

Committee	PLANNING COMMITTEE B	
Report Title	87 Old Road SE13 5SU	
Ward	Lee Green	
Contributors	Jan Mondrzejewski	
Class	PART 1	13 MARCH 2014

Reg. Nos. DC/13/84716

Application dated 30/08/2013

Applicant Cubit Consulting on behalf of Topfling Ltd

Proposal The part demolition and remodelling of the rear of 87 Old Road SE13 and the change of use from B8 (storage and distribution) to C3 (residential), together with alterations and conversion to provide 9 one bedroom self-contained flats, alterations to the north and east elevations including the installation of new windows and doors, the construction of a porch, a refuse store and access ramp, steps to the front of the building and gardens and boundary wall to the rear.

Applicant's Plan Nos. 8048-E01, E02A, E03B, P01C, P02E, P03D, P04C, P05C, P06B, P07, P08 & P09, Draft Section 106 Agreement, Design & Access Statement, Sustainability Statement, Planning Obligations Statement (Part A)

Background Papers

- (1) Case File LE/448/87/B
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan (July 2011)

Designation Existing Use

1.0 Property/Site Description

- 1.1 The application relates to a three storey warehouse building of early 20th Century date, reinstated and extended after the Second World War following war damage. For many years the building housed the furniture depository of the Chiesman's department store. Officers consider the lawfully established use of the building falls within the B8 Use Class. The building has a frontage to Old Road of almost 14m and is 32m deep.
- 1.2 To the north of the building is an access road serving the rear of shops in Lee High Road and to the south of the building is a Council depot largely used for storage and parking. The western (rear) elevation of the building is separated from the back gardens of houses in Bankwell Road by a single storey building which forms part of the Council depot. The eastern elevation forms the frontage

onto Old Road close to its junction with Aislibie Road. The footprint of the existing building covers almost all of the site, and there is a small forecourt at the eastern end of the building. However, the northern, southern and eastern walls of the building form boundaries with neighbouring sites.

- 1.3 The southern elevation of the building has one small ground floor window onto the Council depot. Unauthorised window openings in the south elevation at second floor level, installed in 2007, have now been removed and blocked in matching brickwork. Remaining elevations have several glazed openings (both windows and high level access doors), however, the lawful storage use of the building did not require large amounts of natural light.
- 1.4 The site is not within a conservation area but is close to the Lee Manor Conservation Area. This includes one Grade II* listed building (The Manor House) and one Grade II listed building (Pentland House and boundary walls) fronting Old Road. Adjoining the Manor House in Old Road is the entrance to Manor House Gardens, a public open space formed from the original landscaped grounds of the Manor House. The site is also within an archaeological priority area, being within the site of Lee Place, a medieval moated manor house.
- 1.5 The building was last used as an auction house but is currently believed to be vacant.

2.0 Planning History

- 2.1 In the immediate post war years there were various applications to refurbish and extend the building. A proposal to provide an additional storey on the front of the building for use as a piano store was refused on two occasions as representing an over-intensification of a non-conforming use. A rebuilding to a uniform height of three storeys was approved in 1951.
- 2.2 In 2007 an enforcement notice was served in relation to a number of new window openings that had been inserted into the south elevation of the building. In addition replacement windows had also been inserted in existing window openings at second floor level in the rear (west) elevation. An appeal to the Planning Inspectorate against an enforcement notice requiring the removal of the windows was dismissed in July 2008 following a local hearing.
- 2.3 In July 2007 an application was submitted for the alteration and conversion of the building with the provision of an additional storey, roof terrace and light well, to provide 3, one bedroom and 2, two bedroom, live/work units, 3, one bedroom and 4, two bedroom, self-contained flats, together with alterations to the elevations, including the provision of an access ramp to the main entrance. The proposal still included windows in the boundary wall adjoining the Council depot to the south of the site, as well as in the western elevation of the building, overlooking the rear gardens of properties in Bankwell Road. However, natural light to the majority of the proposed flats would have been achieved by means of new windows and doors with 'Juliet' balconies, facing the access road to the north of the site, together with a new light well. The construction of the light well involved the removal of a significant portion of the building, to be replaced by a first floor roof garden and second floor access balcony, both of which would have overlooked the Council's Depot.

- 2.4 An additional two flats were proposed in an extension on the roof of the building in a set back penthouse style, with the western end of the roof reserved for a roof garden. The 5 flats at first floor level were linked to a corresponding number of workshops at ground floor level to form live/work units with the remaining flats wholly residential.
- 2.5 This application was refused in October 2007 for the following reasons:-
- (1) The intensity of development proposed together with the lack of off-street parking provision would give rise to additional on-street parking in an already congested area and would thereby be prejudicial to vehicle and pedestrian safety contrary to Saved Policy TRN 26 Car Parking Standards of the Council's Unitary Development Plan (July 2004).
 - (2) The residential use of the building, coupled with the proposed new windows and roof garden would give rise to overlooking and loss of privacy to nearby residential properties in Bankwell Road contrary to Saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity of the Council's Unitary Development Plan (July 2004)
 - (3) The proposed development would fail to provide a satisfactory level of amenity for future occupiers by reason of poor outlook and the likelihood of noise and disturbance from commercial and municipal activities on adjoining sites contrary to Saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Accommodation, of the Council's Unitary Development Plan (July 2004)
 - (4) The windows in the south elevation would be prejudicial to the redevelopment of the adjoining depot site contrary to Policies URB 3 Urban Design and URB 6 Alterations and Extensions in the Council's Unitary Development Plan (July 2004).
- 2.6 An appeal in respect of this decision was dismissed in April 2008 following a local hearing. The Inspector's decision letter supported the Council's refusal reasons (2) and (3) and also reason (1) in respect to servicing and parking for the proposed live/work units. However, he considered that the proposal would not necessarily preclude a future development of the adjoining depot site for either residential or mixed use purposes.
- 2.7 The building was used for a period for war gaming with gun-like weapons firing harmless plastic pellets. Although the occupiers had installed some sound proofing the Council had received complaints from local residents regarding noise nuisance and parking associated with the use. An application was submitted to retain the use but this was withdrawn in December 2009 and the use ceased. Since this time the property appears to have been used for B1/B8 purposes.
- 2.8 In September 2011, Planning Committee (C) refused planning permission for the demolition of the rear part of the warehouse building and the construction of a new external rear wall and garden (Ref DC/10/76022), together with alteration and conversion of the remaining warehouse, to provide 9 one bedroom self-contained flats, the installation of new windows and a door, a disabled access

ramp to the entrance, new porch and bin store to the frontage of the building. The reason for refusal was as follows:-

'In the absence of a detailed assessment of the suitability of the site for employment, the proposal by reason of the loss the existing commercial use would harm the aim to provide a mix of uses within the locality to provide sustainable local services with a healthy and varied local economy. The proposal would therefore be contrary to policy 5 of the Lewisham Local Development Core Strategy (June 2011).'

- 2.9 That scheme had been recommended for approval by officers subject to a section 106 agreement to secure a car free development. This would have had the effect of taking away the right of prospective occupiers to obtain permits for parking in either the Lewisham or Blackheath Controlled Parking Zones (CPZs).
- 2.10 This decision was subject to an appeal which was dismissed in May 2012. On the subject of impact of the development on on-street parking the inspector stated that *'on balance, I consider that a residential use, properly restricted would be preferable in terms of off street parking and local congestion than the present (employment) use. However, this would depend on effective prevention of local car parking by incoming residents.'* In view of the fact that the developer had not offered any unilateral undertaking to restrict the access of incoming residents to resident only parking bays within the CPZ and (at this stage) this matter could not be the subject of a planning condition or a Section 106 Agreement, the inspector decided that the proposed development was contrary to Policy HSG 8 of the Adopted UDP. Significantly, the inspector considered that the proposed development would provide *'satisfactory living conditions for existing and incoming residents.'*
- 2.11 The appeal was therefore dismissed on the basis of its likely impact on on-street parking and the appellant's failure to provide a unilateral undertaking offering the sort of safeguards for local residents normally found in a Section 106 'no car' agreement.

3.0 Current Planning Application

The Proposals

- 3.1 The application proposal is a very similar scheme to the application dismissed at appeal in May 2012 and is for nine one bedroom flats in a reduced sized building. As with the previous scheme the rear part of the warehouse building would be removed and a new external wall constructed. The depth of the building would be reduced from 32m to 22m with part stepping back further to 18m..
- 3.2 Much of the fabric of the remaining original building would be retained. New double glazed windows in aluminium frames would be installed to replicate the 'Crittall' style windows of the existing building. The existing lift would be retained and an internal light well introduced to provide natural light to the communal hallway and landings within the truncated, remodelled building. There would be six new windows in the north elevation, serving kitchens and five new windows to the east elevation, which is the street frontage. The new west elevation would have four window openings at each of the first and second floor levels, with two windows and two French doors at ground floor level.

- 3.3 The demolition of a significant part of the building would result in the building being set back from the site boundary at the rear and seeks to overcome the constraint of the proximity of the windows in the rear of the existing building to residential properties in Bankwell Road. This also allows an area of amenity space to be provided, which is shown as private gardens, 9 metres and 13 metres in depth respectively, for the two ground floor flats in the current scheme.
- 3.4 All habitable rooms within the development would face either onto Old Road or the rear garden of the proposed development, with windows onto the access road at the rear of Lee High Road shops restricted to kitchens and bathrooms.
- 3.5 The applicant has confirmed a willingness to enter into a S106 agreement in relation to a car free development.

Supporting Documents

- 3.6 The application is submitted with a Design and Access Statement, a Lifetime Homes Assessment and a Planning Obligations Statement (offering a car free development). A draft Unilateral Undertaking offering this is also provided. A Code for Sustainable Homes Pre-assessment confirming that the development would comply with Code Level 4 of the Code for Sustainable Homes was subsequently provided.

4.0 Consultation

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

Written Responses received from Local Residents and Organisations

- 4.3 7 replies from the occupiers of Nos 4, 7, 11, 12, 13, Bankwell Road and 75 Old Road, objecting to the application on the following grounds:-
- (1) The development will generate additional parking in the CPZ to the detriment of existing residents.
 - (2) The Zinc Building was approved subject to a Section 106 which supposedly remove parking rights for residents within the CPZ. However this commitment has not been enforced.
 - (3) A car club scheme would take up two on-street spaces in an already congested area.
 - (4) On-street parking in the area after 6.30pm has become impossible.
 - (5) Car free development inevitably leads to increased on-street parking.
 - (6) The developer should be required to provide on-site parking even if this requires reducing the number of flats within the scheme.

- (7) To protect the privacy of existing residents, occupiers should be prevented from using the flat roof of the building as roof garden.
- (8) Lighting of rear garden should be conditioned in order to prevent disturbance to local residents from light spillage and glare.
- (9) The proposed amenity space should be conditioned to preclude noisy social events.
- (10) Residents views on parking were not fully taken into account at the previous Planning Committee meeting.
- (11) Parking within the CPZ is available to non-permit holders before 9am and after 7pm, although there is no enforcement after 6pm.
- (12) Since the last Planning Committee meeting in respect of this site, the parking situation for residents in Bankwell Road has worsened.
- (13) The library and Manor House Gardens also generate considerable traffic on Sundays when parking restrictions do not apply.
- (14) A Section 106 Agreement can be appealed or modified.

(Letters available to Members).

A Local Meeting is to be held on 5 March. Notes of the meeting will be circulated to Members prior to the Committee meeting.

Strategic Housing

4.4 No reply

Sustainability Manager

4.5 The Code for Sustainable Homes Pre-assessment is considered acceptable.

Highways and Transportation

4.6 No objection subject to the completion of a Section 106 Agreement which puts in place measures to limit parking generation in the local area. This should include an initial 2 year subscription to a car club for all flats within the proposed development. In addition, residents of the development would not be eligible for parking permits within the Lewisham or Blackheath CPZs. A travel plan to discourage the use of private motor cars and encourage the use of alternative forms of transport is also required.

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 any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27th 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 that (paragraph 211), 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 and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Ministerial Statement: Planning for Growth (23 March 2011)

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

5.6 The statement further sets out that local authorities should reconsider at developers request, existing Section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.

Other National Guidance

5.7 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

5.8 The London Plan policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 3.9 Mixed and balanced communities

Policy 3.15 Co-ordination of housing development and investment

Policy 4.1 Developing London's economy

Policy 4.4 Managing industrial land and premises

Policy 4.10 New and emerging economic sectors

Policy 4.11 Encouraging a connected economy

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

Policy 6.3 Assessing effects of development on transport capacity infrastructure

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.11 Smoothing traffic flow and tackling congestion

Policy 6.12 Road network capacity

Policy 6.13 Parking

Policy 7.1 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
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review for London

London Plan Supplementary Planning Guidance (SPG)

5.9 The London Plan SPG's relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Industrial Capacity (2008)

Housing (2012)

Sustainable Design and Construction (2006)

Planning for Equality and Diversity in London (2007)

London Plan Best Practice Guidance

5.10 The London Plan Best Practice Guidance's relevant to this application are:

Development Plan Policies for Biodiversity (2005)

Control of dust and emissions from construction and demolition (2006)

Wheelchair Accessible Housing (2007)

Health Issues in Planning (2007)

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

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

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 5 Other employment locations

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 21 Planning obligations

Unitary Development Plan (2004)

5.12 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design
URB 6 Alterations and Extensions
URB 12 Landscape and Development
URB 13 Trees
URB 14 Street Furniture and Paving
ENV.PRO 10 Contaminated Land
ENV PRO 17 Management of the Water Supply
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 10 Conversion of Office and other Commercial Space to Residential Accommodation
TRN 28 Motorcycle Parking

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (January 2011)

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

Emerging Plans

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

5.16 The following emerging plans are relevant to this application.

Development Management Local Plan

- 5.17 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public took place on the 26th and 27th February 2014.
- 5.18 As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process. The DMLP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage.
- 5.19 However, there are also a number of policies contained within the plan that hold less weight as the Council has received representations from consultees or questions from the Inspector regarding the soundness of these policies. These policies cannot carry full weight until the Inspector has found the plan legally compliant and sound.
- 5.20 The following policies hold significant weight as no representations have been received regarding soundness, and are considered to be relevant to this application:

DM Policy 28	Contaminated land
DM Policy 35	Public realm

- 5.21 The following policies hold less weight as representations have been received or questions have been raised by the Inspector regarding soundness, and are considered to be 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 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and Vibration
DM Policy 27	Lighting
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations and extensions to existing buildings including residential extensions
DM Policy 32	Housing design, layout and space standards
DM Policy 35	Public realm
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

- *General principles*
- *Locally listed buildings*
- *Areas of special character*
- *Non designated heritage assets of archaeological interest*

- DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets
- DM Policy 39 Domestic satellite dishes and telecommunications equipment.

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) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- k) Planning Obligations

Principle of Development

- 6.2 In relation to the principle of the conversion of the building to residential use, the opinion of the Inspector in respect of the 2012 appeal carries significant weight. Provided the issue of car parking is addressed, the Inspector considered that the previous residential change of use in a remodelled building was not only acceptable but preferable to the continuation of an employment use within the existing building, given the constraints of the site.
- 6.3 In terms of the Council's reason for refusal, the Inspector's view was that *'given the extremely constrained nature of the site, poor accessibility for modern commercial use, the confined nature of the site and the nearness of residential properties, all indicate to me that while the appeal site might formerly have provided suitable premises for an open employment use, this is no longer the case.'*
- 6.4 A previous Inspector in 2008 had also found against a reason for refusal based on a residential development of the site having a detrimental impact on the potential redevelopment of the adjoining Council depot site, although the appeal against the refusal of planning permission for the redevelopment of the site was refused for other reasons. It is considered that the current proposal would have a lesser impact on the potential future development of the adjoining site as it is for a much smaller building than that proposed in 2008. In the circumstances of a subsequent appeal (should planning permission be refused), failure to give sufficient weight to a recent appeal decision, unless there has been a significant intervening material change, could lead to an award of costs against the local planning authority. As with the previous scheme the principle of residential conversion is considered acceptable.

Design

- 6.5 The front elevation of the current building is considered to be of some architectural merit and this is retained, with alterations, in the proposed scheme through the use of matching materials and steel framed Crittal style windows. This evokes the feel of a 1930s Modern style commercial building which has been

converted to residential use. In particular the flat brick arches over the windows, the square stone plaques at parapet level, the long narrow Crittall window between the ground and second floors of the building and the corresponding high level access doors on the other side of the façade are attractive features of the building. These are replicated in the proposed scheme, with three new windows inserted in a new central bay of the front elevation. These will be aluminium framed Crittall style windows with flat brick arches, external reveals and reconstituted stone cills to match the existing..

- 6.6 As with the 2011 scheme, the building would be reduced in size at the rear to provide a greater degree of separation to neighbouring properties and in regard to achieving adequate natural light and outlook for the proposed flats and avoiding over-looking loss of privacy for adjoining properties. Currently the southern elevation of the building which adjoins the depot comprises a large blank brick wall of considerable scale constructed in London Stock brick. The reduction in size of the building will reduce the impact of this rather monolithic feature and provide opportunities for soft landscaping including tree planting in the proposed garden area. This is considered to improve the setting of the Heritage Asset comprising the Lee Manor Conservation Area.
- 6.7 The design and detailing would retain the character of the existing building and is considered to be acceptable.

Housing

a) Size and Tenure of Residential Accommodation

- 6.8 In terms of mix, the non-inclusion of family units within the scheme is likely to have a more limited impact on the available on-street parking in the local area. The constraints of the building with a limited area of frontage suitable for windows to habitable rooms relative to the large size of the building, also mean that one bedroom flats make the most effective use of the space available within the retained building.
- 6.9 The lack of availability of off-street parking also renders the location unsuitable for wheelchair accessible flats and, to a lesser extent, large family units.

Standard of Residential Accommodation

- 6.10 The quality of the proposed accommodation was specifically considered by the Inspector in 2012 with regard to the near identical scheme previously refused. The Inspector considered that the scheme would provide satisfactory living conditions. Unit sizes comply with those required by the London Plan housing guidance (Minimum Space Standards for New Development).

Highways and Traffic Issues

a) Access

- 6.11 Pedestrian access will be from Old Road as at present. The site will have no vehicular access.

b) Servicing

- 6.12 As at present this will be from Old Road.

c) Cycle Parking

- 6.13 A cycle parking area will be provided within the building at ground floor level for the use of residents of the proposed development.

d) Car Parking

- 6.14 The proposed development will have no on-site parking. Residents will be encouraged to use a car club and sustainable forms of transport. A Section 106 Agreement is proposed to secure two years membership of a car club for future residents. This agreement would also prevent future residents of the proposed development from being able to obtain resident parking permits for parking within the local Lewisham or Blackheath CPZs and thereby competing with existing residents for the limited amount of on-street parking available in the area. The Section 106 agreement will also include a requirement for the preparation, implementation and monitoring of a Travel Plan which will encourage residents of the proposed development to use sustainable forms of transport.

f) Refuse

- 6.15 A refuse/recycling store is provided at the front of the building which will be serviced from Old Road.

Impact on Adjoining Properties

- 6.16 The demolition of the rear part of the existing building would create an adequate degree of separation between the new rear windows and gardens of properties in Bankwell Road and Old Road and the proposed flats. In terms of the windows in the west elevation facing properties in Bankwell Road, these are now far enough away from the rear elevations of these properties not to give rise to overlooking or loss of privacy issues to existing windows or gardens of properties in Bankwell Road. The distances in question (25-29 metres) exceed the Council's minimum standard of 18 metres between rear facing habitable rooms. The minimum distance between the back addition of the nearest property in Old Road (No 75) and the rear elevation of the proposed building is 22 metres. However, the line of sight in this case would involve an acute angle which would have the effect of reducing the impact of any overlooking.
- 6.17 The only windows which would now look out onto commercial premises to the rear of the Lee High Road and adjoining the service road are kitchen windows rather than habitable rooms. This should limit the potential for nuisance to residents of the proposed development from existing commercial activities. There is sufficient separation distance between the northern flank of the building and rear windows of upper floors in Lee High Road, some of which are in residential use.
- 6.18 A condition preventing the use of the flat roof of the building for amenity purposes is proposed.
- 6.19 The development would therefore not give rise to a significant loss of privacy or over-looking to adjoining residential properties.

Sustainability and Energy

a) Energy Efficiency

- 6.20 The proposed re-use and conversion of the existing building is considered to be a sustainable alternative to redevelopment. The scheme is submitted with a Code for Sustainable Homes Pre-Assessment which indicates that Code 4 will be achieved. As the application was received before the 1st October 2013 and is a minor application, there is no requirement under the London Plan to achieve 40% carbon reduction.

b) Sustainable Urban Drainage Systems

- 6.21 As virtually the whole site is currently covered by the existing building, the reduction in building footprint and introduction of amenity space into the scheme allows for the provision of a sustainable urban drainage system. Details of such a scheme is proposed to be required by a condition of the grant of planning permission.

Ecology and Landscaping

- 6.22 Because the existing building to be retained has a flat roof, constructed some time ago, it was not considered reasonable to require a living roof to be provided.
- 6.23 The proposed garden area should include soft landscaping including trees with the detailed design the subject of a planning condition.

Planning Obligations

- 6.24 The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:
- (a) Necessary to make the development acceptable
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- 6.25 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation meets the three tests.
- 6.26 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

- 6.27 A Section 106 Agreement is proposed to ensure that the proposals are acceptable in transport terms, consistent with the recommendations of the Highways and Transportation group. This would remove the rights of future residents of the proposed development to obtain resident parking permits for parking within the Lewisham or Blackheath CPZs. Two years membership of a car club for all residents of the proposed development would also be secured.
- 6.28 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Community Infrastructure Levy

- 7.1 The above development will be eligible for CIL.

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 subject to a section 106 agreement to prevent future residents from being able to obtain resident permits within the Blackheath and Old Road CPZs and requiring the provision of membership of a car club (for an initial period of two years), the scheme is considered acceptable.

9.0 RECOMMENDATION (A)

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:-

- 1) To prevent future residents of the development from obtaining permits to park cars within the local Blackheath and Lewisham Controlled Parking Zones.
- 2) The funding of any necessary traffic regulation order in association with a defined car club space (if required) to be located on-street in close proximity to the application site.
- 3) The provision of two years membership of a car club for occupiers of the development.
- 4) The reimbursement of the Council's legal costs and a payment for monitoring to ensure that the requirements of the agreement are implemented.

RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106, authorise the Head of Planning to Grant Permission subject to the following conditions:-

Conditions

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

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

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

E01, EO1, E02A, E03B, P01C, P02E, P03D, P04C, P05C, P06B, P07, P08 & P09, Draft Section 106 Agreement, Design & Access Statement, Sustainability Statement, Planning Obligations Statement (Part A).

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 the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (July 2011)

4. No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

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

status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.

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

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

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

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

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

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

7. (a) No development shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

8. 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 building 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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

9. (a) A minimum of 9 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).

10. (a) No development shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2011), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design and URB 12 Landscape and Development of the Unitary Development Plan (July 2004).

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

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

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

- 13. (a) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.

- (b) Any such external lighting as approved under part (a) shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with Saved Policies ENV.PRO 12 Light Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 14. 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 external elevations of the building.

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

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

Reason: It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Saved Policy HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

- 17. Notwithstanding the information provided, no development shall commence on site until a detailed schedule and specification, including plans and sections at a scale of 1:5/1:10 as appropriate of external reveals, lintel detailing, arches and cills to be used on the building 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: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

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 the application granted is subject to the Mayoral Community Infrastructure Levy ('the CIL'). More information on the CIL is available at: -
<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11> (Department of Communities and Local Government) and
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
3. 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.
4. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.