

## PLANNING COMMITTEE A

Date of Meeting: **THURSDAY, 23 APRIL 2015 TIME 7.30 PM**

PLACE: **THE COUNCIL CHAMBERS, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Abdeslam Amrani (Chair)  
James-J Walsh (Vice-Chair)  
Stella Jeffrey  
Obajimi Adefiranye  
Andre Bourne  
Amanda De Ryk  
Roy Kennedy  
Pat Raven  
Alan Till  
Paul Upex**

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  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 14 April 2015**

**For further information please contact:  
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	PLANNING COMMITTEE (A)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 23 April 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 (A)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 23 April 2015

### MINUTES

To approve the minutes of the meeting of Planning Committee (A) held on the 12 March 2015.

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Committee	PLANNING COMMITTEE A	
Report Title	2A BELL GREEN LANE, LONDON SE26 5TB	
Ward	Bell Green	
Contributors	Geoff Whittington	
Class	PART 1	Date: 23 APRIL 2015

<u>Reg. Nos.</u>	DC/14/87499
<u>Application dated</u>	14.05.2014
<u>Applicant</u>	Keith Chandler Ltd on behalf of Little Cherubs Nursery
<u>Proposal</u>	The construction of a second floor extension plus roofspace at 2A Bell Green Lane SE26, to provide 30 additional nursery spaces - 82 places in total.
<u>Applicant's Plan Nos.</u>	TP/BR/01, TP/BR/02, TP/BR/03, TP/BR/04, OS Map, Planning Statement and Travel Plan.
<u>Background Papers</u>	(1) Case File LE/170/2/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 property is a 2-storey detached building located to the western end of the site, and is currently in use as a daycare nursery known as 'Little Cherubs' for 52 children that operates between 07.30 and 20.00 Monday to Friday, 51 weeks a year. The application site measures 20 metres deep, and 12 metres wide.
- 1.2 The surrounding area is mainly residential in character. The nearest dwellings are on Porthcawe Road, which is a 4-storey block of maisonettes with ground level private gardens directly to the west of the application building. To the north is Elwis House, which is a 3-storey building accommodating flats, whilst to the south-east is a 4-storey block of flats, both with associated external spaces.
- 1.3 To the east of the application site on the opposite side of Bell Green Lane is Haseltine Primary School.
- 1.4 The nearest nursery is Happy Bunnies Nursery, which is located at 359/361 Sydenham Road, and has approximately 65 children and 13 staff.
- 1.5 The site is not located within a conservation area, and does not lie near any listed buildings.

- 1.6 Sydenham Road lies to the north and is well served by a number of bus routes, whilst Lower Sydenham Train Station lies within a short walking distance. The PTAL rating for the immediate area is 3, where on a scale of 1-6, 6 is excellent. There are limited on-street parking opportunities along this section of Bell Green Lane, but there are unrestricted spaces further to the south.

## **2.0 Planning History**

- 2.1 In 2000, permission was granted for the construction of an additional floor over the existing single storey building at UK House 2A Bell Green Lane SE26 to provide an additional classroom and associated facilities in connection with the existing day nursery, together with an office and store in the roof space and the provision of 3 Velux type roof lights.

## **3.0 Current Planning Applications**

- 3.1 The application proposes the construction of a second floor extension and roofspace to the existing nursery. The extension would measure 12.6 metres wide and 7.2 metres deep, spanning the full width and depth of the existing building. The height of the extension, including the new pitched roof, would be 5.7 metres, with the overall height of the building measuring 11.1 metres.
- 3.2 Facing brick, windows and roof tiles to be used in the proposed extension would match the existing building. Proposed windows would be positioned to the front and rear elevations, with the rear openings serving the two day-care rooms being frosted and fixed shut.
- 3.3 The proposed floorspace of 51.5sq.m would allow for 30 additional children aged between 0-5 years. The overall number of places would rise from 52 to 82.

## **4.0 Consultation**

### **Neighbours and Local Amenity Societies**

- 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 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

### **Written Responses received from Local Residents**

- 4.3 Six letters and a petition containing 18 signatures were received from the occupiers of nos 1, 2, 4, 7, 8 Porthcawe Road objecting on the following grounds;
- The nursery causes a lot of noise from children and staff;
  - Will completely block out the light to a bedroom and kitchen;

- Concerns with building works.

4.4 Five letters in support of the proposed development have been received from 10 Nesbit Court, 25A Bosbury Road, 25 Kangley Bridge Road, 30A Catford Hill and The House of Commons, stating;

- The Government has increased the funded places for 2 year olds to enable children from families with low incomes/ working tax credits/ universal credit etc to have the opportunity to access good quality childcare in their area. The Sydenham/ Bellingham area is one which greatly reflects this increased need;
- The requirement for good quality childcare in this area has risen greatly due to the provision of new houses and businesses in recent years;
- The extension will allow the nursery to positively support many more families and younger children in the future;
- The nursery is a valuable asset to the community;
- The extension is in keeping with the surrounding buildings and would not result in visual harm.

4.5 A petition with 16 signatures has been received in support of the proposal.

(Letters are available to Members)

## **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 shall 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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

## The London Plan (2015)

- 5.6 The London Plan policies relevant to this application are:
- Policy 3.9 Mixed and balanced communities
  - Policy 3.16 Protection and enhancement of social infrastructure
  - Policy 3.18 Education facilities
  - Policy 6.3 Assessing effects of development on transport capacity
  - Policy 6.9 Cycling
  - Policy 6.10 Walking
  - Policy 6.12 Road network capacity
  - Policy 6.13 Parking
  - Policy 7.4 Local Character
  - Policy 7.6 Architecture

## Core Strategy

- 5.7 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), 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
CS Policy 1	Housing provision, mix and affordability
CS Policy 14	Sustainable movement and transport
CS Policy 15	High quality design for Lewisham
CS Policy 19	Provision and maintenance of community and recreational facilities
CS Policy 20	Delivering educational achievements, healthcare provision and promoting healthy lifestyles

## Development Management Local Plan

5.8 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:-

DM Policy 1	Presumption in favour of sustainable development
DM Policy 2	Prevention of loss of existing housing
DM Policy 29	Car parking
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 42	Nurseries and childcare

## **6.0 Planning Considerations**

6.1 The main planning considerations include the scale and appearance of the proposed extension, the level of visual impact upon neighbouring occupiers, the need for 30 additional nursery places, the resulting impact upon neighbours by way of noise and disturbance, and parking matters.

### Proposed Extension and Visual Impact Upon Neighbours

- 6.2 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Core Strategy Policy 15 seeks to promote high quality design with DM Policy 31 requiring extensions to be of a high, site specific and sensitive design quality that respects the form and detailing of the original building.
- 6.3 The proposed extension would add an additional storey to the building, extending up from the flank walls of the existing building, measuring 12.6 metres wide, 7.2 metres deep and 5.7 metres in height, incorporating a pitched roof. The appearance of the extension would be similar to the host building by way of facing materials and window alignment which is considered to be acceptable in design terms.
- 6.4 The existing building already extends approximately 1.4 metres beyond the rear elevation of the nearest dwellings at Porthcawe Road (shown as B on Plan TP/BR/04), and 3.5 metres at the front. The additional storey, whilst visible from the neighbouring properties, would be unlikely to result in any significant reduction in outlook or other visual impact upon the neighbouring occupiers.
- 6.5 The application site tapers away from the Porthcawe Road flats to the north, sited approximately 6 metres away, therefore the projection to the front of the Porthcawe Road building would not significantly harm existing amenity.
- 6.6 The neighbouring residential buildings shown as A and C on Plan TP/BR/04 are sited a sufficient distance away so not to be significantly harmed by the proposed extension.

6.7 On balance, the design and scale of the proposed extension is considered acceptable and would not result in an unduly negative impact upon the amenities of neighbouring occupiers.

#### Need for Additional Nursery Places

- 6.8 DM Policy 42 Nurseries and childcare states that ‘The Council will require applicants for day nurseries and facilities for the care, recreation and education of children to consider:
- the acceptability of the loss of the existing use;
  - traffic volumes and the effect on congestion;
  - accessibility by walking, cycling and public transport;
  - access, egress, cross-site movement and parking/ drop off areas, including for disabled users;
  - the impact on local residential amenity, including noise;
  - the need for suitable space for outside play areas.’
- 6.9 Planning permission was granted in 2000 for an extension to the single-storey nursery building, and in that time it has reached full capacity. The applicant has advised there is currently a waiting list for places, which is anticipated to increase. To meet this demand, the applicants have proposed the extension of the existing building to provide 30 additional spaces, with the overall total being 82.
- 6.10 The applicant considers that the main sources of the increased demand for places lies with the recent completion of residential developments within the Bell Green area, together with the OFSTED rating for the nursery being ‘Good’.
- 6.11 The applicant has advised that the additional 30 children would not be in attendance on a full time basis as they are funded by LB Lewisham for a total of 15 hours per week only.
- 6.12 The Council’s Children’s Centre of Child Care and Play (CCCP) Programmes Manager has advised that with regard to need for additional childcare spaces in the Borough, since September 2014, an additional 2,032 children in Lewisham aged 2 are eligible for the free 15 hours per week places. At present, approximately 1,000 have managed to find a childcare place.
- 6.13 Whilst there are other nurseries in the area, as well as Haseltine School opposite, indications are that there would be sufficient demand for childcare to sustain all good quality providers.
- 6.14 DM Policy 42 identifies that according to The Childcare Sufficiency Assessment (2008), a number of areas in Lewisham suffer a deficiency in the amount of childcare places available, including Sydenham, therefore the Council ‘will support an increased level of provision’.
- 6.15 It is considered that a sufficient case has been made to demonstrate the need for the provision of child care places generally. Despite other nurseries being located nearby, officers raise no objections to the principle of increasing the number of children that attend Little Cherubs, subject to the level of impact upon neighbouring occupiers.



### Impact Upon Neighbours

- 6.16 Occupiers within the dwellings on Porthcawe Road have raised objections about noise from the existing nursery, with concerns that levels would intensify with an increase in children attending the premises. Some concern lies initially with noise from existing staff, particularly when windows are left open. This is a matter for the nursery management to resolve, and has been brought to their attention by officers.
- 6.17 In response, the applicant has advised there are 'strict policies and procedures which all staff must adhere to at all times, which includes no swearing or abusive language on the premises - failure to meet this is instant dismissal.'
- 6.18 Officers have undertaken site inspections to areas around the nursery over a course of time to establish the level of noise at various points of the day. At no stage was it considered that noise from within the nursery building was excessive or intolerable, whilst noise from the garden during play-time was not excessive.
- 6.19 Nevertheless, it is considered appropriate that as 30 additional children would attend the enlarged nursery, the rear facing windows serving the two new day rooms should be fixed shut permanently to avoid any potential noise impact upon the neighbouring occupiers. The rooms would also have front windows facing into the application site that would provide natural ventilation, and would not result in significant harm to neighbouring properties, therefore no concerns are raised to these being openable.
- 6.20 To ensure the number of children remains at an appropriate level, a condition is proposed to restrict the overall number to a maximum of 82. The applicant has advised it is unlikely all 82 places would be filled as they must ensure there is sufficient space for children to move up to the older groups.
- 6.21 With regard to use of the outdoor area, play-times during the warmer months are between 45-60 minutes in the mornings and afternoons, less during the winter. Considering the proposed increase in the number of children, it is considered appropriate that a management plan be formally submitted to address how play times would be controlled to ensure noise and disturbance to neighbouring occupiers is minimised.
- 6.22 In regard to drop-offs, the Council has generally found with similar day nurseries that the majority of parents come from the local area and that start times for the children are staggered to ensure that there is minimal noise and disturbance to neighbouring occupiers. This contrasts with the more significant congestion around schools, where there is a set start and finish time.
- 6.23 The Council's Environmental Health noise (Pollution Team) have advised of no record of noise complaints toward the existing use.
- 6.24 It is therefore considered that the proposed expansion, subject to suitable conditions and effective management, would not result in significant harm to neighbouring occupiers.

### Highways and Traffic Issues

- 6.25 This section of Bell Green Lane provides only limited on-street parking opportunities due to existing 'zig-zags' outside Haseltine School, and yellow lines to prevent parking where the initial width of the highway is narrow, extending round to the front

of the application site and school building. There are however unrestricted parking opportunities further to the south and neighbouring streets.

6.26 The applicants have advised that the majority of parents live locally and commute to work, and so walk with their children to the nursery, whilst most staff travel by public transport or car share.

6.27 It is anticipated that this would remain the case should the nursery be extended, however to ensure car-parking does not become an issue, the application includes a Travel Plan document that would be implemented by the nursery. The Travel Plan outlines:

Copies of the Travel Plan will be made available to all staff, visitors, parents and members and any comments/feedback will be fed back to the Travel Plan Co-ordinator and Lewisham Council. The developer will endeavour to refine and implement any changes to the Travel Plan, as necessary. Objectives should seek to:

- Promote health, wealth and environmental benefits by cycling, walking and using public transport;
- Convey clear information to visitors and members on the alternative modes of travel to and from site;
- Reduce the need to travel during peak hours.'

6.28 The manager and deputy manager would be responsible for guiding, monitoring and maintaining the Travel Plan. The Council's Highways officers have assessed the Travel Plan and are satisfied with the content of the document.

6.29 Highways have raised no objection to the current application, particularly as morning arrivals are generally staggered to avoid children arriving at Haseltine Primary School.

6.30 Whilst officers acknowledge the additional number of children would result in an increased frequency of arrivals and departures from the site, the provision of good transport links nearby and the implementation of the Travel Plan would serve to mitigate the impact of the enlarged nursery.

## **7.0 Community Infrastructure Levy**

7.1 The proposed development is not liable for Lewisham CIL.

## **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.
- 8.3 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.
- 8.4 It is considered that that the proposed extension to the Little Cherubs Nursery will assist in providing equality of opportunity in terms of childcare in the Borough and there is therefore no adverse impact on equality issues.

## **9.0 Conclusion**

- 9.1 The scale and appearance of the proposed extension is considered acceptable, whilst the increased use is unlikely to cause significant congestion or parking difficulties in Bell Green Lane.
- 9.2 The expansion of the existing nursery is considered acceptable, in accordance with adopted Council, London-wide and government policies, subject to the proposed conditions to seek to mitigate the potential noise impact. It is therefore recommended that permission be granted.

## **10.0 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:

TP/BR/01, TP/BR/02, TP/BR/03, TP/BR/04, OS Map, Planning Statement and Travel Plan.

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- (3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
  - (b) The location and operation of plant and wheel washing facilities.
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process .

- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
  - (i) Rationalise travel and traffic routes to and from the site.
  - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related 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 (2015).

- (4) The extension hereby permitted shall not be occupied until a management plan to control the use of the garden as play space for children (incorporating times of use and maximum number of children using the garden at any one time), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the management plan shall be implemented as approved and retained thereafter in perpetuity.

**Reason:** To ensure that the intensity of the use does not cause an unacceptable loss of amenity to neighbouring residential properties, and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (2014).

- (5) 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 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.

- (6) The enlarged nursery shall operate in full accordance with all measures identified within the Travel Plan hereby granted from first occupation of the second floor extension. Evidence shall be submitted within 6 months of first occupation to demonstrate compliance with the proposed monitoring and review mechanisms.

**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).

- (7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the rear elevation of the extension hereby approved shall be fitted as obscure glazed and fixed shut, and retained thereafter 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 of the Development Management Local Plan (November 2014).

- (8) The enlarged nursery shall not operate outside 07:30hrs and 20:00hrs Monday to Friday and shall not operate at any time on Saturday, Sunday and Public or Bank Holidays.

**Reason:** To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and to comply with DM Policy 42 Nurseries and Childcare of the adopted Development Management Local Plan (2014).

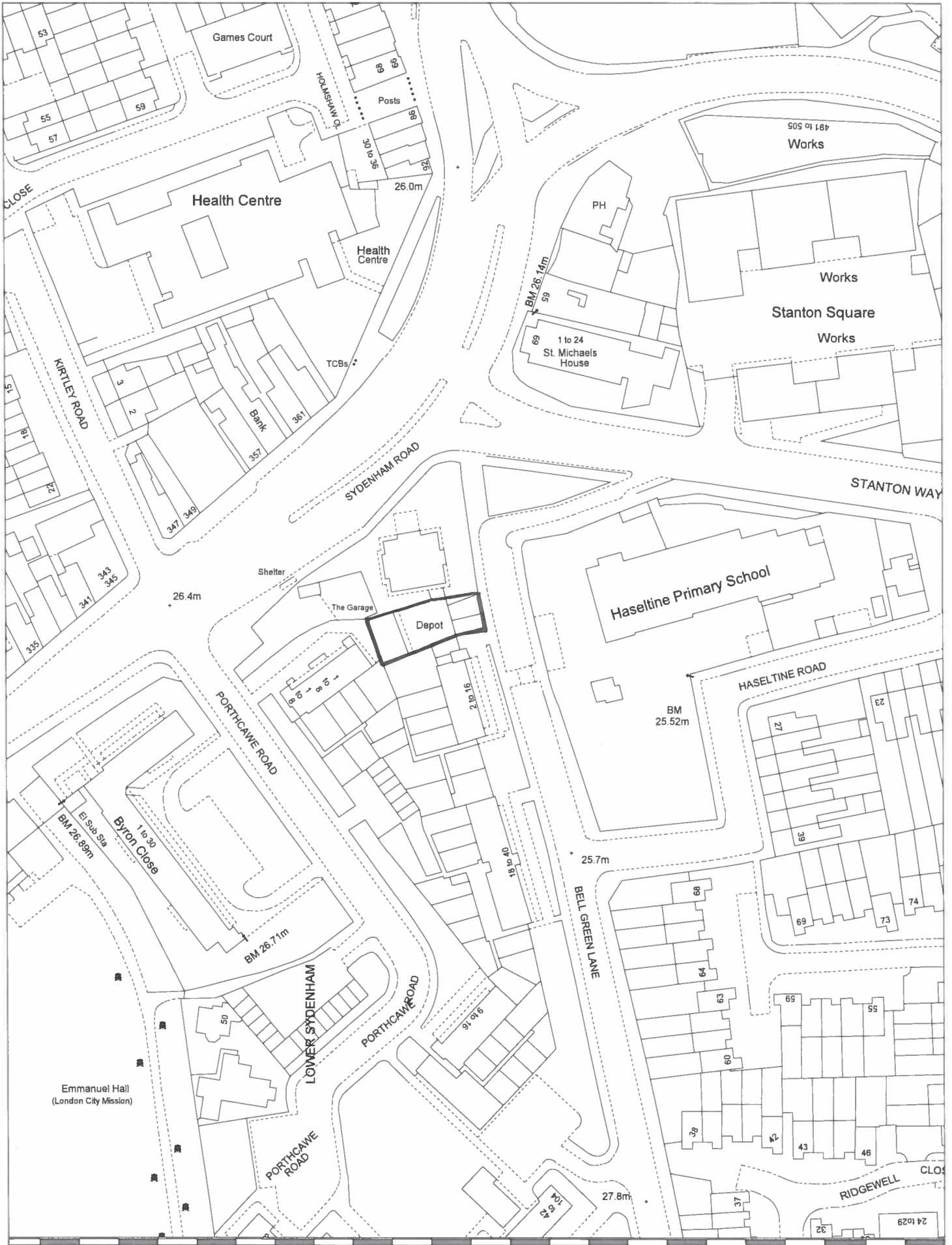
- (9) The enlarged nursery shall not accommodate more than 82 children at any one time.

**Reason:** To ensure that the intensity of the use does not cause an unacceptable loss of amenity to neighbouring residential properties, and to comply with DM Policy 42 Nurseries and childcare of the Development Management Local Plan (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 being submitted.
- (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) The applicant is advised that conditions 3 requires details to be submitted prior to the commencement of works as it is intended to manage the impacts of construction works.

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This plan forms no part of a planning application and is for information only Page 10

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Committee	PLANNING COMMITTEE A	
Report Title	246A BROWNHILL ROAD SE6 1AU	
Ward	Catford	
Contributors	Nathan Keenan	
Class		23 APRIL 2015

<u>Reg. Nos.</u>	DC/14/88055
<u>Application dated</u>	19.06.2014 [as revised on 3 February 2015]
<u>Applicant</u>	Tetlow King Planning on behalf of Edgewater (Brownhill) Limited
<u>Proposal</u>	The demolition of the existing buildings and the construction of 5 two-storey, three-bedroom mews style houses at 246A Brownhill Road, together with associated works, private amenity space including parking with access onto Brownhill Road.
<u>Applicant's Plan Nos.</u>	IF 14-03-01, 400, 401, 402; and IF 14-03 /02 Rev A, 102 Rev A, 103 Rev A, 200 Rev A, 201 Rev A, 300 Rev A, 301 Rev A received 3 February 2015, Design and Access Statement, Transport Statement, Internal & External Daylight & Sunlight Amenity Report. Energy & Sustainability Assessment, Wheelchair Statement & Contamination Report (part superseded by plans IF 14-03 /02 Rev A, 102 Rev A, 103 Rev A, 200 Rev A, 201 Rev A, 300 Rev A, 301 Rev A received 3 February 2015)
<u>Background Papers</u>	(1) Case File LE/777/246/TP (2) Local Development Framework Documents (3) The London Plan

## **2.0 Property/Site Description**

- 2.1 The application site is located on the south side of Brownhill Road, with the site entrance roughly equidistant between the junctions of Stainton Road (to the east) and Britton Close (to the west) on the north side of the Brownhill Road. Brownhill Road is part of the South Circular Road (A.205), which is a heavily trafficked A Classified Road.
- 2.2 There is a single-storey purpose-built vacant office building running along the southern boundary in the south-west corner of the site, backing onto the gardens of the Arngask Road houses to the south. In addition, there are a few other small single-storey buildings on the application site, but they are mainly shed-type, garage or other storage structures, and most are in poor condition. There are a pair of heavy metal gates controlling access to the site, which are set back some way down the access road, over 20 metres back from the edge of pavement, and just behind the rear building line of 246 Brownhill Road.

- 2.3 On the street frontage immediately to the east of the site entrance are three pairs of semi-detached two-storey properties numbered 246-256 Brownhill Road. These have gardens measuring some 16 metres deep. No. 252 has a converted loft space, with rooms in the roof and a large rear dormer window. To the east of the site itself are the rear gardens of houses at 262 onwards Brownhill Road, which have longer gardens, measuring some 32 metres deep.
- 2.4 Adjoining to the west of the site entrance, on the Brownhill Road frontage, are a row of shops at 218-244 Brownhill Road. This is an elegant three-storey terrace, with commercial uses on the ground floor and residential on the two floors above. To the rear of these are a row of two-storey mews buildings, accessed via an alleyway under the front terrace at 230 Brownhill Road. These buildings have traditionally been in commercial use, but more recently, some residential elements have been permitted.
- 2.5 To the south of the application site are terraced residential properties in Arngask Road, which have gardens measuring 16 metres deep.
- 2.6 The land naturally slopes downwards away from Brownhill Road, such that the properties to the rear sit lower than the frontage buildings. The general land level also slopes downwards towards the west from the Torridon Road traffic lights towards central Catford, such that the application site slopes down to the west, whilst the properties on both Brownhill Road and Arngask Road generally step down this slope.
- 2.7 The site is not within a Conservation Area, there are no article 4(2) Directions, and there are no Listed Buildings within the immediate vicinity.

### **3.0 Planning History**

- 3.1 An application was received in June 2003 for the change of use of K & D Chemical Services Ltd, 246a Brownhill Road, from industrial to dwelling house (C3 Use), to provide 6, two bedroom houses together with the provision of 6 car parking spaces and means of access onto Brownhill Road (DC/03/54210). Two objections were received, but the application was withdrawn in September 2003.
- 3.2 Pre-application discussions were held in mid-2013 about the possible residential development of this site. A letter was sent on 21st October 2013 outlining that the level of development proposed constituted over development and would be inappropriate in the context of the site. The applicant was advised that if an application was submitted in its current form then the application would likely be refused.
- 3.3 An application (DC/13/85925) was received in June 2014 to demolish the existing buildings onsite and construct 7 three-storey, four-bedroom mews style houses with roof terraces at 246A Brownhill Road SE6, together with associated works and private amenity space including parking with access onto Brownhill Road. Four objections were received. This application was refused on 8 January 2014 due to the inappropriate scale and mass constituting an overdevelopment of the site and the impact that it would have on adjoining properties. In addition, impact in terms of privacy and amenity would have been unacceptable. This decision was subsequently appealed by the applicant however the appeal was dismissed.

- 3.4 The current application (DC/14/88055) was received on 19 June 2014 to demolish the existing buildings onsite and construct 7 three-storey, four-bedroom mews style houses with roof terraces at 246A Brownhill Road SE6, together with associated works and private amenity space including parking with access onto Brownhill Road. The design had been slightly amended to that proposed by previous application (DC/13/85925). Six objections were received from adjoining properties. Following the receipt of these objections the applicant has amended the proposal to now propose 5 two storey, three bedroom mew style houses. The amended proposal is that which is being assessed within the current application.

#### **4.0 Current Planning Applications**

##### The Proposal

- 4.1 The application is for the demolition of the existing buildings and the construction of 5 two-storey, three-bedroom mews style houses at 246A Brownhill Road, together with associated works, private amenity space including parking with access onto Brownhill Road.
- 4.2 The new two-storey terrace of five houses would be aligned east-west across the site with parking located to the west of the terraced block. Entrances to the units will be via an entrance porch to the north of the units where refuse and cycle stores will also be located.
- 4.3 The ground floor of each house would have a single kitchen / living / dining room, plus WC. There would be three bedrooms and a bathroom on the first floor above.
- 4.4 In terms of the rear elevation, the ground floor would be stepped, such that the main living room window would be 6.6 metres for the site boundary of the Arngask Road houses, with the smaller window set a further 2.4 metres back, i.e. 9 metres from the rear boundary.
- 4.5 At first floor level, the building is effectively flat across the rear, with only a very small stepping to provide some vertical articulation while a stepped mono pitch roof is proposed across each of the five units.
- 4.6 The cladding materials will consist of predominantly London Stock Brick with elements of metal while the roof will be metal or similar. UPVC framed clear and obscure glass is also proposed.
- 4.7 Six car parking spaces are proposed to the west of the units while the provision of two cycle parks at the entrance of each of the units will be provided for.
- 4.8 Landscaping is proposed to the front and rear of the units in addition to two trees within the car parking area.

##### Supporting Documents

- 4.9 The applicant has submitted a Design and Access Statement, Transport Statement, Internal & External Daylight & Sunlight Amenity Report. Energy & Sustainability Assessment, Wheelchair Statement & Contamination Report in support of the application. These were prepared on the basis of the original proposal for 7 three-storey, four-bedroom mews style houses with roof terraces.

However, their content remains relevant to the revised scheme albeit that the amended plans have part superseded some details within the documents.

#### *Design and Access Statement*

- 4.10 This report sets out an overview on the design rationale for the proposed development and details and how it relates to the locality. In essence the statement concludes that through the design, materials, landscaping and provision of amenity areas; the development will provide a high quality contemporary but sympathetic development that relates well to its surroundings.

#### *Energy and Sustainability Statement*

- 4.11 This report sets out design parameters in order to achieve the energy and sustainability requirements within the borough. In summary the report concludes that a Code for Sustainable Homes Level 4 can be achieved.

#### *Transport statement*

- 4.12 This report details the potential impact that the development will have in terms of parking, access and congestion. Overall this report concludes that the site is suitable for residential development and that no material residual impact will result.

#### *Internal & External Daylight & Sunlight Amenity report (as amended by the revised plans submitted)*

- 4.13 This report provides an analysis on the availability of sunlight to the development and the potential impact that the development would result. In summary the report concludes that a good level of light is available therefore providing future occupiers with good sunlight amenity.

#### *Wheelchair Statement*

- 4.14 This report assesses the proposal against the London Plan Wheelchair requirements and concludes that given the design; they would be easily adaptable for potential wheelchair users.

#### *Contamination report*

- 4.15 This report details that given the past use of the site (dry-cleaning business/storage) there is a moderate risk of site contamination. Further investigations were recommended in order to determine the specific level of contamination and if remediation works were required. A condition on any planning permission was volunteered.

## **5.0 Consultation**

- 5.1 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.

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

## Written Responses received from Local Residents and Organisations

5.3 Six letters of objection have been received raising the following issues:

Loss of privacy, overshadowing and being overbearing, noise, strain on sewage system, adequacy of carparking, turning space, and access, not consistent with underlying character, adversely affect visual amenity, traffic congestion and contrary to Core Strategy.

### Highways and Transportation

5.4 Unobjectionable in Principle

### The Environment Agency

5.5 No response received.

5.6 Following the receipt of six objections, the applicant has amended the scheme in order to seek to resolve many of the matters raised. Re-consultation has subsequently been undertaken and no further objections have been received relating to the revised scheme.

## **6.0 Policy Context**

### Introduction

6.1 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)

6.2 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

- 6.3 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)'.
- 6.4 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

- 6.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

- 6.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

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 5.3 Sustainable design and construction
- Policy 5.21 Contaminated land
- Policy 6.3 Assessing effects of development on transport capacity of the London Plan
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.4 Local character
- Policy 7.6 Architecture

#### London Plan Supplementary Planning Guidance (SPG)

- 6.7 The London Plan SPG's relevant to this application are:  
Housing (2012)  
Sustainable Design and Construction (2006)

#### Core Strategy

- 6.8 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:

Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 8 Sustainable design and constructions 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

#### Development Management Local Plan

- 6.9 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 policies from the Development Management Local Plan as they relate to this application:

The following policies are considered relevant to this application:

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 11 Other employment locations  
DM Policy 22 Sustainable design and construction  
DM Policy 28 Contaminated land  
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  
DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas

#### Residential Standards Supplementary Planning Document (August 2006)

- 6.10 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.

### **7.0 Planning Considerations**

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

- a) Principle of Development
- b) Design/Layout and Massing

- c) Standard of Accommodation
- d) Car Parking/Access/Servicing
- e) Refuse storage / collection
- f) Infrastructure
- g) Contamination
- h) Impact on Adjoining Properties

### Principle of Development

- 7.2 The previous application relating to the site (DC/13/85925) detailed a Marketing Report by Goodsir Commercial, which set out attempts made to market the premises. This report concluded that the location of the site behind existing houses is not ideal for commercial use, particularly storage.
- 7.3 Although DC/13/85925 was refused, the report concluded within the that given the provisions contained within the NPPF, a refusal reason based on loss of unemployment would be difficult to uphold on appeal, particularly given the point made by the applicant that; "*There is no specific loss of employment, as the site was mainly used for storage and no employees were permanently located on site.*" As there has been no material change in terms of loss of employment to the previous application it is considered that this point is relevant and accepted.
- 7.4 The application site is also a backland site and represents difficult opportunities to attract tenants to the site as demonstrated by the previous marketing report and current lack of employment within the site. As such, the impact in loss of employment opportunities within the site is considered to be acceptable.

### Design / Layout and Massing

- 7.5 The facades of the proposed buildings are considered interesting and well balanced. The overall design is imaginative and relates positively to the design constraints of this restricted site through building location, architecture and provision of amenity space. Policy 32 of the Development Management Plan requires that all new residential development is to be;
- (a) *be attractive and neighbourly*
  - (b) *provide a satisfactory level of privacy, outlook and natural lighting both its future residents and its neighbours and*
  - (c) *meet the functional requirements of future residents.*
- 7.6 The proposed scheme is considered to have a satisfactory relationship to neighbouring dwellings through setbacks, height and provision of amenity areas. These elements ensure that views/outlook of neighbours is not disrupted while the predominant south facing amenity areas and dual aspect position ensure that a satisfactory level of natural light for indoor/outdoor living is provided for.
- 7.7 The design of the buildings through the limitation of height and mono pitch roof design provides a sleek vibrant finish that is subservient in terms of height with neighbouring buildings therefore relates well to its surroundings. DM Policy 30 supports the use of building features and roofscape in order to achieve a local distinctiveness, which this proposal does.

While creating a local distinctness, it also is in keeping with its surroundings through the incorporation of traditional materials such as London Stock Brick.



Contrasting elements such as UPVC windows and metal cladding contribute to a further enhancement of the building which will result in a positive relationship between the old and the new. Conditions relating to the submission of materials prior to commencement of development would ensure that the amenity of the locality is maintained.

- 7.8 Landscaping proposed would assist in breaking up car parking areas while softening the built form to the north and south. A condition is recommended requiring a more detail landscape plan to be submitted prior to works commencing to ensure that suitable plant species, grades and management of the approved landscaping is undertaken.
- 7.9 While the initial proposal represented an overdevelopment of the site (7 three storey dwellings); the revised proposal represents a 'slimmed down' version that relates well to its surroundings. Given the development's relationship to adjoining buildings and sensitivity towards amenity space/privacy surrounding it; the development in its current form is considered to provide a complimentary element that is in keeping with surrounding development and that envisioned by the London Plan, Core Strategy and Development Management Plan Policy.

#### Standard of Accommodation

- 7.10 The proposed scheme has been designed in line with the London Plan Housing Supplementary Planning Guidance – Quality and Design Standards. Each residential is proposed to have a floor area of 103m<sup>2</sup> which is greater than the minimum of 96m<sup>2</sup> required by the London Plan. In addition, the room sizes proposed (10m<sup>2</sup> and 12m<sup>2</sup> respectively) meet minimum requirements of 8m<sup>2</sup> and 12m<sup>2</sup> for single and double rooms. As such, it is considered that the proposal would provide adequate living space for future inhabitants.
- 7.11 Minimum requirements such as floor to ceiling height (2.5m), lifetime homes, and recommended outlook/glazing comply with London Plan requirements.
- 7.12 Outdoor amenity space to the rear of the units with a depth of 9 metres meets minimum dimension requirements while also providing adequate play areas for children. The London Plan Supplementary Planning Guidance 'Providing for Children and Young Peoples Plan and Informal Recreation' sets out a minimum space requirement of 10m<sup>2</sup> per child for adequate play space. An amenity/play space of 50m<sup>2</sup> is proposed for each unit therefore providing more than enough outdoor living space. Given the depth of the proposed outdoor living area, it is considered that this space additionally will also act as an important landscape buffer between the proposed buildings and neighbouring property.
- 7.13 As the proposed development complies with the London Plan accommodation standards, it is considered that the proposal through layout, use of space and design, provides a high quality living environment.

#### Car Parking/Access/Servicing

- 7.14 The proposal includes the provision of 6 car parking spaces within the western portion of the site which is considered appropriate for the development proposed and meets London Plan requirements. Adequate manoeuvring/turning areas within the site are provided for through the building layout and hard surfacing provided. A condition is recommended that all parking and manoeuvring areas are

formed prior to occupation of the units in order to mitigate potential any potential impact on the adjoining highway.

- 7.15 Two cycle parks are located at the entrance of each unit which meets the London Plan requirements.
- 7.16 Council's Highways & Transportation Officer initially raised an objection regarding the number of parking spaces, narrow access and tight manoeuvrability within the site however these issues have been resolved through the amended scheme plan submitted. With the number of units reduced from 7 to 5 and a greater area for parking/manoeuvring provided for, adverse effects on traffic safety have been mitigated. Council Highways & Transportation Officer now considers that an adequate level of access/parking is provided and does not object to the development as proposed. Based on this advice, it is considered that the proposal is consistent with relevant provisions within Core Strategy Policy 14 and Policy 29 of the Development Management Plan.

#### Refuse storage / collection

- 7.17 In terms of refuse provision, the submitted drawings show a refuse store for each unit within the site, which would be located to the north of each unit. As the width of the access is narrow, it is not possible for a refuse truck to access these units and turn around. A refuse management scheme can be conditional to secure an appropriate and workable management of refuse within the site. Highways have no objections with regards to refuse storage/collection.

#### Infrastructure

- 7.18 No objections have been received from the relevant service providers therefore it is considered that there is sufficient supply for the proposed development. Connections to these outlets will be looked at under Building Control.

#### Contamination

- 7.19 A technical report by Sub Surface South East Limited was submitted with regards to potential site contamination. The report entailed a walk over survey and desk top study and concluded that there is a moderate risk of contamination in the soil resulting from past building and demolition works, spillage of chemicals and asbestos in building materials. Due to this risk, the report recommends that further investigation be undertaken in the form of a phased study including remediation if required. This advice is accepted. A suitable condition requiring a more detailed investigation is recommended in order to mitigate adverse effects in terms of contamination guided by DM policy 28.

#### Impact on Adjoining Properties

- 7.20 Following the receipt of six objections relating to the initial scheme plan; the applicant amended the plans to 'slim down' the development from 7 three-storey, four-bedroom mews style houses with roof terraces to a 5 two-storey, three-bedroom mews style house development. Neighbouring properties were then re-consulted with no further objections being received.
- 7.21 The revised proposal is considered to significantly reduce any potential impact on neighbouring properties through the decrease in built form such as the height and overall mass of the development. In addition, an increased setback distance and

amenity space provision ensures that adverse effects in terms of noise and dominance have been mitigated.

- 7.22 The proposed buildings are to be setback so that the main living room window would be at a minimum 6.6 metres from the site boundary held with the Arngask Road dwellings, with the smaller window set a further minimum of 2.4 metres back (9 metres from the boundary). To the north of the units; the kitchen window is setback a minimum 3.8 metres while the entrance is setback a minimum 4.5 metres from the property boundary. This distance in addition to proposed landscaping is considered sufficient in order to provide an adequate separation distance between the built form proposed and that on adjoining allotments. For example on the Arngask Road elevation, a minimum separation of 24.5 metres between the proposed building form and that on neighbouring properties is maintained. A minimum separation distance of 20.01 metres would be maintained on the northern elevation.
- 7.23 Separation distances are an effective mechanism of ensuring privacy is retained. Limiting the height of built form to two storey in addition to the proposed separation distance between rear elevations helps to ensure that impacts such as dominance, views and outlook or limitation of natural/daylight does not result. Notwithstanding this separation distance along the north and southern boundaries, the built form along the eastern is to be constructed up to the boundary. No windows however look out in this direction therefore ensuring that no privacy effects result. In order to ensure that any potential future extensions/alterations undertaken through Permitted Development rights do not negatively impact on the amenity of adjoining properties; a condition removing these rights with regards windows and extensions is recommended.
- 7.24 Objections were received from neighbours to the west on the original scheme plan with concerns being expressed about effects on privacy, daylight and dominance. In order to mitigate these effects, the built form of the development has now been moved back from that boundary with a setback of 11.3 metres from the flank wall of the proposed western unit to that building on the adjoining property. This separation is considered to lessen the impact on the neighbouring property and ensure that privacy and the amenity currently enjoyed by neighbours is retained.
- 7.25 Overall, it is considered that the provision of setbacks, amenity areas, and the two-storey height mitigates the impact on neighbouring properties to an acceptable level. As such, it is considered that the proposal in its current form is appropriate in its context and would successfully integrate with its surroundings.

#### Sustainability and Energy

- 7.26 The applicant has submitted a Sustainability Statement in support of the application, which satisfactorily addresses the sustainability issues. This applicant states that it is likely the development will include living roofs(where possible), solar panels and water harvesting. These elements in combination with the developments dual aspect well ventilated design is considered to satisfactory address sustainability issues. A condition is recommended that prior to construction, details of the proposed methods are submitted to Council for approval in order to ensure that the elements do not adverse effect the character/amenity of the locality.

## **8.0 Local Finance Considerations**

- 8.1 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 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.

## **9.0 Community Infrastructure Levy**

- 9.1 The above development is CIL liable.

## **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 principal of the loss of employment land is considered acceptable given the marketability of the site, backland location and proximity to neighbouring properties. The proposed development in terms of layout and design has taken into account the sensitivities of the site constraints by ensuring that adverse effects on neighbouring properties are avoided, remedied or mitigated while at the same time ensuring high quality design. As such, it is considered that the development ensures consistency with the London Plan, Core Strategy and Development Management Local Plan therefore is appropriate subject to conditions.

## **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:  
IF 14-03-01, 400, 401, 402; and IF 14-03 /02 Rev A, 102 Rev A, 103 Rev A, 200 Rev A, 201 Rev A, 300 Rev A, 301 Rev A received 3 February 2015 Design and Access Statement, Transport Statement, Internal & External Daylight & Sunlight Amenity Report. Energy & Sustainability Assessment, Wheelchair Statement & Contamination Report (part superseded by plans IF 14-03 /02 Rev A, 102 Rev A, 103 Rev A, 200 Rev A, 201 Rev A, 300 Rev A, 301 Rev A received 3 February 2015).

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- (3) No development shall commence on site until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-
- (a) Rationalise travel and traffic routes to and from the site.
  - (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
  - (c) Measures to deal with safe pedestrian movement.
  - (d) The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2015).

- (4) (a) Prior to any works commencing, full details of any living roofs proposed shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1:20 scale plan of the living roof(s) that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings.
- (b) The development shall be carried out strictly in accordance with the details so approved under (a) and shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority. Evidence that the roof has been installed in accordance with (a) & (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

- (5) No development shall commence on site until a detailed schedule and specification of all external materials and finishes to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the 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.

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

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

The closure report shall include verification details of both the remediation and post-remediation sampling/works, carried out (including waste materials removed from the site); and before placement of any soil/materials is undertaken on site, all imported or reused soil material must conform to current soil quality

requirements as agreed by the authority. Inherent to the above, is the provision of any required documentation, certification and monitoring, to facilitate condition requirements.

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

- (7) (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 (2015).

- (8) All hard landscaping works which form part of the approved scheme shall be completed prior to occupation of the development.

**Reason:** In order to ensure the scheme complies with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), 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.

- (9) 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.

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

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

- (10) All planting, seeding or turfing comprised in the landscaping scheme hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

- (11) The whole of the car parking/manoeuvring area shown on drawing nos. 14-03-02 Rev hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use 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).

- (12) 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. Once approved, all external shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.

**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).

- (13) Prior to occupation of the residential units, details of refuse management/collection shall be submitted and approved in writing by the local planning authority. Once approved, the management practices shall be complied with in perpetuity.

**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).

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

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

- (15) No extensions or alterations to the buildings hereby approved, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

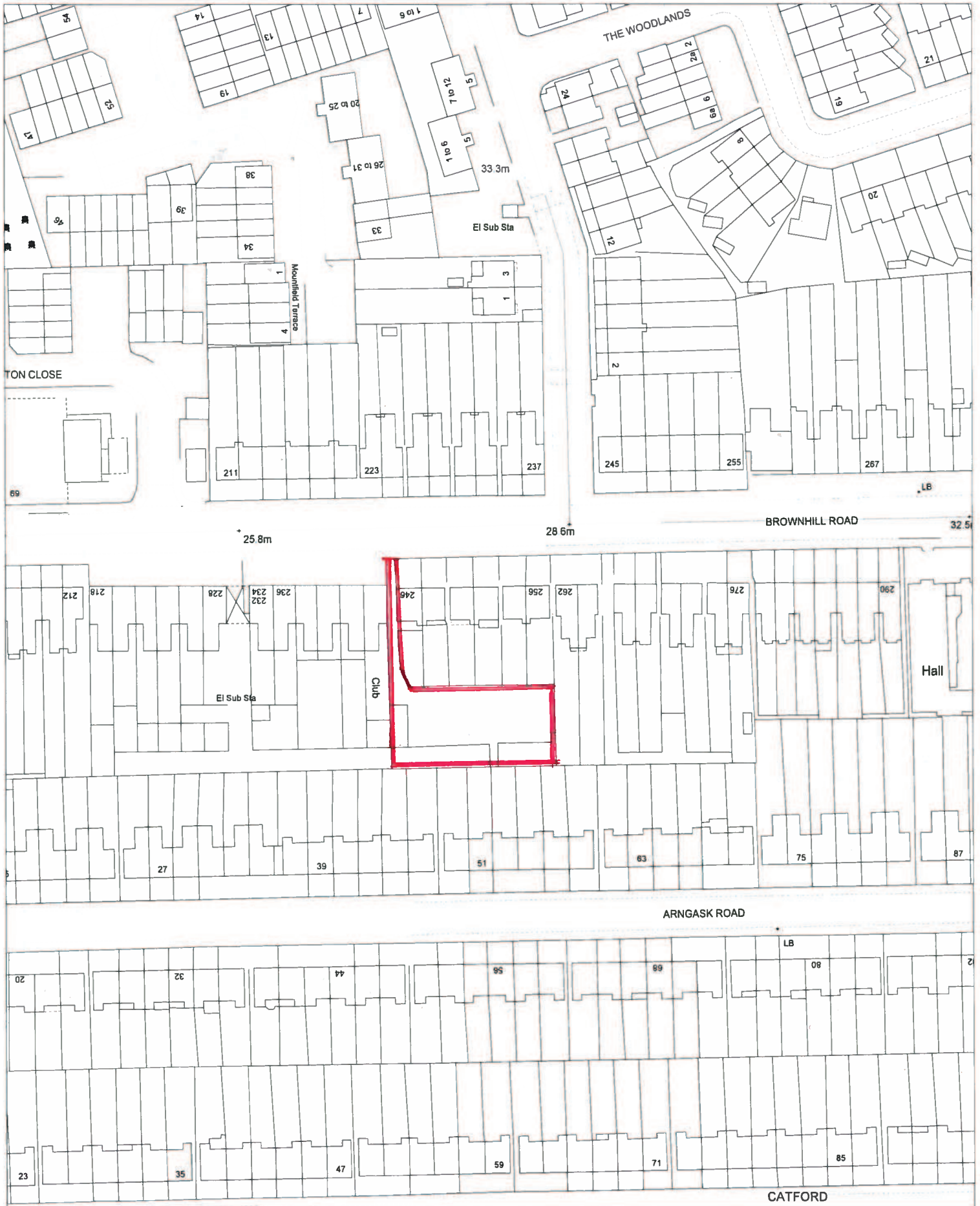
**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

### **INFORMATIVES**

- (A) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) The applicant is advised that conditions 3, 4, 5 and 6 require details to be submitted prior to the commencement of works as they seek to manage the impact of the construction works and mitigate land contamination and secure design details, including of materials which are needed before works commence.

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# 246a Brownhill Road



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Committee	PLANNING COMMITTEE A	
Report Title	FORMER LADYWELL LEISURE CENTRE, 261 LEWISHAM HIGH STREET SE13 6NJ	
Ward	Lewisham Central	
Contributors	Michael Forrester	
Class	PART 1	23 APRIL 2015

<u>Reg. Nos.</u>	DC/15/90792
<u>Application dated</u>	03.02.2015
<u>Applicant</u>	AECOM on behalf of the London Borough of Lewisham
<u>Proposal</u>	The construction of a four-storey building at the former Ladywell Leisure Centre, 261 Lewisham High Street SE13, comprising 24 x 2 bed-flats on upper floors (Class C3), up to 8 x commercial units on the ground floor for flexible use as retail (Class A1), services (Class A2), business (Class B1) and/or Class D1 non-residential community uses (Class D1), associated soft and hard landscaping boundary treatments, cycle parking and bin store, for a limited period of up to 4 years.
<u>Applicant's Plan Nos.</u>	RSHP-0304-E-W_E rev PO1, RSHP-300-E-N_S rev PO1, RSHP-402-D-X rev PO1, RSHP-0400-D-X rev PO1, RSHP-401-D-X rev PO1, RSHP-0201-S-BB_CC rev PO1, RSHP-0200-S-AA rev PO1, RSHP-0103-P-03 rev PO1, RSHP-0102-P-02 rev PO1, RSHP-0101-P-01 rev PO1, RSHP-0100-P-01 rev PO1, RSHP-0002-P-X rev PO1, LF977.003, LF977.005, LF977.001, LF977.002.B, LF977.004.A, Ladywell Pop-Up Village Transport Statement, Flood Risk Assessment, Planning Statement, Tree Survey, Energy and Sustainability Statement January 2015, Air Quality Assessment, Design and Access Statement (all received 3.2.2015), FRA Technical Note (received 25.02.2015), Energy and Sustainability Statement March 2015 (received 31.03.2015).
<u>Background Papers</u>	(1) Case File LE/152/261/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Lewisham Town Centre Local Plan – Ladywell Policy Area
<u>Screening</u>	Not EIA Development – 27.01.2015

## **1.0 Property/Site Description**

- 1.1 The application site comprises a relatively flat parcel of land measuring approximately 0.7 hectares and is situated on the south eastern side of Lewisham High Street with a return frontage onto Longbridge Way.
- 1.2 The site was formerly the Ladywell Leisure Centre which was demolished in 2014 following the opening of the Glass Mill Leisure Centre on Loampit Vale, Lewisham. Presently cleared and hoarded there is no public access into the site. Two bus stops are located directly outside of the site frontage on Lewisham High Street.
- 1.3 The site is located outside of, but adjacent to the St. Mary's Conservation Area, which extends along the western edge of the Lewisham High Street and south to include the buildings at 293-297 Lewisham High Street. No's 330 and 340 Lewisham High Street (opposite the site), 38-46 Ladywell Road and St Marys Church, Lewisham High Street are all Grade II listed.
- 1.4 The site forms part of Lewisham Town Centre, as defined by the Lewisham Town Centre Local Plan and is allocated for mixed use redevelopment. Surrounding the site are a mixture of uses including Fire Station to the north on Longbridge Way, and a mixture of commercial uses at ground floor with residential above on Lewisham High Street.

## **2.0 Planning History**

- 2.1 DC/13/84503 – Prior notification of the demolition of the former Ladywell Leisure Centre Buildings (incorporating swimming pool, gymnasium, public car park, ventilation tower apartment and other external structures) and restoration of the site – Prior approval not required 21/11/2013.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 Permission is sought for the construction of a four storey building arranged as three blocks connected by two external cores measuring a total of 63.8m in width, 20.8m deep by 15m high (16m to the top of the lift shaft). The blocks are divided by two entrance courtyards with a lift and staircase at ground floor, this is gated at the front and rear entrances to provide a secure entrance into the building.
- 3.2 The building fronts onto Lewisham High Street set back approximately 7-8m back from the pavement edge and would be primarily accessed from the front, a secondary access to the rear of the building is located on Longbridge Way, where a refuse store is located.
- 3.3 At ground floor is designed to accommodate flexible commercial uses measuring a total of 940 sqm and is arranged so that the floor plan can be divided into 4 or 8 separate units, depending on the end user. The intended uses include establishing a Ladywell enterprise hub, community space, café, and start up business space.
- 3.4 On the three upper floors are 24, 2 bedroom 4 person flats, 8 per floor and 4 to each core. Each unit is provided with a balcony and is accessed via an external deck which extends from one of the two lifts.

- 3.5 The area to the front of the site is to be landscaped in 'Perfecta' paving with linear planters incorporating trees and shrubs. The main elevations are to be clad in a black finish cladding, with balcony reveals and access decks in a range of bright coloured panels including red, green, pink, yellow and orange.
- 3.6 The building is modular in nature and is constructed off-site. Each dwelling is completed as a single unit which are latterly joined together to create the final building layout on site. The proposals have are submitted by Lewisham's Strategic Housing Department as a solution to short-term temporary housing, where currently homeless families and individuals are accommodated in bed and breakfast accommodation.
- 3.7 The building is intended to be located on the Ladywell Leisure site for a maximum of 4 years while the site awaits permanent redevelopment, upon which the buildings will be dismantled and relocated elsewhere in the borough. Accordingly a temporary permission is sought.
- 3.8 This type of modular construction is currently being used by other house builders (Urban Splash at New Islington, Manchester) and within school projects. The flexibility of the buildings is as such that at an alternative site, the units could be stacked to create a taller building, or decreased in height, they can be joined to create a continuous terrace, remain in separate blocks or could potentially located in different sites.

#### Supporting Documents

- 3.9 Design and Access Statement (RSH+P) – This document provides a site description, rationale of the design proposals, an overview of the historical context including historic maps and detailed drawings. These include elevations, detailed sections, streetscene and flat/ core arrangements. Details of landscaping, lighting and materials are also provided and details of secure by design are detailed.
- 3.10 Planning Statement (AECOM) – The planning statement provides a site description, overview of the proposals and confirms that the scheme is of a temporary nature. A review of planning policy is provided as well as pre-application engagement with LBL, Lewisham Design Review Panel and a public consultation. Details of potential job creation from the ground floor commercial units are also provided. An overview of pre-application consultation and community engagement is also provided within the report. The Planning Statement details significant benefits to off site construction including lower production costs (estimated at £130,000 per unit versus £202,000 per unit that the Councils recent Mercator Road development cost), more certainties around project time and fewer risks. The modular construction also allows for strict quality control, ensuring a very high standard of finish and that by taking households out of bed and breakfast accommodation saves the Council £20,800 per unit per annum, i.e. on a development of 24 units £499,200 per annum and ensure that families are placed in accommodation of an equal standard.
- 3.11 Transport Statement (AECOM) – The report confirms that the scheme is car free and anticipates that will generate a low level of trip generation and would therefore be of no adverse impact upon the local highway network. Details of site access, cycle parking and adjacent car club spaces are provided

- 3.12 Air Quality Assessment (AECOM) – The report states that the site is located within an Air Quality Management Area for nitrogen dioxide and particulate matter. This management area covers a large part of the London Borough of Lewisham. The development site is located in an area where future occupants may be exposed to pollution and therefore air quality mitigation should be given consideration. The report states that the development proposes no parking and would not produce on site sources of combustion and would therefore be unlikely to have a significant impact upon air quality.
- 3.13 Energy and Sustainability Statement (AECOM) – This document provides a policy overview and a Code for Sustainable Homes Pre-assessment which gives a score of 71.95, equating to a Code 4 rating. Details of baseline conditions for air, noise and light pollution are provided as it a review of local green spaces and public transport infrastructure.
- 3.14 Flood Risk Assessment (AECOM) – This document provides a site description, stating that the site is 3km from the River Thames and 0.25km from the River Ravensbourne, the recorded ground level is 12.15m AOD sloping down to 11.59 AOD. Details of local drainage networks are provided and the report confirms that the site falls between Flood Zone 1 and Flood Zone 2.
- 3.15 Tree Survey (The Landscape Partnership) – The report states that the site is largely cleared, following the demolition of the leisure centre and the trees which exist to the boundaries are not subject to a Tree Preservation Order. A survey of these trees divides them into groups (1 - trees facing St Marys Conservation Area, 2 – trees within existing soft landscape area and 3 – self seeded across the site). The report concludes that the trees within character area 1 are of value but that trees across the site vary in condition and quality.

#### **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.

##### **Pre-Application Consultation**

- 4.2 The Planning Statement provides details of pre-application engagement and confirms that the scheme was presented to the Lewisham Design Review Panel in November 2014 at pre-application stage. Exhibition boards were displayed at Lewisham Library between the 14<sup>th</sup> and 24<sup>th</sup> January 2015 with a drop in session held on the 24<sup>th</sup> January 2015. The scheme was presented to the Lewisham Central Local Assembly on the 24<sup>th</sup> January 2015.

##### **Application Consultation**

- 4.3 Site notices were displayed on the Lewisham High Street and Longbridge Way frontages and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. TfL, the Environment Agency were also consulted.



- 4.4 Notification letters were sent to 233 properties and to local ward Councillors. Two site notices were displayed outside of the site 3 representations have been received, these are detailed below.

#### Written Responses received from Local Residents and Organisations

- 4.5 The Ladywell Society have commented on the proposals, stating that the coloured panels are too bright (described as “fluorescent” in the appendix to the Planning Statement) for a building on the edge of a Conservation Area. The St. Mary’s Conservation Area contains listed buildings in muted colours and that whilst the applicant (Lewisham’s Housing Department) would like to draw attention to this new form of social housing, it is felt that the palette should be in keeping with the surrounding buildings. Comments regarding the ground floor uses, and the knock on impact this could have upon the viability of existing businesses on the eastern edge of Lewisham High Street. Security concerns were also raised.
- 4.6 An objection was received from the Fox and Firkin 316 Lewisham High Street stating that government planning policy changed before Christmas and highlight the impact of new residential development upon live music venues.
- 4.7 An objection on behalf of the Romborough Gardens Allotments has raised concern that the future development of the leisure centre site may lead to the change in the allotment to a building plot. Concern is also raised with regard to security and future damage to the allotments.

#### Written Responses received from Statutory Agencies

##### Transport for London (TfL)

- 4.8 TfL welcomes the provision of cycle parking in accordance with the 2014 Further Alterations to the London Plan. It is recommended that given the sites location on the TLRN that a construction management plan is secured by condition. All site accesses, unloading/ offloading etc, should be on the side roads rather than Lewisham High Street.
- 4.9 As the TLRN adjoins the site, a number of other consents may be required from TfL, for example scaffolding or hoardings. Appropriate arrangements should also be put in place for delivering and servicing of the development, which again should take place away from the TLRN and in particular should ensure that vehicles do not use the bus stop.. A Delivery and Service Plan should therefore be secured through condition.
- 4.10 Comments regard the car free nature of the proposal, and need to secure travel plans for the D1 uses are also provided. TfL raises no objection to the proposals but requires conditions to be attached to any permission.

##### Lewisham Design Panel

- 4.11 The proposals were presented to the Lewisham Design Review Panel at pre-application stage in November 2014. The Panel regards this scheme as of a very high order, and commended LBL Housing for its vision in addressing a very pressing housing need in a radical and innovative manner. It commended the architects for responding to the brief with an outstanding set of proposals. The Panel particularly supported the idea that the housing is systematised and can be redeployed in different locations and given that it is modular can be added to or

adapted over time. The Panel regarded the building proposals as exciting and very well planned, elegant in appearance and material, and subject some comments raised regarding the use of gates and layout of the service space, believe the project to be exemplary. The Panel regards the proposals as also likely to make positive contributions to the townscape, the St. Mary's Conservation Area and the nearby listed buildings.

- 4.12 The Panel gives the project its fullest possible support and hopes that planning consent be granted in the shortest permissible timeframe to enable the project to proceed.

#### Sustainability Manager

- 4.13 The Energy Statement does not clearly set out energy or carbon reductions that will be delivered and the application is not accompanied by a BREEAM pre-assessment for the commercial units. The application should be refused on sustainability grounds. .

#### Highways and Transportation

- 4.14 There is no objection to the proposals from a highways perspective, however, a Construction Management Plan should be secured by condition to ensure that no adverse impact arises to Lewisham High Street. TfL should also be consulted.
- 4.15 Letters are available for Members to view.

### **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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

## London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are
- Policy 2.13 Opportunity areas and intensification areas
  - Policy 2.14 Areas for regeneration
  - Policy 2.15 Town centres
  - Policy 3.3 Increasing housing supply
  - Policy 3.4 Optimising housing potential
  - Policy 3.5 Quality and design of housing developments
  - Policy 3.7 Large residential developments
  - Policy 3.8 Housing choice
  - Policy 3.9 Mixed and balanced communities
  - Policy 4.10 New and emerging economic sectors
  - Policy 5.1 Climate change mitigation
  - Policy 5.2 Minimising carbon dioxide emissions
  - Policy 5.3 Sustainable design and construction
  - Policy 5.4 Retrofitting
  - Policy 5.5 Decentralised energy networks
  - Policy 5.6 Decentralised energy in development proposals
  - Policy 5.7 Renewable energy
  - Policy 5.12 Flood risk management
  - Policy 5.13 Sustainable drainage
  - Policy 6.9 Cycling
  - 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  
Policy 7.8 Heritage assets and archaeology

#### 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 2 Regeneration and Growth Areas  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 6 Retail hierarchy and location of retail development  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 9 Improving local air quality  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
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 19 Provision and maintenance of community and recreational facilities

#### 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 7  | Affordable rented housing                        |
| DM Policy 22 | Sustainable design and construction              |
| DM Policy 23 | Air quality                                      |
| DM Policy 25 | Landscaping and trees                            |

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 35	Public realm
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 41	Innovative community facility provision

### Lewisham Town Centre Local Plan

5.11 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on the 26<sup>th</sup> February 2014. The LTCLP, together with the Core Strategy, the Site Allocations Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan.

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

Policy LTCP0 Presumption in favour of sustainable development

Policy LTC7 Ladywell Policy Area

Policy LTC9 Growing the local economy

Policy LTC10 Mixed use

Policy LTC11 Employment uses

Policy LTC18 Public realm

Policy LTC22 Social infrastructure

Policy LTC23 Heritage assets

Policy LTC24 Carbon dioxide emission reduction

Policy LTC25 Adapting to climate change

### 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.

## **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
- e) Impact on Adjoining Properties

- f) Environmental Impacts
- g) Sustainability and Energy
- h) Ecology and Landscaping

Principle of Development and Temporary use

6.2 The site is located within the boundaries of Lewisham Town Centre, the adopted Lewisham Town Centre Local Plan provides a framework for development and provides vision to *'make Lewisham the best place in London to live, work and learn'*.

6.3 Policy LTCP0 of the adopted Lewisham Town Centre Local Plan (LTCLP) states that *'when considering development proposals in favour of sustainable development 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 in the borough'*.

6.4 Policy LTC2 of the LTCLP requires all new development to contribute positively to the delivery of the vision for Lewisham Town Centre, development will be required to:

*A) demonstrate how the proposal will support the delivery of the town centre vision and the objectives for both the town centre and the individual Policy Areas.*

*B) demonstrate how the proposal for a site has been informed by the current, emerging and future context of both the town centre and the individual Policy Areas.*

*C) ensure that the proposal is in no way detrimental to the successful current or future implementation of other nearby sites or their ability to meet the LTCLP vision or objectives.*

6.5 Policy LTC7 of the LTCLP states that the Ladywell Policy Area is designated for mixed use development, and Additional Site Specific Requirements are given for the Leisure Centre Site (Site Allocation S8) which states that:

6.6 *'The Council will seek to bring forward a comprehensive development on the Ladywell Leisure Centre site and adjoining land where appropriate for a mix of uses including housing (C3) and retail (A1, A2, A3), subject in the case of the retail element to its having no demonstrable adverse impact on the Primary Shopping Area.*

*The following key principles will apply:*

*A) Proposals should seek to enhance the Lewisham High Street frontage through the incorporation of active uses at ground floor level and enhancements to the public realm in front of the site and enhancements to permeability through the site. Residential units should be situated at upper levels and to the rear of the site with associated amenity space provision.*

*B) New development should seek to improve vehicular servicing of adjoining land to the south,*

*C) Opportunities to establish a site-specific communal energy system with potential link into a larger Lewisham Hospital decentralised energy system in the longer term will be encouraged,*

*(D) Proposals could include the redevelopment of Lewisham Opportunity Pre-School, subject to the allowance being made for alternative provision of equivalent benefit to the community.*

- 6.7 The proposed development provides a mixed use block which fronts onto Lewisham High street, to the rear is an access from Longbridge Road, cycle and refuse storage and landscape strip, behind which a new hoarding line would be erected to enclose the rest of the cleared site. As stated above, the scheme is designed to be temporary in nature and be located on the former leisure centre site for up to 4 years.
- 6.8 A decision behind the temporary nature of the scheme has been detailed within the Planning Statement and in a Mayor and Cabinet report by the Councils Strategic Housing Department (October 2104). At present the borough has a low supply of short-term housing, with many families of no permanent address accommodated in bed and breakfast accommodation. At the same time, the Council are progressing ways of addressing housing shortage by pursuing major estate renewal and regeneration and other new build housing opportunities (such as the New Homes Better Places programme). However, there remains an immediate shortage of homes and there are vacant Council owned sites which are awaiting redevelopment but with no firm scheme in place.
- 6.9 The Ladywell Leisure Centre was demolished in 2014, following the opening of the Glass Mill Leisure Centre on Loampit Vale and is vacant, enclosed by a hoarding. There is no current scheme for redevelopment on this site. Whilst the land at the leisure centre remains vacant the borough will continue to face significant pressures for housing of all types, and housing for homeless households in particular. This demand translates into a cost pressure for the authority as the unavailability of short term housing means that the Council has to procure housing at a high cost. Currently the Council makes use of bed and breakfast accommodation which is costly, of varying quality and often inappropriate for long term stays especially for families.
- 6.10 Given these pressures, the Council has been exploring innovative ways in which it may be able to make short term use of vacant land. The October 2014 Mayor and Cabinet report set out the feasibility of using factory built modular construction for new build housing that could be re-deployed across the borough, making use of vacant land, whilst providing a high quality standard of residential accommodation that would be of a fixed priced and affordable nature.
- 6.11 The proposals at the former leisure centre site, are designed to provide affordable high quality residential accommodation, taking homeless households out of bed and breakfast accommodation whilst animating a prominent town centre site.
- 6.12 The proposals by their temporary nature do not masterplan the site as required by LTC Policy 2 or 7 as the scheme is a designed to be a single event pop-up scheme, rather than form part of a wider regeneration proposal. Officers have discussed this scheme at pre-application stage and are supportive of the proposals to provide temporary uses on a prominent town centre site.

- 6.13 As stated throughout this report, the proposed building is intended to be located at the former leisure centre site for a period of no more than 4 years, after which the building would be dismantled (to leave separate units) and re-located elsewhere in the borough, where a separate planning application would be required. The proposed building makes use of modern methods of construction and are manufactured off site (factory built), and each unit arrives completed, including kitchens/ bathrooms. These individual units are then assembled on site and connected into services water/ electric etc. Once removed the site would be cleared, including the proposed landscaping, ready for redevelopment, as such the proposals would not adversely prejudice any future development proposals. Furthermore, the scheme takes up the front part of the former leisure centre site and would not preclude the site from being masterplanned during its residency.

### Commercial Units

- 6.14 The development comprises a ground floor intended for commercial uses at the Ladywell Leisure Centre site (Use Classes A1, A2, B1a, D1). The space is designed to be flexible, and could be arranged as 4, or 8 units. Since the demolition of the leisure centre in 2014, there has been a large inactive frontage on this prominent section of Lewisham High Street. Whilst final occupants are unknown the space has been designed in that it could accommodate retail, café or business space. It is also envisaged that the space could be utilised as an Enterprise Hub, in a similar manner to that at the Kings Cross Enterprise Hub. Officers support the flexible ground floor use within the building, as this offers opportunities to trial new services and provide start up business space, and crucially would animate the high street and to occupy a vacant site within the town centre is considered to promote the town centre vision of LTCP0. However, given that occupiers are not confirmed for the space, to ensure that it is fitted out appropriately details of internal fit out are recommended to be secured by condition.

### Design

- 6.15 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’.
- 6.16 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.
- 6.17 The building as detailed above is modular and employs a simple plan form, arranged as a series of boxes. They can be arranged flexibly, and in this instance it is proposed to construct three blocks linked by two cores creating a single building, rising to four storeys in height. Building in this stretch of Lewisham High Street typically measure between 3-4 storeys in height, with the Fire Station measuring up between 5-6 storeys. The former leisure centre measured part 3, part 4 storeys but given the non residential use had much higher floor to ceiling heights, creating a taller building overall.



- 6.18 The building would stand 2.8m lower than that of the adjacent Fire Station and 3m higher than 293-297 Lewisham High Street. Given the positioning of the building on the site and 28 separation distance between the two structures, it is considered that the building is of an acceptable scale and mass for the location and reflective of this part of Lewisham High Street.
- 6.19 The massing of the building is broken down by the insertion of external lift cores and decks which provide access to each unit, these have the benefit of creating additional external spaces, and ground floor courtyards. These would be enclosed from Lewisham High Street by an gate to provide a secure entrance for the residential units. The animation of the block breaks down the massing of the building and allows for view through to the rear of the site.
- 6.20 The building proposed to be clad in 'Tectiva' by Eternit, finished in Mineral Black with a textured finish, whilst the balcony reveals and fascia between the windows across each level are clad in Vivix by Formica Group a bright contrasting tone, these are proposed as 'Juicy Pink' (pink), 'Levante' (orange), 'Spetrum Yellow' (yellow) and 'Vibrant Green' (green), the lift cores and access decks would be clad in 'Carnival' (red).
- 6.21 The proposals were presented to the Lewisham Design Review Panel at pre-application stage and the scheme has the fully support from the Panel. Whilst the Ladywell Society have commented on the tone of the bright colours within the building, and officers are mindful that these would result in a very prominent building, the colours are striking rather than brash and would animate this key space in the town centre in a positive manner. Officers therefore support the colour scheme given the very high quality of design.
- 6.22 To support the design material samples and detailed sections through the building have been submitted with the application, these are considered to provide a realistic impression of the final buildings appearance and would allow for a high quality scheme.
- 6.23 Officers are very supportive of the design which would offer animation to a prominent vacant town centre site and would contribute to the regeneration of the southern end of Lewisham High Street.

### Housing

#### *a) Size and Tenure of Residential Accommodation*

- 6.24 Core Strategy Policy 1 confirms that the maximum level of affordable housing will be sought by the Council, with a strategic target of 50% as a starting point for negotiations. The proposals (submitted by the Council's Strategic Housing department) provide 24, 2 (4 person) bedroom units all within an affordable tenure. This therefore meets the requirements of Core Strategy 1 and significantly provides housing for 24 families currently homeless in the borough, who otherwise are temporarily housed within bed and breakfast accommodation.
- 6.25 It is noted that Core Strategy Policy 1 requires an element of family accommodation (3 + bedrooms) to be provided within residential schemes. However, in this case officers are satisfied by the arrangement to provide 2 bedroom units as these have been designed to meet the highest level of need in the borough.

*b) Standard of Residential Accommodation*

- 6.26 The Council's adopted Residential Development Standards SPD (2006) sets out criteria for new residential units, but this document is largely superseded by Core Strategy policies, London Plan requirements and the adopted Mayors Housing SPG. The Housing SPG sets out guidance to supplement London Plan policies, Part 2 of the SPG deals with the quality of residential accommodation setting out baseline and good practice standards for dwelling sizes, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space including cycle storage facilities as well as core and access arrangements.
- 6.27 Table 3.3 of the London Plan and Standard 4.1.1 of the Housing SPG set out minimum space standards for new residential development. The plans confirm that all the units would exceed minimum standards by 10% and all dwellings would have a floor to ceiling height which exceeds the minimum 2.5 as set out in the London Plan.
- 6.28 Each unit is dual aspect, provides private amenity space in the form of a balcony and it is considered that the proposed dwellings would provide a high standard of accommodation.

Highways and Traffic Issues

*a) Access*

- 6.29 The site is arranged to front onto Lewisham High Street, where both the commercial and residential units would have pedestrian access. A secondary access is provided via Longbridge Way. The residential and commercial units would benefit from level access.

*b) Cycle and Car Parking*

- 6.30 A total of 72 cycle spaces are proposed at the rear of the building, access either through the entrance courtyards or via Longbridge Way, the number of cycle spaces is acceptable and the storage considered to be of a high quality. The number and location of the cycle stores is to be secured by condition.
- 6.31 No car parking is proposed. The site is situated close to existing car club spaces, the nearest being at Longbridge Way. A car-free approach is supported in this location which benefits from a PTAL of 6a.

*c) Refuse and servicing*

- 6.32 The refuse and recycling store is located within the north-east corner of the development, accessed from the public realm on the southern side of Longbridge Way, a shared surface access is provided adjacent to the bin store, which provides for ad-hoc 'back of house' access and on-foot access to the bin store. The applicant has confirmed that the arrangement will not act as a day-to-day vehicular access.
- 6.33 The Transport Statement anticipates that the proposal will generate a low demand and therefore insignificant volume of servicing and refuse related vehicular traffic, and certainly no greater than that which was experienced previously with the leisure centre. It is the intention to service the site via the southern side of Longbridge Way via the section of carriageway which is demarcated with double

yellow lines, this will enable access to the bin store and commercial units fronting Lewisham High Street located within a short distance of this location.

- 6.34 Loading and unloading is permitted on single and double yellow lines for a maximum of 40 minutes if loading is observed. There are also no double yellow lines painted on the kerbs within this location. A sign is in place on the northern side of Longbridge Way which suggests that vehicles over 5 tonnes other than TfL buses are not permitted on Longbridge Way between the times of midnight and 08:00 and 18.30 and midnight, outside of these times vehicles are permitted. It is considered that the position of the refuse store is acceptable but that further details of servicing should be secured by condition when occupiers are identified for the commercial units at ground floor.
- 6.35 Representations received from TfL have stated that some commercial uses can result in high trip generation. At this stage, the occupiers have not been identified and it proposed that that Travel Plans are to be secured by condition to ensure that the final uses can mitigate their potential trip generation.

*(d) Construction*

- 6.36 The site is located on the TLRN and is flanked by two bus stops on Lewisham High Street. It is therefore recommended that a Construction Management Plan is secured by condition, which will require details of construction traffic and access. The plan should confirm that no obstruction of Lewisham High Street would occur which would have a knock on impact upon London Buses.

Impact on Adjoining Properties

- 6.37 Development Management Policy 32 requires the siting and layout of all new-building housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents.
- 6.38 In this instance the position of the block faces onto Lewisham High Street and the hoarded site to the rear. It is not immediately flanked by residential property.
- 6.39 The position of the block is not considered to result in unneighbourly overlooking of adjacent buildings or residential property. The closest building to the south is 293-297 Lewisham High Street, nor is the building considered to result in unacceptable overshadowing or loss of light.

Environmental impacts

*a) Noise*

- 6.40 The dominant noise source in the vicinity of the site is road traffic noise. An external noise level survey has been undertaken at the site in order to determine the prevailing ambient and background noise levels to assist in determining the likely levels of noise intrusion to the residential accommodation. The modular construction of the building means that the shell of the units are highly insulated, and are equipped with a high standard glazing specification.

- 6.41 A representation has been received from the Fox and Firkin PH, which is situated on the western side of the Lewisham High Street opposite the site, raising the issue of new residential development and the subsequent impact upon live music venues.
- 6.42 National Planning Practice Guidance states that *'the potential effect of a new residential development being located close to an existing business that gives rise to noise should be carefully considered. This is because existing noise levels from the business even if intermittent (for example, a live music venue) may be regarded as unacceptable by the new residents and subject to enforcement action. To help avoid such instances, appropriate mitigation should be considered, including optimising the sound insulation provided by the new development's building envelope'*.
- 6.43 The Fox and Firkin PH is a live music venue and officers are mindful of the impact that this has upon future development proposals. In this case, the pop up village is located on the opposite side of the street and would be a highly insulated building. It is considered that the design of the building provides adequate mitigation to provide future occupants from adverse noise from not only the Fox and Firkin, but adjacent uses including the Fire Station and general traffic noise.

*b) Air Quality*

- 6.44 Air Quality Management Area (AQMA) for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>) covers a large proportion of the Borough including the proposed development site, due to monitored exceedances of the annual mean air quality objectives for both pollutants. The proposed development therefore has the potential to introduce new exposure to pollution. Air pollutant concentrations likely to affect the proposed development have therefore been estimated following a review of measured concentrations in the vicinity.
- 6.45 With regard to the potential to impact on air quality during the construction phase; the use of modern construction methods (off-site) is likely to reduce any such impacts to a minimum compared to traditional construction.
- 6.46 The proposed development does not incorporate any on-site car parking spaces, therefore traffic flows on adjacent roads are likely to remain relatively unchanged as a result of the development, nor does the development include any significant on-site sources of combustion (e.g. CHP plant). The proposed development is therefore unlikely to have a significant effect on air quality.

*c) Land Contamination*

- 6.47 The former leisure centre was demolished in 2014 and the land remediated as part of those works. Occupants of the proposed building would therefore not be subject to potential contamination from the land. Furthermore, the building is modular in nature and does not sit on conventional foundations, but instead a level slab.

*d) Flooding*

- 6.48 The site is located in Flood Zone 1, with the western boundary located in Flood Zone 2. The applicants flood risk assessment states that the development would sit 230mm higher than local roads with residential accommodation located at first floor and above and therefore the building would unlikely to be at risk from flooding.

## Sustainability and Energy

### *a) Renewable Energy*

- 6.49 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. The NPPF requires planning policies to be consistent with the Government's zero carbon buildings policy and adopt nationally described standards. In determining planning applications, Local Planning Authorities should expect new development to comply with adopted policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 6.50 London Plan and Core Strategy Policies advocate the need for sustainable development, All new development should address climate change and reduce carbon emissions. For major development proposals there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions, sustainable design and construction, decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayor's energy hierarchy, adopting lean, clean, green principles. Major development proposals are expected to achieve a minimum carbon reduction saving of 35% above 2013 Part L Building Regulations. Core Strategy Policies support London Plan principles and require all new residential development to meet a minimum of Level 4 in the Code for Sustainable Homes and all non-residential floorspace to meet a minimum of BREEAM 'Excellent'.
- 6.51 Policy LTC7 of the Lewisham Town Centre Local Plan states that development should contribute to the Lewisham Low Carbon Zone target to reduce CO2 emissions of 20% by 2012 and a 60% reduction by 2025.
- 6.52 The modular blocks, built off site are designed as residential units but are ultimately flexible in layout. In this instance, although the project seeks to provide low cost short term housing, the context of the site, means that a wholly residential block is unsuitable, especially at ground floor facing Lewisham High Street. The ground floor units have been designed so that they can operate in commercial uses, before potentially being converted back to residential accommodation when the scheme is re-deployed elsewhere in the borough. Given the temporary pop-up nature of the scheme it has been difficult to consider a BREEAM rating. Officers are mindful of the cost implications for achieving a BREEAM Excellent rating for a temporary period. It is considered that the scheme remains sustainable from alternative perspectives, namely its off-site construction with high thermal capacity.
- 6.53 A Code for Sustainable Homes pre-assessment has been submitted within the Energy Statement and this provides a score of 79.15, therefore achieving a Code 4 rating, this is policy compliant and is therefore supported. This rating includes the use of photovoltaic panels. With the renewables excluded the dwellings have a Code pre-assessment of 69.6, which still represents a Code Level 4 rating.
- 6.54 With regard to carbon reduction, the finished modular units would achieve an 18% carbon reduction on building efficiencies alone and with renewable energy technology (i.e. photo voltaics) would be capable of achieving the full 35%

reduction. However, in this instance, the temporary nature of the scheme, and overall viability of the proposal has meant that renewable technologies are not proposed, but given it is proposed to re-deploy the block, the building has been designed to accommodate a raised parapet at roof level so that should photovoltaics be installed in the future they would not be visible from street level and therefore disrupt the appearance of the elevations. Officers welcome the adaptability of the building and consider that the proposals remain sustainable given the lack of construction wastage that is associated with traditional building sites and recognise that given the overall viability of the scheme and importance of delivering short-term affordable housing for homeless households that not providing on site renewables is justified.

### Landscaping

- 6.55 The site is a brownfield site, cleared following the demolition of the former leisure centre. There is an existing soft landscape area to the south of the site which is tree planted and there are a number of trees to the front boundary. Within the area of pavement to the front (controlled by TfL), there are a number of large trees which are under TfL ownership.
- 6.56 It is proposed to retain the soft landscape strip, and define the edge of the site with a new boundary marked by a raised planter. This raises no objections.
- 6.57 The building is set back into the site to create a total pavement width of up to 14m. A series of linear 450mm high raised planters with trees, ornamental shrubs and herbaceous planting is designed to break up the expanse of paving. These planters like the building are re-deployable and would be removed when the building is dismantled.
- 6.58 Officers consider the landscape proposals to be innovate and high quality, and would introduce planting into a currently cleared site with no public access. The retention of the soft landscape strip to the south is also welcomed. However, to ensure that no damage to adjacent trees is caused during construction a condition requiring protection of trees is recommended.

## **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. The building is temporary in nature and is therefore not CIL liable.

## **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.

8.3 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. In this matter there is no impact on equality.

## **9.0 Conclusion**

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

9.2 Whilst the proposals do not masterplan the site, the scheme has been designed to be temporary in nature and animate a prominent town centre vacant plot, offering flexible business space and 24 high quality homes for the boroughs homeless households, whom are currently accommodated in bed and breakfast accommodation at a high cost to the Council.

9.3 The proposals would not preclude the site being masterplanned and the temporary nature of the development activates this prominent Lewisham High Street frontage. The proposals are considered to provide a genuinely innovative solution to short term housing supply and would considerably add to the character of the southern end of Lewisham High Street.

9.4 The design of the building is considered to be of a very high standard and would set a design standard for this location for which future redevelopment proposals would need to meet and would contribute to the vision for a changing Lewisham Town centre by promoting a very high standard of development.

9.5 It is recommended that the proposals are approved subject to conditions securing a temporary use for up to 4 years.

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

### **1. Time Limit**

The development to which this permission relates must be begun no later than the 23/04/2016 and shall be discontinued with the building facing Lewisham High Street restored to its former condition on or before 24/03/2020 in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority.

**Reason:** In order that the local planning authority may assess the impact of the use at the end of the limited period hereby permitted, in the light of relevant policies in the London Plan (2015), Core Strategy (2011) and Development Management Local Plan (2014) and having regard to any complaints received and any other material considerations existing at the time.

## **2. Accordance with Plans**

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

RSHP-0100-P-00, RSHP-0101-P-01, RSHP-0102-P-02, RSHP-0103-P-03, RSHP-0304-E-W\_E, RSHP-0300-E-N\_S, RSHP-400-D-X, RSHP-401-D-X, RSHP-402-D-X, RSHP-0201-S-BB\_CC, RSHP-0200-S-AA, LF977.001, LF977.002.B, LF977.003, LF977.004.A, LF977.005, Site Location Plan, Tree Survey, Transport Statement, Planning Statement, Flood Risk Assessment, Energy & Sustainability Statements, Air Quality Assessment.

**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. Affordable Housing**

All of the 24 (twenty four) residential units hereby granted temporary permission shall be provided as short term temporary housing on an affordable rent to meet the needs of householders whose incomes are not sufficient to permit them to access and afford to rent on the open market. The affordable housing shall be provided in accordance with the Planning Statement and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

**Reason:** In order to meet the housing needs of the borough and comply with Core Strategy Policy 1 of the Lewisham Core Strategy (2011).

## **4. Construction Logistics Plan**

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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



**Reason:** In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

## **5. Code for Sustainable Homes**

- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) A Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) prior to any above ground works.
- (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 (2015).

## **6. Material Finishes**

- (a) The development shall be constructed in those materials as submitted namely: 'Tectiva' by Eternit, finished in Mineral Black, the balcony reveals and fascia between the windows across each level shall be Vivix by Formica Group 'Juicy Pink' (pink), 'Levante' (orange), 'Spetrum Yellow' (yellow) and 'Vibrant Green' (green), the lift cores and access decks in 'Carnival' (red).
- (b) The scheme shall be carried out in full accordance with those details, as approved.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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 non-residential fit out**

- (a) The development shall not be occupied until plans (1:50) and details showing the physical fit out of commercial/non residential units at ground floor hereby approved have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be constructed in full accordance with the approved details.

**Reason:** To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 5 Other employment locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 11 Other Employment Locations.

## **8. Protection of Trees During Construction**

No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**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).

## **9. Boundary Treatment**

- (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 for the duration of the scheme.

**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)

## **10. Delivery and Servicing Plan**

- (a) The ground floor of 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).

## 11, **Travel plans**

- (a) No part of the development approved (residential and non-residential space) shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. 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).

## 11. **Cycle Parking**

- (a) A minimum of 72 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).

## 12. **Use of Units**

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 A1, A2, B1a and D1 – as a clinic, health centre, day nursery, day centre, art gallery, training centre and non residential

education and for no other purpose (including any other purpose in 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:** Reason will vary depending on whether condition is applied to protect retail or employment use or to protect neighbouring amenity or character of area. Therefore bespoke reason must be drafted each time and relevant policies referred to.

### **13 Construction Hours and Delivers**

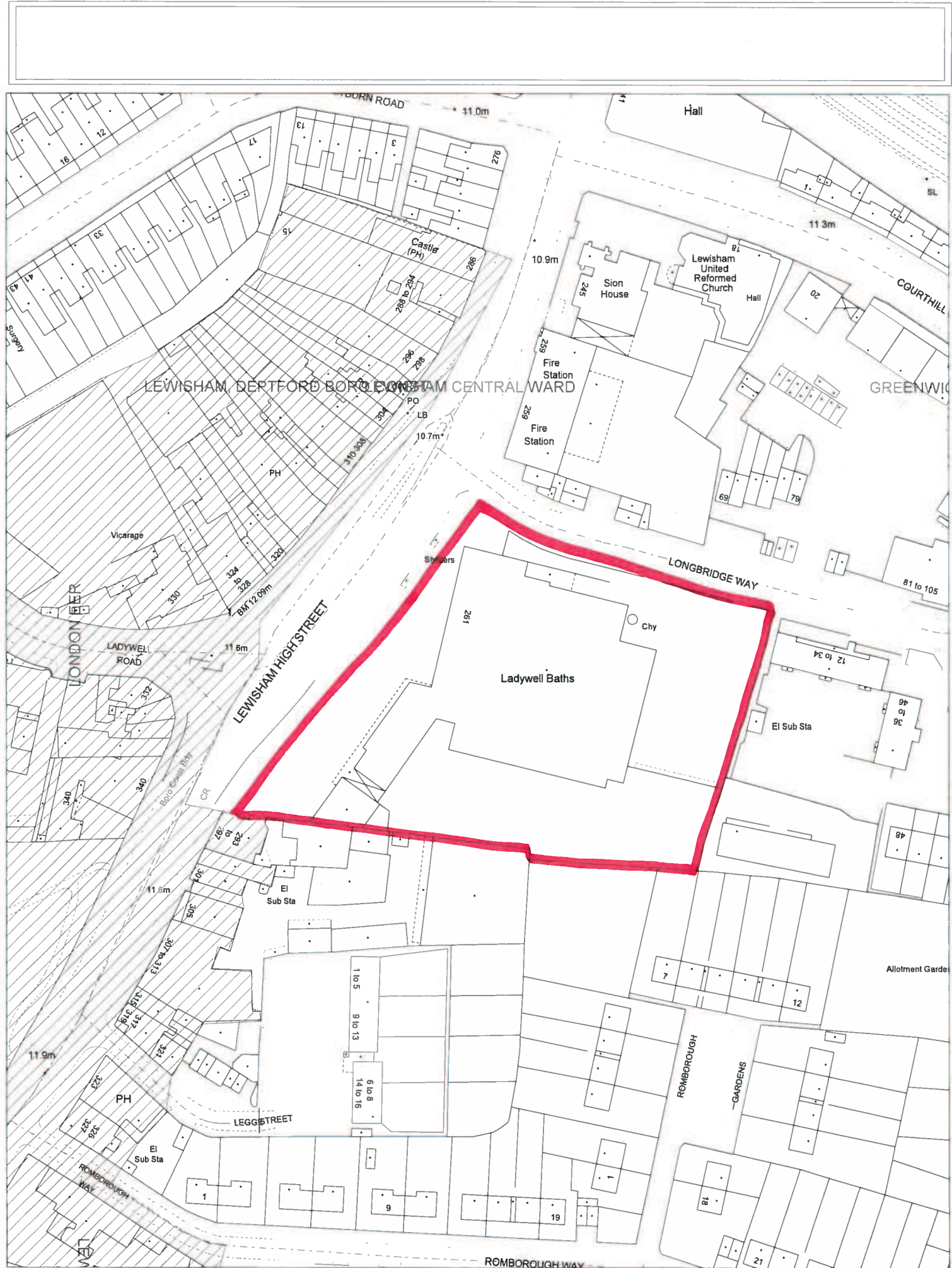
No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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**

- (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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- (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) The applicant is advised that conditions 4 and 8 require details to be submitted prior to the commencement of works due to the importance to minimise disruption on the local highway network during construction and the protection of trees which form part of the setting of the St Marys Conservation Area.



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Committee	PLANNING COMMITTEE A	
Report Title	ST GEORGE'S (FORMERLY CHRIST CHURCH) CHURCH OF ENGLAND PRIMARY SCHOOL, PERRY VALE SE23	
Ward	Perry Vale	
Contributors	Suzanne White	
Class	PART 1	23 APRIL 2015

<u>Reg. Nos.</u>	DC/14/89545
<u>Application dated</u>	17.10.14 [as revised on 03.03.15]
<u>Applicant</u>	Pollard Thomas Edwards on behalf of Lewisham Council
<u>Proposal</u>	Expansion of St George's Church of England Primary School, Perry Vale, SE23 (formerly Christ Church Primary) comprising demolition of existing temporary buildings; erection of a two storey side extension and single storey first floor extension to main building; erection of a single storey nursery building to Westbourne Drive; creation of new pedestrian entrances from Perry Vale and the corner of Church Vale/Westbourne Drive; together with associated landscaping, boundary treatment and cycle parking provision.
<u>Applicant's Plan Nos.</u>	PL_001, PL_002, PL_003, PL_004, PL_006, PL_007, PL_008, PL_009, PL_011, PL_101, PL_105, PL_106, PL_111, PL_112, PL_113, PL_114, PL_115, PL_116, DPA-69869-01 Rev A, Energy Strategy Statement, Preliminary Ecological Assessment, School Travel Plan, Daytime Bat Survey, Planning Obligations Statement, CIL Form, Public Transport and Local Services Analysis, Contamination Report Part 1, Contamination Report Part 2; Revised Transport Statement, received December 2014; PL_103A, PL_108A, PL_109A, PL_110A, Arboricultural Impact Assessment received February 2015; and PL_102B, PL_104B, PL_107A, SK106, L-100 D, L-800C, revised BREEAM Report & Pre-Assessment, received March 2015
<u>Background Papers</u>	(1) Case File LE/383/C/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	No designations. Existing Use Class is D1- Education
<u>Screening</u>	ES not required

## **1.0 Property/Site Description**

- 1.1 The school site is located on the eastern side of Perry Vale, between its junctions with Church Vale and Dacres Road. The site's north eastern corner extends to Westbourne Drive.
- 1.2 The school buildings vary between 1-2 storeys in height, concentrated in the north western part of the site, fronting Perry Vale. There is an existing two storey extension to the main building which provides an additional two classrooms. A separate single storey building to the south provides nursery space. In addition there are two modular buildings providing a reception classroom and IT/flexible space. To the north of these buildings are residential and commercial premises which front Perry Vale and Church Vale.
- 1.3 The southern portion of the site, along the rest of the Perry Vale frontage, is comprised of hard play area. Adjoining the site to the south and south east are a two storey dwelling house and a 4 storey block of flats. To the east is a small public park. The boundary between the park and school is lined with mature trees.
- 1.4 The north east corner of the site comprises further hard play as well as a 'nature area' consisting of a grassed area and mature trees. In February, the majority of the trees in this part of the site were removed by the applicant. This is discussed in Section 6 below.
- 1.5 There are 4no. accesses to the site. From Perry Vale there is one vehicular access, providing access to the kitchen and three (unmarked) staff parking spaces, and a second providing emergency access. The latter is also used as the pedestrian access for pupils. There is a second pedestrian access for visitors. There is also a gate to the nature area from Westbourne Drive, however this is not in regular use.
- 1.6 The site is approximately 0.59 hectares in size. It has a PTAL rating of 4. The site is not located in a Conservation Area, although numbers 101 and 103 Perry Vale (to the south) are Grade II Listed.
- 1.7 The existing school buildings accommodate 1 form of entry plus a bulge class (233 primary pupils + 22 staff). In addition, the nursery operates two half day sessions, of 25 children each.

## **2.0 Planning History**

- 2.1 The recent entries in the site's planning history are summarised below:

DC/00/47020 - The construction of a single storey extension to the rear of Christ Church C of E School Perry Vale SE23 at first floor level. Granted 02.01.01

DC/98/43376 - The construction of a covered access way to the entrance of the nursery classroom at Christ Church C of E School. Granted 24.07.98

DC/95/39499 - The erection of replacement 3 metre high chain link fencing in front of the nursery buildings onto Perry Vale and of 3.4 metre high coloured weld mesh fencing on the boundary of the wild life area fronting Westbourne Drive and Church Vale. Granted 24.11.95



### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 The purpose of the proposal is to increase the school's capacity to two forms of entry (420 pupils) plus a 25 place nursery. The increase in pupil numbers would occur gradually, with one extra class added each year over a 7 year period. The number of staff would increase gradually to 40 persons by the end of the growth period.
- 3.2 The additional space would be provided through partial demolition and extension to the main school building on Perry Vale and the formation of a new Foundation building in the north east corner of the site to provide reception classrooms and a nursery. These elements are described in detail below.

#### *Demolition*

- 3.3 Three buildings are proposed to be demolished as part of the proposals. These are the existing Foundation block, Nursery and ICT blocks. All are single storey structures. The Nursery and ICT buildings are visible from Perry Vale, though set back within the site.

#### *Main building extensions*

- 3.4 The proposal consists of a two storey extension to the main building, on its southern side. The extension would provide additional teaching and resource areas, main administration and staff areas, a new main entrance and visitor reception, new sports/assembly hall adjacent to the playground, WCs and stores.
- 3.5 A double height single storey sports/assembly hall would be positioned on Perry Vale, slightly forward of the building line of the existing school buildings. Extending behind the hall would be a two storey classroom block. A new landscaped courtyard would be formed between the existing building and extension and through demolition of the existing modular buildings.
- 3.6 A first floor extension to the existing main building on the north side is also proposed in order to provide additional corridor space and improve circulation to classrooms.
- 3.7 A new low level brick wall in front of the larger extension would pick up the line of the existing brick wall on Perry Vale. The new hall would have a brick base, and a timber battened top. A new main entrance would be formed as a lightweight link between the old and the new buildings.
- 3.8 The classroom block behind is proposed as brick, with glazed openings.
- 3.9 The roof to the hall and classrooms would be flat and would accommodate PV panels.

#### *Foundation building*

- 3.10 This part of the proposal comprises a single storey 'pavilion' building, positioned on the back of pavement on Westbourne Drive. This building would provide a nursery and two reception classrooms. The entrance to the building would sit on the corner of Church Vale and Westbourne Drive.

- 3.11 On Westbourne Drive, the treatment to the building is of buff brick, conceptually representing a garden wall, and punctuated by windows. The internal wall would be finished in timber cladding, with large sliding doors leading out to the associated play space, partially covered by canopies that extend from the building.
- 3.12 A buggy park and external store would be provided within the play space.
- 3.13 This element of the proposal requires the removal of 35no existing trees. These trees were removed in February, after submission of the application. The proposed drawings were updated in early March to reflect the that the trees had been removed and additional proposed replanting. The tree removal, which in itself does not require planning permission, is discussed in Section 6 below.

#### *Landscape*

- 3.14 The external space would be reconfigured around the new development to create new play areas, with a combination of soft and hard landscaping. Canopies would extend from the buildings to provide cover for play during wet weather.

#### *Access*

- 3.15 The school is designed to be fully inclusive throughout. External thresholds with the buildings would be flush allowing for inclusive access. There would be no steps or ramps within the site.
- 3.16 The new facilities would also be available to the community out of school hours and would be fully accessible to disabled users.
- 3.17 The completed scheme would have four points of access, as follows:
- A formal pedestrian entrance into the main school from Perry Vale, for staff, visitors and out of hours use.
  - Informal pedestrian access from Perry Vale into the playground for pupils and parents at the beginning and end of the school day. This point of entry would also provide access for emergency vehicles.
  - Vehicular access from Perry Vale for deliveries to the kitchen and access to the 3 staff parking spaces
  - Pedestrian access from the corner of Westbourne Drive and Church Vale to the foundation unit.

#### Parking

- 3.18 Three existing parking spaces would be retained on site, including one wheelchair space. No additional parking is proposed on site. The site does not currently provide cycle parking. The proposals include 42 spaces for pupils and 4 spaces for staff.

## **4.0 Consultation**

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

### Pre-Application Consultation

4.2 The consultation undertaken by the applicant, as described within the submitted Design and Access Statement, was as follows:

A public exhibition was held at the school site on 10 September, 2014. Information boards were displayed in the school hall during an afternoon and evening session, with members of the design team on hand to answer queries. A video projection of a CGI walk-through was also playing during the day.

Participants were invited to complete a comment sheet - 2 were collected on the day.

The exhibition was attended by approx. 30 people, a mixture of school parents, neighbours and employees. Proposals were well received with specific concerns relating to:

- traffic impacts on surrounding streets during school pick-up and drop-off peaks
- no proposed use of adjacent park
- aspirational accessibility between classrooms.

### Statutory Consultation by Council

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

4.4 Site notices were displayed and letters were sent to 215 residents and businesses in the surrounding area and the relevant ward Councillors. The Forest Hill Society was also consulted.

4.5 Internally, the Council's Ecological Regeneration, Environmental Health, Highways, and Sustainability services were consulted.

### Written responses to statutory consultation received from Local Residents

4.6 Objections were received from the occupiers of Flat 9 Vale Lodge Perry Vale, 11 Church Vale, Myrtle Lodge 1 Church Vale and 23 Westbourne Drive. Comments were received from the occupier of 34 Gaynesford Road. The concerns raised were as follows:

- Parents already parking in private parking area of Vale Lodge during drop off/pick up
- Exacerbate traffic congestion in Perry Vale, Church Vale and Westbourne
- Tree removal resulting in loss of green breathing space and a visual break in what is a very built up area
- With the decline of the plane trees through disease which are synonymous to our neighbourhood here in Perry Vale, but which are not being replaced, I think we should look very carefully before removing any more trees for development.

- Lack of consultation on tree removal and subsequent addition of updated trees showing additional tree removals on the online planning file- appears deceptive.
- Concern over additional tree removal
- Replacement planting with young trees will not provide sufficient screening for several years
- Concern over location of an entrance on the corner of Church Vale and Westbourne Drive, which could be dangerous for small children given high number of vehicles, buses and HGVs using the road

#### Written Responses received from Statutory Agencies

##### Sustainability Officer

- 4.7 Raises objections as the scheme would not achieve BREEAM 'Excellent'.

##### Highways Officer

- 4.8 Unobjectionable, subject to conditions relating to a Delivery & Servicing Plan, Construction and Logistics Plan, details of the secure cycle storage and a Travel Plan and a S278 agreement that would secure improvements to the crossing facilities and parking controls/ waiting restrictions adjacent to the school site. This would include the following:

- Perry Vale:- New school children crossing signs and on the road markings;
- Dacres Road:- All school keep clears and road markings remarked to new school layout;
- Perry Vale :- All school keep clears, Zebra crossing and mother and child road marking remarked to new school layout;
- Westbourne Drive - 2 New school children crossing signs and on the road markings;
- Additional double yellow lines from Westbourne Drive junction with Church Vale to the end of the traffic island;
- Dacres Road:- Entry Treatment works;
- Removal of speed hump and make good road surface;
- Perry Vale:- New Zebra Crossing including assessment, statutory consultation and construction.

##### Ecological Regeneration Manager

- 4.9 After initially raising concerns about the lack of biodiversity enhancement proposed, following revisions to the scheme, the Council's Ecological Regeneration Manager advised the proposal is a reasonable, balanced and good addition, provided that the roof is designed to maximise its biodiversity.

##### Lewisham Design Panel

- 4.10 The draft proposals were presented to the Lewisham Design Review Panel in June and September 2014.
- 4.11 The Panel's feedback from the first presentation (June 2014) is summarised as follows:

*Location and massing:*

- Foundation building location logical and acceptable
- Reconsider location of WC pod in foundation
- Consider location of hall relative to boundary
- Courtyard approach acceptable

*Materials*

- consider use of materials appropriate to each part.

*Entrances*

- consider entrance to both foundation and main block Outdoor learning
- strategy acceptable with distinctive, separate spaces; woodland play invaluable.

4.12 The Panel's feedback from the second presentation is summarised as follows:

*Plan layout:*

- The approach and entrance has improved
- The communal space/circulation is seen as a positive interactive learning space.

*Form and elevations:*

- Consider specification of timber cladding as a material
- Elevations have progressed positively

*Materials and detail:*

- Suggest focus on durable high quality materials selection

Overall the Panel felt that both schemes, Foundation and Main School Building, were progressing positively and improved relative to the first review.

## **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 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents.

#### London Plan (March 2015)

5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

- Policy 3.18 Education facilities
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs

Policy 5.21 Contaminated land  
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 7.21 Trees and woodlands

### Core Strategy

- 5.7 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 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 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

### Development Management Local Plan

- 5.8 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:

- 5.9 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 28	Contaminated Land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 35	Public realm

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- a) Principle of Development

- b) Trees
- c) Design
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping

#### 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’. Development proposals which ‘enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary 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 one form of entry (plus a bulge class and nursery) to two forms of entry and a nursery, as well as delivering a significant improvement in the standard of educational facilities at the school.
- 6.7 On the basis of the above policy guidance, it is considered that, subject to matters of design, highways, impact on neighbouring occupiers, trees, ecology, landscape and sustainability being satisfactory, the principle of development is acceptable. These matters are described and assessed below.

#### Trees

- 6.8 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”*.



- 6.9 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.”*
- 6.10 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”*.
- 6.11 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, 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.
- 6.12 A tree survey and Arboricultural Impact Assessment were submitted in support of the application. At the time of submission, there were 50no. trees within the school site, the bulk of which were located within the nature area in the north east part of the site. There are also two small linear groups along the boundary with the park and in front of the main building on Perry Vale. In addition, there are mature trees within the park, lining the boundary with the school.
- 6.13 None of the trees on site or within the park are subject to a Tree Preservation Order.
- 6.14 At the point of submission, the application proposed the removal of 27no. trees within the nature area in order to enable construction of the Foundation building. However, in February this year, the applicant proceeded to remove these trees and, in addition, a further 8no. trees. It is understood that the trees were removed in order to avoid the bird nesting season, which begins in March. A revised tree removals plan was subsequently submitted in early March.
- 6.15 Whilst the felling of the trees is regrettable, planning permission was not required to undertake the works as the trees were not protected by a Tree Preservation Order.
- 6.16 Also subsequent to the submission of the application, the applicant approached the Council’s Parks Service to discuss the potential removal of 6no. mature trees within the park, on the boundary adjoining the nature area. The Parks Service has informally agreed to the removal of these trees, on the basis that they will be replaced by 7no. semi-mature London Plane trees, to be planted on the boundary.
- 6.17 As the park trees fall outside the red line application boundary, replacement trees cannot be secured by condition, though this can informally be agreed between the applicant (Education Service) and the Parks Service. For the purposes of this application, it is necessary to ensure that the Foundation block can be constructed without causing damage to the trees in the park. For this reason, a condition requiring a tree protection plan has been specified as a pre-commencement condition.

- 6.18 Of the 35no. trees removed within the application site, 5no. were Category B (moderate quality and value) and the remainder were Category C (low quality and value).
- 6.19 The initial level of tree removal had been discussed with officers at pre-application stage and, it is understood, was presented at the public exhibition. During pre-application discussions, Officers had advised that some tree removal was likely to be acceptable, provided that the high quality trees (T1 on Church Vale and T28 within the site) were retained and suitable replacement planting was provided.
- 6.20 The trees removed were of low to moderate quality arboriculturally, but did provide visual amenity value to the local area.
- 6.21 Planning policy seeks to retain trees of high value, the removal of which can only be considered acceptable where the benefits of a proposal and mitigation provided are sufficient to outweigh that loss. Category C trees, being of low value, should not preclude development. In the case of the Category B trees however, it is necessary to consider whether their loss is justified by the benefits of the proposals and the replacement planting proposed.
- 6.22 To mitigate the loss of the trees, the applicant proposes to plant 6no. semi-mature (4.5-5metre height, 18-20cm girth) trees as part of their landscape scheme. Of these, 5no. would be planted within the Foundation Unit area and one within the playground south of the new extension. On the Church Vale and Westbourne Drive boundaries, 4no. small leaved lime and 1no. London Plan are proposed. along Church Vale. These trees would restore an immediate level of greenery to these boundaries, though it would take approximately 15 years for the trees to mature fully. In the playground, a cherry tree of 20-25cm girth is proposed.
- 6.23 The replacement planting is considered to be of high quality and would provide a tree lined edge to the new Foundation block to help to soften the appearance of the new building. Although they would not replace the level of greenery which existed on the site previously, as semi-mature trees they would have immediate impact from the date they are planted. The reduction in the level of planting in this part of the site must be balanced against the need for new school places, which is pressing in this part of the borough.
- 6.24 In this case, officers consider that the loss of the existing trees is justified by the benefits of the proposals and the high quality replacement planting, which would provide a green canopy to the boundaries of the site over time and provide habitat value.
- 6.25 On this basis, the proposed on-site 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.

### Design

- 6.26 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.

- 6.27 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.”
- 6.28 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.
- 6.29 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.
- 6.30 The proposals involve the demolition of three existing buildings located in the centre of the site, one of which (the Nursery) is visible from Perry Vale, while the other two are positioned along the eastern boundary with the park. None of these buildings are of historic or architectural merit and there is no objection to their demolition in principle, subject to any replacement building being of suitably high quality.
- 6.31 The present layout of buildings across the site is fragmented and the removal of the above buildings provides an opportunity to rationalise and make more efficient use of the site as well as improving connections between facilities and routes throughout.
- 6.32 This scheme has been submitted following pre-application discussions with officers during 2014 and two reviews by the Lewisham Design Review Panel.
- 6.33 The proposed extension to the existing main block on Perry Vale would be two storeys in height, albeit that the front of the building is a single height dining and sports hall. The extension would sit on the southern side of the existing main building, in place of the removed Foundation and Nursery buildings.
- 6.34 The extension would be larger than the buildings removed, but similar in its scale, depth and window proportions to the existing main building. The extension steps forward of the building line of the existing main building. This is considered appropriate to mark the new main entrance to the school and also to utilise otherwise dead space inside the boundary fence.
- 6.35 The design of the new main extension also takes cues from the architectural language of the main school building, in particular the regular rhythm of the fenestration. A new low level brick wall picks up the line of the existing brick wall on Perry Vale.

- 6.36 The existing building is predominantly constructed from red brick with a mixture of flat and pitched roofs.
- 6.37 The volume of the proposed extension is organised into three elements: hall, teaching space and visitor entrance. The materiality reflects these different elements.
- 6.38 The link between the existing building and hall, accommodating the main entrance, would be a lightweight element, finished with translucent polycarbonate cladding. The hall would have a brick base with timber battened top, while the classrooms behind would be faced entirely in red brick. The external treatment responds to that of the existing building, while also serving to break down the scale of the building, and add interest to the streetscene.
- 6.39 The first floor extension on the northern boundary would be treated also in vertical timber cladding, with semi-transparent wall cladding to provide light to the corridor, whilst protecting the privacy of neighbouring occupiers to the north.
- 6.40 It is considered that the design of the extensions is of a high quality, would complement the retained school building, successfully respond to the local character of the area and would deliver a significant improvement in the appearance of the site in comparison with the existing structures to be removed.
- 6.41 The Foundation Unit introduces a building in a previously undeveloped part of the site, the nature area. It is proposed as a single storey 'pavilion' building with a flat roof, set on the back of pavement on Westbourne Drive.
- 6.42 The entrance to the building would sit on the corner of Church Vale and Westbourne Drive. The pedestrian access would be set back into the site, giving back a small area of public realm on the corner. Inside the gate, a generous waiting area is provided for parents and pupils.
- 6.43 On Westbourne Drive, the treatment to the building would be of buff brick, conceptually representing a garden wall. It would be punctuated by smaller windows that would provide light and ventilation to the rooms behind and add interest to the streetscene. The internal wall would be finished in timber cladding, with large sliding doors leading out to the associated play space, partially covered by canopies that extend from the building.
- 6.44 Officers did query the height of the gates and boundary fencing as submitted, which were 2.45metres on the boundary. In response, the applicant submitted revised proposals, with the front boundary fence at 1.95metres. The secondary fence to the foundation unit play area remains at 2.45metres for security reasons.
- 6.45 Overall, it is considered that the modest scale and external treatment of the building, together with the proposed landscaping would be an appropriate response to the character of this area, and would provide high quality education facilities, in accordance with London Plan policies 7.4 and 7.6 and Core Strategy Policy 15.

#### Highways and Traffic Issues

- 6.46 The applicant has submitted a Transport Statement which includes a parking survey.

*a) Access*

- 6.47 The site currently has three pedestrian access points: 2 on Perry Vale and one on Church Vale. There is also a gate from the nature area to Westbourne Drive but this is not currently in use. Two vehicular access points for servicing, deliveries, emergency access and parking are located on Perry Vale.
- 6.48 As part of the proposals, two pedestrian accesses are retained on Perry Vale. Of these, the position of the main visitor entrance would move so that it aligns with the new reception area created in the proposed extension. The position of the existing pupil entrance (which also serves as the emergency vehicle access) would not change. A new combined visitor and pupil entrance is proposed on the corner of Westbourne Drive and Church Vale to serve the new Foundation building. The position of the other vehicular accesses would not change.
- 6.49 The new pupil access on to the Foundation unit would increase activity in this area and has been raised as a concern by local residents. The access would be used only for the reception classes (60 pupils) and nursery (two intakes of 25), while other pupils (360) would use the accesses on Perry Vale. It is considered that, at this level of use, the new reception access would be unlikely to give rise to significant impacts on the highway or residential amenity.

*b) Servicing*

- 6.50 The servicing arrangements for the school are not proposed to change and the applicant considers that the number of deliveries/collections would 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*

- 6.51 Cycle parking requirements are set by the London Plan 2015 (Table 6.3). For D1 Education development, Table 6.3 requires a minimum of 1 space per 8 staff and 1 space per 8 students. As there is no provision on site at present, a requirement of 58 spaces in total is derived. The application proposes 46 spaces, though this was calculated using the previous standards. The increased level of cycle parking and details of its specification will be secured by condition.

*d) Car parking and traffic generation*

- 6.52 Core Strategy Policy 14 adopts a managed and constrained approach to car parking provision in order to contribute to the objectives of traffic reduction.
- 6.53 The submitted Transport Statement refers to a School Travel Plan survey dated October 2014 and a Parking Survey undertaken in November 2014.
- 6.54 The pupil and staff travel survey indicates that 25% of pupils and 32% of staff arrive by car at present. As there are only 3 parking spaces on site, this means that other staff members park in surrounding streets. A further 12% of pupils travel part of the way by car but arrive on foot. All other pupils and staff arrive by walking and public transport.

- 6.55 Based on these travel modes, the expansion would result in approximately 45 additional pupils and six additional staff members arriving by car. A further 22 pupils would travel part of the way by car but finish the journey on foot.
- 6.56 There are currently 3 parking spaces within the school site and no additional parking is proposed as part of the application. Increased staff numbers would generate demand for a further 6 spaces in the local streets. Increased pupil numbers is also likely to result in more pressure around drop off and collection times.
- 6.57 The application site is not located within a controlled parking zone. The site is very close to Forest Hill Station, with commuter parking likely to be generating a good proportion of the parking demand identified.
- 6.58 It is also noted that the existing car park at Forest Hill Station provides free parking for up to 30 minutes, which could be utilised during drop-off and pick-up times by parents.
- 6.59 The applicant has submitted a parking survey to assess parking capacity in the surrounding streets and at peak times. The survey was undertaken in accordance with the 'Lambeth methodology', as agreed in advance with the Council's Highways Officer.
- 6.60 The survey was conducted on Wednesday 26<sup>th</sup> & Thursday 27<sup>th</sup> November 2014 between 07.55-09.55 and 14.30-18.00 to cover school drop off and pick up times. The survey area covered Westbourne Drive, South Road, Church Vale, Perry Vale, Dacres Road and Hindsley's Place.
- 6.61 The survey found that, during the morning survey period the average parking stress was 76-84% on each day. Based on a total capacity of 219 spaces, this indicates that 36-53 spaces were available within 200metres of the school. Peak parking pressure occurred at 09.45 and 09.05 on each day, after the school start time of 08.55am.
- 6.62 During the afternoon period, average parking stress was 77% on both days. The peak parking stress occurred at 15.10 on both days, when it was at 96% and 89% respectively (9-24 spaces available). This is likely to be related to school pick-ups.
- 6.63 The additional demand for staff parking generated (6 spaces) can be accommodated within surrounding streets without materially increasing the parking stress.
- 6.64 With an additional 45 pupils being dropped off in the morning, there is likely to be space for most, if not all, to set down within available parking on-street parking spaces. As the enlarged school reaches full capacity in 4-7 year's time, parking stress during the afternoon pick-up period may become significant. It is necessary to consider the mitigation measures that could be implemented in order to manage this demand.
- 6.65 The current lack of cycling facilities at the site is a potential barrier to cycling. The proposals make provision for a significant number of staff and student cycle parking, to be brought up to London Plan standards by condition, as well as shower facilities for staff. The provision of cycle facilities at the school would be expected to result in a reduction in car journeys to the site.

- 6.66 The school operates an existing travel plan, last updated in October 2014. Future travel plan reviews can be required by condition to relate to the additional intake of pupils each year.
- 6.67 The Council's Highways Officer has advised that the increased traffic generated by the enlarged school would be unlikely to give rise to unacceptable impacts on the highway, provided that various improvements (listed in Section 4 above) to local crossing facilities and parking controls/waiting restrictions adjacent to the site are secured in a highways agreement under S278.
- 6.68 On the basis of the cycle parking to be provided, highways improvements secured and conditions requiring a revised school travel plan and construction logistics plan, it is considered that the highways impacts arising from the scheme can be adequately mitigated.

#### Impact on Adjoining Properties

##### *Privacy*

- 6.69 Core Strategy Policy 15 requires that any adverse impact on neighbouring amenity will need to be addressed by development proposals.
- 6.70 The extension to the south of the main building would be located 46 metres from the closest residential dwelling to the south. Although it projects forward of the existing building line, the extension would still be 30 metres from the front elevation of the flatted block on the opposite side of Perry Vale.
- 6.71 The first floor extension on the north side of the main building would sit 6 metres from the boundary with the residential properties to the north. The risk of overlooking has been addressed by specifying semi-translucent cladding instead of window openings.

##### *Construction works*

- 6.72 Disruption to local residents may arise from the 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 would enable the Council to limit working hours to reasonable times in order to address these concerns, although it is inevitable that some disruption would occur during the demolition and construction phase.

#### Sustainability and Energy

- 6.73 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'.
- 6.74 The original BREEAM pre-assessment report submitted with the application indicated that a score of 57.3% (Very Good) would be achieved, where the range for Very Good is 55-69%. In response to concerns from Officers that this was not

acceptable given the scale of the proposals, the applicant submitted a revised BREEAM report in March which indicated that, by incorporating additional measures, an improved score of 66.33% could be achieved.

- 6.75 The scheme has failed to pick up a number of credits which are available only by undertaking surveys early in scheme development. While it is disappointing that BREEAM 'Excellent' is unlikely to be achieved, it is accepted that this is for technical reasons and does not relate to the performance of the buildings. In this instance, given the wider benefits of the proposals, a score of 66% is considered acceptable. A condition is recommended, requiring that the proposal meet a minimum score of 66% to ensure that this 'very good' score is maintained through to construction.
- 6.76 The submitted Energy Statement indicates that the scheme would achieve a carbon emissions reduction of 43% against 2013 Building Regulations, through incorporation of energy efficient measures, combined heat and power and renewable technologies (Air Source Heat Pump and Photo voltaics) which satisfies the Core Policy 8 requirement to achieve a 35% reduction on Building Regulations 2013.
- 6.77 Although the Sustainability Manager has recommended refusal on the basis of failure to achieve BREEAM Excellent, it is considered that all reasonable efforts have been employed to this goal and that the proposed 'Very good' score is acceptable given the wider public benefits that the scheme would provide.

#### Ecology and Landscaping

- 6.78 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.
- 6.79 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.
- 6.80 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.
- 6.81 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.
- 6.82 The proposals as submitted included some biodiverse planting throughout the site, however as a result of the changes to the nature area, there would be an overall reduction in biodiversity across the site.



6.83 In discussion with officers, the applicant subsequently submitted an enhanced proposal including two areas of living roof amounting to 250sqm across the Foundation Unit and main building extension.

6.84 Officers consider that the details provided to date are sufficient to demonstrate compliance with the above policies. A condition has been specified in order to secure the area and specification of the living roof.

#### Site Contamination

6.85 The submitted Conisbee Report advises that a Geotechnical Investigation to ascertain ground conditions and any possible contamination is required. It is therefore proposed to include a condition to ensure that this is undertaken.

#### Community Infrastructure Levy

6.86 The proposed development is liable for Lewisham CIL.

### **7.0 Equalities Considerations**

7.1 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.

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

7.3 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.

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

### **8.0 Conclusion**

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

8.2 Officers consider that the proposals would make a significant contribution towards addressing the pressing need for primary school places in the Borough.

8.3 The design of the proposals relates successfully to the surrounding context, complements the existing school buildings and would enhance the local streetscene.

8.4 Based on the mitigation to be secured by condition, the scheme would not give rise to significant adverse impacts on the highway network or parking locally.

8.5 Although the removal of trees at the site prior to the planning process being completed was regrettable, the trees were not subject to a preservation order and it is considered that the level of tree removal is acceptable in the context of the benefits of the proposals and replacement planting provided.

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

9.0 **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:

PL\_001, PL\_002, PL\_003, PL\_004, PL\_006, PL\_007, PL\_008, PL\_009, PL\_011, PL\_101, PL\_105, PL\_106, PL\_111, PL\_112, PL\_113, PL\_114, PL\_115, PL\_116, DPA-69869-01 Rev A, Energy Strategy Statement, Preliminary Ecological Assessment, Daytime Bat Survey, Contamination Report Part 1, Contamination Report Part 2;  
Revised Transport Statement, received December 2014;  
PL\_103A, PL\_108A, PL\_109A, PL\_110A, Arboricultural Impact Assessment received February 2015; and  
PL\_102B, PL\_104B, PL\_107A, SK106, L-100 D, L-800C, revised BREEAM Report & Pre-Assessment, received March 2015.

**Reason:** To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

3. No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
  - (a) Dust mitigation measures.
  - (b) The location and operation of plant and wheel washing facilities
  - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
  - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
    - (i) Rationalise travel and traffic routes to and from the site.
    - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.

- (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

**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 (2015).

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 and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

5. (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of "Very Good" with a minimum score of 66%.
- (b) No development above ground level (excluding demolition) 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 mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2015).

6. No development shall commence above ground level on site until a detailed schedule and samples (including erection of a sample panel of bricks and timber cladding on site) of all external materials and finishes, windows and external doors 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. (a) A minimum of 57 secure and dry cycle parking spaces shall be provided within the development.
- (b) No development shall commence above ground level on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

8. (a) No development 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 (2015), 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.

9. No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**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).

10. (a) Details of the proposed new boundary treatments including the specification of 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).

11. The development shall be constructed with biodiversity living roofs laid out in accordance with plan nos. PL\_104B & PL\_107A hereby approved. The living roof shall be biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least

133mm) and plug planted & seeded with an agreed mix of species within the first planting season following the practical completion of the building works.

- (a) Prior to any works above ground level, full details of the living roofs which shall cover an area no less than 250sqm shall be submitted to and approved in writing by the Local Planning Authority. These details shall include a 1:20 scale plan [of the living roof] that includes contoured information depicting the extensive substrate build up and a cross section showing the living roof components and details of how the roof has been designed to accommodate any plant, management arrangements, and any proposed photovoltaic panels and fixings.
- (b) The development shall be carried out strictly in accordance with the details so approved under (b) and shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority. Evidence that the roof has been installed in accordance with (a) & (b) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.
- (c) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

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

- 12. (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

- 13. (a) 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).

- 14. All planting, seeding or turfing comprised in the landscaping scheme hereby approved (Drawing L100 D) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

- 15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation 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).

- 16. The semi-transparent wall cladding indicated on the northern elevation of the 1st floor extension hereby approved shall be subject to detailed approval under condition 2 above, fitted prior to first occupation of the extension 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 of the Development Management Local Plan (November 2014).

17. 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).

18. 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

**Reason:** To comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and policies DM 25 Landscaping and trees and 30 Urban design and local character of the Development Management Local Plan (November 2014).

20. Prior to the commencement of above ground works, a highways agreement under Section 278 of the Highways Act 1980 shall be agreed and completed with the Highways Authority to secure improvements to the crossing facilities and parking controls/ waiting restrictions adjacent to the school site. All works secured in the highways agreement are to be completed before the development is occupied.

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

## **INFORMATIVES**

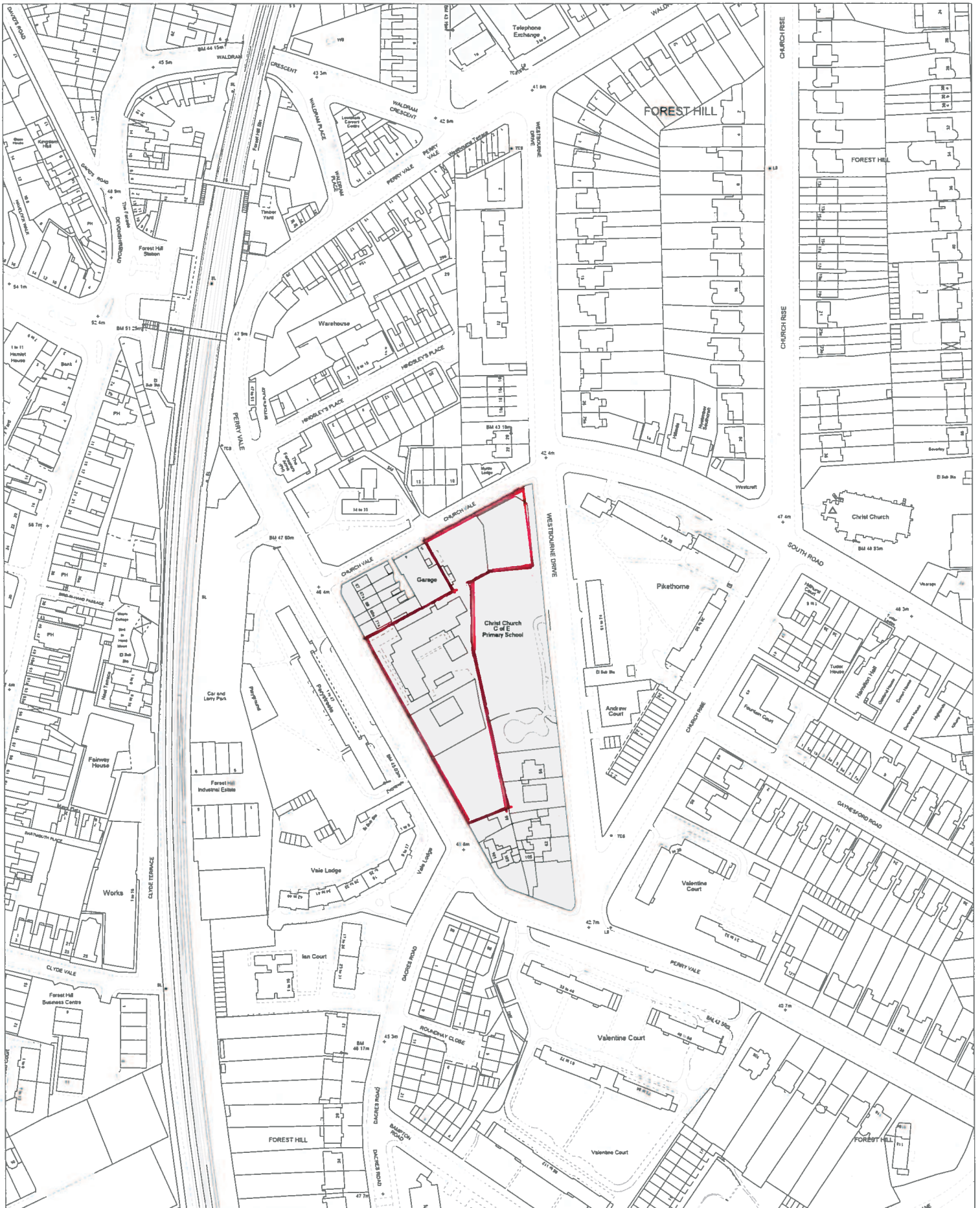
- A **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B You are advised that all demolition and construction work should be undertaken in accordance with the "London Borough of Lewisham, Good Practice Guide: Control of pollution and noise from demolition and construction sites" available via the following weblink: <http://www.lewisham.gov.uk/myservices/environment/Pollution-information-for-developers-and-businesses/Documents/GoodPracticeGuide.pdf>



- C The applicant is advised that conditions 3, 4 and 9 require details to be submitted prior to the commencement of works due to the importance of minimising disruption on the local highway network during construction, ensuring that contamination is identified and remediated appropriately and that the retained trees on and off site are protected during the development works.

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# St. Georges Church of England Primary School



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Committee	PLANNING COMMITTEE (A)	
Report Title	FEATHERSTONE LODGE, ELIOT BANK SE23 3XE ( <b>Addendum Report</b> )	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	Date: 23 April 2015

Reg. Nos. DC/14/86666

Application dated 14.04.2014

Applicant Savills on behalf of Hanover Housing Association

Proposal The demolition of the existing Gatehouse, Laundry and Glasshouse at Featherstone Lodge, Eliot Bank SE23 and the change of use of the main building from a drug rehabilitation project (Use Class C2) to residential use (Use Class C3) as a Senior Cohousing Development to provide 1 one-bedroom self-contained flat and 7 two-bedroom self-contained flats, plus communal areas in Featherstone Lodge, the construction of 2 two-bedroom, two-storey duplex houses on the site of the Gatehouse, the construction of 4, two-bedroom, two-storey houses on the site of the Glasshouse, the construction of 19 units comprising 11 one-bedroom self-contained flats and 8 two-bedroom self contained flats in a part two/part three/part four storey new block in the rear garden, the construction of a new roadway from Eliot Bank along the northern edge of the site, to the rear of houses at 1-13 (consecutive) Knapdale Close, together with the provision of parking for a total of 20 cars, the construction of a scooter store for 4 mobility scooters, the provision of cycle storage for 33 cycles, the felling of protected TPO trees and the provision of additional landscaping, including alterations to the carriageway and footpath in Eliot Bank.

Applicant's Plan Nos. 10-397\_001 Rev E, 10-397\_PL\_002 Rev C, 10-397\_PL\_004 Rev B, 10-397\_PL\_005 Rev F, 10-397\_PL\_006 Rev L, 10-397\_PL\_007 Rev F, 10-397\_PL\_008 Rev F, 10-397\_PL\_009 Rev G, 10-397\_PL\_10 Rev D, 10-397\_PL\_011 Rev D, 10-397\_PL\_012 Rev D, 10-397\_PL\_013 Rev D, 10-397\_PL\_014 Rev C, 10-397\_PL\_015 Rev C, 10-397\_PL\_016 Rev C, DAT / 9.0, DAT / 9.1, DAT / 9.2, DAT / 9.3, DAT / 9.4 DAT / 9.5, DAT / 9.6, DAT / 9.7, DAT / 9.8, DAT / 9.9, DAT / 9.10, DAT / 9.11, DAT / 9.12, DAT / 9.13, DAT / 9.13, C100 Rev T2, C440 Rev T2, 245\_FL\_PL\_L09 & Drawing 397 SK 181 Revision A - Relative levels / daylight to Knapdale Close, 397\_SK\_184 and 397\_SK\_185

Planning Statement, Design & Access Statement, Preliminary Construction Logistics Plan, Heritage Appraisal, Landscape Proposals, Flood Risk Assessment & Sustainable Drainage Strategy, Site Investigation Report,

Code for Sustainable Homes and BREEAM Report, Transport Statement, Bat Survey, Ecological Management Plan (Amended 7/4/14), Arboricultural Impact Assessment and Arboricultural Method Statement, Energy Statement, Wheelchair Housing Statement, Energy Statement Addendum (Peter Deer & Associates dated 3 July 2014), Letter from Paul Mew Associates dated 23 July 2014, & Assessment of Large Vehicle Traffic Movements During Construction (Conisbee - dated 16 Sep 2014), Traffic and Parking Executive Summary by Paul Mew Associates (Dec 2014

Background Papers

- (1) Case File LE/550/1/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2015)
- (4) National Planning Policy Framework (NPPF)

Designation

Core Strategy - Existing Use

**1.0 Background**

- 1.1 This application was originally considered by Members at the meeting of Planning Committee (A) held on 4th December 2014. Members resolved to defer determination of the application to a future meeting of Planning Committee (A) in order for further information to be provided in relation to the transport impacts of the proposals, in regard to both the construction phase, including contamination remediation works, and the permanent / operational impacts, regarding the quantum of development on the site, the level of car parking provision, the adequacy of access / servicing arrangements and the effect on the unmade section of the highway in Eliot Bank.
- 1.2 Details were submitted to the Council and a further report was presented to Committee (A) on 29 January 2015. Members resolved to grant planning permission, subject to the completion of a satisfactory Section 106 Agreement covering a list of matters.
- 1.3 Negotiations were held between the applicant and officers, however the S106 Agreement was not completed prior to the implementation of the Lewisham CIL on 1<sup>st</sup> April 2015. Consequently, officers have undertaken a reassessment to acknowledge the CIL requirements, which will be addressed in this addendum report.

**2.0 Considerations**

- 2.1 The principal of the acceptability of this development was agreed by members at Committee on the 29 January 2015. However the resolution passed by members on that date is now incapable of being implemented due to the change in the law in relation to CIL. This report sets out the details of those changes and asks that members make a fresh resolution that is capable of implementation..

## Approved Scheme

- 2.2 The scheme approved on 29 January 2015 proposed planning obligations that would be secured within the S106 Agreement to mitigate the impact of the development.
- 2.3 The scheme proposed 30% affordable housing, including seven Affordable Rent units, and three Shared Ownership units.
- 2.4 Financial contributions included;
- |                               |                    |
|-------------------------------|--------------------|
| (1) Education:                | £25,174.21         |
| (2) Health:                   | £42,900.           |
| (3) Leisure:                  | £26,843.68         |
| (4) Employment Training       | £11,250.00         |
| (5) Libraries:                | £6,385.50          |
| (6) Community Centres / Halls | £ 3,978.80         |
| (7) Parks/Gardens/Open Space  | £29,716.07         |
| (8) Highways                  | £13,000.00         |
| <u>Total</u>                  | <u>£159,248.26</u> |

- 2.5 In addition, a 35% reduction in CO2 emissions against 2013 Building Regs or carbon offset contribution was to be secured within the S106 Agreement, in addition to the provision of a car club parking space and a contribution to enable highway works to create a ramped access to the site from the highway.
- 2.6 Officers considered the obligations outlined above to be satisfactory to make the development acceptable in planning terms, whilst meeting the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## Lewisham CIL

- 2.7 On April 1<sup>st</sup> 2015, the Lewisham CIL was formally implemented, and is chargeable on the net additional floorspace (gross internal area) of all new development apart from that exempt under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended). The amount to be charged for each development will be calculated in accordance with Regulation 40 of the 2010 Regulations (as amended).
- 2.8 The development was granted permission in January 2015, however as the S106 Agreement was not completed before April 1<sup>st</sup>, the scheme is therefore subject to a Lewisham CIL charge, in addition to S106 obligations and the Mayoral CIL.
- 2.9 The site falls within the Zone 2 designation whereby a charge of £70 per sq.m would be applicable for residential development.
- 2.10 At this stage it is difficult to calculate an accurate final CIL charge as the figure would fluctuate depending upon when development commences and indexation is applied. In addition, the CIL Regulations allows for an apportion of the amount of

communal development to the affordable element, whereby social housing relief may be applicable before commencement.

- 2.11 The initial estimated CIL charge calculation undertaken by officers is £110k. When deducting the social housing relief, the figure is reduced to approximately £81k. The relevant indexation has been applied in the calculation, however the total charge is subject to change for the reasons outlined in para.2.10.
- 2.12 The scheme would maintain the 30% provision of affordable units as previously approved. The applicant's viability has since been independently assessed, and it was considered that a 30% provision would be reasonable, despite the overall reduction in charge. Officers therefore consider the affordable provision to be acceptable.
- 2.13 A number of the more generic obligations that initially formed part of the S106 cannot by law now form part of the S106 as they fall within the charge to be made under Lewisham's CIL These include the contributions towards:
- Education;
  - Health;
  - Leisure;
  - Libraries;
  - Community centres / halls;
  - Contributions to parks/gardens/open space.
- 2.14 Site specific obligations can still be secured within the S106 Agreement, these include affordable housing, employment training and age eligibility criteria.
- 2.15 In addition a site specific financial contribution of £13,000 toward highways works for the removal of steps and the creation of a ramped access to the Land from the highway at Eliot Bank would also be secured within the S106.

### **3.0 Conclusion**

- 3.1 Officers maintain support to the redevelopment of Featherstone Lodge, however it is necessary to present back to Committee as the S106 Agreement relating to the approved scheme was not completed prior to implementation of the Lewisham CIL on 1<sup>st</sup> April and cannot now be completed in the form originally approved by members.
- 3.2 A number of the obligations that were agreed in principle will remain applicable, albeit those considered as 'infrastructure' will now be liable to the Lewisham CIL and cannot be contained in a S106. The overall CIL payment would be calculated once the approved redevelopment works commence, and indexation is applied.
- 3.3 Therefore subject to the imposition of planning conditions, and the completion of a Section 106 Agreement in the amended form it is recommended that permission is granted.



## 4.0 **RECOMMENDATIONS**

### **RECOMMENDATION (A):**

4.1 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;
- the provision of a car club parking space for use by the car club;
- contributions of employment / training;
- contribution for the highway works
- contribution to carbon offset or demonstrate 35% reduction in CO2 emissions against 2013 Building Regs;
- obligations to secure age eligibility criteria;
- legal and monitoring costs.

### **RECOMMENDATION (B):**

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

- (1) 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:-

10-397\_001 Rev E, 10-397\_PL\_002 Rev C, 10-397\_PL\_004 Rev B, 10-397\_PL\_005 Rev F, 10-397\_PL\_006 Rev L, 10-397\_PL\_007 Rev F, 10-397\_PL\_008 Rev F, 10-397\_PL\_009 Rev G, 10-397\_PL\_10 Rev D, 10-397\_PL\_011 Rev D, 10-397\_PL\_012 Rev D, 10-397\_PL\_013 Rev D, 10-397\_PL\_014 Rev C, 10-397\_PL\_015 Rev C, 10-397\_PL\_016 Rev C, DAT / 9.0, DAT / 9.1, DAT / 9.2, DAT / 9.3, DAT / 9.4 DAT / 9.5, DAT / 9.6, DAT / 9.7, DAT / 9.8, DAT / 9.9, DAT / 9.10, DAT / 9.11, DAT / 9.12, DAT / 9.13, DAT / 9.13, C100 Rev T2, C440 Rev T2, 245\_FL\_PL\_L09 & Drawing 397 SK 181 Revision A - Relative levels / daylight to Knapdale Close

Planning Statement, Design & Access Statement, Preliminary Construction Logistics Plan, Heritage Appraisal, Landscape Proposals, Flood Risk Assessment & Sustainable Drainage Strategy, Site Investigation Report, Code for Sustainable Homes and BREEAM Report, Transport Statement, Bat Survey, Ecological Management Plan (Amended 7/4/14), Arboricultural Impact Assessment and Arboricultural Method Statement, Energy Statement, Wheelchair Housing Statement, plus Energy Statement Addendum (Peter Deer & Associates dated 3 July 2014), Letter from Paul

Mew Associates dated 23 July 2014, & Assessment of Large Vehicle Traffic Movements During Construction (Conisbee - dated 16 Sep 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.

### **Pre Commencement Conditions**

#### **Local Labour**

- (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).

#### Construction Management Plan

- (4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Construction shall only take place in accordance with the approved Plan. The Plan shall include but not be limited to details of:-
- i) Structural assessment of the unadopted/unmade section of Eliot Bank to identify suitability for construction traffic with any required measures necessary to be carried out prior to commencement of development;
  - ii) condition survey of Eliot Bank, and assessment of potential remediation measures and reinstatement in the event of any damage during construction;
  - iii) construction traffic movements and traffic management measures, in order to rationalise travel and traffic routes to and from the site, including full details of the number and time of construction vehicle trips to the site, with the intention of reducing the impact of construction-related activity;
  - iv) details of pedestrian routes and measures to ensure safe pedestrian access to the site and other premises in Eliot Bank and Julian Taylor Path;
  - v) location of loading / unloading areas, and storage of plant and materials and site accommodation;
  - vi) details of on-site parking provision for construction workers;
  - vii) hours of construction including times of deliveries (to be arranged to avoid opening hours for the rear gate into Eliot Bank School);
  - viii) the location and operation of plant and wheel washing facilities;

- ix) measures to control the emission of dust and dirt during demolition and construction;
- x) details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process;
- xi) security management, including the erection and maintenance of security hoarding;
- xii) demolition including a method statement and provision for the attendance of a bat ecologist.
- xiii) details of the training of site operatives to follow the Construction Management Plan requirements;

**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 in order to ensure satisfactory vehicle and pedestrian management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

#### Contamination Remediation

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

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify

compliance requirements, necessary for the remediation of the site have been implemented in full.

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

**Reason:** To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to comply with DM Policy 28 Contaminated Land of the Development Management Local Plan (November 2014).

#### Code for Sustainable Homes for Newbuild Residential Development

- (6) (a) The new 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 (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

#### BREEAM

- (7) (a) The converted Lodge building shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence until a Design Stage Certificate for The Lodge 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 (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

#### Piling Operations

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

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

#### Materials / Design Quality

- (9) No development shall commence on site until a detailed schedule and specification / 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. The development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the design is delivered in accordance with the details submitted and assessed so that the development achieves the necessary high standard and detailing in accordance with Policies 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.

#### Refuse Storage

- (10) (a) No development shall commence 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

#### Cycle Parking Provision

- (11) (a) A minimum of 33 secure and dry cycle parking spaces shall be provided within the development.
- (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).

#### Hard Landscaping Details

- (12) (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 (2015), 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.

#### Protection of Trees During Construction

- (13) All recommendations contained in the Arboricultural Impact Assessment and Arboricultural Method Statement (D F Clark Bionomique Rev H - dated March 2014) shall be adopted and implemented in full during the course of the development. Before any works of demolition or construction take place, all tree protection measures shall be installed. All tree works shall be carried out in full compliance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations). The Council's Arboricultural Officer shall be immediately consulted if there are any changes to the above regime.

**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).

## **Prior to Above Ground Works Conditions**

### **Boundary Treatments**

- (14) (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. Such details should include access arrangements and control mechanisms for the gate to the new roadway along the northern boundary.
- (b) The approved boundary treatments and entrance gate details shall be implemented prior to occupation of the buildings and retained in perpetuity.

**Reason:** To ensure that the boundary treatments are 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).

### **Soft Landscaping**

- (15) (a) A scheme of soft landscaping (including details of 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).

## **Prior to Occupation Conditions**

### **Road remediation**

- (16) The development hereby approved shall not be occupied until the improvements to the section of road between Knapdale Close and Julian Taylor Path shown on the submitted plan PL\_006 Rev L The Design and



Access Statement, & Landscape Proposals (by Clarke Associates) has been constructed in full accordance with the said plans.

**Reason:** In order to ensure that the local planning authority may be satisfied that the road improvements associated with the development are carried out, for the benefit of road users and pedestrians using this part of Eliot Bank, and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), Policy 5.3 Sustainable design and construction, and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2015) and DM Policy 35 Public Realm of the Development Management Local Plan (November 2014).

#### Road remediation

- (17) A post-construction road structural survey of Eliot Bank shall be carried out, to include an assessment of required remediation measures, and all identified measures shall be carried out in full before any of the residential units are first occupied.

**Reason:** In order that the local planning authority may be satisfied that the impact of the demolition and construction process is mitigated and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), Policy 5.3 Sustainable design and construction, and Policy 6.3 Assessing effects of development on transport capacity of the London Plan (2015) and DM Policy 35 Public Realm of the Development Management Local Plan (November 2014).

#### Ecology Management Plan

- (18) All recommendations contained in the Ecology Management Plan hereby approved shall be adopted and implemented in full during the course of the development and all bat and bird boxes shall be installed on site before any of the residential units are first occupied.

**Reason:** To comply with Policies 5.10 Urban greening, and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), & 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).

#### Residential Travel Plan

- (19) (a) No part of the development hereby approved shall be occupied until such time as a Residential 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 Residential Travel Plan from first occupation.
- (b) The Residential Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a

monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

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

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

#### Living Roofs

- (20) (a) Details of the construction and type of living roofs shall be submitted to the local planning authority in writing prior to the commencement of the above ground works and carried out in accordance with the details 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) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**Reason:** To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

#### External Lighting

- (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 and prevent undue impact on wildlife, especially bats. Proposals should demonstrate that any external lighting around bat boxes or tubes would be minimal and 'bat sensitive', with light directed towards the ground using shields, hoods or cowls, and be motion-sensitive to reduce light pollution. Any other methods identified by the Council's Ecology Officer should be incorporated.

**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 7.19 Biodiversity and access to nature conservation in the London Plan (2015), and Core Strategy Policy 12 Open space and environmental assets and DM Policy 24 Biodiversity, Livings Roofs and Artificial Playing Pitches and DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

#### Delivery and Servicing Plan

- (22) (a) The development shall not be occupied until a Delivery and Servicing Plan including a Waste Management 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).

#### Parking Management Plan / Car Sharing

- (23) Prior to the occupation of any of the residential units hereby approved, a Parking Management Plan (PMP) shall be submitted to and approved in writing by the local planning authority. The Plan should provide details of measures to manage the parking areas within the site. The development shall be operated in all respects in accordance with the approved PMP. The PMP should include details of car club / car sharing arrangements.

**Reason:** To ensure that the local planning authority may be satisfied as to the adoption and operation of the Parking Management Plan (PMP) and to ensure that the use of the buildings does not increase on-street parking in the vicinity.

#### Vehicular Access

- (24) The development hereby approved shall not be occupied until the vehicular access and front forecourt arrangement as shown on the submitted plan 10-397\_PL\_006 Rev L has been constructed in full accordance with the said plans.

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

## **Conditions which do not require details to be submitted**

### **Lifetime Homes**

- (25) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. 10-397\_PL\_005 Rev F, 10-397\_PL\_006 Rev L, 10-397\_PL\_007 Rev F, & 10-397\_PL\_008 Rev F 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).

### **Wheelchair Homes**

- (26) The three flats on the ground floor of the Lodge and three flats in the garden flats block (Plots 19, 23 and 24) designated as the 6 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. PL\_006 Rev L 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 principal 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).

### **Satellite Dishes**

- (27) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of any of the buildings on site.

**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).

### **Plumbing or Pipes**

- (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 elevation of any of the buildings on the site.

**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).

#### Removal of PD Rights from Dwelling Houses

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

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

#### Use and Retention of Amenity Space

- (30) The whole of the amenity space (including roof terraces and balconies) as shown on drawing nos. 10-397 PL\_005 Rev F, 10-397 PL\_006 Rev L, 10-397 PL\_007 Rev F, & 10-397 PL\_008 Rev F 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).

#### Provision of Parking Spaces (Residential)

- (31) The whole of the car parking accommodation shown drawing no. 10-397 PL\_006 Rev L hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter.

**Reason:** To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings 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) and Table 6.1 of the London Plan (July 2011).

#### Retention of Trees (Full Planning Permission)

- (32) 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.

**Reason:** To comply with Policy 7.19 Biodiversity and Access to Nature Conservation in the London Plan (2015), Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and DM Policy 24 Biodiversity, Livings Roofs and Artificial Playing Pitches and DM Policy 25 Landscaping and Trees 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 being submitted.
- (2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - **<http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>**
- (3) The applicant is advised that any works associated with the implementation of this permission (including the demolition of the existing garages or breaking out of vehicle hardstandings) will constitute commencement of development. Further, all pre-commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the local planning authority, before any such works of demolition take place.
- (4) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham, Good Practice Guide - Control of pollution and noise from demolition and construction sites" available on Lewisham web page..

## **Thames Water Informatives**

- (5) **Surface Water Drainage** - 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 0845 850 2777. Reason - to ensure

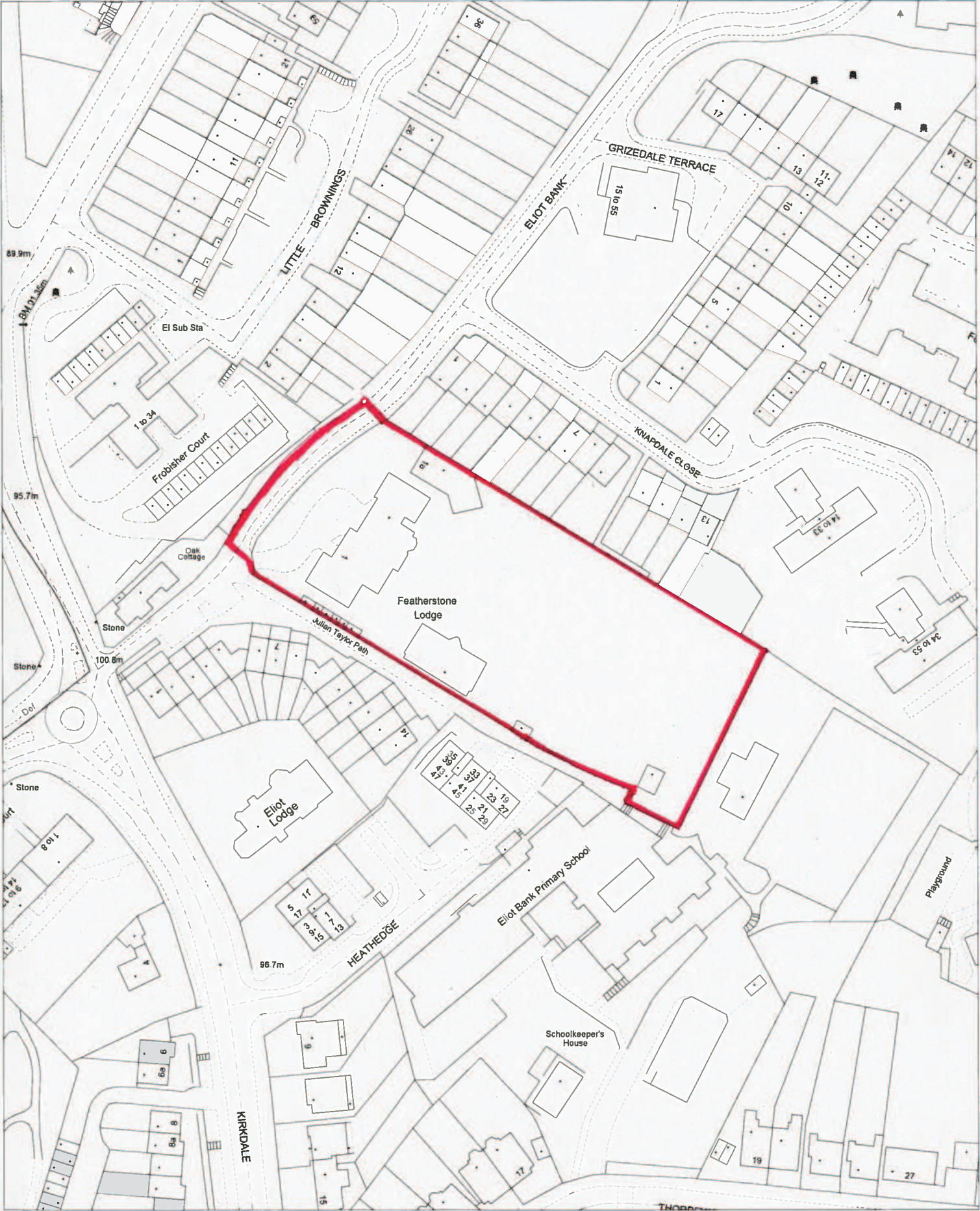
that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- (6) There may be public sewers crossing or close to the 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 0845 850 2777 to discuss the options available at this site.
- (7) Legal changes under the Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes shared with neighbours or situated outside of the property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should the proposed building work fall within 3 metres of these pipes, the applicant is recommended to contact Thames water to discuss their status in more detail and to determine if a building over/near to agreement is required. Contact Thames Water on 0845 850 2777 or for more information visit their website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

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# Featherstone Lodge - Eliot Bank SE23



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