125 D112, 3125 D113, 3125 D114, 3125 D115, 3125 D200, 3125 D201, 3125 D300, 3125 D301, 3125 D302, 3125 D303, 3125 D304, 3125 D500, 3125 L900, 3125 L901, 3125 L902 Rev P2, 3125 L903, C11448/DR/SK01, TPP-CC/1237AR2255rev1, Affordable Housing Statement, Arboricultural Statement, Archaeological Desk Based Assessment, Code for Sustainable Homes Pre Assessment, Daylight & Sunlight Report, Design & Access Statement, Drainage Strategy, Ecological Extended Phase I Habitat & Protected Species Survey (Sept 2014), Energy Statement, Geotechnical Investigation Report, Land Contamination Assessment: Report on Phase 1 Desk Study, Landscape Strategy, Noise & Vibration Survey & Assessment Report, Planning Obligations Statement, Planning Statement, Planning Note: Loss of Amenity Space October 2014; Planning Note: Loss of Hazelhurst Community Hall

	September 2014; Statement of Community Involvement (Nov 2014), Sustainability Monitoring Form, Transport Statement (Nov 2014), Travel Plan (Nov 2104) & Ventilation Statement.
<u>Background Papers</u>	(1) Case File LE/201/E/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Area of Stability and Managed Change, Local Regeneration Area.
<u>EIA Screening</u>	Environmental Statement not required. EIA Screening Opinion issued January 2014.

1.0 Property/Site Description

- 1.1 Hazelhurst Court is an existing scheme of 64 residential units (52 x 1 beds and 12 studios) for elderly persons. It is comprised of three buildings of four storeys each. Two of the blocks front Beckenham Hill Road, while the third extends north towards Melfield Gardens. A separate community hall building sits to the north of the third block. The existing facility is 'low care' i.e. residents access most care facilities off-site.
- 1.2 The buildings are set within areas of amenity space, which include several mature trees, to the north and west. Also within the grounds is an enclosed drying facility.
- 1.3 Vehicular access is taken from Melfield Gardens, via a road within the applicant's ownership, at the end of which is a small parking court. The access road itself is also used for informal parking. Parking spaces are not marked, but there is capacity of 22 spaces. There are no parking controls in the surrounding streets. Pedestrian access is taken from this access road, as well as from Blacklands Road to the east and from Beckenham Hill Road, via steps and a passageway adjacent to the rail line.
- 1.4 The site area is 0.75 hectares (approx). The development site comprises the site of the community hall, drying area and the two amenity spaces situated to the north and west of the existing buildings.
- 1.5 The surrounding context consists primarily of inter-war suburban dwellings. On Blacklands Road and Melfield Gardens to the east and north, the existing built form is predominately suburban with 2 storey semi-detached and terraced dwellings. To the west is Beckenham Park Heights, a recently developed residential block of 5 storeys, on land which previously held garages related to Hazelhurst Court. Beyond Beckenham Park Heights, to the north west, is a day nursery. To the south, across Beckenham Hill Road is Beckenham Place Park.
- 1.6 The property is not within a Conservation Area, there are no Article 4 Directions and it is not a Listed Building. The site lies in an Area of Archaeological Priority. It is also located within a Local Regeneration Area.
- 1.7 The site has a Public Transport Accessibility Level (PTAL) rating of 3 and is located approximately 100 metres from Beckenham Hill Station.

2.0 Planning History

2.1 The relevant planning history for the site can be summarised as follows:

DC/09/74230/FT - The installation of PVCu double glazed windows and Homesafe secure entrance doors at 1-64 Hazelhurst Court. Granted 29.10.2009.

DC/12/81638/X - The installation of metal railings around the perimeter of the roof at Hazelhurst Court. Refused 07.12.2012.

DC/13/82418/FT - The installation of a fall protection barrier system around the perimeter of the roof at Hazelhurst Court. Granted 22.02.13.

2.2 Also relevant to this scheme is the planning history for the adjacent block, Beckenham Park Heights, as follows:

DC/02/50553 - The construction of a six storey plus basement block on the site of the former garages at Melfield Gardens SE6 comprising 20 two-bedroom self-contained flats and maisonettes, with parking in the basement parking area for 19 cars, together with landscaping and refuse storage areas. Refused 28.08.02.

DC/02/52187- The construction of a five storey block on the site of the former garages at Melfield Gardens SE6 comprising 14 two-bedroom self-contained flats and maisonettes with a basement parking area for 12 cars, together with landscaping, 5 cycle racks a refuse storage area and a gated vehicular access onto Melfield Gardens. Granted 15.11.02.

3.0 Current Planning Applications

The Proposals

3.1 The applicant is Phoenix Housing Association, owner of Hazelhurst Court.

3.2 The proposed development comprises of the demolition of the existing community building at Hazelhurst Court and the erection of two buildings within the grounds.

3.3 The scheme comprises the provision of 60 residential flats with extra care for the over 55s together with communal facilities, parking, refuse storage and landscaping.

3.4 'Block A' is located to the north of the existing Hazelhurst Court buildings, partially on the site of the demolished community building, and also on the existing amenity space bounded by Blacklands Road, Melfield Gardens and the private access road. It would consist of three blocks of four storeys each, arranged around a central courtyard. In the centre, set between the courtyard and retained area of amenity space, would be a single storey garden room.

3.5 The main entrance to the block would be from the access road, where the block facing Beckenham Park Heights would have a single storey element providing a staff reception, activity room, garden room, tea point and kiosk, refuse and cycle storage, behind which the four storey element is set back.

3.6 'Block B' comprises a five storey building situated between the southernmost arm of the existing Hazelhurst Court and Beckenham Park Heights building, along the railway line. The ground floor provides internal refuse and cycle parking.

3.7 No alterations are proposed to the existing Hazelhurst Court as part of the development proposals for the site.

4.0 Consultation

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

Pre-Application Consultation by Applicant

4.2 In response to concern expressed by local residents during the statutory consultation process, the applicant provided a revised Statement of Community Involvement. The pre-application consultation as set out in the statement is as follows:

- Drop-in Exhibition at Hazelhurst Community Hall on 31st July 2013 – Newsletters delivered to existing Hazelhurst Court residents (64 units) prior to exhibition and homes visited on the day as a reminder of the event. A total of 13 residents attended. Comments received are set out in the Statement of Community Involvement;
- Newsletter delivered to Hazelhurst Court residents, providing an update - November 2013;
- Drop-in Exhibition at Hazelhurst Community Hall on 5th February 2014 – Letters delivered to Hazelhurst Court residents (64 units) prior to exhibition. 17 residents attended. Comments received are set out in the Statement of Community Involvement;
- Phoenix 'Community Links' event 15th–18th February 2014 – Plans exhibited at Phoenix 'Community Links' event at The Green Man;
- Drop-in Exhibition at Hazelhurst Community Hall on 30th April 2014 – Flyers delivered to Hazelhurst Court residents and drop-in exhibition held at Hazelhurst Community Hall between 4:30pm-6:00pm. 12 residents attended. Comments received are set out in the Statement of Community Involvement;
- Drop-in Exhibition at The Green Man on 30th April 2014 – Flyers delivered to 165 properties surrounding the site and drop-in exhibition held at The Green Man between 7:00-8:30pm. 11 wider residents attended. Comments received are set out in the Statement of Community Involvement. Residents attended from Blacklands Road, Beckenham Park Heights, Beckenham Hill Road and Melfield Gardens.
- Newsletter delivered to Hazelhurst Court residents and wider neighbours (165 properties surrounding the site) – July 18th 2014 (please see the Newsletters enclosed).

4.3 It should be noted that pre-application consultation with the community is not a statutory requirement, though certainly is best practice and is encouraged by the planning service.

Lewisham Design Review Panel

4.4 An earlier version of the proposals was reviewed by the Lewisham Design Review Panel on the 19th February 2014. The Panel's comments can be summarised as follows:

- The reputation of the architects with regard to housing design was acknowledged by the Panel, and the complexity of the task understood and appreciated. The principle of bringing forward appropriate development on this site is supported.
- The quantum of units on site may be too great if it can only result in the dense clustering of forms proposed, and alternative consideration of masses, forms and re-deployment should be undertaken.
- Taller block of 6 storeys is too high in scale terms though the stand alone block adjacent Beckenham Heights could potentially be more intensively developed
- The design team need to demonstrate that if the present quantum of development is pursued that the resultant parking requirement can be successfully integrated into the development taking into account existing demand on the site and its environs.
- There remains a concern over the significant loss of existing trees that the current designs envisage. The Panel does recommend that the scheme returns for further review.
- The Communal Garden Room was regarded as potentially a fine community asset.
- The quality of materials indicated was encouraging, and the integration into the new proposal of architectural references to the balconies of the existing buildings was enjoyed.

Statutory Consultation by Council

4.5 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.6 During the initial consultation period, 4 site notices were displayed and letters sent to over 300 local properties. A map of the properties consulted is attached as Appendix B to this report.

4.7 During the re-consultation period, site notices were displayed and letters sent to over 300 local properties as well as any others who submitted representations following the first consultation.

4.8 For each consultation period, the ward Councillors and relevant statutory consultees were notified.

Local Meeting

4.9 A Local Meeting was held on 18th September 2014. The minutes of the Local Meeting are attached in full as Appendix A to this report, but set out below are the concerns raised:

1. The community will have to live through disruption and loss of trees. The scheme looks crowded. The Arboricultural report says 27 trees (60%) are Class A.
 2. Impact on parking. Spaces will be pushed off the access road.
 3. Blacklands Road doesn't have any tall buildings.
 4. Poor design. It looks like a 1960s block.
 5. Loss of light for Hazelhurst Court.
 6. Loss of light for Beckenham Park Heights
 7. Environmental impact
 8. Impact on psychological wellbeing of local community
 9. Loss of privacy due to new higher blocks will impact on existing and new Hazelhurst Court residents and Beckenham Park Heights. There are lots of windows in the penthouses of Beckenham Park Heights.
 10. Loss of light to Blacklands Road
 11. Increased traffic. The local roads are used as a rat run at present from 6am-8pm Monday to Friday and weekends. Parking is better at the weekends. It's not safe for children.
 12. Overdevelopment. The proposals doubles the number of units and removes green space.
 13. Phoenix has enough land to build 200 units elsewhere.
 14. Lack of consultation.
 15. Construction disruption on roads
 16. Existing wildlife will be lost. The area is like a wildlife corridor from Beckenham Place Park.
 17. Not enough parking at present. Need permit parking.
 18. Potential damage to surrounding houses structurally.
 19. Profile of residents: 55 year olds will have a car, visitors etc
- 4.10 Following the Local Meeting, the applicant submitted further information in response to both the above concerns and those raised by officers and statutory consultees.

Written Responses received from Local Residents and Organisations

- 4.11 In response to consultation, 59 objections (comprised of all residents of Beckenham Park Heights, 15 properties in Blacklands Road, 3 in Melfield Gardens, 3 in Hazelhurst Court and 4 from other Lewisham residents and 25 from outside the borough) were received. In addition, 3 petitions against the proposals were received. One letter of support was received.
- 4.12 The concerns raised by objectors are summarised as follows:
- Overdevelopment of the site.
 - Overcrowded scheme
 - Removal of communal services for existing residents and lack of reprovion

- Removal of large number of mature trees, impacting on amenity. Decision made by temporary tree officer, without consulting ecology officer and residents. Should keep trees and build around them
- Environmental impact of tree removal: air pollution control, noise screening, rise in CO2 emissions
- Lack of consultation with existing residents and community. Phoenix denied plans for the scheme in September 2013.
- Will exacerbate parking issues locally. Cars parked across driveways already making driving and crossing street difficult. Difficult for existing residents with mobility scooters and walking aids to get cars near entrances. Difficult for emergency vehicles to access.
- Issues of anti-social behaviour at present due to 'hidden' parts of the grounds. Will be worse with development
- Lack of additional parking in proposal. Future occupiers are likely to have cars. Existing 22 spaces will be used entirely by existing residents.
- Removal of parking rights on access road for Beckenham Park Heights residents
- Noise as a result of new units being shared with under 55s
- Loss of amenity space which is well used by residents. Insufficient re-provision, approx 10% of existing area.
- Amenity space provides valuable 'run off' space
- Traffic congestion already a problem locally
- Additional traffic generated could cause hazardous road conditions. Blacklands Road used as 'rat run' to avoid lights on Bromley Rd. Need traffic calming measures.
- Poor architectural design
- Impact on privacy of adjoining occupiers as a result of overlooking
- Separation distances shown at furthest points, but new buildings step in
- Imperative for local community to see a model of proposals
- Impact on wildlife as a result of tree removal. Protected species including bats, owls, badgers & stag beetles seen on site.
- Reduction of available sun/daylight to neighbouring properties
- Disruption of construction process, impacting on existing Hazelhurst Court residents in particular. Fear it will take longer than 18 months. Recent works to Hazelhurst Court was very disruptive.
- Accept need for housing but it should go elsewhere or be done in a way that does not significantly impact other residents
- Proposed landscaping would not support the same range of wildlife
- Environmental issues are not of lesser importance than housing provision for the elderly. Our economy, communities and personal quality of life are all inextricably linked to the natural world which provides the basis of society's physical and mental health

- Incorrect facts stated in application: number of trees on site and to be felled, likely effects on biodiversity.
- Submitted Transport Assessment underestimates parking demand locally.
- Provision of 64 cycle spaces not necessary for over 55s
- 5 storey block should be reduced to 4 storeys.
- Requests to place Tree Preservation Orders on the existing trees rejected
- Proposal does not comply with local planning policies on parking
- Beckenham Park Heights not an appropriate reference for appropriate height at this site, adjacent to 2storey houses on Blacklands Road
- Independence issue: hard for Lewisham Council to act independently due to past affiliations with Phoenix Housing Association. Hope planning committee will be unbiased in their decision.
- Extra residential units will put stress on local drainage systems. Existing sewerage pipe in Blacklands Road often backs up.
- Pressure on local health facilities
- Will devalue houses nearby and could make it difficult to sell
- Some of the younger flats are being occupied by younger people

4.13 Of the above concerns received, any impact on the value of surrounding properties is not a planning consideration and is not considered further. In respect of the concern raised regarding the Council's impartiality, the planning application will be determined by the Council as Local Planning Authority. The pre-application and application processes have been conducted in full accordance with the relevant legislation and Phoenix Housing has been treated in the same way as any applicant.

4.14 Bellingham Community Projects, a charity which provides social activities for over 50s, wrote in support of the proposals, saying that the elderly need to live independently, within their communities and amongst friends and family.

4.15 In response to the second consultation period, the residents of Beckenham Park Heights submitted a letter listing their objections as well as ballots of Hazelhurst Court residents, commuters and local residents and a petition of 77 signatures against the application. The issues raised in the letter can be summarised as follows:

- Existing Hazelhurst Court residents strongly opposed to the application proposals. The ballot shows 91.5% against, 3 abstained and 2 were in support (59 voted) The letter states that many residents would not make individual representations due to ill health and age and a fear of criticising the plans of their landlord (Phoenix).
- Many existing Hazelhurst Court residents have serious health issues (55.6%). In response to a survey asking how the proposal would affect them, they raise concerns over the loss of the amenity space, trees and wildlife, over-crowding, parking issues, access issues for emergency vehicles, loss of views and noise.

- Blacklands Road residents 97.5% against (40 voted), Beckenham Park Heights residents 100% against (14 flats, 21 residents), Melfield Gardens 11 objected, 1 supported, commuters 100% against (15 signatures).
- Commuters concerned about parking issues.
- Tree removal will cause surface water drainage problems and could worsen existing sewage back-fill issues.
- The application contains inaccuracies on number of trees to be felled and at risk due to proposals. Two trees on Blacklands Road will have roots badly affected. Trees are a focal point for the community, bringing joy to all. Many Hazelhurst Court residents find walking a struggle and will not be able to walk to nearby parks. Dismayed that tree removal was agreed with a temporary tree officer without consultation with ecology officer and local residents. Ask for this decision to be reviewed.
- Disagree with Ecology Report conclusion that the site is not important for wildlife. Bats, badgers and birds have been seen.
- Refute conclusions of Transport Statement. Private road by Beckenham Park Heights has capacity only for 6 cars and suffers from severe parking issues. Phoenix were asked to action commuter parking issue at the local meeting, but to date haven't. Car parking for visitors, carers etc hasn't been considered. Development will make existing parking issues worse. Photos of parking stress attached.
- Double parking will prevent emergency vehicles accessing Hazelhurst Court.
- Lack of neighbourhood consultation. Did not receive leaflets distributed by applicant in April 2014.
- Concerns over daylight and sunlight impacts. Ask for confirmation of whether the Council is satisfied that the assessment of light and interaction with other properties has been properly considered using the correct drawings.
- Lack of scaled model, requested by Cllr Britton at the local meeting.
- Letter of support from Lewisham Council to Bid Assessment Team, London Mayor's office does not justify development being approved.
- Little changed in amended documents submitted. Still an ugly 1960s style council estate. Phoenix need to work with residents to create a better design.
- A survey of Hazelhurst Court showed 35.4% own a car.

(Letters are available to Members)

Written Responses received from Statutory Agencies

Environment Agency

- 4.16 This site is in Flood Zone 1. It is an area sensitive for groundwater as it lies within Source Protection Zone 2 of a public water supply. The submitted documentation indicates there is potential contamination from historic land uses. We consider that planning permission could be granted to the proposed development as submitted if the planning conditions are included in respect of infiltration and remediation of land contamination.
- 4.17 Site has been assessed as having a low environmental risk.

English Heritage- Greater London Archaeology Advisory Service

- 4.18 On balance, given the nature and scope of the housing development on site in relation to the impact from site clearance and landscaping associated with the current development on site, it is concluded that there remains no discernable archaeological potential with the site. Therefore it is recommended that on this occasion that any requirement for pre- or post-determination archaeological assessment/ evaluation of the above site can be waived.

Thames Water

- 4.19 Waste Comments - With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, a condition requiring approval of drainage details prior to the commencement of development is requested to be applied. Further conditions requested in respect of a piling method statement and surface water drainage strategy.
- 4.20 Suggest informatives relating to surface water drainage, protection of public sewers and water pressure.

Strategic Housing

- 4.21 Strategic Housing strongly supports the provision of new extra care homes in the borough. The term 'extra care' housing is used to describe developments that comprise self-contained homes with design features and support services available to enable self-care and independent living. There is a shortage of high quality homes specifically designed for older residents, and particularly homes which enable residents to maintain their independence at home for as long as possible.
- 4.22 As such, Strategic Housing supports the proposal for new extra care homes at Hazelhurst Court. Within the stock managed by Phoenix in the wards of Bellingham and Downham there is a predominance of larger family homes which means there are few opportunities for older residents to "down size" into smaller properties that potentially are more suitable for their needs. The provision of these new high quality homes should help to address that problem, and by enabling these moves it will also make available larger family homes to help address the wider pressure the Council faces in meeting housing need.
- 4.23 Given the extent of the potential benefit offered by the scheme, the Council has agreed in principle to provide additional funding towards this development, should it be granted planning consent.

Sustainability Manager

- 4.24 The proposal is quite far away from compliance with our policy requirement of a 35% reduction in CO2 emissions against 2013 Building Regs. Their current proposal delivers little in relation to an improvement in the thermal efficiency of the building when compared to Building Regs requirements – this only contributes 1.3% of the overall carbon reductions. The rest is delivered through the use of PV. The document doesn't set out why they are unable to meet the carbon reduction targets onsite.

4.25 Following receipt of justification from the applicant (described under the planning considerations below) with regard to the difficulties in achieving a greater reduction in carbon emissions, the Council's Sustainability Officer has advised that a contribution towards the Council's carbon offset fund is acceptable in lieu of full compliance on this occasion. They also advised that a condition requiring BREEAM Excellent for the non-residential elements of the proposals should be applied.

Highways and Transportation

4.26 Initial comments from the Council's Highways Department highlighted concerns with the Transport Assessment, identifying that it underplayed the impact of parking on the nearby streets, and in particular overstated the amount of suitable parking places in the vicinity.

4.27 It also stated no demand for a Controlled Parking Zone (CPZ). The Council has received enquiries about a CPZ and it will be assessed at the next annual review. A CPZ may be unlikely in this locality due to the proportion of properties with driveways. However, residents in the area currently suffer from inconsiderate parking across driveways and this issue would increase with the development.

4.28 For these reasons, the following were requested:

- a revised Transport Assessment
- a parking management plan for the site which takes adequate account of the surrounding sites (including Melfield Court)
- a review of parking restrictions in the location (possibly via s278 agreement)
- restricted access to any future CPZ

4.29 A revised Transport Assessment and Travel Plan were received in early November. Further Highways comments were received as follows:

4.30 The site is well located in terms of access to public transport facilities, it is located adjacent to Beckenham Hill station and has a Public Transport Accessibility Level (PTAL) of 3.

4.31 The proposal would result in an increase in parking demand adjacent to the site, when compared to the existing. But, based on on-street parking availability in streets adjacent to the application site, the proposal is considered acceptable subject to the provision of a car club scheme at the site as a sustainable alternative to car ownership and a contribution towards the implementation of parking controls/restrictions to displace commuter parking adjacent to the site.

4.32 The road that provides access to Hazelhurst Court is a private road and it isn't within the highway authority's control. So, a Parking Management Plan is required, the plan should outline the measures that will be employed to discourage informal car parking within the site, as informal parking would cause congestion and obstruct service & emergency vehicles to access to the site. The plan should also include details of how parking and disabled parking spaces will be allocated within the site.

- 4.33 As the proposal will increase car trips and associated parking demand in the streets surrounding the site, a Travel Plan is required to encourage sustainable modes of travel to the site. The Travel Plan should provide details of measures to encourage sustainable modes of travel, and measures to minimise the impact of the proposed use. The Travel Plan should be reviewed periodically to identify and address any transport issues that arise.
- 4.34 A Construction and Logistics Plan (CLP) is required, It should be submitted prior to the commencement of the development and should specify how the impacts of construction activities and associated traffic will be managed.
- 4.35 A Waste Management Plan (WMP) is required, the plan should include details of refuse and re-cycling collection points which should be accessible from within 10m of kerbline. The plan should illustrate how bins will be brought out to collection points on collection days & returned.
- 4.36 Details of cycle storage is required which should be covered & secure.

Environmental Health – land contamination

- 4.37 In general the reports submitted for the above are fine; however as demolition is being proposed, full assessment of asbestos in existing buildings and plans for their removal needs to be sent to HSE for their consideration and written approval; evidence of this will be required in the final validation report to ascertain asbestos status at the site.
- 4.38 In addition it is noted on pg 17 of the Phase 2 report that further gas monitoring will be undertaken – I will need to see this data when produced, as required for final characterisation and risk assessment. Will also need to see a definitive on the remedial options listed in Section 5.9 pg 20 – As the proposed end use is residential care with communal landscaping the developer also needs to confirm that no growing areas for fruit & veg are being proposed.
- 4.39 The land condition should also be applied.

Environmental Health – noise

- 4.40 The specification provided for noise reduction from the building envelope will meet a reasonable internal noise standard as defined by the BS8233. Our condition should be attached, which requires standards that meet the WHO guidelines in addition to the BS8233.
- 4.41 A further condition should be added to ensure adequate mitigation of vibration associated with the railway for Block B.
- 4.42 A Construction Environmental Management Plan and restrictions on construction hours and deliveries should be required by condition.

Occupational Health

- 4.43 No response received.

Ecological Regeneration Manager

- 4.44 The revised ecological report has sought to address my previous comments in respect to providing better more balanced package of ecological mitigation. I am happy in principle with the commitment given to both types of living roof.
- 4.45 I am happy in principle with the wildlife friendly species as stipulated by the consultant (+contained in the landscape plan); the additional ecological recommendations that the report suggests. I would recommend that the commitment given in the covering letter (dated: 05.11.14) to the living roof enhancements and to x4 bird boxes 'standard' and 'swift' and x4 bat boxes are implemented in full.
- 4.46 Conditions recommended to secure living roof specification and other ecological mitigation proposed.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF.

At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

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

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.5 The Statement sets out that the planning system has a key role to play in rebuilding Britain’s economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government’s expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

- 5.6 The other relevant national guidance is:

Design

Environmental Impact Assessment

Health and wellbeing

Land affected by contamination

Natural Environment

Open space, sports and recreation facilities, public rights of way and local green space

Planning obligations

Renewable and low carbon energy

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

Water supply, wastewater and water quality

London Plan (July 2011)

- 5.7 The London Plan policies relevant to this application are:

Policy 2.14 Areas for regeneration

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.10 Definition of affordable housing

Policy 3.11 Affordable housing targets

Policy 3.13 Affordable housing thresholds

Policy 3.16 Protection and enhancement of social infrastructure

Policy 3.17 Health and social care facilities
 Policy 5.3 Sustainable design and construction
 Policy 5.10 Urban greening
 Policy 5.11 Green roofs and development site environs
 Policy 5.13 Sustainable drainage
 Policy 5.14 Water quality and wastewater Infrastructure
 Policy 5.21 Contaminated land
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.18 Protecting local open space and addressing local deficiency
 Policy 7.19 Biodiversity and access to nature
 Policy 7.21 Trees and woodlands
 Policy 8.2 Planning obligations
 Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.8 The London Plan SPG's relevant to this application are:
- Accessible London: Achieving an Inclusive Environment (2004)
 - Housing (2012)
 - Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.9 The London Plan Best Practice Guidance's relevant to this application are:
- Development Plan Policies for Biodiversity (2005)
 - Control of dust and emissions from construction and demolition (2006)
 - Wheelchair Accessible Housing (2007)

Core Strategy

- 5.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change
 Core Strategy Policy 1 Housing provision, mix and affordability
 Core Strategy Policy 8 Sustainable design and construction and energy efficiency
 Core Strategy Policy 12 Open space and environmental assets
 Core Strategy Policy 14 Sustainable movement and transport
 Core Strategy Policy 15 High quality design for Lewisham
 Core Strategy Policy 21 Planning obligations

Development Management Local Plan

- 5.11 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:
- 5.12 The following policies are considered to be relevant to this application:
- | | |
|--------------|---|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 5 | Sheltered housing and care homes |
| DM Policy 7 | Affordable rented housing |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches |
| DM Policy 25 | Landscaping and trees |
| DM Policy 26 | Noise and vibration |
| DM Policy 27 | Lighting |
| DM Policy 28 | Contaminated land |
| DM Policy 29 | Car parking |
| DM Policy 30 | Urban design and local character |
| DM Policy 32 | Housing design, layout and space standards |
| DM Policy 33 | Development on infill sites, backland sites, back gardens and amenity areas |
| DM Policy 41 | Innovative community facility provision |

Residential Standards Supplementary Planning Document (August 2006)

- 5.13 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

Planning Obligations Supplementary Planning Document (January 2011)

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

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:
- Principle of Development
 - Design
 - Housing
 - Highways and Traffic Issues

- e) Trees and Ecology
- f) Impact on Adjoining Properties
- g) Sustainability and Energy
- h) Community Facilities
- i) Amenity Space
- j) Impact on Health Facilities
- k) Other considerations
- l) Planning Obligations

Principle of Development

- 6.2 The site is located within an Area of Stability and Managed Change and a Local Regeneration Area as defined by the Core Strategy. Within the Areas of Stability and Managed Change the Council will “*ensure that any new development protects or enhances the quality of Lewisham’s character, and historic significance particularly within conservation areas*”.
- 6.3 To address deprivation in the Bellingham, Downham and Whitefoot wards, the Core Strategy designates a Local Regeneration Area to focus improvements in, among other things, health inequality and well-being and access to high quality housing including affordable housing and estate renewal.
- 6.4 Paragraph 197 of the National Planning Policy Framework states ‘*in assessing and determining development proposals, local planning authorities should apply the presumption in favour of Sustainable development*’. DM Policy 1 of the Development Management Local Plan – proposed submission version, states that ‘*when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions of the borough*’.
- 6.5 A letter dated 17th January 2013 from the Council’s Customer and Community Services Directorates to the Greater London Authority provides an overview of the need for extra care housing in the borough. The letter states:

“ The Council recently commissioned a review of older people housing in the borough in order to understand current and future housing demand and review existing housing supply. The study, which was undertaken by leading housing consultancy Campbell Tickell, identified that, by 2030, there will be a shortfall of 269 units of extra care housing within the borough after taking account of the existing provision by the Council, registered providers and private landlords and using POPPI projections to calculate demographic change.

PCH currently have over 630 tenants who are aged over 60 and under occupying and 10% of these residents are already in receipt of a care package. Over 450 of these residents live in a three or four bed property which includes 124 residents that are aged over 80, with 8 of these residents living in four bed houses.

Despite the expressed interest of current tenants to move to extra care, PCH do not have any extra care elderly housing schemes within their housing portfolio. In addition, there is a general lack of extra care housing in the south of the borough, and housing in the north and central Lewisham currently lacks modern facilities. The introduction of this scheme will provide quality housing options for these residents with an opportunity to relocate and free up much needed family accommodation in the borough.”

- 6.6 Strategic Housing strongly supports the principle of an extra care residential scheme at Hazelhurst Court on the grounds that there is a shortage of high quality homes specifically designed for older residents, and particularly homes which enable residents to maintain their independence at home for as long as possible.
- 6.7 They highlight that, within the stock managed by Phoenix in the wards of Bellingham and Downham there is a predominance of larger family homes which means there are few opportunities for older residents to "down size" into smaller properties that potentially are more suitable for their needs. The provision of new high quality homes should help to address that problem, and by enabling these moves it will also make available larger family homes to help address the wider pressure the Council faces in meeting housing need.
- 6.8 Hazelhurst Court has an established use providing accommodation for over 55s and there is a rationale for extending this to provide extra care accommodation also, with existing and future residents able to access communal facilities.
- 6.9 Policy 3.4 'Optimising housing potential' of the London Plan seeks to optimise housing potential, taking into account local context and character, design principles and public transport capacity. The site is well served by public transport, being located close to Beckenham Hill railway station (PTAL3) and is therefore considered a sustainable location.
- 6.10 Additional residential use, particularly affordable housing, is a priority in London and the borough. The need for extra care housing in the south of the borough is recognised. The application site comprises some greenfield land, though this is not subject to any protective designations. It does however contain a number of mature trees and an existing community facility.
- 6.11 It is considered that this site could make a valuable contribution towards meeting housing need, provided that the design of the proposal is appropriate, makes adequate provision of community facilities, would not have an unacceptable impact on neighbouring amenity, the quality of the accommodation created meets the required standards and any impact on parking or traffic locally can be mitigated to an acceptable level.
- 6.12 These matters are considered below.

Design

- 6.13 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.14 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

- 6.15 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles.
- 6.16 Block A is a U shaped courtyard block of 4 storeys. The proposal takes its scale and visual cue from the neighbouring flat block Hazelhurst Court which it abuts. The proposal has been through a number of design iterations - the most significant being in response to the comments made by the Lewisham Design Review Panel when the scheme was reviewed in February 2014.
- 6.17 At the time of the review the mass of the proposal (Block A) varied along each length from three, to four and rose to 6 storeys in height along the southern flank opposite Beckenham Park Heights. The Design Panel at this time were concerned with the mass of the development which was considered large and incongruous to its context.
- 6.18 The February scheme also proposed a larger percentage of single aspect units which worked against the concept of a courtyard scheme creating sociable deck access to one side of the apartments, with more private elevations to the other.

The February 2014 Design Review Panel were concerned with:

- The proposed density was high within Block A
- The overall scale and massing proposed was too high for Block A but the panel could see a case for Block B being higher than suggested at the review.
- The stepped massing was not supported as it was incongruous particularly in response to the existing Hazelhurst Court block which is a homogenous 4 storey block.
- The roof forms were varied and resulted in a number of different architectural and elevational treatments which made the scheme appear as a series of buildings rather than one unified block.

Changes to the scheme

- 6.19 Since the February DRP the design, in particular the scale and massing of the development, has been reconsidered and a more consistent height, scale and architectural treatment has been considered for Block A which now stands at four storeys.
- 6.20 It is recognised that the proposal is not of an equal height to the existing Hazelhurst Court block, as replicating the existing block would result in low floor to ceiling heights which do not comply with current London Housing Guide standards and would make the provision unacceptable.
- 6.21 Block B is a point block of 5 storeys with apartments of primary North-South aspect which minimise overlooking to the existing neighbouring blocks.
- 6.22 It is recognised that the proposal will impact on the outlook of the Beckenham Park heights to the north of Block B, but the block is sited an acceptable distance away from the existing block and provides no direct overlooking issues. It also minimises the impact through a considered layout design, obscured glazing and considered landscaping scheme proposed in the public realm between the two blocks.

- 6.23 In respect of density, the development area (0.3974ha) would have a density of 307 habitable rooms per hectare. The combined Hazelhurst Court site (0.7468ha) ,with the completed scheme, would have a density of 320 habitable rooms per hectare. For suburban sites, the London Plan residential density guidelines suggest 150-250 habitable rooms per hectare. The proposals exceed this range, however the matrix is not intended to be applied mechanistically, and other factors including local context, design, transport capacity and social infrastructure provision should be taken into account.
- 6.24 Core Strategy Policy 15 states that, in Areas of Stability and Managed Change states, development will generally be of a smaller scale than elsewhere in the borough, however it also identifies that redevelopment opportunities near stations may provide scope for higher density redevelopment. The primary considerations will be accessibility to public transport, local character and urban design principles which aim to establish place making as part of any redevelopment.
- 6.25 The site is located in close proximity to Beckenham Hill rail station and has a PTAL of 3 (moderate). The immediate context is mixed, ranging from 2 storey dwellings on Blacklands Road, to the existing 4 storey Hazelhurst Court and 5 storey Beckenham Park Heights, which itself has a density of 490 habitable rooms per hectare.
- 6.26 Taking the above considerations into account, officers are satisfied that the scale is appropriate for its context.

Architectural treatment of Blocks A & B

- 6.27 The elevations and architectural treatment have taken visual cues from the existing block at Hazelhurst Court. Of particular reference is the balcony detailing and brickwork details.
- 6.28 The proposal creates a contemporary brick design achieving high quality design and well resolved detailing that complements its context.

Security

- 6.29 The placement of the new blocks and increased numbers of residents will increase natural surveillance across the site, helping to reduce incidences of anti-social behaviour, which was raised as a concern by an existing resident.

Housing

- 6.30 The provision of housing is a key priority and pressure for the borough. Through Core Strategy Policy 1, the Council seeks to reduce inequalities and create socially mixed communities with a greater housing choice of mix, size, type and location in order to represent the needs of Lewisham's diverse community.

a) Size and Tenure of Residential Accommodation

- 6.31 The proposal includes 60 residential units in a mix of sizes, as follows:
- 2 x 2 bedroom 3 person flats
 - 58 x 1bedroom 2 person flats

- 6.32 Core Strategy Policy 1 expects all developments of 10 or more dwellings to provide 3bed family units, though the appropriate mix will take account of other factors including access to private gardens, the surrounding housing mix and the location of facilities.
- 6.33 The proposal is a specialist type of housing, providing extra care facilities to over 55s. By providing 1 & 2 bedroom units to meet the needs of this group, larger dwellings will be made available elsewhere in the borough for other households, including families.
- 6.34 The applicant proposes that all of the proposed units will be affordable, social rented units, for over 55s. This provision far exceeds the target of 50% affordable in schemes of 10 units or more set by Core Strategy Policy 1. The Policy seeks a tenure split of 70:30 social rented to intermediate. The proposal is 100% social rented. Given the specialist nature of this form of housing and it's location within an area that does not have a high concentration of social rented, this is considered acceptable in this case. This level of affordable housing and age criteria for the development will be secured by planning obligation.
- 6.35 The Council's 'Affordable Rent Study: Market Research & Affordability Analysis', published February 2014' which looked at affordable rent levels across the borough advised that:
- Appropriate Affordable Rent levels would be:
- 1-bed: 80% market rent or LHA
 - 2-bed: 70 to 80% market rent or LHA
 - 3-bed: Up to 65% or a proportion at the capped rent of 50%
 - 4-bed: 50% market rent (capped rent)
- 6.36 The applicant proposes to set rent levels for the units at 79% of market rent and on the basis of the Affordable Rent Study, officers consider this acceptable.
- 6.37 On this basis, it is considered that the proposed mix and tenure of units is appropriate.
- b) Standard of Residential Accommodation*
- 6.38 The London Plan's Housing Supplementary Planning Guidance (SPG), Policy 3.5 of the London Plan set out the minimum space standards required for dwelling types. The Development Management Local Plan Policy 32 reinforces the requirement for new residential development to achieve these standards. The Council's Residential standards SPD provides Officers with further detailed guidance to apply to such residential proposals.
- 6.39 The two bed three person flats are 67sqm in size. This compares to the London Plan Housing Design Standard for two bed three person units of 61sqm minimum. All room sizes, storage provision, and floor to ceiling heights meet or exceed the relevant London Plan standards. Both of these units are located on the ground floor and each have a private terrace of 6.25sqm, which is in excess of the 6sqm required by the London Plan for 3 person units.
- 6.40 There are three types of one bed 2 person flats, ranging in size from 50.18-67sqm, which compares to the London Plan minimum requirement of 50sqm. The individual room sizes, storage space and floor-to-ceiling heights meet or exceed the relevant standards. The ground floor units in Block A have private terraces of

5sqm, while the ground floor terraces in Block have larger terraces of over 10 sqm. The upper floor units all have balconies of 7.6sqm, which meets the London Plan requirement for 1-2person dwellings of 5sqm. All balconies have a minimum depth of 1.5metres, in accordance with the London Plan requirements.

- 6.41 All of the units have been designed to Lifetime Homes standards. All are dual aspect. Block A units have outlook both to the surrounding streets and to the internal courtyard. Block B units are also dual aspect, though windows to the north and south (facing the existing Hazelhurst Court building and Beckenham Park Heights) are obscure glazed.
- 6.42 Six of the 1 bedroom 2 person flats are wheelchair units, designed to SELHP standards. Each is 67sqm, above the minimum requirement of 65sqm. All are located in Block A, with 2 on each of the first, second and third floors. All are accessible by lift and each has a dedicated parking space on the private access road.
- 6.43 All existing and new residents will have access to shared communal amenity space also. The loss of the existing amenity space is considered further below in this report, but here the quantum of space per resident is assessed against the relevant standards.
- 6.44 The retained, communal amenity space at Hazelhurst Court would be 1,610sqm. This is provided by the communal courtyard at Block A (270sqm), the amenity space fronting Blacklands Road (1,056sqm) and the amenity space to Block B (284sqm). The existing amenity space at Beckenham Hill Road is unaffected and not included in this calculation. This provision is in addition to the London Plan requirements for private amenity space.
- 6.45 The retained space will be landscaped, providing different types of spaces: a secure internal courtyard, more informal garden space with raised planters for gardening and a terrace linked to the garden room.
- 6.46 The proposals meet, and exceed in places, the minimum housing standards as set out in the London Plan, Core Strategy and DM Policy 32 and are therefore considered acceptable in this regard.

Highways and Traffic Issues

- 6.47 The applicant has submitted a Transport Statement and Travel Plan (both revised November 2014).
- Access*
- 6.48 The site has a PTAL rating of 3 (moderate accessibility) and is located within 1 minute walking distance to Beckenham Rail Station. A bus stop located on Beckenham Hill Road provides services to Beckenham, Catford, Lewisham and Woolwich.
- 6.49 A right of way exists for residents of Beckenham Park Heights at all times across the private access road. The proposals do not intend to restrict this right of access.

Cycle Parking

- 6.50 It is proposed to provide 64 covered and secure cycle parking spaces as part of the proposals i.e. one space per unit. These would be distributed across the site in internal stores and external cycle sheds within the grounds. The London Plan requirement is 1 space per 1 or 2bed unit plus 1 per three staff members. The provision therefore meets this requirement.
- 6.51 It is acknowledged that the plan requirement does not distinguish between extra care housing and ordinary housing, therefore the requirement may be higher than is necessary. However, there is little cycle parking provision on site at present. Officers have discussed with the applicant the possibility of monitoring cycle parking usage and, if appropriate, introducing mobility scooter parking in place of some cycle parking. A condition has been attached to reflect this.

Car Parking

- 6.52 Unrestricted parking exists in the roads surrounding the site. The proximity of the site to Beckenham Hill Station creates demand Monday-Friday for parking by commuters. There is a car park at the station but it is not in use.
- 6.53 There is car parking on site at present, though in unmarked bays. It has been calculated that the parking area (which includes the private access road) has capacity for 22 spaces.
- 6.54 Paragraph 39 of the NPPF advises that local authorities should, when setting local parking standards for residential and non-residential development, take into account:
- the accessibility of the development;
 - the type, mix and use of development;
 - the availability of and opportunities for public transport;
 - local car ownership levels; and
 - an overall need to reduce the use of high-emission vehicles.
- 6.55 Table 6.2 of The London Plan advises that the maximum car parking provision for dwellings with 1-2 bedrooms is less than one space per unit. Additionally, adequate parking spaces for disabled people must be provided on-site. 20% of all spaces must be for electric vehicles with an additional 20% for passive provision for electric vehicles in the future.
- 6.56 Core Strategy Policy 14 adopts a managed and constrained approach to car parking provision in order to contribute to the objectives of traffic reduction. Car free status can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street. Core Strategy Policy 14 promotes the potential use of Controlled Parking Zones (CPZs), which may be required to prevent parking demand being displaced from the development onto the surrounding streets.
- 6.57 DMLP Policy 29 provides guidance on the criteria to be considered for car free major residential development. It advises that car limited development will only be considered where there is a PTAL of 4 or higher; there will be no detrimental impact on the provision of on-street parking in the vicinity; no negative impact on the safety and suitability of access and servicing; inclusion of car clubs, car pooling schemes, cycle clubs and cycle parking and storage, as part of a package of measures mitigating the need for on-site car parking provision.

- 6.58 In determining the actual number of spaces to be provided, the policy states that an appropriate balance needs to be struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.
- 6.59 The site has good access to local shops, leisure facilities and other services. The development has a secure cycle store in accordance with the London Plan requirements.
- 6.60 The Transport Statement includes a survey of car ownership of existing Hazelhurst Court residents, which indicate ownership of 38%, giving a parking demand of 24 spaces. This tallies with the parking survey undertaken more recently by local residents which showed 35.4% of Hazelhurst Court residents own a car. When applied to the new 60 units, a parking demand of 23 spaces applies.
- 6.61 The revised statement also includes a review of parking demand at two extra care facilities located in the north of the borough, Cedar Court and Cinnamon Court. Based on parking demand in these facilities, peak parking demand for the extra care units at Hazelhurst Court would be approximately 18 vehicles. The 23 spaces generated by the survey of existing residents can therefore be taken as a maximum requirement.
- 6.62 Using this as a worst case scenario, a total parking requirement for 47 across the site is generated.
- 6.63 The plans show provision for 22 spaces on site. Of these, 6 will be designed for disabled use and 1 is reserved for a car club.
- 6.64 The parking survey carried out indicates capacity in surrounding streets to accommodate up to 21 cars, leaving a maximum of 4 cars not accommodated. Officers are keen that further amenity space should not be used for parking and therefore the applicant was advised to explore mitigation measures in order to demonstrate that the parking demand generated by the number of units proposed could be satisfactorily accommodated.
- 6.65 The applicant has proposed the following mitigation:
- Car Club: the applicant has approached City Car Club about the possibility of introducing a car club car at Hazelhurst Court. Correspondence from City Car Club indicates that they consider the location suitable, given proximity of the train station. They do not have an upper age limit for car club membership. An in-principle agreement has been reached between the parties for a car club car to be located at Hazelhurst Court for a minimum of 2 years and with a membership package for residents. Phoenix Housing will contribute £10,000 to support the establishment of the car club scheme. As set out in the Transport Statement, each car club car removes an average of 20 privately owned from the roads (Car Plus Annual Survey for Transport for London 2009-10). Provision of a car club car would therefore reduce the parking requirement associated with the proposals to within the capacity of the local area. The Highways Authority are satisfied with this measure. Car club membership can be secured as a S106 obligation.
 - CPZ review: the Highways Authority have specified that a contribution of £20,000 is required in order to enable a review of parking controls/restrictions that displace/discourage commuter parking adjacent to the site should the development result in parking stress. The applicant has agreed to this measure.

- Travel Plan: a framework travel plan has been submitted, setting out measures to encourage travel by sustainable modes.
- Minibus: the applicant has also submitted details of their minibus use policy. Minibuses are available to be reserved by residents or staff transporting residents.

- 6.66 The applicant also identifies that most visitor parking demand is likely to be generated in the evenings and at weekends, when commuter parking demand subsides. They further identify that there is parking capacity on a section of Melfield Gardens in the applicants ownership, that they will encourage visitors to use.
- 6.67 Though the site does not have a PTAL of 4, required by DM Policy 29 for car limited development, it does have a PTAL of 3 and is located adjacent to a rail station. It is considered that all other requirements of DM Policy 29 are met by the proposals and that, through the package of sustainable transport measures proposed, the proposals make adequate provision to mitigate the parking demand generated.
- 6.68 The Highways Authority has requested conditions to require the submission and approval of a parking management plan, construction logistics plan and ongoing monitoring and review of the submitted travel plan. As part of the parking management plan, the applicant will be required to set out a strategy to ensure that access for emergency vehicles is maintained at all times.

Servicing

- 6.69 The applicant estimates that 7 deliveries per day are likely to be generated, the majority carried out by small to medium sized vans. The access road has been designed to accommodate these vehicles and the Highways Authority has not raised any objection to these arrangements.
- 6.70 Refuse storage for the development is located 20metres from Melfield Gardens. The applicant proposes that staff will transfer bins to a collection point and back to the stores following collection. A waste management plan will be secured by condition.

Trees and Ecology

Trees

- 6.71 In respect of the consideration of trees in planning applications, Paragraph 118 of the NPPF advises planning authorities that *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees [those which, because of their great age, size or condition are of exceptional value for wildlife, in the landscape, or culturally] found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”*.
- 6.72 London Plan Policy 7.21 advises that *“Existing trees of value should be retained and any loss as the result of development should be replaced following the principle of ‘right place, right tree’. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.”*

- 6.73 Core Strategy Policy 12 states that in “recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will conserve nature” which will be achieved by “*protecting trees, including street trees, and preventing the loss of trees of amenity value, and replacing trees where loss does occur*”.
- 6.74 Applications for all major development and/or those where a TPO is in place are required under DM Policy 25 to submit an Arboricultural Survey carried out by an appropriate, competent person, in line with BS5837 and retain existing trees for the most part and in the event of tree removal, provide replacement planting. New and replacement tree planting must use an appropriate species that reflects the existing biodiversity in the borough.
- 6.75 There are 62 existing trees within the red line site boundary. In addition, there are trees adjacent, along the rail line and in the public footpath.
- 6.76 The proposed scheme proposes the removal of 36no trees, of which 28 are Category A (trees of high quality and value with a life expectancy of more than 40 years), 7 are Category B (trees of moderate quality and value, with a life expectancy of more than 20 years) and 1 is Category C (low quality). The trees proposed for removal are principally located along the boundaries with Melfield Gardens and Blacklands Road, along the private access road and to the south of Beckenham Park Heights.
- 6.77 None of the trees are subject to a Tree Preservation Order (TPO). During the application process, local residents called for TPOs to be placed on the trees. However, as the trees were already the subject of a planning application, through which their quality and retention value would be assessed, it was not considered expedient to run a tree preservation order process in parallel. Moreover, the presence of a TPO does not prevent planning permission being granted, rather it means that the approval of the Local Authority must be sought in advance of works being carried out to any preserved tree.
- 6.78 The existing trees are of considerable amenity value and the removal of a substantial number of them is a significant issue. Their loss can only be considered acceptable where the benefits of a proposal and mitigation provided are sufficient to outweigh that loss.
- 6.79 During pre-application discussions, the retention of the existing trees on the site was considered however, following further investigation it became apparent that the roots of the trees were growing close to the surface and had spread extensively under the green space due to a lack of contained root structure. Options to consider the retention of the trees resulted in a minimal buildable area for the site and continued doubt as to whether the trees would survive the stress of construction in close proximity. The existing boundary trees have also caused damage to the existing footpaths around the site which need repair.
- 6.80 To mitigate the loss of the trees, the applicant proposes to replant 36no. trees as part of their landscape scheme. Of these, 10no. cherry trees and 3no. lime trees , all standards (4.5m height, 18-25cm girth) will be planted along the Melfield Gardens and Blacklands Road frontages. Along with the retained site and street trees on Blacklands Road, these trees will restore an immediate level of greenery to these boundaries, though it will take approximately 15 years for the trees to mature to the level of those removed.

- 6.81 To the south of Beckenham Park Heights, 5no. new standard trees (4.5m height, 18-25cm girth), will be planted between that building and the new Block B. Two mature trees are retained in this location. Along the access road, a further 3no. standard trees are planted between Beckenham Park Heights and Block A, while a further 6no. are planted between Block B and the existing Hazelhurst Court.
- 6.82 The remainder of the new tree planting occurs in the retained amenity area off Blacklands Road and the internal courtyard created by Block A.
- 6.83 In response to comments from the Council's Tree Officer in relation to the specification for the new planting, the applicant has committed to address these in full. These measures include: the use of tree pits; specification of trees in 'light pots' or 'air pots' that will have up to 100% survival rate; areas with traffic to have tree pit constructions that will take the weight of vehicles; and provision of a maintenance plan. These measures will be secured by condition.
- 6.84 The replacement planting is considered to be of high quality and the specification that has been agreed will provide adequate growth space for the new trees, helping to ensure a high success rate. The new trees will provide a tree lined edge to the development, which will help to soften the appearance of the new buildings. The new trees will, however, take 15 years to mature to the level of the removed trees. The loss of amenity during this period must be balanced against the provision of new extra care housing, the need for which is pressing in this part of the borough.
- 6.85 In this case, officers consider that the loss of the existing trees is outweighed by the benefits of the proposals, and taking into account the high quality specimens proposed to be replanted, which will over time provide mitigation for the removed trees in terms of replacing the green canopy to the boundaries of the site and providing habitat value.
- 6.86 On this basis, the proposed tree removal is considered acceptable in the context of the NPPF, London Plan Policy London Plan Policy 7.21, Core Strategy Policy 12 and Development Management Local Plan Policy 25.

Ecology

- 6.87 The application site contains a number of mature trees and two grassed amenity areas. It is not located within an area of designated landscape or wildlife conservation value.
- 6.88 There are two sites designated as Local Nature Reserves (LNR) within a 1km radius: Beckenham Place Park, ~150m south of the site, designated for, among other things, its areas of ancient woodland and acid grassland; and Downham Woodland Park, ~700m north east of the site, designated for its ancient woodland. In addition to the above statutory sites there are six Sites of Importance for Nature Conservation (SINCs) within a 1km radius: Beckenham Place Park; Downham Woodland Park; Foster Memorial Park; Spring Brook at Downham Playing Fields; Sedgemoor Allotments; and Southend Ponds.
- 6.89 Paragraph 118 of the NPPF advises that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a series of principles, of which the following are considered particularly relevant to this application:

- “if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and
- opportunities to incorporate biodiversity in and around developments should be encouraged;”

- 6.90 Further, it is stated in paragraph 109 that “The planning system should contribute to and enhance the natural and local environment by” among other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”.
- 6.91 London Plan Policy 7.19 advises that “Development proposals should: a wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity not adversely affect the integrity of European sites, and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species, or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.”
- 6.92 The policy further states that, “When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:
- 1 avoid adverse impact to the biodiversity interest
 - 2 minimize impact and seek mitigation
 - 3 only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.”
- 6.93 Core Strategy Policy 12 states that in “recognising the strategic importance of the natural environment and to help mitigate against climate change the Council will conserve nature” which will be achieved by “preserving or enhancing the local biodiversity and geological conservation interests in accordance with national and regional policy” as well as “promoting living roofs and walls in accordance with London Plan policy and Core Strategy Policy 8”.
- 6.94 At the more detailed level, DMLP Policy 24 requires all new development to take full account of biodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity.”
- 6.95 The application is supported by an Extended Phase 1 Habitat Survey. In response to concerns from local residents and the Council’s Ecological Regeneration Manager, this report was updated to include a thorough consideration of the habitat value of the trees proposed for removal.
- 6.96 The updated report concludes that the majority of the site is covered by building and hardstanding and has negligible potential to support most protected species or habitats of ecological value other than breeding birds, invertebrates and foraging bats, for which the site has low potential. Consequently it finds that there is no UK wildlife legislation that is relevant to the protection of ecological features during the demolition or construction phase of the proposed development other than that relating to breeding birds.

- 6.97 In relation to the trees, the report finds that, while they provide some ecological value by providing stepping stones for mobile species across the site and into the urban form of the surrounding streets they are isolated specimens set within species poor grass matrix. No nesting or significant bird activity was recorded on site due to the high level of disturbance and general open nature of the canopy means that predation by domestic cats would discourage birds to use the trees to any great extent. The absence of any understorey or connecting vegetation within the site itself considerably detracts from the ecological value that the mature or semi-mature tree present.
- 6.98 Overall, the site is categorised as having low ecological value.
- 6.99 As per the comments set out in Section 3 above, the Council's Ecological Manager has advised that he is content with the findings and recommended mitigation in the updated report. The proposed mitigation consists of:
- 196m² green roof, with native plant mix
 - 860m² brown roof, with native seed mix
 - Wildlife friendly planting in landscape scheme
 - Bird and bat boxes
- 6.100 With the completion of these measures, it is expected that there will be a net gain in biodiversity value within the site, despite the loss of the trees.
- 6.101 In summary, the site is not designated for its nature conservation value and has been assessed by a qualified ecologist as being of low ecological value. Provided that the appropriate measures are put in place to avoid disturbance of nesting birds during demolition and construction, the proposals are unlikely to result in significant harm to local biodiversity or to any designated sites nearby.
- 6.102 The mitigation measures proposed are likely to deliver a modest improvement in biodiversity value across the site, including the provision of living roofs which deliver wider benefits in terms of drainage, energy consumption and visual amenity.

Impact on Adjoining Properties

- 6.103 The siting and height of the proposed buildings has generated concern from local residents with regard to potential impact on privacy and loss of daylight/sunlight. The proposals are assessed in respect of both issues below.
- 6.104 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity, conservation areas and designated and non designated heritage assets, biodiversity or open space will need to be addressed.

Privacy

- 6.105 The Council's Residential Development Standards SPD (updated 2012) states that developers will be expected to demonstrate how the form and layout of their proposals will provide residents with a quality living environment, and how privacy will be provided both for the neighbours and the occupiers of the proposed development.

- 6.106 It states that a minimum separation distance of 21 metres should be maintained between directly facing habitable room windows on main rear elevations, unless mitigated through design. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development. A greater separation distance will be required where higher buildings are involved.
- 6.107 The acceptable distance between front elevations should normally be determined by the character of road widths in the area. The use of mews, courtyard, and other similar forms of development may entail relatively small front to front distances.
- 6.108 The minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more.
- 6.109 The separation distances between Block A and adjacent properties are as follows:
- Over 25 metres to 65 Blacklands Road (front to front relationship)
 - Over 22 metres to 56 Blacklands Road (flank to front relationship)
 - Over 21 metres to Beckenham Park Heights (front to front relationship)
- 6.110 These distances are considered acceptable in order to prevent loss of amenity as a result of overlooking and loss of privacy.
- 6.111 Within the courtyard created by Block A, only the kitchen or bathroom windows of the new flats face each other. The separation distance is 16 metres, which is acceptable for non-habitable room windows.
- 6.112 The separation distances between Block B and existing properties are as follows:
- Over 18 metres to Hazelhurst Court 'A' wing (front to front relationship)
 - Over 15 metres to Hazelhurst Court 'C' wing (flank to front relationship)
 - Over 18 metres to Beckenham Park Heights (flank to flank relationship)
- 6.113 Block B is situated closer to its neighbours. Windows on the north and south elevations, facing Beckenham Park Heights and Hazelhurst Court 'C' wing are proposed to be obscure glazed. As such, the relationship is akin to the flank to rear relationship for which the Residential Standards SPD requires a minimum 9metre distance.
- 6.114 Importantly, two mature trees are retained between Block B and Beckenham Park Heights and six new trees are proposed to be planted, providing screening and softening the appearance of the proposed block. Similarly, two existing mature trees are retained between Block B and Hazelhurst 'C' wing.
- 6.115 Between Block B and the existing Hazelhurst 'A' wing the separation distance is 18metres to habitable room windows. There is no set requirement for separation distances between front-to-front habitable room windows. The layout of this part of the scheme does resemble a mews, where lesser separation distances can be acceptable. In this area also, 6 new trees are proposed to be planted between the blocks. On this basis, the relationship is considered acceptable and will not give rise to an unacceptable impact on existing or new occupiers.

- 6.116 As covered earlier in this report, it is considered that the scale and proportions of the proposed scheme are appropriate to the context of the site and would not give rise to overlooking or an overbearing impact on neighbouring occupiers.
- Daylight, Sunlight and Overshadowing*
- 6.117 A daylight/sunlight assessment undertaken in accordance with the BRE Guidelines “Site Layout Planning for Daylight and Sunlight – A Good Practice Guide” was submitted as part of the application submission. The report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties and open spaces surrounding the site.
- 6.118 The study concludes that the proposals are largely compliant with the standards, though there are minor breaches of the guidelines to 4 surrounding properties. These breaches are as follows:
- i) Beckenham Park Heights: 8 out of 64 windows tested fail the VSC form of assessment. Four of these retain VSC levels in excess of 26%, where an alteration of less than 20% is unlikely to be noticeable. The other 4 have low existing VSC values and therefore any reduction in VSC triggers a technical breach. The absolute change in VSC is below 5% VSC for these 4 windows. Two ground floor rooms fail the NSL assessment. These 2 rooms are served by windows which retain good levels of VSC over 26%. None of the rooms suffering a loss of either winter or total sunlight hours beyond the 20% change deemed acceptable by the BRE.
 - ii) 56 Blacklands Road: fully compliant in respect of VSC and sunlight. One room fails the NSL assessment, though retains a view of the sky to over 69% of the floor area.
 - iii) 65 Blacklands Road: fully compliant in respect of VSC and sunlight. One room fails the NSL assessment, though retains a view of the sky to over 60% of the floor area.
 - iv) 67 Blacklands Road: fully compliant in respect of VSC and sunlight. One room fails the NSL assessment, though retains a view of the sky to over 60% of the floor area. Additionally, one room fails the sunlight assessment, though has low existing levels of sunlight with an annual APSH of 6%.
- 6.119 The above impacts are considered to be minor in the context of the BRE guidelines.
- 6.120 There are larger breaches to the existing Hazelhurst Court. The breaches are due in part to the presence of balconies in the existing building. Modelled without the proposals, none of the affected windows meet the BRE guidelines due to the existing balconies and walkways. NSL compliance is over 90% in both scenarios. The impact of the proposals would be noticeable but not significant and therefore is considered acceptable.
- 6.121 Overall, the assessment demonstrates that the proposed scheme will not give rise to any unacceptable impact on the amenity of neighbouring properties in terms of loss of daylight or sunlight or overshadowing.

Sustainability and Energy

- 6.122 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.123 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
 - 2 Be clean: supply energy efficiently
 - 3 Be green: use renewable energy
- 6.124 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'.
- 6.125 The applicant has submitted a Sustainability Statement including Code for Sustainable Homes pre-assessment which confirms that Code Level 4 can be achieved, with estimated scores of 69.4% for Block A and 70.6% for Block B, just over the minimum score of 68% for Code level 4.
- 6.126 Officers are satisfied that the scheme would be capable of meeting Code Level 4 and if permission was recommended for approval, then a condition could be attached to secure this.
- 6.127 The communal areas represent less than 10% (400sqm) of the new floor area proposed and the applicant has stated that it would be inappropriate to require a BREEAM rating for these areas on account of cost. Core Strategy Policy 8 requires all non-residential floorspace to achieve BREEAM Excellent. It is considered that insufficient justification has been provided to warrant deviation from this requirement and therefore a condition has been specified requiring the non-residential floorspace to achieve BREEAM Excellent.
- 6.128 Core Strategy Policy 8 also requires major developments to fully contribute to CO2 emission reductions in line with the regional and national requirements, and make a financial contribution to an offset fund if this cannot be adequately achieved on site.
- 6.129 In response to concerns raised by the Council's Sustainability Officer in respect of the failure of the proposals to comply with the Core Strategy Policy 8 requirement of a 35% reduction in CO2 emissions against 2013 Building Regs, the applicant has submitted an addendum statement explaining why the requirement could not be met. The reasons identified are:

- the provision of external deck access, which provides benefits in terms of natural daylight to units
- window specification: the cost of triple glazing was considered disproportionate
- ventilation system: a more efficient system was discounted on account of space requirements and usability for residents

- 6.130 Carbon emissions reductions of 26.5% over Part L 2013 requirements are achieved. To mitigate the shortfall, the applicant has agreed to make a contribution to the Council's carbon offset fund. The Council's Sustainability officer has advised that, while reductions in carbon emissions through building design is preferable, a contribution is acceptable in lieu. This is in accordance with Core Strategy Policy CS8 which states that, where carbon reduction requirements 'cannot be adequately achieved on site', a financial contribution to an offset fund can be made.
- 6.131 A contribution of £20,789 has been calculated on the basis of a 6.66 tCO₂/yr x £104/CO₂ x 30 years, as set out in the Carbon Reduction and Lewisham Carbon Offset Fund Guidance document February 2014.
- 6.132 A drainage strategy has been submitted, which indicates the use of sustainable drainage measures within the landscape proposals to attenuate rainwater runoff. Thames Water has requested a condition requiring the submission and approval of a detailed sustainable drainage strategy and this has been attached.
- 6.133 Overall, the proposals are considered to make an adequate contribution to reducing the environmental impact of the development.

Community Facilities

- 6.134 The proposals include the demolition of the existing ancillary community hall at Hazelhurst Court and its replacement with communal facilities for existing and future residents.
- 6.135 London Plan Policy 3.16 protects social infrastructure facilities, which include community halls. It states that:
- Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered. Facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Wherever possible, the multiple use of premises should be encouraged.*
- 6.136 Core Strategy Policy 19 echoes London Plan Policy 3.16 in seeking to ensure that adequate provision of community facilities is maintained in order to meet the needs of current and future populations.
- 6.137 The applicant has submitted a statement relating to the loss of the hall. It states that the existing hall is 128sqm and comprises a hall (capacity for up to 50 people), kitchen and toilets. It has historically been used by residents and the local community for a range of activities, however the applicant maintains that demand has dwindled in recent years.

- 6.138 The applicant has submitted a usage diary for the hall between 2013-2014 which shows that usage by four groups ended:
1. The Kidzfirst after school club – (went out of business)
 2. Donald Akhgbe – Church Group (relocated to alternative premises)
 3. Bible meetings – Church Group (relocated to alternative Phoenix facility)
 4. City of Hope – Church Group (relocated to alternative Phoenix facility)
- 6.139 One group, Sage Fitness, has been using the centre since January 2014.
- 6.140 The applicant believes that demand has decreased for the hall on account of its condition and the availability of similar facilities nearby. They have provided details of a number of facilities owned and managed by Phoenix within the locality:
- Haskins Community Hall, one room, up to 25 people
 - The Meadows Community Centre, two halls, up to 100 people
 - Grovehill Court Clubroom, one room, up to 30 people
 - Langthorne Community Hall, one room, up to 25 people
 - Ravensbourne Community Centre, up to 100 people
 - The Barn at The Green Man, up to 70 people
- 6.141 All of these centres are available for hire from 9am to 11pm Monday to Saturday, and from 9am to 9pm on Sundays by Phoenix residents and community groups.
- 6.142 Hire charges start from £20 per hour and a concessionary rate of £15 per hour is offered to Phoenix residents. These centres are suitable for different types of community events, including exercise classes, business conferences, wedding receptions and other gatherings.
- 6.143 The applicant proposes that the new communal facilities in the proposed scheme will be available on the same basis to residents and the community. The new communal facilities comprise:
- Garden room - 102 sqm
 - Servery/tea point & kiosk - 22 sqm
 - Communal toilets – 8 sqm
 - Activity room/multi use room plus store – 23 sqm
 - Total: 155 sqm
- 6.144 The communal facilities provided therefore provide an additional 27sqm over the existing facilities, though the activity room has a smaller capacity (30 people) than the existing hall.
- 6.145 The planning policies identified above seek to prevent the loss of social infrastructure where there is a defined need for that type of facility and no realistic proposals for re-provision.
- 6.146 Officers consider that the applicant has satisfactorily demonstrated that the need for the existing facility has reduced in the context of new and upgraded facilities becoming available in the locality. Re-provision is made on site through the new communal facilities. Although the activity room is smaller than the existing hall, this must be balanced against the availability of larger halls locally and the other

facilities provided on site. The new facilities will be staffed and provide a teapoint and kiosk and social space for residents. They will also be flexible to enable use for a variety of activities by different groups.

- 6.147 On balance therefore, it is considered that the loss of the existing community hall is adequately mitigated by re-provision.

Libraries

- 6.148 The provision of a comprehensive library service, including mobile services, across the borough is recognised as an important community service, which the Council seeks to maintain and enhance. Increases in local population as a result of new residential development will inevitably increase the demand for library services in the borough. In order to ensure that library provision can be maintained to meet increased demand generated by this proposal a contribution of £11,610 is required, based on the cost of provision per person as evidenced within the Planning Obligations SPD.

Impact on Health Services

- 6.149 Increases in local population as a result of new residential development will inevitably increase the demand for local health services in the borough. The Council therefore needs to ensure that the levels of health care facilities are maintained across the borough.

- 6.150 Core Strategy Policy 20 states that the Council will “improve health and promote healthy lifestyles across the borough by:

- *exploring new ways to improve opportunities for healthy and active lifestyles*
- *ensuring that the potential health impacts of development are identified and addressed at an early stage in the planning process*
- *supporting the Lewisham University Hospital, Health centres and GP surgeries*
- *reducing health inequalities across the borough.*

- 6.151 The NHS Lewisham Joint Strategic Needs Assessment (JSNA) (2009) was prepared to provide a profile of health, well-being and care in Lewisham, in terms of outcomes, service delivery and the wider social determinants of health and provide an analysis of current and predicted health and social care needs. The JSNA states that Lewisham is in the bottom 20% of areas nationally for deprivation, life expectancy and premature deaths from cancer and cardiovascular disease. There are also specific inequalities between geographic areas and those from black and minority ethnic groups, disabled people, older people and looked after children.

- 6.152 The JSNA has therefore identified 3 health priorities for the borough:

- improved health equalities and public health
- improved life expectancy
- improved quality of life and greater life expectancy for older people.

- 6.153 The Index of Multiple Deprivation (issued by the Department of Communities and Local Government) ranks Lewisham as the 31st most deprived Local authority in England and relative to the rest of the country Lewisham's deprivation is increasing, although it is noted that there are variations in deprivation across the borough.
- 6.154 In 2011 NHS Lewisham and Lewisham Primary Care Trust prepared the Pharmaceutical Needs Assessment (2011), which assesses current services provided in Lewisham.
- 6.155 The report, echoes the contents of the JSNA and on page 18 states "there are inequalities in access to services and health outcomes that require consistent and effective support. As the population increases, so too will the number of people affected by long-term conditions. Physical disability is also likely to increase and will also require effective care and assistance".
- 6.156 The report states that current services are essential and need to be reviewed in context with the increasing population of Lewisham. The provision of 8 family dwellings would result in an local population increase, resulting in a demand for health services locally such as pharmacy's or GP's if the borough is to effectively tackle inequalities and accordingly a financial contribution is required offset this impact.
- 6.157 The applicant states that future residents of the extra care facility will be local to the area and therefore will likely already be using the existing healthcare facilities, though accept that contributions towards health facilities are appropriate. A contribution of £78,000 is sought, based on the Planning Obligations SPD calculator.

Amenity Space

- 6.158 The proposals involve development primarily on existing amenity space. The amenity space is not designated and is in private ownership, however it serves existing residents and its loss to development must be carefully considered.
- 6.159 Core Strategy Policy 12 'Open space and environmental assets' specifically protects urban green space, among other types of open space, from inappropriate built development to ensure there is no adverse effect on their use, management, amenity or enjoyment in accordance with the principles of the London Plan.
- 6.160 The quantity of amenity space provision for existing and future residents was considered earlier in this report and it was concluded that provision would exceed the London Plan requirement. Here it is considered whether the wider benefits of the existing amenity space are satisfactorily mitigated by the proposals.
- 6.161 The applicant maintains that the existing amenity space is underused by residents. It does appear from comments received, that the space provides primarily a visual amenity function.
- 6.162 The following mitigation has been proposed:
- Delivery of a high quality landscape scheme
 - Improvements to amenity space nearby
 - Contributions to open space provision and enhancement

6.163 These are considered in turn below.

Landscape scheme

6.164 The submitted landscape strategy includes the following elements:

- The creation of a variety of usable, overlooked green spaces with different characters that will be accessible to all residents (existing & proposed);
- The introduction of a garden room linking the two courtyard areas for recreational use during inclement weather;
- The creation of open space that has been designed collaboratively by residents and a Landscape Architect;
- Improvements to the connecting route through the site and the bus stop on Beckenham Hill Road together with Beckenham Hill Park, beyond;
- Hard landscaping improvements to the access road into Hazelhurst Court to create a shared surface with landscaping;
- Improved external lighting;
- Brown and green roofs;
- Sustainable Urban Drainage Systems

6.165 The landscape proposals are considered to be of high quality and will provide a range of more usable spaces for existing and future residents.

Phoenix Community Housing Amenity Space Improvement Works

6.166 The applicant has submitted details of improvement works to areas of local open space undertaken by Phoenix, including:

- Farmstead Road Community Garden: disused, overgrown site subject to flytipping converted during 2010-present into a Green Flag award winning community space where local volunteers carry out gardening on a regular basis.
- Pocket Park Refurbishment, corner Bromley Rd and Beckenham Hill Road: area regenerated to form riverside park with firm and level pathways and seating to improve accessibility
- Shroffold Road Play Area: new play facilities installed 2011-2012

6.167 Although these improvements are not directly related to the proposals, as part of an ongoing programme of enhancements to local open space by the applicant, they are accepted as a material consideration.

Contributions to open space

6.168 The proposals are for 60 dwellings, with the capacity to accommodate up to 122 additional persons at Hazelhurst Court. This increase in population may generate demand for additional open space or improvements to existing open space locally.

6.169 Core Strategy Policy 21 'Planning obligations' states that obligations can be used to mitigate a development impact.

- 6.170 The Council has prepared a Planning Obligations SPD, which was adopted in 2011. This states that open space contributions will be sought from all applications which include the creation of 10 or more additional elderly bed spaces.
- 6.171 Notwithstanding the qualitative improvements proposed, there is a shortfall of open space provision in the proposed scheme. It is therefore considered appropriate to seek a contribution towards open space provision. A contribution of £43,754.35 is sought, based on the Planning Obligations SPD calculator.

Other considerations

Construction

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

Employment and Training

- 6.173 As London's economy grows the number of jobs and careers available to Lewisham's citizens will increase. Many of these jobs will require specific skills. Lewisham's citizens should feel equipped to compete for the best jobs and fulfil their aspirations.
- 6.174 The Lewisham Local Labour and Business Scheme is a local initiative that helps local businesses and residents to access the opportunities generated by regeneration and development activity in Lewisham.
- 6.175 This particular policy objective provides the basis of the Government's commitment to reducing the environmental impact of new developments.
- 6.176 The use of local labour can also limit the environmental impact of new development due to people commuting shorter distances to travel to work.
- 6.177 The approach set out in the Council's Planning Obligations SPD is to split the contributions required equally between residential and commercial development. The contribution sought reflects the current training and operation costs of running the programme to the end date of this document (2025).
- 6.178 A threshold for residential developments of 10 dwellings or more, including mixed use schemes and live-work units, is set. Applied to the application scheme, this gives a contribution of £20,454.60.

Archaeology

- 6.179 The site is located within an 'Archaeological Priority' area. An Archaeological Desk-based Assessment was submitted in support of the application. The report identified low potential for heritage features. The Greater London Archaeology Service (English Heritage) confirmed this conclusion and did not seek a condition for further archaeological works.

Noise

- 6.180 A noise and vibration report was submitted in support of the application to assess noise levels from the railway and from traffic on Blacklands Road. It identifies acoustic and vibration mitigation measures required to ensure adequate levels of amenity for future residential occupiers.
- 6.181 Comments from Environmental Health raise no specific objections to the report but state that conditions should be attached to any planning permission. As such, Officers are satisfied that the development is capable of protecting future occupants from excessive noise levels.

Inaccuracies on planning application form

- 6.182 Concern was raised by residents that there were inaccuracies in the application form and description of development. The applicant submitted a revised application form in response, which confirms that there is a designated site of nature conservation (Beckenham Place Park) near the site and that there are trees or hedges adjacent to the application site that could be affected. The description of development was amended prior to the second consultation to more clearly state that parking was re-organised and no new spaces were provided.

Planning Obligations

- 6.183 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

- 6.184 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

- 6.185 Core Strategy Policy 21 'Planning obligations' states that obligations can be used to mitigate a development impact. Below is an extract of the policy:

(1) The need to provide infrastructure, services and/ or facilities to address the impact of new development will be considered by the local planning authority from the outset of the planning application process.

(2) The Council will seek planning obligations in accordance with Circular 05/05 to ensure effective implementation of the Core Strategy.

(3) The Council will prepare a Planning Obligations Supplementary Planning Document to provide further guidance on the likely type, scale and priority of planning obligations and the methodology for calculating formula based obligations, where it is appropriate to do so.

6.186 The applicant provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development. In discussion with the applicant further contributions were agreed in respect of open space, leisure facilities, libraries, carbon offset and highways.

6.187 The obligations sought are as follows:

- Affordable Housing:
 - at least 50% of units social rented
 - rent levels set at no more than 79% market rent
- Age eligibility restriction criteria i.e. occupation by persons aged 55 years or more
- Local Labour i.e. use of local labour during construction, working with the Council's Local Labour and Business Coordinator etc.
- Contributions:
 - Employment & Training: £20,454.60
 - Open Space: £43,754.35
 - Leisure Facilities: £48,806.39
 - Health: £78,000
 - Carbon offset: £20,789
 - Libraries: £11,610
 - CPZ review: £20,000
- Monitoring, legal and professional costs

6.188 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Local Finance Considerations

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

8.0 Community Infrastructure Levy

8.1 The above development is CIL liable.

9.0 Equalities Considerations

- 9.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (b) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (c) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
 - (d) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics under the Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The London Plan recognises the need for provision of housing for an ageing population is set out in (paragraph 3.50) and the proposed development is considered to comply with these stated policy aims.
- 9.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

10.0 Conclusion

- 10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 10.2 The proposed affordable, extra care housing scheme at Hazelhurst Court will meet a defined need, contributing to addressing the shortage of housing for older people that has been identified in the borough and helping to make larger dwellings available for families.
- 10.3 The scheme will provide the 'extra care' housing, providing older people with affordable, self-contained homes with design features and support services available to enable self-care and independent living.
- 10.4 In terms of the parking issues identified, it is considered that the measures proposed in the form of the provision of a car club car on site, contribution towards a CPZ review, cycle parking and a travel plan, combined with the site’s location adjacent to a rail station, are appropriate and sufficient to mitigate the impacts of the development.
- 10.5 The loss of trees and amenity space on the site is significant, however when the high quality landscape and planting schemes are taken into consideration and balanced against the need for this form of housing and the appropriateness of extending Hazelhurst Court, it is considered that the loss is outweighed.
- 10.6 The design is considered to be of good quality, and will make a positive contribution to the local area.
- 10.7 The application has been considered in the light of policies set out in the development plan and other material considerations. The proposed development is considered to be satisfactory in principle and in detail and, subject to the imposition of suitable conditions and a Section 106 Agreement regarding the matters set out below, it is recommended that permission is granted.

11.0 **RECOMMENDATION (A)**

11.1 To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

- Affordable Housing:
 - at least 50% of units social rented
 - rent levels set at no more than 79% market rent
- Age eligibility restriction criteria i.e. occupation by persons aged 55 years or more
- Local Labour
- Contributions:
 - Employment & Training: £20,454.60
 - Open Space: £43,754.35
 - Leisure Facilities: £48,806.39
 - Health: £78,000
 - Carbon offset: £20,789
 - Libraries: £11,610
 - CPZ review: £20,000
- Monitoring, legal and professional costs

RECOMMENDATION B

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

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

3125 D100 Rev P2, 3125 D101, 3125 D102, 3125 D103, 3125 D104, 3125 D105, 3125 D108, 3125 D109, 3125 D110, 3125 D111 Rev P2, 3125 D112, 3125 D113, 3125 D114, 3125 D115, 3125 D200, 3125 D201, 3125 D300, 3125 D301, 3125 D302, 3125 D303, 3125 D304, 3125 D500, 3125 L900, 3125 L901, 3125 L902 Rev P2, 3125 L903, C11448/DR/SK01, TPP-CC/1237AR2255rev1, Affordable Housing Statement, Arboricultural Statement, Archaeological Desk Based Assessment, Code for Sustainable Homes Pre Assessment, Daylight & Sunlight Report, Design & Access Statement, Drainage Strategy, Ecological Extended Phase I Habitat & Protected Species Survey (Sept 2014), Energy Statement, Geotechnical

Investigation Report, Land Contamination Assessment: Report on Phase 1 Desk Study, Landscape Strategy, Noise & Vibration Survey & Assessment Report, Planning Obligations Statement, Planning Statement, Planning Note: Loss of Amenity Space October 2014; Planning Note: Loss of Hazelhurst Community Hall September 2014; Statement of Community Involvement (Nov 2014), Sustainability Monitoring Form, Transport Statement (Nov 2014), Travel Plan (Nov 2104) & Ventilation Statement.

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 (including demolition) 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 and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2011).

4. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination.

encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes, to ensure groundwater in the underlying aquifers within Source Protection Zone 2 for a public supply is appropriately risk assessed with regard to potential contamination and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

- 5. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAmx (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria ‘Low probability of adverse comment’ as defined BS6472.
- (b) Development shall not commence above ground level until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

6. (a) The non-residential parts of the buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent', unless otherwise agreed in writing by the Local Planning Authority.
- (b) No development shall commence above ground level until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (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).

7. (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence above ground level until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

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

8. (a) No development shall commence above ground level on site until a drainage strategy with the details of pre and post development surface water run off rates and the proposed methods of surface water flow management has been submitted to and approved in writing by the local planning authority. The drainage strategy should also contain the points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method) into the proposed connection points.
- (b) The development shall be carried out in accordance with the approved strategy and thereafter the approved strategy 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).

9. (a) No impact piling shall take place until a piling method statement (detailing 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) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.
- (b) Any piling must be undertaken in accordance with the terms of the piling method statement approved under (a) above.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. To prevent potential impact on local underground water and sewerage utility infrastructure.

10. No development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows and external doors/roof coverings/other site specific features to be used on the buildings have been submitted to and approved in writing by the local planning authority. Brick sample panels shall be made available on site for inspection by the Local Planning Authority prior to approval. 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 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.

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

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with 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).

12. (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 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 14: Sustainable movement and transport of the Core Strategy (2011).

- 13. (a) No development (excluding demolition) shall commence above ground level on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), 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.

- 14. The development hereby approved shall be carried out in accordance with the Tree Protection Plan (TPP-CC/1237 AR2255 Rev 1) and tree protection measures set out in the approved Arboricultural Impact Assessment and Method Statement (June 2014) following the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations).

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).

- 15. Prior to demolition of any existing buildings on site, a full assessment of asbestos in existing buildings and plans for its safe removal shall be submitted and approved by the Local Planning Authority, in consultation with the Health and Safety Executive.

Reason: To ensure that the local planning authority may be satisfied that potential asbestos is identified and remedied and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

- 16. (a) Notwithstanding the details shown on drawing 3125 L 902 Rev P2, 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).

- 17. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with 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. Details of the location of the 4no. bird boxes 'standard' and 'swift' and 4no. bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

- 19. (a) Details of the number and location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (July 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

20. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. 3125_D_111_P2 and Updated Ecological Extended Phase 1 Habitat and Protected Species Survey Report hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a), together with a longterm management plan, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved. The Council's Ecological Regeneration Manager shall be invited to inspect the living roof installation.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) , 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).

21. (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

22. (a) No part of the development hereby approved shall be occupied until such time as a 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 residents, staff and visitors by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed

under parts (a) and (b).

Reason: In order that both the local planning authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the site and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

23. Prior to the occupation of any buildings hereby approved, a Parking Management Plan shall be submitted and approved by the Local Planning Authority. The plan should outline the measures that will be employed to discourage informal car parking within the site.

Reason: To ensure that parking is managed so as to avoid congestion and obstruction of service & emergency vehicles and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

24. Prior to the occupation of any buildings hereby approved a Waste Management Plan (WMP) shall be submitted and approved by the Local Planning Authority. The plan shall include details of refuse and re-cycling collection points which should be accessible from within 10m of kerbline. The plan should illustrate how bins will be brought out to collection points on collection days and returned. The facilities as 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, refuse storage and collection 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).

25. Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing 3125 D 109 P1 hereby approved.

Reason: In order to ensure an adequate supply of 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).

26. The six wheelchair dwellings hereby approved shall be constructed as fully adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing nos. 3125 D 103 P1, 3125 D 104 P1, 3125 D 105 P1, hereby approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

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).

27. Prior to the occupation of any part of the development hereby approved, a plan showing the location of 1 no. car club space to be provided shall be submitted and approved by the Local Planning Authority. The parking space shall be made available for use before any part of the Development is occupied. Thereafter the space shall be retained and used only for parking cars associated with the Car Club.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policies Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

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

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

29. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the north and south elevations (all floors) of Block B hereby approved shall be fitted as obscure glazed/fixed shut 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 and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

30. The whole of the amenity space (including terraces and balconies) as shown on drawing no. 3125 D 101 P1 hereby approved shall be retained permanently for the benefit of the occupiers of 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).

31. The whole of the car parking accommodation shown on drawing nos. 3125 D 102 P1 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

Reason: To ensure the permanent retention of the space(s) for parking purposes, to

ensure that the use of the building(s) does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (July 2011).

32. No deliveries in connection with construction works shall be taken at or despatched from 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.

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: 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).

33. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for extra care housing (Use Class C3) for persons aged over 55 years and for no other purpose (including any other purpose in Use Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to ensure that the buildings hereby approved are retained for older persons residential accommodation to meet a defined need and in accordance with CS Policy 1 of the Core Strategy 2011.

34. a) The building Block B hereby approved shall be designed so the re-radiated noise, within habitable residential rooms does not exceed 35dBLAmax(s), as a result of vibration from the adjacent railway.
- b) Development shall not commence until details of a sound insulation/ building isolation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- c) The development shall not be occupied until the sound insulation/ building isolation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation /building isolation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration of the Core Strategy 2011.

35. Development above ground level shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To prevent ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with Objective 6: Flood risk reduction and water management of the Core Strategy (2011).

36. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure drainage via soakaway or similar infiltration systems does not present a risk of contamination to groundwater present in the aquifers beneath the site that are within Source Protection Zone 2 of a public water supply.

INFORMATIVES

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. 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.
- C. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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 groundwater. 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 0800 009 3921.
- D. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
- E. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- F. The drainage strategy should contain the points of connection to the public sewerage system as well as the anticipated flows (including flow calculation method) into the proposed connection points. This data can then be used to determine the impact of the proposed development on the existing sewer system. In addition the overall reduction in surface water flows should be indicated, ie existing surface water discharges (pre-development) in to the public sewers for storm periods 1 in 10, 30, 100 versus the new proposed volumes to be discharged for the whole development.
- G. Surface water runoff rates and volumes from the site must be managed in accordance with the London Plan (July 2011) which sets higher standards than the NPPF for the control of surface water run-off. Policy 5.13, Sustainable drainage (page 155), of the London Plan states that *'development should utilise sustainable drainage systems (SuDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible'* in line with the drainage hierarchy. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, there should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

Appendix A

Note of Local Meeting

Hazelhurst Court, Beckenham Hill Road, Bromley, SE6 3AG



7.30pm, 18th September 2014

Green Man, 355 Bromley Road

Application details

Reference: DC/14/88227

Proposal: The demolition of the existing Community Building and construction of an Extra Care development on part of the site of Hazelhurst Court, Beckenham Hill Road, SE6 on the corner of Blacklands Road and Melfield Gardens, to provide 58 one-bedroom and 2 two-bedroom flats for older people, with a 10% wheelchair allocation (6 units), plus shared communal facilities at ground floor including a kitchen, living rooms, staff rooms and multi-use spaces, in 3 x four-storey blocks arranged around a courtyard on the main site to the north of Hazelhurst Court [Block A], and 1 x five-storey block to the south of 'Beckenham Park Heights' on the west side of Melfield Gardens [Block B], plus the provision of 22 parking spaces (including 6 disabled vehicle bays) and provision of 64 cycle spaces, together with the felling of existing trees and provision of new tree planting and landscaping.

Attendance

Councillor David Britton (DB)

Councillor Ogunbadewa (OO)

Suzanne White, Planning Officer (SW)

Catherine Paterson, Highways Officer (CP)

Steve Connor, Phoenix Housing (SC)

Mark Gibney, BPTW (MG)

Sascha Newton, BPTW (SN)

Nick Bond, TTP Consulting (NB)

Eileen Craig, Levitt Bernstein (EC)

Sarah Tolley, Levitt Bernstein (ST)

26 local residents (23 signed attendance sheet)

Note of Meeting

Introduction

Councillor Britton explained that the purpose of the meeting was to provide an opportunity for those attending to listen to a presentation by the applicant, seek clarification on elements of the proposals and provide comments on points of concern. He explained that Cllr Ogunbadewa, as a member of one of the planning committees, was present in an observing capacity only.

Applicant's Presentation

SC provided an overview of Phoenix Housing and their plans for Hazelhurst Court. The main points were as follows:

Phoenix manage 3,600 homes in the south of the borough

The organisation structure includes a high level of resident involvement

There is a severe shortage of homes in the borough

As a non-profit making organisation, Phoenix must make best use of its assets

'Extra-care' housing is proposed at Hazelhurst Court. There are no extra care schemes in the south of the borough at present.

The proposals for Hazelhurst Court will release family-sized housing elsewhere in the borough

A range of communal facilities will be provided by the proposal, including a library, multi-function space, kiosk and restaurant. These will be available to existing Hazelhurst Court residents also.

EC provided a presentation on the proposals. The main points were as follows:

The proposals comprise 3 blocks of 4 storeys in height around a single storey garden room and courtyard. Flats will be accessed from a galley around the courtyard block. An additional 5 storey block is located adjacent to Beckenham Park Heights.

A number of trees on site will be retained and those removed will be replaced

Floor-to-ceiling heights are greater for new buildings in order to meet London standards

Pavement and lighting improvements form part of the proposals

Q & A Session

Q: Please describe the type of flats?

A: There are 60 flats proposed, 10% of which will be wheelchair units

Q: Has Phoenix balloted existing Hazelhurst Court residents?

A: We haven't balloted, but have consulted residents in a series of meetings. We have taken feedback and responded to comments in the design.

Q: Will the loss of the community centre be replaced?

A: The centre is in a poor state of repair and would require work to keep it functioning. We are providing replacement provision in the proposals.

Q: When was the local community consulted?

A: We prioritised developing the proposals with input of existing Hazelhurst Court residents. The process started in 2013. On the 30th April 2014 surrounding residents were consulted. A leaflet was hand delivered to 150 local properties inviting people to a presentation. We sent copies of the proposals afterwards to anyone who asked.

Q: What are the problems with the existing trees?

A: There are good quality trees on site. We consulted with a tree consultant and the Council's Tree officer. The trees may not survive if development went ahead. High specimen trees will be put back.

Q: How long will the trees take to grow?

A: We propose to plant semi-mature trees with canopies. The new trees will have longevity. They will take 10-15 years to reach maturity.

Q: Is there any requirement to consult?

A: It is not required prior to an application being submitted but is good practice. An exhibition is a typical consultation method for a scheme such as this.

Q: When did you decide to go ahead?

A: We have a responsibility to make best use of our assets. We need a site of reasonable size for the scheme to be viable. There is already a use at Hazelhurst Court which complements the proposals.

Q: There is a nice development in Kidbrooke- why can't this be similar?

A: Kidbrooke is a different situation. All residents were decanted.

Q: Why at Hazelhurst Court?

A: The existing Hazelhurst Court buildings are structurally sound, so it would not be viable to redevelop.

Q: Digging started on site in September 2013. Phoenix were asked about this and said no development was planned. Beckenham Park Heights residents should have been consulted.

A: It is typical to do investigative works early on to determine feasibility. The first consultation with Hazelhurst Court residents took place in July 2013. We had no plans at that stage. Then investigations took place to test the soil conditions etc. Letters were sent to residents of Hazelhurst Court at the time. In hindsight, we should have warned wider residents of the works also.

DB: the planning department needs to be careful to send notifications widely.

A: leaflets were delivered to 165 local properties. More were sent in July 2014.

Q: Which addresses were they sent to:

A: 1-32 Melfield Gardens (32), 1-24 Millcroft House (24), Beckenham Park Heights (16), Blacklands Road (62), Beckenham Hill Road (38), Nursery (1), Beckenham Hill Phoenix (70)

Q: What about access and parking for Beckenham Park Heights?

A: The route of the access road is more or less the same as existing. It has been designed to accommodate emergency and refuse vehicles.

Q: How many new parking spaces?

A: There are 22 existing (unallocated).

Q: What is the ownership of the access road?

A: It was previously owned by the Council but was never adopted highway. It is the responsibility of Phoenix to manage and put up signage. Phoenix committed to address the signage issue.

Q: The new buildings will be 27.3 metres from Blacklands Road Houses

DB: the applicants should provide a model for Committee.

Q: Was the scheme revised?

A: Yes, following comments from the Design Review Panel, 3 of the blocks were reduced to a consistent 4 storeys. A daylight/sunlight report has been done. It shows that the guidelines haven't been breached.

Q: What is happening to the drying areas?

A: We thought there was no need for them. No strong view has been expressed by residents to retain it.

DB: at Committee, you can nominate someone to speak for you. I can also speak.

Objections

The following objections were raised, after which the applicant was given an opportunity to respond.

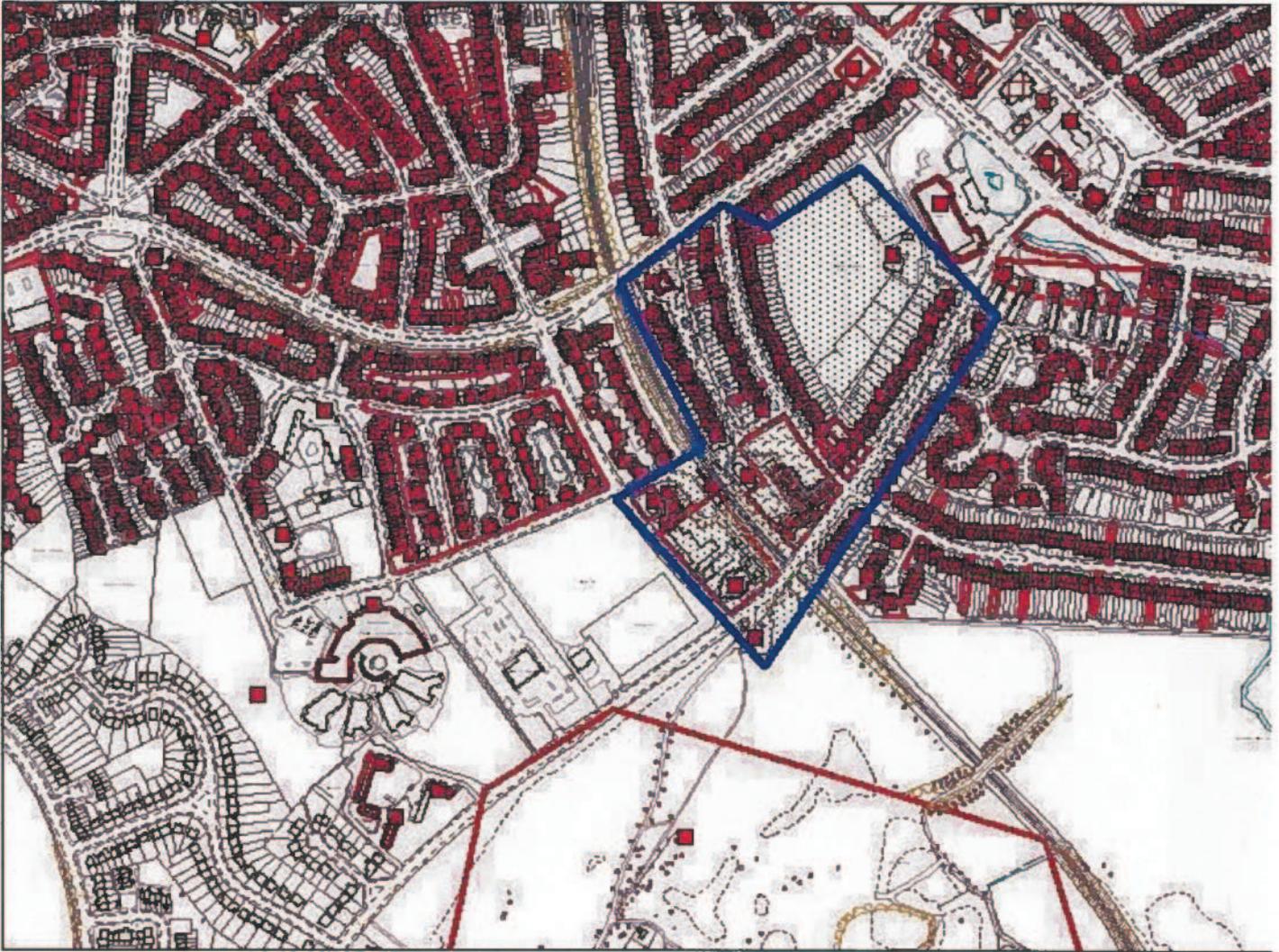
1. The community will have to live through disruption and loss of trees. The scheme looks crowded. The Arboricultural report says 27 trees (60%) are Class A.
2. Impact on parking. Spaces will be pushed off the access road.
3. Blacklands Road doesn't have any tall buildings.
4. Poor design. It looks like a 1960s block.
5. Loss of light for Hazelhurst Court.
6. Loss of light for Beckenham Park Heights
7. Environmental impact
8. Impact on psychological wellbeing of local community
9. Loss of privacy due to new higher blocks will impact on existing and new Hazelhurst Court residents and Beckenham Park Heights. There are lots of windows in the penthouses of Beckenham Park Heights.
10. Loss of light to Blacklands Road
11. Increased traffic. The local roads are used as a rat run at present from 6am-8pm Monday to Friday and weekends. Parking is better at the weekends. It's not safe for children.
12. Overdevelopment. The proposals doubles the number of units and removes green space.
13. Phoenix has enough land to build 200 units elsewhere.
14. Lack of consultation.
15. Construction disruption on roads
16. Existing wildlife will be lost. The area is like a wildlife corridor from Beckenham Place Park.
17. Not enough parking at present. Need permit parking.
18. Potential damage to surrounding houses structurally.
19. Profile of residents: 55 year olds will have a car, visitors etc

Applicant's response:

- The loss of the trees is a cost-benefit analysis for the planning authority. Large trees will be put back.
- Overdevelopment: have taken care over the design
- A parking survey has been done. It is being scrutinised by the LPA. CPZs have problems too.
- Loss of light: our assessment shows the scheme is acceptable
- The scheme achieves standards regarding overlooking
- Loss of amenity: London Plan standards are met and exceeded
- Loss of wildlife: will review
- Structural damage: unlikely
- Construction nuisance: inevitable but we expect restrictions to be put on development, including construction traffic. Construction will last 18 months.
- Phoenix will build out other sites also to deliver accommodation needed

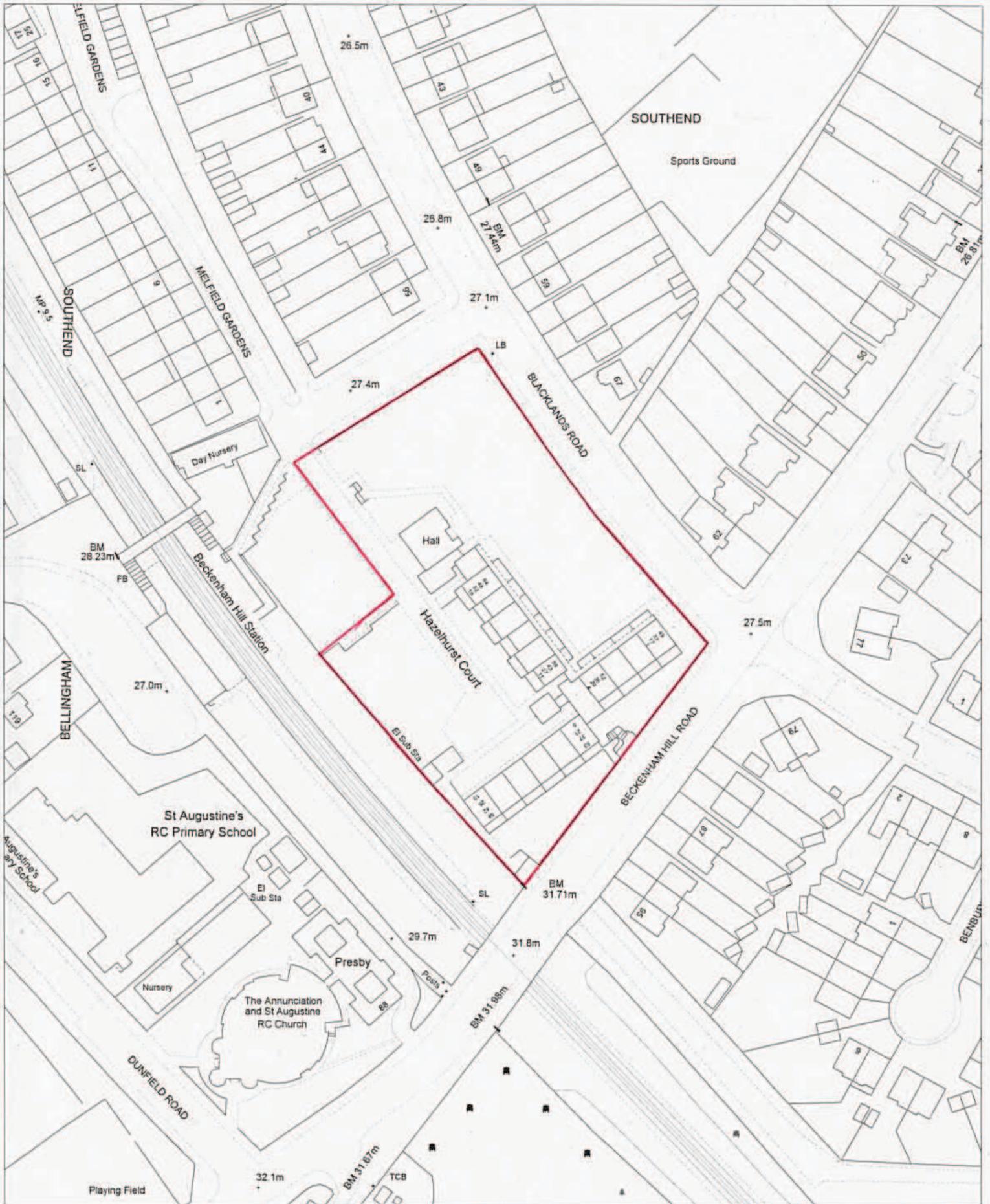
Cllr Britton closed the meeting at 9.20pm. An informal discussion continued afterwards.

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Hazelhurst Court, Beckenham Hill Road



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Committee	PLANNING COMMITTEE C	
Report Title	44 UPWOOD ROAD SE12 8AN	
Ward	Lee Green	
Contributors	Jan Mondrzejewski	
Class	PART 1	15 JANUARY 2015

<u>Reg. No.</u>	DC/12/81157
<u>Application dated</u>	16.08.2012 (revised on 09.06.2014)
<u>Applicant</u>	Stagg Architects Limited on behalf of Dr Goh
<u>Proposal</u>	The demolition of the existing garage and the construction of a two storey extension to the side, together with an extension at first floor level and extension to the roof.
<u>Applicant's Plan Nos.</u>	51104-P- 01, 10A, 11A, 12A, 21G, 22D, 23D, 30, 40D, 50, 51, 60D, 61E, 70D, Right of Light Inspection and Preliminary Report dated 1 st Oct 2012) & Covering Letter
<u>Background Papers</u>	(1) Case File LE/378/44/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (July 2011)
<u>Designation</u>	Existing Use

1.0 Property/Site Description

- 1.1 The property is an extended two storey 1930s detached house with a hipped roof. The properties on this side of the street from No 42 onwards are of a uniform size and style, many have single storey garage extensions at the side which adjoin a one metre wide pathway belonging to the neighbouring property. Exceptionally Nos. 42 and 46, which adjoin the application site, have flat roofed first floor extensions over their garages. These are the same depth as the first floor of the properties in question.
- 1.2 The application property has a large single storey extension to the rear extending some 3.5 to 5 metres from the original rear elevation of the house. This extension also continues along the side elevation of the property adjoining No 42 and attaches to the rear of the garage, so that the extension has a total depth of 8 metres from the rear of the original garage.
- 1.3 Properties on the other side of the street are more varied in style but predominantly detached.

2.0 Planning History

2.1 Planning permission was granted in 1979 for the erection of a single storey extension at the side and rear of No 44 Upwood Road.

2.2 The two storey extension at the side of No 42 was granted planning permission in 1971 while that at the side of No 46 was approved in 1986.

2.3 In March 2012, planning permission (DC/14/79270) was refused for the demolition and replacement of the existing garage at the side of the property and construction of an extension at first floor level to the side and rear of 44 Upwood Road SE12, together with the extension of the roof. The reasons for refusal were as follows:-

- (1) It is considered that the scale of the proposed development in terms of the first floor rearward extension and height of the proposed building would have an adverse impact on the outlook of adjoining properties contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy 2011 and saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's Unitary Development Plan (Adopted July 2004).
- (2) The scale of the proposed development in terms of the depth of the rearward extension and height of the proposed building would have an adverse impact on the streetscene contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy 2011 and saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's Unitary Development Plan (Adopted July 2004).
- (3) It is considered that the provision of windows in the boundary wall with No 42 Upwood Road would give rise to loss of privacy and overlooking to the adjoining property contrary to Policy 15 High quality design for Lewisham of the Core Strategy (Adopted June 2011) and saved Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's Unitary Development Plan (Adopted July 2004).

2.4 A further application was submitted in April 2012 (DC/14/79950) for a very similar development but with the first floor side extension set in slightly from the property boundary to avoid either gutters over-sailing the boundary with the neighbouring property at 42 Upwood Road or the construction of a concealed gutter behind a parapet as an alternative to this. The first floor rear extension was also reduced by 8.5 square metres in area by means a 'cut-out' element in the north west corner of the proposed extension. The cut-out was approximately 2.0 metres in width from the boundary with No 42 Upwood Road and reduced the depth of the extension by 2.6 metres at this point. Windows in the flank elevation of the proposed extension were now limited to a bathroom window at first floor level and were described as being 'fixed and immovable opaque glass'. This application was refused in June 2012 for the following reasons:-

- (1) It is considered that the depth of the proposed development in terms of the first floor rearward extension and height of the proposed building would have an adverse impact on the outlook of adjoining properties contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy

2011 and saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's Unitary Development Plan (Adopted July 2004).

- (2) The scale of the proposed development in terms of the depth of the rearward extension and height of the proposed building would have an adverse impact on the streetscene contrary to Policy 15 High quality design for Lewisham of the adopted Core Strategy 2011 and saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's Unitary Development Plan (Adopted July 2004).
- (3) It is considered that the need for regular cleaning of a first floor window in the boundary wall with No 42 Upwood Road would give rise to loss of privacy and overlooking to the adjoining property contrary to Policy 15 High quality design for Lewisham of the Core Strategy (Adopted June 2011) and saved Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 12 Residential Extensions of the Council's Unitary Development Plan (Adopted July 2004).

2.5 This refusal of permission was the subject of a subsequent appeal which was dismissed in July 2012. The Inspector considered that although the development would not have a harmful effect on neighbouring property at 42 Upwood Road in terms of privacy it would be materially harmful to the outlook from both adjacent properties.

2.6 In addition the Inspector considered that in terms of the development as viewed from the street, including the increase in the ridge height of the property, the appeal proposal was acceptable.

3.0 Current Planning Application

Pre-application Advice

3.1 The applicant sought pre-application advice and officers suggested that the maximum depth of the first floor extension should not exceed the depth of the existing two storey rear extension at 46 Upwood Road. This extension has evidently been in place for a considerable period of time and has the same impact on 48 Upwood Road as a second floor extension at 44 would have on 46. This would require the first floor extension at 44 to be set back 1.7m from the rear elevation of the existing ground floor extension. In addition, it was advised that a cut out element adjoining No 42 Upwood Road should be provided to be sufficient to prevent the new extension being visible from the rear bedroom window of No 42 closest to No 44 by a person standing directly in front of the window in question. This would require a setback of at least 2.6m in depth from the rear elevation of the existing single storey rear extension and approximately 2m from the side boundary wall with No 42.

Current Proposals

3.2 The current application is a re-working of the proposal refused in June 2012 and subsequently dismissed at Appeal. The application has been revised since initial submission following the local meeting.

- 3.3 There are four elements to the current proposals.
- (a) The existing integral garage would be removed and replaced by a two storey extension at the side that would abut the property boundary with No. 42. It would align with the front and rear elevations of that property at first floor level.
 - (b) An extension is proposed at first floor level to the rear. It would be 1.5m in depth to the east side (adjacent to No.46) and 3.7m deep to the west side. It would be set in by 2.4m from the property boundary with No. 42.
 - (c) The roof would be extended so that the ridge of the roof would be raised by 500mm to provide attic storage.
 - (d) It is proposed to insert large flat rooflights in the flat roof of the existing single storey extension.
- 3.4 As in the case of the scheme dismissed at appeal the first floor side extension is set in slightly to avoid either gutters over-sailing the boundary with the neighbouring property at 42 Upwood Road or the construction of a concealed gutter behind a parapet as an alternative to this.
- 3.5 Initially, a bathroom window was proposed in the flank elevation of the proposed extension facing No.42. This element has now been removed from the proposal on the advice of the Planning Officer and the bathroom will now be lit by a rooflight.
- 3.6 As in previous applications the current proposal features large floor to ceiling windows at first floor level on the rear elevation.
- 3.7 Revised plans were submitted in June 2014 showing the set back to the proposed first floor increased from 1.7m to 1.9m and the 'cut out' element increased to 3.7m in depth and 2.4m in width. This means that the inset rear wall of the proposed extension adjoining No 42 now aligns with the first floor rear elevation of that property.
- 3.8 The extension would be in a render finish to match the existing property.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Residents were also reconsulted on the revised plans received in June 2014.

Written Responses received from Local Residents and Organisations

- 4.3 One reply from the occupier of No 46 Upwood Road raising no objection to the proposal as originally submitted. One reply from the occupier of Nos 121 Upwood Road supporting the proposal as originally submitted on the basis that it is a good design which will enhance the appearance of the road.

Six replies from the occupiers of Nos 40, 42, 51, 89 & 99, Upwood Road, former Cllr Sven Griesenbeck on behalf of the occupiers of No 42 Upwood Road and the Upwood Road and Horn Park Lane residents' Association, objecting to the proposal on the following grounds;-

- 1) The proposed extension is a rebuilding of the property to create a vastly larger house.
- 2) The proposed development will infringe the right to light of No 42 Upwood Road.
- 3) Building on the boundaries with No 43 and 46 Upwood Road will require scaffolding to be erected in the gardens of these properties.
- 4) The proposed development has been refused by the Council on two occasions with an appeal in respect of the most recent refusal dismissed.
- 5) The state of the house and its gardens to front and rear is very poor.
- 6) The applicant should not be allowed to cause stress and anxiety to his neighbours who are elderly and in poor health.
- 7) The applicant should consider moving to a much larger house.
- 8) The proposed development is contrary to the Council's Development Management Local Plan Policy on 'controlling family size house conversions'.
- 9) The proposed building will be too big for the plot.
- 10) The large number of additional bathrooms will put more strain on the local drainage system.
- 11) Building work will give rise to noise and disturbance.
- 12) Scaffolding in the side passageway of No 42 will deprive the occupiers of the property of the use of this access for the duration of the construction period.
- 13) The enlarged house could be used as a boarding house or private clinic.
- 14) The proposed development would overshadow adjoining back gardens.
- 15) The proposed development will alter the attractive open look of the road.
- 16) The proposal will result in increased usage of Upwood Road by heavy construction vehicles as well as increased vehicle movements to and from the enlarged house.
- 17) The proposed development will decrease the value of No 42.
- 18) Maintenance of the side extension would require access from No 42.
- 19) Although the applicant will be moving out of the property while construction work takes place, this option is not available to adjoining occupiers.

(Letters are available to Members).

Local Meeting

- 4.4 A local meeting was held on 14th November 2012 in chaired by Cllr Mallory. The meeting was attended by the applicant's representative and agent, a representative of the Upwood Road and Horn Park Lane residents' Association and twelve local residents including the occupier of No. 42 Upwood Road (the property most directly affected by the development proposal).
- 4.5 The applicant's representative confirmed that the purpose of the proposed extension was to enable him to accommodate visiting members of his family and that no change of use was intended. The meeting enabled both the applicant and objectors to state their respective cases. At the end of the meeting, Cllr Mallory urged the applicant and occupiers of No 42 to make a concerted attempt to reach an agreement on the size of the proposed extension. This should be one which satisfied the applicant's demands for additional accommodation but in a neighbourly way which did not compromise the outlook of the occupiers of No 42.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF.

In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:

Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.14 Existing housing
Policy 5.3 Sustainable design and construction
Policy 5.13 Sustainable drainage
Policy 5.18 Construction, excavation and demolition waste
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

- 5.6 The London Plan SPGs relevant to this application are:
Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)
Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

- 5.7 The London Plan Best Practice Guidance's relevant to this application are:
Control of dust and emissions from construction and demolition (2006)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the

borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 22 Sustainable design and construction

DM Policy 23 Air quality

DM Policy 25 Landscaping and trees

DM Policy 27 Lighting

DM Policy 29 Car parking

DM Policy 30 Urban design and local character

DM Policy 31 Alterations/extensions to existing buildings

DM Policy 32 Housing design, layout and space standards

Residential Standards Supplementary Planning Document (August 2006)

This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and)

6.0 Planning Considerations

6.1 The main issues to be considered in respect of this application are the impact of the proposed development on the amenities of adjoining occupiers, design and whether the reservations of the Planning Inspector that led to dismissal of the appeal have been satisfactorily resolved by the current scheme.

- 6.2 DM Policy 31 Alterations and extensions to existing buildings including residential extensions states that development proposals for alterations and extensions, including roof extensions will be required to be of a high, site specific, and sensitive design quality, and respect and/or complement the form, setting, period, architectural characteristics, detailing of the original buildings, including external features such as chimneys, and porches. High quality matching or complementary materials should be used, appropriately and sensitively in relation to the context.
- 6.3 The Residential Standards SPD states in section 6.4 that extensions should be smaller and less bulky than the original building and reflect its form and shape. It states that traditionally, extensions to buildings are subsidiary to the main structure and that over-dominant extensions may destroy the architectural integrity of existing buildings. The document goes on to state that all roof extensions should be sensitively designed to retain the architectural integrity of the building, including by ensuring that all roof alterations are successfully integrated with and preserve the architectural character of the building, and are subordinate to the principal elevations.
- 6.4 In considering the appeal scheme, the Inspector considered that although the development would not have a harmful effect on the neighbouring property at 42 Upwood Road in terms of privacy, it would be materially harmful to the outlook from both adjacent properties and would result in an appreciable loss of amenity contrary to the Council's policies. Residential occupiers should be able to enjoy an outlook from the windows of their homes without this being blocked or dominated by inappropriate adjoining development. This is not to be confused with views of distant buildings/landmarks from the windows of a domestic property which cannot be protected.
- 6.5 The issue of impact on the outlook of adjoining occupiers was addressed in the current proposal (as originally submitted) by a reduction in the depth of the first floor extension by 1.7m and by maintaining the 'cut out' element adjoining No 42 Upwood Road, which was a feature of the appeal proposal. At the local meeting in 2013, Cllr Mallory suggested that a way forward might be direct negotiations between the applicant and neighbouring occupiers at No 42. This was agreed by both parties. The revised plans now show that the first floor rear extension would be reduced by 1.9m compared with the refused scheme and the cut-out adjoining No 42 would be increased to a depth of 3.7m and a width of 2.3m. While the extension would be visible from neighbouring properties, the angle of view from No. 42 would be oblique. The scheme is now considered to be acceptable with regard to the impact on outlook from neighbouring properties and would not result in unacceptable enclosure in relation to those properties.
- 6.6 An obscured glazed bathroom window which was previously proposed on the flank elevation of the extension adjoining No 42 has now been removed from the proposal. The bathroom in question will now be lit by a rooflight meaning that there are now no windows in the flank wall Adjoining No 42 Upwood Road.
- 6.7 On the issue of the impact of the increase in the ridge height of the roof on the character and appearance of the street scene, the Inspector considered that the extension would not have a harmful effect on the harmonious character or appearance of the area. and would therefore not conflict with Core Strategy Policy 15 or with (the then) saved UDP Policies URB 3 or URB 6, which expect extensions to be of high standards of design and to be compatible with or to complement the scale and character of existing development.

6.8 In relation to other matters raised by the Council and objectors, the Inspector considered that the impact of light from the large windows in the rear elevation on adjoining properties would be minimal, because the windows would be beyond the rear of both adjacent properties in Upwood Road. Similarly properties to the rear of the appeal site were felt to be screened by vegetation and sufficiently distant to be materially affected. The Inspector also considered concerns about the loss of a garage for parking but did not consider that any possible overspill parking on the road would be detrimental to highway safety or the convenience of other residents.

Other Matters

6.9 Although the applicant's agent states that he has given the neighbouring occupier at No 42 assurances that the construction will be carried out in such a way as to limit any possible nuisance and allow the side passage at no 42 to remain in use during the construction period, the planning officer has attempted to engage with the adjoining occupier directly to confirm this. While the adjoining occupier, who objected to the application as originally submitted, remains apprehensive about the impact of the proposed development, she has decided to not to make any formal comment on the revised scheme.

7.0 Conclusion

7.1 This application has been considered in the light of policies set out in the development plan and the Inspector's decision with respect to the Council's refusal of planning permission for a similar proposal in June 2012.

7.2 Officers consider that the concerns of adjoining occupiers with respect to outlook have been satisfactorily addressed and the scheme is therefore recommended for approval.

8.0 RECOMMENDATION GRANT PERMISSION subject to the following 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:

51104-P- 01, 10A, 11A, 12A, 21G, 22D, 23D, 30, 40D, 50, 51, 60D, 61E, 70D & Covering Letter

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 new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

Reason: To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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

- (4) All new window and door openings shall be provided with external reveals, lintel detailing and sills to match those originally provided on the existing building.

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

- (5) No plumbing or pipes, other than rainwater pipes, shall be fixed on the front and side elevations 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).

- (6) The use of the flat roofed extension/flat roof 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 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, of the Development Management Local Plan (November 2014).

- (7) No deliveries in connection with construction works shall be taken at or despatched from 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.

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: 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).

INFORMATIVES

- (A). **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

- (B). 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"



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Committee	PLANNING COMMITTEE C	
Report Title	116 LEE ROAD SE3 9DE	
Ward	Blackheath	
Contributors	Michael Forrester	
Class	PART 1	15 JANUARY 2015

<u>Reg. Nos.</u>	DC/14/89200
<u>Application dated</u>	19.09.2014
<u>Applicant</u>	PPM Planning Limited on behalf of River Quaggy Investments Limited
<u>Proposal</u>	The demolition of existing buildings on the site of 116/116a Lee Road SE3 and the construction of a part two/part four storey building incorporating balconies, comprising a commercial unit (Use Class A1, A2 & B1 or as an art Gallery (in Class D1), 7 one bedroom and 1 two bedroom self-contained flats, together with associated landscaping, provision of refuse stores and cycle spaces.
<u>Applicant's Plan Nos.</u>	Design and Access Statement, Site Location Plan, E_001, S/E_001, E_004, Is 00, Ip1, Ip2, Ip3, P_00L, P_00X, P_001X, E_001X, E002X, E_003X, E_004X, Code for Sustainable Homes, P_01S, 5704/5001 P2, 5704/8500a P1, 5704/500 P1, 5704/502 P2, Reduct Survey, Kyd Brook Culvert Survey. Foundation Scheme Report, Flood Risk Assessment received 24/11/2014. <small>On behalf of River Quaggy Investments Limited</small> P_000 rev B, P_001, rev A, P_002 rev A, P_003 rev A, AE_003 rev A, S_001 rev A, E002 rev A, P_004GR rev A received 28/11/2014.
<u>Background Papers</u>	(1) Case File LE/406/116/TP (2) Local Development Framework Documents (3) The London Plan (4) The NPPF
<u>Designation</u>	Core Strategy – Area of stability and managed change.

1.0 Property/Site Description

- 1.1 The application site is set on the western side of Lee Road close to Lee Green and comprises a part single /part two storey detached building currently in use as a restaurant, which is currently trading. The building is set forward of the adjacent residential terrace to the north, nos. 92-114 Lee Road.

- 1.2 To the rear of the site is Riverside Court, a four storey modern flatted development, accessed via a driveway to the immediate south of the application site.
- 1.3 The site is not included within a conservation area and is not within the setting of a listed building, it is located within Flood Zone 2/3 and is within close proximity to the River Quaggy and the culverted Kid Brook.
- 1.4 Further south are further commercial uses, with residential above. Opposite on the eastern edge of Lee Road are mixed use buildings with commercial at ground floor, these are located within the boundary of the Royal Borough of Greenwich. The site is designated as part of the Lee Green District Centre.

2.0 Planning History

- 2.1 DC/07/67752 - The demolition of existing buildings on the site of 116/116a Lee Road SE3 and construction of a part two/part four storey building, incorporating Juliette balconies, and a roof terrace, comprising a commercial unit (116.5m²) (Use Class A1/A2/A3), 7, one bedroom and 1, two bedroom, self-contained flats, together with associated landscaping and provision of refuse/recycling stores and 6 cycle spaces – granted.
- 2.2 DC/13/83353 – Demolition of existing buildings on the site of 116/116a Lee Road SE3 and construction of a part two/part four storey building incorporating balconies, comprising a commercial unit (Use Class A1/B1), 8 one bedroom and 1 two bedroom self-contained flats, together with associated landscaping, provision of refuse stores and 10 cycle spaces – withdrawn by applicant.
- 2.3 DC/13/85037 - The demolition of existing buildings on the site of 116/116a Lee Road SE3 and the construction of a part two/part four storey building incorporating balconies, comprising a commercial unit (Use Class A1, A2 & B1 or as an art Gallery (in Class D1), 8, one bedroom and 1, two bedroom self-contained flats, together with associated landscaping, provision of refuse stores and 10 cycle spaces. This application was refused for the following reasons:
 - (1) The proposals, by reason of the external staircase to access Unit 5 and the provision of external cycle stands, create an unattractive and cluttered entrance to the development, contrary to the overall design strategy of the building outlined in page 9 of the Design and Access statement and contrary to Policies URB 3 of the Unitary Development Plan (2004), Policy 15 of the Core Strategy (2011) and DM Policy 30 of the Development Management Local Plan (submission version 2013).
 - (2) The proposals provide a poor standard of accommodation for future occupiers, by reason of the inadequate size of Unit 1, the position of Unit 2 with a single north facing aspect at ground floor facing publicly accessible amenity space, Unit 4 being enclosed by a high level flank wall and the east facing single aspect orientation of Unit 5 which collectively would create a poor quality environment for future occupiers, contrary to Policy HSG 5 of the Unitary Development Plan (2004) and Policy DM 32 of the Development Management Local Plan (submission version 2013).
 - (3) The proposals fail to deliver a positive reduction in flood risk, as such the development is contrary to Policy 10 of the Core Strategy (2011).

- (4) The proposals, by reason of the proximity to the culvert and lack of investigation of its exact position, would be likely to increase the risk of flooding, contrary to Policy 10 in the Core Strategy (2011).

An appeal against this refusal was dismissed on the basis of flood impact and risk.

3.0 Current Planning Applications

The Proposals

- 3.1 Planning permission is sought for the demolition of the existing buildings on the site and for the construction of a part 2, part 4 storey building comprising a ground and lower ground commercial unit with 7 x 1 bedroom and 1 x 2 bedroom flats.
- 3.2 The building fronts Lee Road with a commercial unit on the ground and first floor. This element of the building measures 10.7m wide by 6m high.
- 3.3 Behind is a communal courtyard, where to the southern boundary of the site a single storey projection connects a four storey block to the rear. This comprises flats on each level with either balconies or terraces. This part of the building measures 11.7m wide by 12m high.
- 3.4 The southern flank of the building measures 19.4m deep, extending to 22.8m deep around a terrace to the south western corner.
- 3.5 This scheme is a resubmission following the refusal and dismissal on appeal of application DC/13/ 85037 and seeks to address the concerns raised by the Inspector in relation to flooding and flood risk. As such, the building has been reduced in depth and is now set back from the pavement edge by 1m in order to avoid the culvert.

Supporting Documents

- 3.6 Design and Access Statement – This document provides a site description, and scheme description.
- 3.7 Flood Risk Assessment – This provides details of flood risk and the approach taken to flood mitigation this includes the provision of a beneath ground water storage tank with a capacity of 6.8 cubic metres. The building has also been set 1m back behind the edge of the culvert.
- 3.8 Foundation Report – This provides details of existing and proposed drainage patterns, the location of the culvert and details of sub-structure including piling and a suspended floor slab. Proposed floor levels are confirmed to be 16.99 AOD.
- 3.9 Code for Sustainable Homes – This document confirms that the dwellings meet Code Level 4 with a score of 68.15. The commercial unit is confirmed that it will achieve an 'Excellent' rating.

4.0 Consultation

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

The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. The Environment Agency were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 Neighbour notification letters were sent to 69 properties and to local ward councillors. 3 objections were received with the comments summarised below.

- light will be lost to Riverside Court, where lighting is already a problem.
- Existing privacy would be lost.
- Loss of habitat, habitat and greenery
- This building would make the area a less desirable place to live.
- Building is too high for the plot.
- There are too many flats, and something low rise is more appropriate.
- What is the plan for the commercial unit and resultant noise and disturbance?
- Stability issues of the land close to the Quaggy River.
- I do not want to be overlooked.
- Parking is very limited already
- Disruption of building work .
- This development is not required in the area, more restaurants are needed.
- Building is a fund raising exercise for Lewisham Council.

(Letters are available to Members).

Written Responses received from Statutory Agencies

- 4.4 Environment Agency – The Environment Agency are satisfied that the updated Foundation Scheme Report (Issue 2, 29.08.14) reflects the 'reduct' survey information and that the method appears sound for installation. The FRA (dated 24.11.14) has been updated with the finished floor level of 16.99mAOD as requested. The 1m set back from the culvert should be secured by condition.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

Other National Guidance

5.5 The other relevant national guidance is:

Climate change

Design

Flood Risk and Coastal Change

Renewable and low carbon energy

Use of Planning Conditions

London Plan (July 2011)

5.6 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.1 Climate change mitigation
 Policy 5.2 Minimising carbon dioxide emissions
 Policy 5.3 Sustainable design and construction
 Policy 5.7 Renewable energy
 Policy 5.11 Green roofs and development site environs
 Policy 5.12 Flood risk management
 Policy 5.13 Sustainable drainage
 Policy 6.9 Cycling
 Policy 6.13 Parking
 Policy 6.15 Strategic rail freight interchanges
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:
- Accessible London: Achieving an Inclusive Environment (2004)
 - Housing (2012)
 - Sustainable Design and Construction (2006)

Core Strategy

- 5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 5 Areas of Stability and Managed Change
 Core Strategy Policy 1 Housing provision, mix and affordability
 Core Strategy Policy 7 Climate change and adapting to the effects
 Core Strategy Policy 8 Sustainable design and construction and energy efficiency
 Core Strategy Policy 10 Managing and reducing the risk of flooding
 Core Strategy Policy 11 River and waterways network
 Core Strategy Policy 12 Open space and environmental assets
 Core Strategy Policy 14 Sustainable movement and transport
 Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

- 5.9 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

- 5.10 The following policies are considered to be relevant to this application:
- | | |
|--------------|---|
| DM Policy 1 | Presumption in favour of sustainable development |
| DM Policy 14 | District centres shopping frontages |
| DM Policy 17 | Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) |
| DM Policy 22 | Sustainable design and construction |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches |
| DM Policy 30 | Urban design and local character |
| DM Policy 32 | Housing design, layout and space standards |
| DM Policy 33 | Development on infill sites, backland sites, back gardens and amenity areas |

Residential Standards Supplementary Planning Document (August 2006)

- 5.11 This document sets out guidance and standards relating to design, sustainable development, renewable energy, flood risk, sustainable drainage, dwelling mix, density, layout, neighbour amenity, the amenities of the future occupants of developments, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility, and materials.

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping

Principle of Development

- 6.2 DM Policy 32 of the adopted Development Management Local Plan states that ‘the Council expects all new residential development to be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting for both its future residents and its neighbours and meet the functional requirements of future residents.
- 6.3 The National Planning Policy Framework states that Planning ‘should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity. The site is well served by public transport, being located closer to Lee and Blackheath railway stations and is therefore considered a sustainable location and would utilise previously developed land. Residential use is a priority in London and the borough and it is considered that an additional eight units would make a valuable contribution towards meeting housing need.

- 6.4 The proposals would make use of previously developed land, and Officers have not raised an objection to the principle of redevelopment, subject to securing a development of the highest design quality.
- 6.5 An objection has been received regarding the loss of the restaurant unit, however, there are no planning policies which seek to retain A3 uses and the restaurant has ceased trading for some number of months now. The proposals would re-provide a ground and first floor commercial units (Use Classes A1, A2, B1 or D1 as an art gallery) which is considered to be acceptable in this location as part of the Lee Green district centre. It is also noted that planning permission has previously been granted for a similar development on this site, although it was never implemented.

Design

- 6.6 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Whilst paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.
- 6.7 Core Strategy Policy 15 states that the Council will apply national and regional policy and guidance to ensure the highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.8 The existing building is of no particular architectural merit and there is no objection to its demolition in principle, subject to any replacement building being of high quality. It is noted that the redevelopment of this site has been granted in 2008, but the permission was never implemented.
- 6.9 The site is set between 4 storey Victorian terraces set to the north and 2 and 3 storey mixed use buildings to the south and marks a transition between the two. The proposed building comprises two connected blocks, a two storey office building set back from the highway edge, with a taller 4 storey block set to the rear of the site. The building would stand taller than the eaves of the adjacent building No. 114 Lee Road to the north, but would be positioned well below the ridge. The composition of the building is largely identical to that previously refused, but which was not considered objectionable on appeal with the Inspector stating that 'the flat roof design of the building would mean that its overall height would be subservient to neighbouring development'. It is therefore considered that the articulation of the block and projecting balconies create visual interest and would be of an acceptable scale and mass in the streetscene.
- 6.10 The tallest element of the building is set well back from the street and is considered to be of minimal visual impact when viewed from the south due to the position of the existing buildings on Lee Road.
- 6.11 When viewed from the north the building would be much more visible, but owing to the staggered front elevation and set back nature of the four storey block is considered to acceptably integrate with the street scene. The set back position of the building due to the culverted Kid Brook also increases the width of the pavement and therefore provides an improved setting for the building which is

considered to enhance the setting of the building. It is considered that the height and massing is appropriate and it is noted that at appeal the Inspector raised no objection to the height of scale of the building.

- 6.12 The design is contemporary, which there is no objection in principle provided that the design is high quality. The elevations would be finished in two tones of contrasting brick with timber privacy screens for the balconies. The proposed material palette is considered to be acceptable however, samples, including the colour of mortar are required to be secured by condition.
- 6.13 Officers previously objected to the provision of an external staircase (enclosed by a timber screen) on grounds of poor design. This has been omitted from the revised scheme due to the amended layout, which is welcomed.

Housing

a) Size and Tenure of Residential Accommodation

- 6.14 All units are for private accommodation which is acceptable in this instance as the scheme is below the 10 unit threshold trigger for affordable housing.
- 6.15 The London Plan sets out minimum floor spaces standards for dwellings of different sizes (Policy 3.5). These are based on the minimum gross internal floor space required for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and circulation, in line with Lifetime Home Standards. The quality of the proposed accommodation needs to be carefully considered in relation to the Council's LDF and the London Plan. The London Housing SPG is also a material consideration, and contains further guidance on internal layout. A 1 bedroom, 2 person dwelling should have a minimum gross internal area (GIA) of 50 sqm, with a 2 bedroom, 3 person dwelling at 61 sqm, rising to 70 sqm for a 4 person dwelling. The plans confirm that each unit meets the minimum space standards.

b) Standard of Residential Accommodation

- 6.16 In refusing the previous application, Officers had raised objection to the layout of unit 2, a 1 bedroom ground floor unit. Concern was raised that this unit would be poorly lit, due to its northerly aspect and although comprises high level windows serving the bathroom and kitchen would not adequately constitute a dual aspect flat. At appeal the Inspector stated that 'the nearest development to the south would be sufficiently far away for sunlight to be able to enter through these windows'. The bedroom was shown with only a north facing window which was not considered acceptable, the revised plans include the provision of a high level window facing south. This window would match those already present for the kitchen and bathroom and as such is considered to be acceptable to create a dual aspect room.
- 6.17 All other units in the development are dual aspect which is acceptable.
- 6.18 Each dwelling is provided with private amenity space. Unit 1 at ground floor is provided with two private terraces measuring a combined 22 sqm. Each terrace is considered to be of a practical shape for every day use.
- 6.19 Unit 2 is provided with a terrace facing onto the communal courtyard and access. In refusing the previous scheme, Officers objected to this layout, citing concerns regarding privacy.

The Inspector at appeal considered that ‘the front boundary treatment proposed to the terrace would consist of planting, a bench and gate. Subject to appropriate design, which is a matter that could be controlled by condition, these features would provide an acceptable level of privacy for future occupiers’. The terrace proposed with this revised scheme continues to enclose the terrace by a 1.8m high planted screen with gate. Further details of the boundary enclosure can be secured by condition and as such, the proposals are considered acceptable.

- 6.20 The upper level balconies are enclosed by timber privacy screens, these were considered to be acceptable at appeal and subject to further details of their (to be secured by condition) these are considered to be acceptable would provide privacy for future occupants and restrict overlooking to existing occupants.
- 6.21 With regards to Lifetime Homes, Core Strategy Policy 1 requires all new dwelling to be built to meet Lifetime Homes standards. The applicant states that the units are lifetime homes compliant with the exception of points 1, 2, 5, 12 as the scheme as car free and does not propose a lift.
- 6.22 The Lifetime Homes Criterion 5 (communal stairs and lifts) states within the Good Practice recommendations that two lifts should be provided within blocks of 4 or more storeys, and where no lift is provided consider the potential to enable provision at a later date.
- 6.23 The building does not accommodate a lift, neither does the layout indicate a potential space for future installation, meaning that occupiers would need to walk up to the upper level flats. This is not an ideal arrangement and it is considered that this would limit the potential occupiers looking for a dwelling in this location. However, the installation of lifts is not a requirement of Lifetime Homes and is not considered a grounds for refusal. With no lifts, the ground floor units (a 1 bed and 2 bed) would be accessible to wheelchair users.

Highways and Traffic Issues

a) Access

- 6.24 Access is retained into the development via Lee Road. There is no vehicular access into the site, all residential units would be accessed via a communal courtyard, set on the northern boundary of the site. The Lee Road facing commercial unit is accessed directly from the street. The access arrangements are considered to be acceptable.

b) Servicing

- 6.25 Servicing (refuse and recycling collection and deliveries) would continue to take place from Lee Road, as per the existing arrangements. This is considered to be acceptable.

c) Cycle Parking

- 6.26 The ground floor courtyard provides an area for cycle parking. The level of provision is acceptable, as is the location. However, to ensure that the cycle storage is of an acceptable quality, details are to be secured by condition.

d) Car Parking

- 6.27 The site is located between Blackheath and Lee national rail stations. Lee Road is served by the 202 bus and several other bus routes are found the south by Lee Green. It is considered that the site is reasonably accessible by public transport.
- 6.28 The 2008 permission did not provide car parking. Officers raise no objections to a car free scheme in this location. No objections have been received from the Council's Highways Officer.

f) Refuse

- 6.29 An area for refuse storage is provided adjacent to the site entrance from Lee Road. The site would be serviced from the highway, as existing which is considered acceptable given the limited scale of the development.

Impact on Adjoining Properties

- 6.30 DM Policy 32 Housing design, layout and space standards states that all new build residential development should be attractive and neighbourly and respond positively to the site specific constraints and opportunities.
- 6.31 The nearest occupiers are No. 114 Lee Road set to the north of the site and Riverside Court set to the south west
- 6.32 Concern has been raised from a resident of Riverside Court to the rear that the scheme would reduce already limited levels of privacy.
- 6.33 There are two sets of windows on the rear elevation, one set – high level obscure glazed windows would serve the kitchens of the relevant units on each level, these would face onto Riverside Court but are not considered to result in overlooking.
- 6.34 An additional set of windows, serving a bedroom at each level is full height and would not be obscure glazed, given the intended use of the room. These too face onto Riverside Court but are set in from the rear boundary by approximately 3-3.5m, due to the sloping rear boundary. Given the minimum 17m separation distance to Riverside Court, and that building's position to the south west of the application site, it is not considered that the proposals would result in overlooking or loss of privacy.
- 6.35 The applicant has provided a shadow projection study within the Design and Access Statement, this projects the shadow from the building on the 21st March at 9.30, 13.00 and 15.30 and shows that the building would create shadows largely over Lee Road and the front garden of no 114. There would be an element of shadowing over Riverside Court, however, the diagram shows that the land surrounding this building is largely in shadow due to the southerly orientation and height of the building. It is not considered that the proposed building would result in an unacceptable impact upon neighbouring occupiers.
- 6.36 Within the objections received is concern regarding construction impact. Although not a reason for refusal, construction impact can be appropriately managed through planning conditions.
- 6.37 A commercial unit is proposed to the site frontage, located at ground and lower ground floors. The proposal is that this would be a flexible use space capable of accommodating A1/A2/B1 or D1 (gallery only) uses.

No details are provided as to the intended fit out or finish of the unit, nor how it would be serviced. However, the unit is considered to be of an acceptable size, and should permission be granted, conditions could be attached to restrict the Use Class and operating hours.

Sustainability and Energy

a) Renewable Energy

- 6.38 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.39 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
 - 2 Be clean: supply energy efficiently
 - 3 Be green: use renewable energy.
- 6.40 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4 and non residential buildings to achieve a BREEAM rating of 'Excellent'.
- 6.41 The applicant has submitted a CfSH pre-assessment which confirms that the scheme can meet Code Level 4. This is acceptable and is to be secured by condition. The submitted document states that the commercial unit would achieve BREEAM Excellent, and similarly a condition requiring this would also be recommended.

b) Living Roofs

- 6.42 DM Policy 26 Biodiversity, living roofs and artificial playing pitches requires development to take full account of biodiversity and geodiversity in development design, ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity. The applicant has proposes green roofs which extend across the building. The documents submitted stated that these would be sedum matt roofs, however, sedum blankets are homogenous, largely non-native, light clip on living roofs that do not fulfil the definition of a biodiversity based system. The applicant has therefore agreed to install a living roof based on the Council's preferred system. This is to be secured by condition, and the applicant has confirmed by email that the scheme as designed is capable of providing a living roof.
- 6.43 Objections have been received on the basis of the loss of a landscape strip which borders the site and Riverside Court which may be damaged during construction works. Plants in this border use the flank wall of the building to be demolished for

support. It is considered that there is not a valid grounds for refusal based on the potential loss of these plants, however, through a construction management plan details of hoarding can be secured to minimise damage. In terms of landscape improvement, the existing site is covered in hard standing and the proposal provide living roofs and areas for soft landscaping which would represent an improvement over the existing site. The installation of bird and bat boxes can be secured by condition and it is therefore considered that the scheme is acceptable in this regard.

Flood Risk

- 6.44 The site is located within Flood Zone 2/3 due to its close proximity to the River Quaggy and the culverted Kid Brook. Core Strategy Policy 10 states that ‘applicants will need to demonstrate that their proposal will deliver a positive reduction in flood risk to the borough, whether that be by reducing the frequency or severity of flooding (for example, through the introduction of sustainable urban drainage systems and/or living roofs and walls), or by reducing the impact that flooding may have on the community.’
- 6.45 Core Strategy Policy 12 promotes the use of living roofs and walls in accordance with London Plan Policy and Core Strategy Policy 8.
- 6.46 The culverted Kid brooke flows south along Lee Road close to the front boundary of the site before joining the River Quaggy to the south. A previous proposal was dismissed on appeal due to the impact upon flooding. A ground penetrating radar (GPR) survey indicated that the culvert is located approximately 0.5m away horizontally from the front boundary of the site. However, the GPR survey only shows an approximate location of the culvert. No intrusive tests were carried out and in the absence of this the appeal failed.
- 6.47 As a result, this resubmitted scheme provides additional assurances for the location of the culvert, raises ground floor finished levels, sets the building 1m back from the edge of the pavement (further away from the culvert) and provides a storage tank below ground for water.
- 6.48 Representations received from the Environment Agency raise no objections to the proposals subject to conditions.

7.0 Local Finance Considerations

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

8.0 Equalities Considerations

8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

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

Conclusion

8.3 This application has been considered in the light of policies set out in the development plan and other material considerations.

8.4 It is considered that the applicant has successfully addressed the concerns raised by the Inspector at appeal in relation to flooding and flood risk. The building now proposed flood mitigation measures by way of a storage tank underground and is set 1m behind the edge of the culvert. No objection has been raised from the Environment Agency.

8.5 The quality of accommodation and design of the building are considered to be acceptable and the ground floor commercial unit would provide a mixture of uses which would compliment the Lee Green district centre. It is recommended that planning permission is granted.

9.0 **RECOMMENDATION GRANT PERMISSION** subject to the following conditions:-

1. Time Limit

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. Development in accordance with approved plans.

The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

Design and Access Statement, Site Location Plan, E_001, S/E_001, E_004, Is 00, Ip1, Ip2, Ip3, P_00L, P_00X, P_001X, E_001X, E002X, E_003X, E_004X, Code for Sustainable Homes, P_01S, 5704/5001 P2, 5704/8500a P1, 5704/500 P1, 5704/502 P2, Reduct Survey, Kyd Brook Culvert Survey.

Foundation Scheme Report, Flood Risk Assessment received 24/11/2014.

P_000 rev B, P_001, rev A, P_002 rev A, P_003 rev AE_003 rev A, S_001 rev A, E002 rev A, P_004GR rev A received 28/11/2014.

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. Construction Environment Management Plan

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 related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (iv) Hoarding lines.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2011).

4. BREEAM

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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

5. Code for Sustainable Homes

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

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

6. Details of Materials

No development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows and external doors/roof coverings to be used on the building(s) 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 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. Details of shop fronts

- (a) No development shall commence on site until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop fronts have been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies, awnings and the entrance.
- (b) The development shall be constructed in full accordance with the approved details.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

8. Cycling spaces

- (a) A minimum of 10 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved P_000 rev B.
- (b) No development shall commence 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. Hard Landscaping

- (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), 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.

10. Details of boundary enclosures

- (a) Details of the proposed boundary treatments including any gates, walls or fences (including the gate and screen to Unit 2) shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with 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).

11. Living roofs

- (i) Details of the living roofs proposed within the scheme shall be submitted to and approved in writing by the local planning authority prior to any superstructure works commencing on site.

The living roofs and walls shall be:-

- a) Biodiversity based
 - b) Provide extensive substrate base for the roofs (depth 80-150mm).
 - c) Planted/ seeded with an agreed mix of species within the first planting season following the practical completion of the building works.
- (ii) Evidence that the walls and roof have been installed in accordance with sub-points (a) to (c) above shall be submitted to and approved in writing by the local planning authority prior to any part of the building coming into use.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) , 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. Lifetime Homes

Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. Ip1, Ip2, Ip3 hereby approved.

Reason: In order to ensure an adequate supply of 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).

13. Plumbing and Pipes

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

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).

14. Retention of amenity space

The whole of the amenity space (including roof terraces and balconies) as shown on drawing no. P_000 rev B, P_001 rev A, P_002 rev A, P_003 rev A hereby approved shall be retained permanently for the benefit of the occupiers of 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).

15. Use of flat roofs

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed extension/flat roof on the building(s) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with 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, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

16. Construction hours

No deliveries in connection with construction works shall be taken at or despatched from 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.

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: 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).

17. Commercial uses

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the ground/ first floor commercial unit shall be used within classes A1, A2, B1 or D1 (as an art gallery) and for no other purpose (including any other purpose in Class Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: In order to protect residential amenity and in order to support a mixture of retail uses in accordance with DM Policy 14 District Centres Shopping Frontages of the adopted Development Management Local Plan (November 2014).

18. Hours of opening

The ground/ first floor commercial unit shall only be open for customer business between the hours of 08:00 and 20:00 on Monday to Sundays.

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, DM Policy 32 Housing design, layout and space standards and DM 14 District centres shopping frontages (November 2014).

19. Distance from Culvert

No part of the proposed permanent works shall be located over, or within 1m horizontally, of the Kid Brook culvert.

Reason : To reduce the risk of flooding by ensuring that the culvert adjacent to the site is accessible for future maintenance and/or improvement works.

20. Surface Water

Development shall not begin 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 subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity.

21. Remediation Strategy

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1 A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: For the protection of Controlled Waters. The site is located over a Secondary Aquifer and within a groundwater Source Protection Zone (SPZ2). No information has been provided to confirm the contamination status of the site.

22. Additional remediation strategy

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development ground works. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

23. Verification report

Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by

the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority.

Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

24. Surface Water Drainage

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

25. Piling or other foundation design.

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.

26. Bird and Bat boxes

Details of the number and location of the bird/bat boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

27. Wheelchair units

The 1 wheelchair dwellings hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no.s P_000WC approved prior to their first occupation. For the avoidance of doubt where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

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).

INFORMATIVES

- (1) 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 in relation to flooding being submitted, this resulted in the building being relocated further away from the culvert.
- (2) 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.
- (3) In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.

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116 Lee Road



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Committee	PLANNING COMMITTEE C	
Report Title	Holbeach Primary School, Doggett Road SE6	
Ward	Rushey Green	
Contributors	Suzanne White	
Class	PART 1	15 January 2014

<u>Reg. Nos.</u>	DC/14/89175
<u>Application dated</u>	18.09.14 [as revised on 17.12.14]
<u>Applicant</u>	GL Hearn on behalf of Bailey Partnership
<u>Proposal</u>	Expansion of Holbeach Primary School, Doggett Road SE6, comprising the demolition of existing single storey extensions; internal alteration and refurbishment of the main school building; erection of single storey extension with rooftop play deck to the northern elevation; erection of a single storey classroom building with rooftop play space; re-configuration of accesses including new main visitor entrance from Nelgarde Road with associated landscape and external works.
<u>Applicant's Plan Nos.</u>	24211/500, 24211/501, 24211/502, 24211/503 B, 24211/504 A, 24211/505, 24211/506A, 24211/507A, 24211/508C, 24211/509A, 24211/510B, 24211/511C, 24211/512C, 24211/513H, 24211/514, 24211/515G, 24211/516E, 24211/517E, 24211/518 D, 24211/519 C, 24211/523 F, 24211/524 A, 24211/526, 24211/530 K, 24211/531 J, 24211/532 B, 24211/534, 24211/535 A, 24211/535.1 A, 24211/536 A, 24211/536.1 B, 24211/537 B, 24211/537.1 B, 24211/538, 24211/539, 24211/540, 24211/569, 24211/572, 24211/573, 24211/575, 24211/584, 24211/585, 24211/586, AIA24314-003-B-protect, IA-367-LGA-P01, Fire Strategy Plan, Design & Access Statement, Heritage Statement, Landscape Statement, Arboricultural Impact Assessment and Method Statement, Extended Phase 1 Habitat Survey Report, Site Investigation Report, Five Year Landscape Management Plan, Construction Management Plan Statement, External Plant, Photovoltaics and Green Roof Specification.
<u>Background Papers</u>	(1) Case File LE/849/A/TP (2) DC/14/89225

	(3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Grade II Listed Building
<u>Screening</u>	Environmental Statement not required (Screening Opinion issued January 2015)

1.0 Site Description

- 1.1 Holbeach primary school is a Grade II listed three-storey building, set within a large playground and surrounded by a boundary wall. It fronts on to Doggett Road and is bounded by Bradgate Road to the north, Nelgarde Road to the east and Holbeach Road to the south.
- 1.2 The school comprises a main school building, school keeper's cottage and a number of small outbuildings including a disused toilet block. The listing includes the main school building, school keeper's cottage, boundary wall and entrance gates.
- 1.3 The main school building is a fine example of a T J Bailey London Board School. It was opened in 1901 with enlargements added in 1904-5. The southern wing was added in 1914 and over the course of the 20th Century, various alterations and extensions were added. It is considered to be a *"handsome and striking example of a London Board School, designed by the Board's architect T J Bailey and notable for its dramatic roofline of towers, chimneys, gables and dormers"* (listing description).
- 1.4 It is of stock brick construction with blue-brick plinths and dressings of red brick and buff terracotta. It sits at the centre of a good historic ensemble comprising of original boundary walls, entrance gates, toilets blocks and gate keepers house. The site also includes two extension blocks located to the west of the main school building. A sub-station is located in the north-east corner of the site.
- 1.5 The school is not located within a conservation area and there is no Article 4 Direction pertaining to it.
- 1.6 The site covers approximately 0.54hectares. The school is situated in a predominately residential area, approximately 5 minutes walk from Catford Town Centre and Catford Bridge Rail station. It has a PTAL rating of 5 (very good). It is also located within Flood Zone 2.
- 1.7 The site is bounded by two-storey, predominantly Victorian terrace, residential properties to the north, east and south. To the west is the railway line, beyond which is the former Catford Stadium site, currently being redeveloped as a residential led scheme incorporating retail and community facilities.
- 1.8 The school is currently a two form entry school with bulge classes and a 26 place nursery. The total number of pupils is 506 and the staff numbers are 90.
- 1.9 The site currently has three drop off/pick up pedestrian access points located along Doggett Road. There are two vehicular entrance gates on Nelgarde Road

providing servicing and delivery and emergency access points. There is no off-street parking provided on site.

2.0 Planning History

2.1 The relevant and recent entries are summarised below:

DC/01/48396 - The construction of a single storey building on the site of the external block at Holbeach School, Doggett Road SE6 to provide an after schools club, together with the replacement of timber gates with a yellow stock brick wall. This application was approved on 6 July 2001.

DC/13/82615 - Listed Building Consent for the removal of dilapidated crèche at the northern end of site, together with the retention of external boundary wall and bricking up the opening fronting Bradgate Road. Listed Building Consent was approved on 22 August 2013.

3.0 Current Planning Applications

The Proposals

- 3.1 Applications for full planning permission and listed building consent have been submitted. This report is concerned only with the planning application- further details are required for the Listed Building consent and it will therefore be determined separately. At present, as there has only been one objection, the listed building consent application can be recommended for determination under delegated powers. It is understood that securing listed building consent is less urgent for the applicant as it is planning permission that enables a contract to awarded. No works relating to listed fabric e.g. through demolition can take place until listed building consent is in place.
- 3.2 The proposals comprise the refurbishment and extension of the school to enable expansion from the existing two form entry (plus bulge classes) to three forms of entry to provide new school places. It comes forward as part of the Council's Primary Places Programme 2014 – 2017 and with Department for Education funding which requires the delivery of additional pupil places at Holbeach Primary School by September 2015.
- 3.3 There are currently 506 pupils at the school, which includes bulge classes and a 26 place nursery. It is proposed that pupil numbers will be increased incrementally by 1 reception class per year until the school has reached its capacity of 630 pupils by 2019. Staff numbers are set to increase from 90 existing to 95 full time equivalents.
- 3.4 The development proposals are comprised of several elements as follows:

Dining hall extension - this comprises a single storey extension to the main school building to the north, on what is currently play area. It would be connected to the main building via a glazed link. It would provide a new dining hall, kitchen and toilet facilities. The flat roof above would provide replacement play space, accessed via an external stair. A mono pitch green roof slopes up from the boundary wall on Bradgate Road to enclose the playdeck on this side. The building is set back from the main (west) elevation of the main school building.

New classroom building – a new single storey building is proposed on the southern boundary wall. The proposed building will contain 3no. classrooms with toilet facilities. The flat roof above provides a second external teaching/play area.

Main school building - The existing single storey rear extensions located to the west of the existing building are to be removed to restore the south and west elevations to their original state. A new entrance to the school building is proposed for the eastern elevation fronting Nelgarde Road. Photovoltaic panels are proposed to be attached to the inward roof slopes.

The proposed new floorspace amounts to 779sqm. Taking into account proposed demolition of 222.7sqm, the net increase is 556.3sqm. The proposed extensions and new building are proposed to be finished in brick. Windows and doors will be of dark grey aluminium double glazing. The rooftop play decks will be enclosed by obscure glazing panels.

Access

Two of the drop-off/pick-up points on Doggett Road will not change. The listed gates on Doggett Road will be retained and kept locked under the proposals. A new vehicular access, for fire tenders, is proposed to be added on Doggett Road.

Both existing vehicular accesses on Nelgarde will be narrowed. The access to the south will be used for drop-off/pick-up of the three reception classes. The northern access will continue to be used for servicing and refuse collection. A new main entrance to the school, for visitors, is proposed to be added on Nelgarde Road.

Landscape improvements – the scheme proposes the following landscape improvements:

- Re-location of ball court to north western corner of site and new fencing
- Nelgarde Road boundary improvements and existing railings renovated.
- Large area of artificial grass within the main playground area to create a softer multifunctional surface for educational, sports and play uses.
- New playground play equipment
- New Early years playspace with covered sandpit, play trail, artificial grass lawn and freespace for activities.
- Improved outdoor learning spaces
- Quiet seating spaces with planting
- New area for gardening and growing.
- Improved planting
- New cycle and scooter storage.

3.5 The proposals also include a cycle store and a reconfigured refuse storage area.

3.6 In terms of programme it is understood that, subject to planning approval, demolition/construction will commence in Spring 2015.

4.0 Consultation

4.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

- 4.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors. English Heritage were also consulted.

Pre-Application Consultation

Pre-application consultation by applicant

- 4.3 The submitted Statement of Community Involvement provides details of pre-application consultation undertaken by the applicant. This consisted of meetings with planning officers, the school governors, staff, parents and pupils. An event was held on 5th June to which local residents were invited. The key concerns raised, as set out in the statement, were:

- Ensuring the retention of the Nursery School at Holbeach Primary School;
- Maintaining good levels of play space for children admitted to the School; and
- Management of works on site whilst the school is occupied and operational.

- 4.4 Following submission of the planning and listed building consent applications, the applicant arranged a further consultation event with the community on the 26th October 2014. No details of the event or feedback have been submitted.

Written Responses received from Local Residents and Organisations

- 4.5 Objections were received from the occupiers of 84, 96, 110, 116 & 122 Nelgarde Road and 127 Bradgate Road. Comments were received from the occupier of 106 Nelgarde Road. The concerns raised were as follows:

- Increased parking demand from additional teachers. Teachers can apply for permits and sometimes park in the residents' only side of Nelgarde Road
- Increased traffic as a result of additional pupil drop-off and pick-up. Traffic situation already bad at these times.
- Concern that reception entrance moved to Nelgarde Road, which could cause impacts on neighbouring occupiers in terms of safety, congestion and noise pollution
- Despite school travel plan encouraging use of public transport, walking and cycling, many parents still drive
- Noise as a result of traffic and elevated playground areas
- Lack of consultation with local residents
- Loss of outlook and privacy due to overlooking from rooftop play areas on new building and extension
- Disruption during construction works
- S106 funding was likely to be available and could be used to improve the frontage of properties opposite the school on Nelgarde Road.

4.6 In respect of the last point above, S106 contributions can only be sought to mitigate the impacts of development. It is not considered that they could be applied to fund improvements to neighbouring properties. The other issues raised are considered in Section 6 below.

Pre-application comments from Statutory Consultees

4.7 At pre-application stage, English Heritage made the following key points:

- no objections to raising the wall along Holbeach Road to align it with the higher section at the corner with Nelgarde Road. New brickwork should be matching imperial brick.
- concerned about the increase of footprint to the north and south of the existing school building. The extension of the footprint of the hall to the north has brought the building line of this extension close to the building line of the existing school, the stair tower even projecting from it. We would suggest re-considering both the design and location of the stairs and present various options. We would also request that the footprint of the rooftop playground is reduced to the size of the actual building and does not extend over the colonnade in front of the building to the west in order to help with subservience. The colonnade to the front of the western elevation should be amended to a more lightweight form i.e. a pergola.
- concerned about the impact of rooftop playground area to both new buildings. Advise that a solution should be sought that sets the roof top playground area i.e. the screen well in from the edge to all sides in order to reduce the visual impact. A design solution should be considered that would not involve the use of brackets fixed externally to the elevation for the screen. Object to the use of glass for the screen and suggest that a visually more recessive material is used, possibly (non-shiny) perforated metal.
- support proposed new ball court and fencing in northwest corner of site, provided that a visually least intrusive type of enclosure is used, such as traditional wire fencing (as existing along Bradgate Road) or netting.

Written Responses received from Statutory Agencies

4.8 This section details the responses of statutory consultees to the application proposals.

Sustainability Manager

4.9 Initial comments from the Council's Sustainability Manager were: *"The development meets our BREEAM requirement but, to meet the carbon reduction standards they will either have to improve the carbon savings they are generating or pay into the carbon offset fund. Details of the calculation are available online. In the absence of doing so their application is not compliant with our policies and therefore I would recommend refusal on sustainability grounds."*

4.10 Following the submission of additional justification from the applicant and their agreement to make a financial contribution towards the Council's Carbon Offset Fund, the Sustainability Manager made the following comments: *"they address the scope for other measures to reduce carbon emissions. It's great they are*

investigating the PV option further but they could also look further at other stages of the energy hierarchy to see if there are further things that can be done. I agree with your calculation of the offset fund amount that would be required."

Highways and Transportation

4.11 The site is sited within a Town Centre and has an excellent Public Transport Accessibility level (of 5), there is also sufficient capacity on-street to accommodate any parking generated by the application. So, proposal to increase school capacity from 2 form entry to 3 form entry is unobjectionable, subject to the following:-

- The submission of a Delivery & Servicing Plan (DSP)
- Details of the proposed cycle storage.
- A condition to secure a revised School Travel Plan following the completion of the development
- The submission of a Construction and Logistics Plan (CLP), It should be submitted prior to the commencement of the development and should specify how the impacts of construction activities and associated traffic will be managed. The Plan should include details of how the impacts of construction activities and associated traffic will be managed while the school remains operational. The plan should include the following information:- details of delivery times, maximum number of construction vehicles per day, location of hoarding lines, if a banksman will be used at the site.

Environmental Health - Noise

4.12 Having considered the noise assessment, satisfied that this has provided justified reasoning to show that the introduction of the new play area will result in an overall general reduction although with some locations there will be the potential for some slight increase when compared to the previous noise levels. The increases will be during the school break periods and it is very difficult to assess but they've provided the best possible form of assessment they can. Can't see any reason to object on the basis of the information provided. The consultant has also supplied limit levels for the fixed plant. The applicant should follow the recommendations on the report to ensure disturbance isn't experienced to neighbours.

Environmental Health – Land contamination

4.13 Whilst in principle I would accept the sampling data and assume that the sampling rationale was targeted at the area of the proposed new buildings, I note from the landscape plan that there are proposals for an ecological sensory/nature trail area, and use as a gardening club! However, from the sampling plan soils do not appear to have been assessed in this area, with the nearest sample WS4 indicating exceedences for BaP and other contaminants! Consequently I would request a thorough characterisation of soils in this area and any other parts of the site where the sensitive site end users/receptors are likely to come into direct contact with the underlying soils!

- 4.14 Similarly I note there is a proposal for raised planter beds to be used by students for gardening activities; and consequently I would therefore request confirmation that the design of the planter will ensure complete separation of soils within the planter from underlying soils; and that all imported soils will be independently chemically validated, with the data agreed by our group before placement is undertaken.
- 4.15 The buildings proposed for demolition should be thoroughly assessed for the presence of asbestos containing materials, and if present a method statement should be provided, for their safe removal; and should also be forwarded to the HSE for any comment they may wish to make.
- 4.16 I assume that the proposed development works will take place when the school is unoccupied i.e. out of term time. However, if this was not to be the case and given the sensitivity of the site receptors, I would expect a method statement to be submitted stating how impact from potentially hazardous site dusts would be mitigated.

Ecology

- 4.17 The Council's Ecological Regeneration Manager made the following comments. I have only one area to comment upon which is in respect to the living roof. I note that this is going to be a sedum blanket roof with plug planting over a suitably deep reservoir board. Although this will not qualify as a biodiversity living roof which is what we would prefer, I nevertheless would like it to aspire as much as possible to that principle, it should therefore seek to have undulations to provide subtle changes in micro-habitat and be designed with the additional plug planting in mind. The D&A statement says the roof is an extensive roof systems by Bauder or similar. Bauder are quite capable of delivering such a roof but please ensure that whoever the installer is that they are registered with GRO and sign up to their code of practice. The document also specifies a substrate depth at 60-100mm and although this is fine please can we insure that the majority of the area has substrate in excess on 80mm, ideally undulating between 80-100mm but with infrequent shallower areas where 60mm is permissible.
- 4.18 I am happy that there is a commitment to entering into an ongoing maintenance contact post completion as this should ensure that a good quality roof is planned and implemented.

English Heritage

- 4.19 In respect of the planning application, English Heritage advised that they had no comments to make and that the proposals should be assessed by the Council as Local Planning Authority.

Environment Agency

- 4.20 The Environment Agency assessed the application and advised that it is covered by their standing advice, which should be referred to by the local planning authority in making a decision.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

5.3 National Planning Policy Framework

5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

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

Other National Guidance

5.6 The other relevant national guidance is:

Conserving and enhancing the historic environment
Design

Noise

Renewable and low carbon energy

Travel plans, transport assessments and statements in decision-taking

Use of Planning Conditions

London Plan (July 2011)

5.7 The London Plan policies relevant to this application are:

Policy 3.18 Education facilities

Policy 5.3 Sustainable design and construction

Policy 5.11 Green roofs and development site environs

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.9 Heritage-led regeneration

Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

5.8 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 2 Regeneration and Growth Areas

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Emerging Plans

5.9 According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). The following emerging plans are relevant to this application.

5.10 The following emerging plans are relevant to this application.

Development Management

5.11 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 38	Demolition or substantial harm to designated and non-designated heritage assets

6.0 Planning Considerations

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

- a) Principle of Development
- b) Conservation and Design
- c) Highways and Traffic Issues
- d) Impact on Adjoining Properties
- e) Sustainability and Energy
- f) Ecology and Landscaping
- g) Other considerations

Principle of Development

- 6.2 The site is already in use as a primary school and therefore, in principle its continued use for this purpose is considered acceptable. In terms of the increased intensity of this use, the following planning policies are relevant.
- 6.3 Paragraph 72 of the National Planning Policy Framework advises that *“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.”*
- 6.4 Policy 3.18 of the London Plan states that from a strategic perspective the ‘Mayor will support provision of early years, primary and secondary school and further and higher education facilities adequate to meet the demands of a growing and changing population to enable greater education choice’. Planning decisions which ‘enhance education and skills provision will be supported, including new build...which address the current projected shortfall of primary school places will be particularly encouraged’.
- 6.5 Core Strategy Policy 20 supports the improvement of schools within the borough.
- 6.6 The proposals would increase capacity at the school from two forms of entry to three as well as delivering a significant improvement in the standard of educational facilities.
- 6.7 On the basis of the above policy guidance, it is considered that, subject to matters of conservation, design, highways, sustainability and impact on neighbouring occupiers being satisfactory, the principle of development is acceptable. These issues are described and assessed below.

Conservation and Design

- 6.8 Urban design and the conservation of heritage assets are key considerations in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.9 Paragraph 128 of the National Planning Policy Framework (NPPF) advises that, in determining applications, Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 129 goes on to advise that *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or*

minimise conflict between the heritage asset's conservation and any aspect of the proposal."

- 6.10 In assessing the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 advises that *"great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional."*
- 6.11 National Planning Policy Guidance has recently been published to support the NPPF. It reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle.
- 6.12 London Plan Policy 7.8 advises that *"Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail."*
- 6.13 Core Strategy Policy 15 seeks to *"ensure any development conserves and enhances the borough's heritage assets, and the significance of their settings, such as conservation areas, listed buildings etc"*, while Policy 16 states that the Council will: *"ensure that the value and significance of the borough's heritage assets and their settings, which include the Maritime Greenwich World Heritage Site, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice."*
- 6.14 The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
- 6.15 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles.
- 6.16 Matters relating to the internal alterations and refurbishment of the listed structures, including the specification of windows and doors, the detailed treatment of links between original and new fabric and details of workmanship are reserved to the Listed Building Consent application. For this planning application, the heritage considerations are restricted to the impact on the heritage assets arising from the demolition and new build development proposed, as well as the landscape treatment.
- 6.17 In accordance with planning policy requirements, a Heritage Statement has been submitted in support of the application. It identifies that the School was Listed in 2009 on account of it serving as an intact and typical example of a school built, and extended, in a Queen Anne style, by the London School Board in the early

20th century. A further principal reason for the property's designation is its dramatic roofline of towers, chimneys, gables and dormers.

Demolition

- 6.18 The proposals involve the demolition of three existing flat roofed extensions and a toilet block as follows:
- a single storey 1970s nursery
 - a 1950s play shed
 - a 1950s kitchen addition
 - a 1947 toilet block
 - a temporary building to the south of the main building
- 6.19 The above structures are of limited significance and architectural quality. Their removal will return the principle façade of the building, in particular, to a state closer to its original form. These interventions are considered a benefit of the proposals.
- 6.20 A new vehicular access will also be created in the listed boundary wall and two existing accesses will be narrowed. This is considered a neutral impact, provided that the works are carried out sensitively and to a high standard. This can be secured by condition.

Dining hall extension

- 6.21 The dining hall extension has been the subject of extensive discussions between the applicant and officers in order to ensure that its form and appearance will sit comfortably within the setting of the main school building, whilst also optimising the amount of accommodation and play space that could be provided.
- 6.22 During the course of the application process a number of amendments were agreed with the applicant in order to make the extension more subservient to the main building and thereby reduce the impact on its setting. These amendments included: the removal of a projection above the pitch of the green roof; the setting back of the rooftop play deck on the west elevation in line with the footprint of the extension at ground floor level; the re-design of the external stair and the removal of a blue engineering plinth brick. These amendments were essential to simplify and 'lighten' the form of the extension, thereby helping to ensure that it would be subservient to the listed building.
- 6.23 English Heritage had also suggested using a perforated material for the screens around the playdeck. The applicant has advised that glass is preferred on account of its noise mitigation and screening properties. On balance, the use of translucent glass is considered an acceptable compromise.

New classroom building

- 6.24 Similar to the dining hall extension, this element of the proposals has been the subject of extensive discussions with the applicants through the pre-application and application stages.
- 6.25 This building is set on the southern boundary of the site, further from the main school building and adjacent to the listed school keeper's house. It is a single storey building, also with a rooftop play deck. In terms of height, the building sits below the surrounding boundary walls, with only the glazed screen to the play deck visible from the public realm.
- 6.26 During the course of the application determination process two amendments were agreed with the applicant. The first involved the removal of three ventilation stacks on the southern part of the roof and their replacement with low level louvers, concealed behind the boundary wall. The second was the redesign of one of the external stairs to a more lightweight structure. As with the northern extension, the blue engineering plinth brick was removed, again serving to simplify the design.
- 6.27 With the benefit of these amendments, the proposed classroom building is considered to be of good quality design and will not detract from the setting of the listed buildings.
- 6.28 Conditions have been specified requiring the approval of materials and details, in particular the brick specification and fixings for the glazed screens.

Main school building

- 6.29 The main interventions to the main school building include the removal of later, unsympathetic extensions and the addition of the dining hall extension, as described above. The link to the dining hall extension will require the replacement of one window in the northern elevation of the building with a door. This is considered a minor intervention, which is outweighed by the benefits of the proposals, in particular the provision of new pupil places.
- 6.30 A new entrance is proposed from Nelgarde Road, at the north eastern corner of the building. To create the entrance, a new door opening is made in place of an existing window. This is considered a minor intervention and, subject to appropriate detailing, is considered acceptable.
- 6.31 Where demolitions occur, for the most part the pre-existing architectural features are reinstated, e.g. timber sash windows to match existing. In some cases, where it aids the functioning of the building, a new treatment is provided, e.g. a doorway, though again this is specified to match the form and detailing of existing doors.

Landscape works

- 6.32 The playground area at present is largely comprised of tarmac. Much of the landscape works proposed comprise provision of new hard or soft landscaping and furniture, all of which is considered typical for a playground and would not be harmful to the setting of the listed structures.
- 6.33 The two elements which are considered most likely to have an impact are the boundary treatment on Nelgarde Road and the fencing to the ball court.

- 6.34 The existing boundary treatment on Nelgarde Road is comprised of black metal railings, behind part of which is a closeboarded timber fence which is unsightly and detracts from the setting of the listed building. The proposals as submitted show the timber fence extended and renewed, however officers have advised that other treatments must be considered in light of the harm to the setting of the main school building. It has been suggested to the applicant that a hedge would be more appropriate, whilst still providing the privacy required. The final treatment will be secured by condition.
- 6.35 Two pairs of wide vehicle gates on the Nelgarde Road boundary will no longer be required due to the playground layout changes and will be reduced in width to 1.5m to create a wide pedestrian entrances. The metal gates are proposed to be replaced with hardwood timber gates and the wall infilled to match existing. These amendments are considered an improvement to the existing situation and therefore supported.
- 6.36 The fencing to the ball court is proposed to be 4m high double wire polyester powder coated welded steel mesh panels in black. The fencing will be visible above the boundary walls of the school, however this is similar to the existing situation where the ball court and fencing sit in the north east corner of the site. Given the proposed specification, it is considered that the fencing not have a material impact on the setting of the listed structures.
- 6.37 Overall, it is considered that the design of the development proposals is generally of a good quality. They are sympathetic to the form, scale, materials and architectural of the listed structures and will not significantly harm their significance and respond positively to the local character of the area. For these reasons, the proposals are considered acceptable in design and conservation terms.

Highways and Traffic Issues

- 6.38 The applicant has submitted a Transport Statement which includes a parking survey.
- a) Access
- 6.39 The site currently has three drop off/pick up access points located along Doggett Road. Two vehicular access points for servicing, deliveries and emergency access are located on Nelgarde Road.
- 6.40 As part of the proposals, two drop-off/pick-up points are retained on Doggett Road. Access to the new reception classes is proposed from Nelgarde Road, via a modified access. The main visitor entrance will be from Nelgarde Road.
- 6.41 The new entrance on Nelgarde Road is for visitors, and therefore likely to have a comparatively low level of usage, spread across the day.
- 6.42 The new pupil access on Nelgarde Road will increase activity in this area and has been raised as a concern by local residents. The access will be used only for the reception classes (90 pupils), while other pupils (520) will use the accesses on Doggett Road. It is considered that, at this level of use, the new reception access is unlikely to give rise to significant impacts on the highway or residential amenity.

- 6.43 A condition has been added to ensure that the access arrangements are implemented as shown.
- b) Servicing*
- 6.44 The servicing arrangements for the school are not proposed to change and the applicant considers that the number of deliveries/collections will not change. However, to ensure that this is in line with the Council's guidelines and there is minimal impact on neighbouring properties a condition requiring a Delivery and Servicing Plan to be submitted to and approved by the Council is suggested by the Highways Authority.
- c) Cycle Parking*
- 6.45 Cycle parking requirements are set by the London Plan. For D1 Education development, Table 6.3 requires a minimum of 1 space per 10 staff and 1 space per 10 students. On the basis of an increase of 124 pupils and 5 staff members, a minimum requirement of 13 additional cycle parking spaces would be generated by the proposals. The applicant has indicated a cycle store and a condition will be added to ensure that the required number of spaces are provided.
- d) Car parking and traffic generation*
- 6.46 The application site is located within a controlled parking zone where parking is prohibited except for residents permit holders, permit holders, and visitors (pay and display) Monday to Friday from 9am to 7pm.
- 6.47 There is currently no parking on the school site and no parking is proposed as part of the application.
- 6.48 Core Strategy Policy 14 adopts a managed and constrained approach to car parking provision in order to contribute to the objectives of traffic reduction.
- 6.49 The Highways Authority was not consulted on the scope of the parking surveys, however they have been conducted in accordance with the Lambeth Methodology, which is widely accepted, and the Highways Authority has not raised any concerns in this respect.
- 6.50 The results of a parking survey of surrounding streets (Dogget Road, Nelgarde Road, Holbeach Road, Thomas' Lane, Silvermere Road, and Bradgate Road) within a 200metre distance of the school (a 2.5minute walk), undertaken on Tuesday 23rd September during morning and afternoon school peak hours are presented in the Transport Statement.
- 6.51 The parking survey shows 167 and 185 vacant spaces during the morning and afternoon peaks, respectively. Based on the most recent travel survey for staff and students of the school, undertaken in January 2013, of the five additional staff arising from the proposals, one is anticipated to drive to site. The additional pupil numbers are expected to generate an additional 26 set downs by parents during the morning and afternoon peaks, based on current travel patterns.
- 6.52 There is sufficient parking capacity in local streets to accommodate the additional parking and set down demand. The increased traffic will be noticeable, but is not likely to give rise to unacceptable impacts on the highway, safety or neighbouring amenity. The Highways Authority has advised that, given the site's high public transport accessibility and the parking capacity locally as identified in the parking

survey, that the proposal is unobjectionable subject to conditions, including a revised School Travel Plan and Construction Logistics Plan.

- 6.53 In conclusion, with the conditions identified above, it is considered that the highways impacts arising from the scheme can be adequately mitigated.

Impact on Adjoining Properties

Privacy

- 6.54 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity will need to be addressed by development proposals.
- 6.55 Concern has been raised by local residents that the proposed play decks will give rise to overlooking of their properties.
- 6.56 Access to the playdecks is expected to be limited to children and teachers and their use restricted to the school day and school term.
- 6.57 The applicant has sought to mitigate the potential for overlooking by specifying opaque glazing screens to the playdeck areas on any elevation facing residential properties. The glazing screens would have a height of 1.4metres from the finished floor level of the play decks.
- 6.58 The separation distances from the front elevations of surrounding residential properties to the closest point of the playdeck are as follows:

Bradgate Road: 23 metres

Nelgarde Road: 18 metres

Holbeach Road: 17 metres

- 6.59 There is no set standard in planning guidance for separation distances between the fronts of properties. As a reference, the Residential Standards SPD advises that separation distances for back-to-back residential relationships should be 21 metres. Front to front relationships are expected to be lower and should normally be determined with regard to the character of road widths in the area.
- 6.60 The above separation distances and glazing treatment are considered sufficient to keep the risk of overlooking of surrounding residential properties to a minimum.

Noise

- 6.61 A noise assessment was submitted in support of the application. The report indicates that the introduction of the new play areas will provide an overall reduction in noise experienced by surrounding residential properties, however there is potential for a slight increase to some properties in comparison with current noise levels. These increases will be during school break periods.
- 6.62 The Council's Environmental Health Officer has advised that this has been mitigated as far as possible in the proposals and to an acceptable level.
- 6.63 The noise assessment also sets limits for noise emissions from the proposed fixed plant. The Council's Environmental Health Officer has advised that this is

acceptable and should be secured by condition in order to ensure disturbance isn't experienced by neighbouring occupiers.

- 6.64 On the basis of the mitigation proposed, the proposals are considered acceptable in respect of noise.

Construction works

- 6.65 Concern has been raised about disruption to local residents arising from construction works. A condition requiring a Construction Management Plan, to address matters including construction traffic, parking and control of dust emissions, plus the Council's normal Code of Construction Practice will enable the Council to limit working hours to reasonable times in order to address these concerns, although it is inevitable that some disruption would occur during the demolition and construction phase.

Sustainability and Energy

- 6.66 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new non-residential buildings to achieve a BREEAM rating of 'Excellent'.
- 6.67 The application is supported by an Energy Statement. The report concludes that the proposals will achieve an average 19% reduction in carbon emissions, which is short of the reduction required by policy. The reasons provided are the listed nature of the building and the constrained nature of the site. The applicant was requested to explore other opportunities to reduce the carbon emissions of the proposals, but further improvements were not identified.
- 6.68 To mitigate the shortfall, the applicant has agreed to make a contribution to the Council's carbon offset fund. The Council's Sustainability officer has advised that, while reductions in carbon emissions through building design is preferable, a contribution is acceptable in lieu. This is in accordance with Core Strategy Policy CS8 which states that, where carbon reduction requirements 'cannot be adequately achieved on site', a financial contribution to an offset fund can be made.
- 6.69 A contribution of £8,149.50 has been calculated on the basis of a 2.612 tCO₂/yr x £104/CO₂ x 30 years, as set out in the Carbon Reduction and Lewisham Carbon Offset Fund Guidance document February 2014. The applicant has committed in writing to pay this contribution, which will be required upon commencement of development.
- 6.70 A BREEAM pre-assessment report submitted shows that the proposals will achieve a high BREEAM 'Excellent' score, which meets the requirements of Core Strategy 8 in this regard. This will be secured by condition.
- 6.71 Overall, the proposals are considered to make an adequate contribution to reducing the environmental impact of the development.

Ecology

- 6.72 Paragraph 117 of the NPPF advises that, to minimise impacts on biodiversity and geodiversity, planning policies should: promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.
- 6.73 London Plan Policy 5.11 states that major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible, to deliver several objectives including, among others, adaptation to climate change, enhancement of biodiversity and improvements to the appearance and resilience of buildings.
- 6.74 London Plan Policy 7.19C also states that, wherever possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity.
- 6.75 Core Strategy Policy CS12 Part (l) seeks to promote living roofs and walls in accordance with London Plan policy and Core Strategy Policy 8 while DM Policy 24 states that the Council will require all new development to take full account of appropriate Lewisham and London Biodiversity Action Plans and biodiversity guidance in the local list, in development design and ensuring the delivery of benefits and minimising of potential impacts on biodiversity and geodiversity. DM 24 goes on to provide guidance on the specification sought for living roofs.
- 6.76 The submitted Ecology Report states that the site is not situated within or bounding a statutory designated site, has overall low ecological value and that the proposed development will not adversely impact the conservation status of any protected species. The Council's Ecological Regeneration Officer concurs with these findings.
- 6.77 A sedum roof is proposed over the sloped part of the dining hall extension roof and small flat roof areas of the classroom building. The Ecological Regeneration Manager has advised that the sedum roof is acceptable biodiversity enhancement in this case, provided that it is specified to a high standard. This can be secured by condition.
- 6.78 On this basis, the proposals are considered to be in accordance with planning policy requirements in respect of ecology.

Other considerations

Flood Risk

- 6.79 As the site is located in Flood Zone 2 a Flood Risk Assessment has been submitted.
- 6.80 The proposals will not increase the overall impermeable area on site and there are no watercourses or rivers in the immediate vicinity. Therefore it is concluded that the scheme will have no impact on the surrounding area in terms of flood risk.

Trees

- 6.81 There are currently six trees on the site, of which it is proposed to retain one. The trees identified for removal are all 'C' Category trees i.e. low amenity or

aboricultural value, the removal of which should not impede development. The removal of these trees is considered acceptable, subject to appropriate replacement, which will be required by condition.

7.0 Local Finance Considerations

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

7.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.

8.0 Community Infrastructure Levy

8.1 The above development is not CIL liable.

9.0 Equalities Considerations

9.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

9.4 In this matter it is considered that there is no impact on equality.

10.0 Conclusion

10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

10.2 Officers consider that the proposals would make a significant contribution towards addressing the much needed placement of primary school places in the Borough.

10.3 The proposals as amended are considered to respond positively to the character and significance of the listed buildings in terms of their design and will not impact negatively on their setting.

10.4 The scheme will not give rise to significant impacts on the highway network or parking locally and is considered to have satisfactorily mitigated any potential impacts on the amenity of neighbouring occupiers.

10.5 Officers therefore consider that the scheme is acceptable in planning terms and recommend approval of planning permission, subject to the conditions set out below.

11.0 **RECOMMENDATION**

GRANT PERMISSION subject to the following 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:

24211/500, 24211/501, 24211/502, 24211/503 B, 24211/504 A, 24211/505, 24211/506A, 24211/507A, 24211/508C, 24211/509A, 24211/510B, 24211/511C, 24211/512C, 24211/513H, 24211/514, 24211/515G, 24211/516E, 24211/517E, 24211/518 D, 24211/519 C, 24211/523 F, 24211/524 A, 24211/526, 24211/530 K, 24211/531 J, 24211/532 B, 24211/534, 24211/535 A, 24211/535.1 A, 24211/536 A, 24211/536.1 B, 24211/537 B, 24211/537.1 B, 24211/538, 24211/539, 24211/540, 24211/569, 24211/572, 24211/573, 24211_575, 24211/584, 24211/585, 24211/586, AIA24314-003-B-protect, IA-367-LGA-P01, Fire Strategy Plan, Design & Access Statement, Heritage Statement, Landscape Statement, Arboricultural Impact Assessment and Method Statement, Extended Phase 1 Habitat Survey Report, Site Investigation Report, Five Year Landscape Management Plan, Construction Management Plan Statement, External Plant, Photovoltaics and Green Roof Specification.

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) (i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
 - (b) A commitment to working with the local planning authority's local labour and business coordinator.

- (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
- (d) Early warnings within the local planning authority's area of contracts to be let at the development.
- (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
- (f) Recommended training routes to secure jobs.
- (g) Proposals to encourage diversity in the workforce.
- (h) Measures to encourage local businesses to apply for work in relation to the development.
- (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
- (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
- (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
- (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
- (m) Provision of childcare and employee assistance to improve working environments.
- (n) Interview arrangements for jobs.
- (o) Arrangements for working with schools and colleges.
- (p) Measures to encourage local people into end use jobs.
- (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
 - The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
 - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
 - Number of days of work experience provided.
 - Number of apprenticeships provided.

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

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

Reason: In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs

to supports sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

- (4) 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 and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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 Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (5) Site contamination
- (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination. encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
 - (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a),

shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

(6) Fixed Plant Noise Control

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004)

(7) BREEAM for Non Residential Buildings

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (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).

(8) Architectural Details

- (a) Notwithstanding the details hereby approved, no development shall commence above ground level until detailed plans at a scale of 1:5 for the fixings to the glazed screens have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

- (9) No development shall commence on site until a detailed schedule and samples of all external materials and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. This shall include the erection on site of sample brick panels. 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 building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

(10) Cycle Parking Provision

- (a) A minimum of **13** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence 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).

(11) Hard Landscaping Details

- (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

(12) The development hereby approved shall be carried out in accordance with the tree protection measures set out in the approved Arboricultural Impact Assessment and Method Statement and following the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations).

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).

(13) Soft Landscaping

- (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 Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

(14) Boundary Treatment

(a) Notwithstanding the approved landscape plan, details of the proposed boundary treatment to Nelgarde Road shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Saved Policies URB 3 Urban Design and URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

(15) Living Roofs

(a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. 24211_530 K, 24211_537.1 B and 24211_523 F and Bauder Bituminous Green Roof System details hereby approved and maintained thereafter. The living roofs shall be installed by a GRO registered installer and the majority of the area shall have a substrate depth in excess on 80mm.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

(16) Ventilation Equipment for A3/A4/A5 Uses

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014).

(17) Delivery and Servicing Plan

- (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).

(18) Travel Plan

- (a) Within 3 months of occupation of the development hereby approved, a revised School Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London', shall be 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 once approved.
- (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. The Travel Plan must include use of the buildings/site for community purposes.

- (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).

- (19) The development hereby approved shall not be occupied until the highway in front of the existing vehicular accesses on Nelgarde Road have been reinstated in accordance with the permitted plans.

Reason: To confine access to the permitted points in order 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 the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

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

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

- (21) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the glazed screens to be installed on the rooftop play decks of the new extension and classroom building hereby approved shall be fitted as obscure glazed on any side facing residential properties and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with Core Strategy (2011) Policy 15 High quality design for Lewisham.

- (22) No deliveries in connection with construction works shall be taken at or despatched from 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.

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: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development

and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- (23) None of the trees shown as being retained on the permitted plans shall be lopped or felled without the prior written consent of the local planning authority. The tree shown as being retained on the permitted plans shall not be lopped or felled without the prior written consent of the local planning authority.

Reason: To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011).

Informative

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.

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