

Committee	PLANNING COMMITTEE A	
Report Title	223-225 Lewisham High Street SE13 6LY	
Ward	Lewisham Central	
Contributors	Michael Forrester	
Class	PART 1	19 June 2014

<u>Reg. Nos.</u>	DC/13/85398
<u>Application dated</u>	27.01.2014
<u>Applicant</u>	BPTW Partnership
<u>Proposal</u>	Demolition of existing buildings at 223-225 Lewisham High Street SE13 and construction of a part 4/ part 5 storey building to provide 195 sq.m of commercial (A1/A2/B1 use classes) floorspace at ground floor, and 22 self-contained residential units on the ground and upper floors, with associated amenity space, refuse and recycling storage, and cycle storage.
<u>Applicant's Plan Nos.</u>	PL001, 002 Rev A, 010, 011, 012, 020, 021 Rev A, 022 Rev A, 030 Rev A, 031 Rev A, 032, 033 Rev A, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862 Rev A, Design & Access Statement, Viability Assessment, Air Quality Assessment – Aerquality Rev 1, Construction Management Plan, Wheelchair Housing Statement, Materials Statement, Sustainability Statement, Flood Risk Assessment, Planning Statement, Environmental Noise Assessment, Arboricultural Implications Study, Energy Statement, Transport Statement, Travel Plan, Sustainability Monitoring Form & CIL, Outline Surface Water Drainage Strategy ref 1201/RE/02-14/01, Phase 1 Assessment (Desk Study) ref DS-18425-14-34 REV B, Energy Strategy Addendum received 13/01/2014.
<u>Background Papers</u>	<ul style="list-style-type: none"> (1) Case File LE/152/223/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Secondary shopping frontage, Lewisham Town Centre

1.0 Property/Site Description

- 1.1 The application site measures approximately 0.07 hectares and is situated on the eastern side of Lewisham High Street close to the junction with Morley Road. The site is currently occupied by a two storey building fronting onto Lewisham High Street with various extensions to the rear with a parking area accessed via Clipper Way.
- 1.2 The site is included within the boundaries of Lewisham Town Centre, but is located outside of the primary shopping frontage. The site currently comprises offices occupied by Acorn estate agent. Adjacent units are mixed use, typically comprising retail at ground floor with associated storage or residential units above.
- 1.3 Adjacent to the site to the south is a two storey building in retail use on the Lewisham High Street frontage, to the rear of which is a small area of open green space with several trees. This green space, which is roughly triangular in shape is at the junction of Morley Road and Clipper Way and faces Morley Road. Adjacent to the north is a three storey building on the Lewisham High Street frontage.
- 1.4 The site has a PTAL rating of 6, and is located approximately 800m from Lewisham national rail and DLR station, and 500m from Ladywell rail station.

2.0 Planning History

- 2.1 From the period of 1949 to 1962 limited period planning permissions were granted for the continued use and retention of temporary structures on the site for use as a grocery store and for the manufacture, sale and display of sectional buildings.
- 2.2 Refusal was issued in January 1952 for the erection of a motor show room at nos. 223-225 as the site was affected by a proposed service road and widening of Lewisham High Street.
- 2.3 Permission was also refused for the erection of a two-storey building comprising an open ground floor display area and offices, as unsatisfactory in both scale and proportions in relationship with adjoining buildings.
- 2.4 Planning Permission was granted in November 1962 for a two storey building comprising a showroom and ancillary offices and in August 1965 for the erection of a store and boiler room abutting the existing building and erection of an oil tank enclosure.
- 2.5 In November 1966, planning permission was granted to use part of the ground floor as a branch bank and in June 1967 approval was granted for the erection of a part single, part two storey extension to the rear of the branch bank for use as ancillary accommodation.
- 2.6 Planning permission for the use of no.225 as a business advice centre was granted in July 1983 and then in June 1994 for the change of use from a retail shop to an office.
- 2.7 In July 1999 planning permission was granted for the construction of a single storey extension to the side and an extension at first floor level together with the installation of a new shopfront.

- 2.8 In August 1999 planning permission was granted for the construction of an additional floor at second floor level to provide office accommodation. The second floor extension has not been constructed.
- 2.9 In 2003 Planning Committee resolved to grant permission, subject to the completion of a s106 agreement, for the construction of an additional two storeys on the frontage to Lewisham High Street, and alterations to the elevations of the existing office together with the demolition of the existing building at the rear and the construction of a three-storey building in its place to provide additional office space. The s106 agreement (which related to improvement works to the open land at the side and payment for improvements to public transport) was not completed.
- 2.10 In April 2008 a scheme for the construction of extensions to the building at ground and first floor levels, additional storeys at second and third floor levels and a part single/part three/part four storey block to the rear, incorporating balconies/terracing, to provide additional Finance/Professional Services floor space, (Use Class B1 and Use Class A2), 3 one bedroom and 6 two bedroom self-contained flats, together with the provision of cycle and refuse stores was withdrawn by the applicant reference DC/08/68844.
- 2.11 In May 2008 a resubmission of the above scheme for the construction of a four storey extension to the rear, additional storeys at second and third floor levels, alterations to elevations, incorporating balconies/terraces, to provide additional Office/Finance/Professional Services floor space, (Use Classes B1 and A2) and 3 one bedroom and 6 two bedroom self-contained flats, together with the provision of cycle and refuse stores was approved under reference DC/08/69872.

3.0 Current Planning Applications

The Proposals

- 3.1 It is proposed to demolish all on site buildings and construct a replacement 5 storey block comprising commercial unit at ground floor and 12 flats above across four floors facing Lewisham High Street, together with a four storey block comprising 10 flats facing onto Clipper Way to the rear.
- 3.2 The ground floor commercial units are accessed via Lewisham High Street and have a floor area of 195.5 sqm. This is arranged as an open plan office with water closets to the rear. A rear lobby provides an exit to the rear of the site where a pedestrian access would lead out onto Clipper Way. The commercial bin store is located along the access onto Clipper Way.
- 3.3 A residential entrance is provided from the High Street for the first core, adjacent to the shopfront where an internal lobby provides access to the upper floors. A rear door provides a rear pedestrian access onto a residential refuse store and bicycle store and Clipper Way beyond.
- 3.4 The second core facing Clipper Way has a dedicated residential entrance leading to the upper levels. A ground floor wheelchair unit is proposed facing Clipper Way and is provided with its own entrance and residential garden to the rear. This is flanked by the residential cycle stores and bin stores for the development but is separated by a boundary enclosure and gate.

- 3.5 At fourth floor level a communal roof garden is provided, accessed from Core 1 facing Lewisham High Street, this has a series of seating areas and planters. This level also provides two dedicated areas of living roof. At fifth floor level are photovoltaic panels, this is not accessible to residents.
- 3.6 The proposals do not include any affordable housing, and the applicant has submitted a viability statement to justify this.
- 3.7 Supporting Documents
- 3.8 Planning Statement (BPTW Partnership) – this document provides a site and development overview and seeks to demonstrate how the proposals accord with local and national planning policy. The document also provides the relevant planning considerations in terms of density, design, residential standards, transport and viability.
- 3.9 Design and Access Statement (Yurky Cross) – this document provides a detailed site description, design overview of the proposals and seeks to demonstrate the design quality. Further topics covered include compliance with Lifetime Homes.
- 3.10 Air Quality Assessment (Aerquality) – Air monitoring has been carried out at the site to assess air quality levels. The report concludes that good management for the construction operations will ensure that levels of potential environmental contaminants from the development site are minimised.
- 3.11 Arboricultural Implication Study (acs consulting) – this document assesses the trees in close proximity to the site and the impacts that the scheme may have in terms of construction and on going maintenance issues. The report concludes that the proposal, in Arboricultural terms would have a reasonable relationship with the trees adjacent. The loss of one tree (rated as Category C) is proposed and this would have no implications in visual amenity on the area.
- 3.12 Energy Statement (Element Sustainability) – this document provides an overview of the development, proposed materials specification and renewable energy provision to demonstrate how the proposals would comply with London Plan policies.
- 3.13 Energy Statement Addendum (Element Sustainability) – this document confirms the provisions set out in the Energy Strategy and proposes a contribution towards a carbon off set scheme.
- 3.14 Environmental Noise Assessment (noise.co.uk) – this document provides an overview of the environmental noise levels on a typical week day period. The report concludes that existing noise levels are dominated by traffic with occasional contribution from the nearby railway line. The report monitored noise levels at two points within the site (Lewisham High Street and Clipper Way) and provides a list of mitigation measures which would result in acceptable internal noise levels. This includes insulation standards, glazing specification and ventilation.
- 3.15 Sustainability Statement (Element Sustainability) – this document provides a pre-assessment for both the commercial and residential elements of the project. The report concludes that the commercial unit would achieve BREEAM excellent, with the residential units achieving Code Level 4.

- 3.16 Construction Management Plan (Yurky Cross) – this report provides a basic level of construction management include size and movement of construction vehicles and provides a site waste management plan.
- 3.17 Right to Light (David Maycox and Co) – this report has undertaken a daylight/sunlight study and concludes that the proposed flats all exceed BRE guidance for average daylight.
- 3.18 Travel Plan (EAS) – this document provides a detailed overview of site accessibility, including on foot, bicycle, bus, rail/ underground and car and goes on to provide details of management by promoting sustainable modes of transport. The document confirms that occupiers will not be eligible for car parking permits and that this should be secured by a s106 agreement.
- 3.19 Materials Statement (Yurky Cross) – This document provides a detailed specification for the proposed materials of the building. This includes the facing brick, glazing, balconies (balustrade, soffits and fascias), windows, doors and landscaping.
- 3.20 Viability Statement (Savills) – this is an independent and confidential viability statement which seeks to demonstrate why the proposals cannot provide any on site affordable housing.
- 3.21 Flood Risk Assessment (Evans Rivers and Coastal Ltd) – this document acknowledges that the site is within Flood Zone 2 and is within proximity of the River Ravensbourne. The report concludes that the site is at a low risk from groundwater flooding.

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 businesses in the surrounding area and the relevant Ward Councillors. Transport for London and the Environment Agency were also consulted.

Written Responses received from Local Residents and Organisations

- 4.3 Two letters have been received in support of the scheme stating that the building is of high quality and will set a positive precedent for this part of the High Street, the works will contribute towards the overall regeneration of Lewisham Town Centre, improve business opportunities and provide a better outlook to existing residents.
- 4.4 A further representation has been received which raises concern regarding excessive noise levels during demolition and construction

Letters are available for Members to view.

4.5 Written Responses received from Statutory Agencies

Transport for London (TfL).

- 4.6 TfL has no objections in principle to the grant of planning permission. In detail they are supportive of zero car parking, which should be secured within a S106. The submitted Travel Plan should be secured by condition. The level of cycle parking is acceptable, however, further details should be secured by condition to ensure they are practical and secure. TfL points out that consent from TfL as highway authority will be required to erect scaffolding and hoardings on the Lewisham High Street frontage and any over sailing of this highway by a crane

Environment Agency

- 4.7 Initial comments: The Environment Agency require further information regarding groundwater protection and contaminated land in respect of this proposal. The site lies within a Source Protection Zone 1 for public drinking water, a sensitive area for groundwater. Being in an urban area there is potential for land to be contaminated and the development could therefore pose a risk to groundwater. The Environment Agency would seek details of an outline drainage strategy and preliminary risk assessment for contamination.

- 4.8 Revised comments: Following the submission of the Phase 1 Assessment (Desk Study) by Merebrook Consulting Ltd (Ref DS-18425-14-34 rev B, February 2014) and Outline Surface strategy by Evans Rivers and Coastal Ltd (ref 1201/Re/02-14-01, February 2014) the Environment Agency raise no objection to the proposals. A list of conditions is recommended regarding land contamination, verification report, piling and foundation design and surface water drainage.

Sustainability Manager

- 4.9 Initial comments: The proposal targets a 25% reduction in CO₂ emissions for the energy requirements. However, since October 1st the requirement is 40%. The proposals need to comply with the target CO₂ reduction. However, if the scheme is unable to deliver anything further on site (which should be the first option) then there is the carbon offset fund, which sets the cost of carbon at £104 per ton of CO₂.

- 4.10 Revised comments: A revised Energy Strategy has been submitted which improves air tightness levels and optimised photovoltaic panels. A financial contribution has been offered and the proposals are now acceptable.

Ecological Recreation Manager

- 4.11 The proposals are acceptable as they accord with the Councils preferred planting system and methodology, the details should be secured by condition.

Highways and Transportation

- 4.12 No objections to the scheme, however, car parking permits are required to be restricted in this location as this is a controlled parking zone. The submission of a Construction Method Statement and Travel Plan at application stage is welcome and should be secured by condition.

Urban Design

- 4.13 The scheme has responded to advice given at pre-application stage and has been submitted with detailed sections and materials. These provide a realistic impression of the final building and conditions should be used to secure this detail.

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 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 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 developer's 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.

London Plan (July 2011)

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

Policy 1.1 Delivering the strategic vision and objectives for London
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 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 4.3 Mixed use development and offices
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 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 6.3 Assessing effects of development on transport capacity
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)

London Plan Best Practice Guidance

The London Plan Best Practice Guidance's relevant to this application are:
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

5.9 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 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 1 Lewisham Spatial Strategy
Spatial Policy 2 Regeneration and Growth Areas
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
STR URB 4 Regeneration Areas
URB 1 Development Sites and Key Development Sites
URB 3 Urban Design
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 8 Backland and In-fill Development

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (January 2011)

- 5.12 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.

Shopfront Design Guide Supplementary Planning Document (March 2006)

- 5.13 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

Emerging Plans

- 5.14 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).
- 5.15 The following emerging plans are relevant to this application.

Development Management Plan

- 5.16 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public is expected to conclude in Summer 2014, with adoption of the Local Plan expected to take place in Autumn 2014.
- 5.17 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.
- 5.18 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.
- 5.19 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 35 Public realm

5.20 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 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
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

Lewisham Town Centre Local Plan

5.21 The Council adopted the Lewisham Town Centre Local Plan (LTCLP) on the 26th February 2014. The document sets out a suite of policies and proposals for development. The LTCLP guides where and how development should take place over the next five to ten years and will be used to determine planning decisions within Lewisham Town Centre.

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

Policy LTCP0 Presumption in favour of sustainable development
Policy LTCP1 Plan boundaries
Policy LTC2 Town centre boundary
Policy LTC9 Growing the local economy
Policy LTC10 Mixed use
Policy LTC11 Employment uses
Policy LTC14 Town centre vitality and viability
Policy LTC18 Public realm
Policy LTC21 Sustainable transport
Policy LTC24 Carbon dioxide emission reduction
Policy LTC25 Adapting to climate change

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) Density
- d) Housing
- e) Highways and Traffic Issues
- f) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Planning Obligations

Principle of Development

6.2 The site is located in the non-core shopping area of Lewisham Town Centre. It is proposed to retain a commercial unit in A2 use within a redeveloped site. Policy

STC12 'Mixed Use Development' within the Unitary Development Plan states that 'the Council will welcome development proposals which involve appropriate mixed use schemes or a compatible mix of uses within close proximity to each other in the Major and District Town Centres and in other appropriate locations that are well served by public transport.

6.3 The site has an employment function where Core Strategy Policy 5 (other employment locations) states that:

1. The Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
2. Employment land within town centres, which has the potential to contribute to a Major town centre, District Hub, a Local Hub, or other cluster of commercial and business uses, should be recommended for retention in employment use.
3. Other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use.

6.4 Lewisham Town Centre Local Plan Policy LTC10 'Mixed Use' states that 'an appropriate mix of compatible land uses will be encouraged vertically and horizontally in Lewisham Town Centre. In particular, residential development located above ground floor retail and commercial uses will be supported (providing it meets LTC11 'Employment Uses – in B use classes').

6.5 The existing site is used as an estate agents' with ancillary office space, and it is proposed that this would be replaced within the scheme. The uses outlined by the applicant (A1, A2, B1) are acceptable in this location and Officers are generally supportive of the mixture of uses in principle.

Design

6.6 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of the design more generally in the area'. Whilst paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.

6.7 The site is situated on Lewisham High Street with a rear car park which backs onto Clipper Way. Lewisham High Street is defined by buildings of between 2 and 8 storeys, buildings along this stretch of the High Street measure between 2 and 4 storeys. Clipper Way is a secondary route compared to the High Street, characterised by servicing and the scale of buildings reflects this, however, recent residential developments along this stretch have altered the character to include 3-4 storey high buildings.

6.8 The existing building is 2 storeys in height with an open rear yard and is of no particular character. It is therefore considered that the loss of the existing building

and associated servicing and car parking from this prominent location will have a positive impact on the character and appearance of Lewisham Town Centre provided that the quality of replacement buildings are high quality. It is also noted that redevelopment of this site has previously been approved in the 2008 application, which was not implemented.

- 6.9 The proposal seeks to continue the built frontage of Lewisham High Street with a replacement building measuring 5 storeys in height, which Officers consider to be of an acceptable scale taking into account the wider character of the Town Centre and previous permission. The front facade of the building is broken down into two distinct elements, a ground floor single storey commercial base, with a four storey element above set behind the front elevation. A regular grid frame projects up to the front elevation of the ground floor below to create articulation and break up the massing of the four storey element into smaller blocks which is considered to be an acceptable response to the surrounding context. The regular grid façade also houses balconies which finish flush with the front elevation below and negate the need for balconies to overhang the public highway and therefore continue the continuous façade which characterises Lewisham High Street. The flank elevations of the front Lewisham High Street block, which project above neighbouring buildings have been left blank, in order to not prejudice the development of the adjacent sites, but have incorporated recessed brickwork to provide visual interest.
- 6.10 To the rear on the Clipper Way frontage, it is proposed to replace the existing car park with a four storey building which would front onto the highway and continue the street frontage established by adjacent blocks of recent construction. Officers are supportive of the creation of a residential block which faces onto Clipper Way as this would provide a new street frontage.
- 6.11 Connecting these two blocks is a four storey linear block which is set hard up against the boundary with no. 221 Lewisham High Street and is set back from the southern boundary in order to create a ground floor courtyard. This block visually ties the front and rear massings of the scheme together and is considered to be of an acceptable scale. This 'courtyard' elevation is punctuated by balconies and would therefore contribute toward an active edge which would overlook the adjacent green space on the corner of Clipper Way, rather than provide a blank frontage visible from the public realm.
- 6.12 Officers consider the location and massing of the blocks to be acceptable and would retain the hierarchy of streets, where Lewisham High Street remains the principle route, with Clipper Way comprising a lower and subservient building, highlighting its secondary nature.
- 6.13 In terms of materiality, as described above, the elevations are proposed in brick. The massing of the Lewisham High Street block is further articulated by the use of a dark Ibstock Staffordshire Blue Brindle (or other similar) brick, with the upper floors and rectangular grid finished in Ibstock Tonbridge Handmade Heather Grey (or other similar). These are considered to be of a high quality, robust appearance. The rear Clipper Way block is to be constructed in Ibstock Surrey Yellow brick. Punctuating the brick façade are large areas of glazing with balconies. The connecting link building is finished in Trespa Meteon A 32.2.1 colour cladding panels. The above colour palette of materials is restrained in colour, and to provide interest the applicant proposes coloured window panels in Trespa Meteon. All balcony fascia and soffits are also detailed, and finished with

Trespa. The restrained colour palette and material choice is considered high quality which Officers support.

- 6.14 The applicant has prepared a series of visualisations (within the Design and Access Statement) which show the proposed building in the context of Lewisham High Street and Clipper Way. The scheme has the potential to be elegant and is therefore considered to be acceptable in principle. However, the success of the design and therefore its acceptability will depend entirely on securing the high quality of the materials and detailing proposed to ensure that the simplicity of the proposal does not lead to a scheme that is bland and fails to respond to the surrounding context. This is why it has been considered necessary by officers to secure the proposed materials for the scheme and why many details have been agreed with Officers prior to planning permission being recommended.
- 6.15 Following requests from the Council's officers at pre-application stage, the applicant has provided 1:25 details of various elements of the proposal and has confirmed the specification for the materials that will be used to ensure that the high quality design of the proposal will be delivered in accordance with the requirements of this sensitive site. It is considered that the details provided demonstrate that despite the simplicity of the building form, the scheme will make a positive contribution to Lewisham High Street and will conserve and enhance the character and appearance of the area. A condition is recommended to secure the agreed materials and details as they have been submitted.

Deliverability of Design Quality

- 6.16 Paragraph 173 of the NPPF states that the viability and deliverability of development should be considered in decision taking. The document goes on to say that to ensure viability, the cost of requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
- 6.17 As discussed, the building is simple in design and the palette of materials is limited. The clean aesthetic that this approach results in is considered to have merit but makes the detailing of the building and materials of vital importance to support such a simple approach. It has been necessary for the applicant to demonstrate how the high quality design would be delivered, given that the viability assessment submitted in support of the scheme has confirmed that the scheme has a relatively high build cost which has been confirmed by the independent assessment commissioned by the Council. One method to improve scheme viability is to reduce the building cost per square metre (by reducing the quality of the materials used). Given this, the applicant has submitted confirmation to deliver the proposed design, given that the quality of the materials is vital to demonstrate the acceptability of this development in principle and to show that the scheme is deliverable in the near future without any major redesign.
- 6.18 It is materially relevant for the Council to consider the likelihood of a proposed development being carried into effect and the planning consequences should a scheme be unviable and therefore not be delivered in accordance with the approved plans.
- 6.19 Officers consider that the acceptability of this scheme in principle is inextricably linked with the design and quality that is inherent within it. The acceptability of the

scale, massing, height and appearance of the proposal is inseparable from the design specification including the proposed materials. Given how vital these elements are to some of the fundamental elements of the scheme, it would not be possible in officers' view to leave the detailing to be subsequently submitted and dealt with via conditions as this would suggest that the principle of the approach is acceptable irrespective of detailing which would be capable of being resolved as a separate matter. Should future amendments to the scheme result in it being of a lesser quality than currently proposed, the entire approach to the development, its scale, height and appearance would need to be reconsidered as opposed to just considering alternative detailing. Given that the applicant has provided the details and material samples considered to be necessary as part of the submission and that they have confirmed that they are committed to delivering the scheme as designed, it is felt that the proposal would be acceptable in this regard and the quality of the proposal would be safeguarded via the suggested condition.

- 6.20 It is officer's view that any future amendments to the materials and design quality would also necessitate a re-evaluation of the viability of the scheme and its ability to deliver an off-site affordable housing contribution.

Density

- 6.21 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2011 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context, the design principle in Policy 4B.1 with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 6.22 The site is considered in a 'central' setting and has a PTAL of 6, where Table 3.2 of the London Plan would give a guideline density range of 650-1100 habitable rooms per hectare (hrh). The residential density of the proposal is 857 hrh, which is within the London Plan density range guidelines for a site in a 'central' location with a PTAL 6 score. With the proximity to stations and the facilities of Lewisham Town Centre the site is appropriate to have a high density development.

Housing

a) Tenure of Residential Accommodation

- 6.23 London Plan Policy 3.12 (Negotiating Affordable Housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential mixed use schemes, having regard to:
- a) Current and future requirements of affordable housing at local and regional levels identified in line with Policies 3.8, 3.10 and 3.11.
 - b) Affordable housing targets adopted in line with Policy 3.11
 - c) the need to encourage rather than restrain residential development
 - d) the need to promote mixed and balanced communities
 - e) the size and type of affordable housing needed in particular locations
 - f) the specific circumstances of individual sites.

The Policy goes on to state that 'negotiations on sites should take account of individual circumstances including development viability.

- 6.24 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. The Council will seek the maximum provision of affordable housing with the starting point for negotiations of 50%, subject to a financial viability statement.
- 6.25 The application has been submitted with no affordable housing proposed which is non-compliant with Core Strategy Policy 1. As such, the applicant has submitted a confidential financial viability statement that has enabled the Council, as advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision.
- 6.26 The Council has had the financial appraisal reviewed by independent specialists, Lambert Smith Hampton, who have reviewed sales figures achieved across a variety of comparable developments within Lewisham Town Centre and taken into account building costs and projected values of the commercial unit. The financial appraisal verification report concurs with the findings of the appraisal that the scheme cannot support on site affordable housing, but does conclude that an off site payment, in lieu of affordable housing is viable on this site and has suggested a figure of £443,000. This was discussed with the applicants and the authors of the viability report. As a result, updated figures for projected sales, building costs and values were subsequently submitted to the Council. These were re-appraised by Lambert Smith Hampton who accordingly have re-valued the suggested off site contribution at £160,000.
- 6.27 The principle of an off-site contribution is considered acceptable, given the low number of affordable units that could be delivered on site and the associated management problems for a Registered Provider seeking to manage a small number of affordable units that would be accessed off the same core as private units. Officers also accept the revised figure for off site affordable housing on the basis that this has been independently verified.
- 6.28 Given that affordable housing policies seek to encourage rather than restrain development, based on scheme viability which has been the subject of independent verification, the provision of an off-site financial contribution in lieu of on site affordable housing is considered to be acceptable. It is also important to consider the package of s106 contributions secured which include contributions towards open space, education, health and leisure. A public realm contribution of £11,000 has already been paid in respect of a previously granted scheme. Such mitigation has an impact on the viability of the scheme. It is therefore considered that the applicant has demonstrated, through development viability appraisal, that the scheme is not capable of supporting on site affordable housing.
- 6.29 Whilst the off-site affordable housing contribution is considered acceptable in principle, it is considered necessary to include a clause within a S106 agreement securing the requirement of a further financial viability appraisal to be submitted once 11 of the residential units and occupation of the commercial floorspace is reached. At this point an independent review would be undertaken of the profitability of the development, with the benefit of actual, rather than predicted figures. Should it be the case that a profit over and above the GLA guideline of 20% is likely to be made, then such profit would fund the provision of a further

financial contribution to be made to the Council for off-site provision of affordable housing.

b) Dwelling Mix

6.30 Core Strategy Policy 1 states that the Council will seek an appropriate mix of dwellings within a development, having regard to the following criteria:

- a. the physical character of the site or building and its setting
- b. the previous or existing use of the site or building
- c. access to private gardens or communal garden areas for family dwellings
- d. the likely effect on demand for car parking within the area
- e. the surrounding housing mix and density of population.
- f. the location of schools, shops, open space and other infrastructure requirements.

6.31 The site is well located in terms of local amenities in an area that comprises a mixture of flats and family dwellinghouses. The proposed mix (set out in Table 1 below) includes a higher number of 1 and two bedroom units together with 2 three bedroom units. This is considered to provide an acceptable mix of sizes given the town centre location of the site and the built up nature of the immediately surrounding area which makes it difficult to provide large areas of private garden for family units.

Table 1: Residential Size Mix

	1 bed	2 bed	3 bed	Total
Number of dwellings	8	11	2	22

c) Lifetime Homes and Wheelchair Accessible Housing

6.32 In accordance with Core Strategy Policy 1 and Policy 3.8 of the London Plan, all of the units will meet Lifetime Homes requirements. A single wheelchair accessible flat is provided at ground floor of the Clipper Way block. The London Plan and Core Strategy both require that this should be 10% (which would equate to 2 units in this case), however, only one residential units is located at ground floor level, the provision of an additional ground floor flat given the physical constraints of the site would likely result in a poor standard of accommodation or loss of commercial floor space which is not considered to be desirable. As such the provision of a single unit which would be adaptable for wheelchair users is considered acceptable on the basis that the applicant has offered a financial contribution of £25,000 (to be secured by legal agreement) for the provision of a wheelchair unit off site.

6.33 The applicant has provided a 1:25 drawing of the wheelchair unit and this has been assessed against the South East London Housing Partnership Wheelchair (SELHP) standards. The provision of a good quality wheelchair unit is considered to be acceptable when balanced against the importance of this site is contributing towards the vitality and viability of the town centre and maximising ground floor commercial floorspace. A condition is recommended requiring the wheelchair units to be delivered in accordance with the 1:25 floor plan.

d) Standard of Residential Accommodation

- 6.34 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is also a material consideration, and contains further guidance on internal layout. The standards require the largest 1 bedroom flat to be a minimum of 50 sqm, the largest 2 bedroom unit to be 70 sqm and the largest 3 bedroom flat to be 95 sqm. All units would meet these standards.
- 6.35 The majority of the units are dual aspect, there are no single aspect north facing flats. The 8 single aspect flats shown have orientations facing south or east. All habitable rooms receive good levels of natural light, ventilation and outlook.
- 6.36 The layout of the development is such that habitable rooms are provided with an adequate level of privacy and units have been stacked as to reduce noise pollution.
- 6.37 Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5 sqm to be provided for 1-2 persons and an extra 1 sqm for each additional occupant. All units in the development would have private amenity space in the form of a garden, balcony or roof terrace. In addition all units would have access to a roof top communal garden. As well as private and communal amenity space, the site is located close to public open space including Lewisham Park. It is therefore considered that future occupiers of the units would benefit from high quality accommodation with a good standard of amenity. In addition the applicant has agreed to pay a Section 106 Contribution of £29,212.85 towards open space which includes a contribution towards amenity green space and children's play space.
- 6.38 All units would have bicycle, refuse and recycling storage facilities that are secure, covered and well located in relation to the dwelling, and it is considered that the layout and amenity of these dwellings is acceptable.

Highways and Traffic Issues

a) Access

- 6.39 The site benefits from a high PTAL of 6, and is easily accessible by public transport with both Lewisham rail and DLR and Ladywell rail stations both a short walk away. There is also a bus stop located outside of the site with bus routes from the town centre to Central London to the north, and Catford/ Bromley to the south. It is as such considered the site is highly accessible.
- 6.40 The scheme would have two entrances, one facing Lewisham High Street and a second facing Clipper Way. The ground floor wheelchair unit facing Clipper Way has an individual entrance. The entrances would be secure and it is considered that they are acceptable. Entrance into the commercial unit is via Lewisham High Street. The access points are considered to be legible and accessible.

b) Servicing

- 6.41 The Transport Statement and Travel Plan propose that all servicing opportunities are located to the rear along Clipper Way. This in principle is considered to be acceptable, as Lewisham High Street is a TfL controlled red route which does not provide servicing opportunities. Details are to be secured by way of a condition .

c) Cycle Parking

- 6.42 A cycle store is located in the centre of the building and is accessible from both Lewisham High Street and Clipper Way. The number of cycle parking spaces meets London Plan standards which raises no objections from the Councils Highways Officer or TfL, however, a condition is recommended so that details of the cycle storage can be secured.

d) Car Parking

- 6.43 The site has a PTAL rating of 6, indicating excellent links to public transport. The nearest rail stations are Lewisham and Ladywell, at approximately 800m and 500m away respectively. Lewisham High Street is also served by numerous bus links, with a bus stop located outside of the application site.
- 6.44 The scheme proposes no on site car parking, therefore it is recommended that a restriction for parking permits within the controlled parking zone is secured by a Section 106, with the exception of blue badge holders.

e) Refuse

- 6.45 There is an area for the storage of residential refuse and recyclable waste in the centre of the building. Refuse storage points are located in specified areas on the ground floor levels with separate areas for residential and commercial refuse and recycling. Refuse and recycling bins would be taken to the frontage of Clipper Way for collection. There are no outstanding concerns about the size and location of the waste collection points proposed. The refuse arrangements would be secured through the Delivery and Servicing Plan.

Impact on Adjoining Properties

- 6.46 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.47 All residential units would be provided with balconies. These would largely face into the courtyards of the new buildings. A mutual level of overlooking would occur between the users of the balconies but this is to be expected in a development of this nature. A roof terrace is also provided at fourth floor level. Any views from balconies or the communal terrace facing onto Lewisham High Street or Clipper Way would not give rise to an unacceptable loss of privacy. The balconies on the southern elevation of the building would overlook the public open space in Clipper Way which is welcomed as it will add a good level of natural surveillance and activity to this street frontage. Sufficient distance will be retained between these balconies and the proposed roof terrace and the properties in Morley Road to prevent any loss of privacy occurring.

- 6.48 It is recognised that during implementation of the development there would be a element of noise and disturbance from construction related activity including vehicular traffic.
- 6.49 Construction related noise and activity cannot be avoided when implementing a development of this nature in a dense urban location. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Environmental Management Plan (CEMP) and control of construction hours. The applicant has submitted Construction Management Plan which provides limited detail for construction and is considered acceptable in principle. However, it is recommended that by condition a more detailed Construction Management Plan is submitted, which takes into account the impact of construction on the TLRN including the footway and bus stop and those passengers waiting to board or alight.
- 6.50 Once operational it is not considered that the proposal would have an unacceptable adverse impact on neighbouring amenity by way of noise and disturbance. It is not considered that the residential element would give rise to significant harm to neighbouring amenity by way of noise or disturbance.
- 6.51 In conclusion, for the reasons set out above the proposal is not considered to have a significant adverse impact on neighbouring amenity.

Sustainability and Energy

a) Renewable Energy

- 6.52 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.53 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be lean: use less energy
 - 2 Be clean: supply energy efficiently
 - 3 Be green: use renewable energy
- 6.54 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Homes Level 4 and commercial buildings to achieve a BREEAM rating of 'Excellent'. Furthermore, this policy also states that from 2013 both residential and non-domestic buildings should achieve a 40% improvement on 2010 Building Regulations.
- 6.55 The applicant has submitted a Code for Sustainable Homes and BREEAM pre-assessment which confirms that the scheme is capable of achieving Code Level 4

(for the residential component) and BREEAM 'Excellent' in accordance with the requirements of Policy 8 Sustainable Design and Construction and Energy Efficiency of the Core Strategy. Conditions are recommended to secure this.

- 6.56 The applicants original statement proposed a 25% reduction in carbon over Building Regulations, however, as of October 2013 the London Plan requires that major development active a 40% reduction. Representations from the Council's Sustainability Officer states that the proposals were therefore not policy compliant.
- 6.57 A revised Energy Strategy has been submitted, which seeks to optimise the position and number of Photovoltaic panels and has demonstrated that the building quality of the structure is satisfactory, stating that the high quality materials and building quality have been factored in terms of air tightness and heat loss. The limited roof space for installation of photovoltaic panels has meant that the scheme is unable to deliver a 40% reduction in carbon on site. The Energy Strategy Addendum therefore proposes that the shortfall be secured by a carbon offset fund.
- 6.58 In certain circumstances such as this, the Council has a Carbon Offset Fund, in which developers can make a financial contribution toward the reduction of carbon. This figure is set at £104 per tonne of carbon. The applicant has accordingly agreed to submit a financial contribution as part of a S106 agreement. The funding secured within the Carbon Offset Fund is then used to reduce carbon emissions across built stock in the borough.

b) Living Roofs

- 6.59 Policy 5.11 of the London Plan confirms that development proposals should include 'green' roofs and that Boroughs may wish to develop their own green roof policies. To this end, Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which in effect, comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 6.60 Living roofs are proposed across the four storey block of the development, the specification provided confirms an aggregate (substrate) based living roof system designed specifically for biodiversity and to be planted with sedum and herbaceous wild mix. The Councils Ecological Regeneration Manager has welcomed this. A condition is recommended to ensure that the right type of green roof is secured, with suitable species that will make a contribution to local biodiversity.

Ecology and Landscaping

- 6.61 There is very little potential on the existing site for biodiversity and landscaping. The front of the site is covered by buildings with a car park to the rear, no current soft landscaping exists. The proposals include a green roof and ground floor private garden and it is considered that this will improve the value of the site in terms of biodiversity.

Planning Obligations

- 6.62 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

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

6.64 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

6.65 Off site contribution to affordable housing - £160,000
Financial payment in lieu of 1 wheelchair unit - £25,000
Employment and Training - £12,631.58
Open Space - £29,212.85
Leisure Facilities - £18,089.94
Education - £43,752.89
Other Community Facilities - £6,909.54
Town Centre Management - £5,406.32
Carbon Offset Fund - £3260.40
Restriction on car parking permits within the Controlled Parking Zone
Legal and Monitoring costs

6.66 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 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 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

8.0 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. The Mayor of London's CIL is therefore a material consideration. CIL is payable on this scheme.

9.0 Conclusion

- 9.1 Officers consider that the proposed development is of a high standard of design that will make a positive contribution to the character and appearance of the Lewisham Town Centre and provide a good overall standard of living accommodation. It is considered that the level of development proposed would maximise the potential of the site whilst retaining a commercial element which will continue to make a valuable contribution to employment in the borough. The impact on neighbouring residents is considered not to be significantly harmful such that it would warrant refusal. Whilst it is regrettable that the development will not deliver any on site affordable housing, the applicant has provided sufficient justification for this, which has been supported through independent analysis and has as mitigation offered an off site financial contribution. It is considered that the development would deliver regeneration benefits and improvements to the townscape on a prominent site in a highly sustainable location.
- 9.2 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy. Officers consider that with the necessary conditions and obligations in place, the proposal would result in a high quality development that would support the regeneration of this part of Lewisham Town Centre and the proposal is therefore considered acceptable.

10.0 RECOMMENDATIONS

10.1 RECOMMENDATIONS (A)

Authorise officers to negotiate and complete a legal agreement under Section 106 of the Town and Country Planning 1990 Act (and other appropriate powers) to

cover the following matters including such amendments as considered appropriate to ensure the acceptable implementation of the development:

Financial contribution towards:

- a) Off site contribution to affordable housing - £160,000.
- b) Financial payment in lieu of 1 wheelchair units - £25,000
- c) Employment and Training - £12,631.58
- d) Open Space - £29,212.85
- e) Leisure Facilities - £18,089.94
- f) Education - £43,752.89
- g) Other Community Facilities - £6,909.54
- h) Town Centre Management - £5,406.32
- i) Carbon Offset Fund - £3260.40

Restriction on car parking permits within the controlled parking area, with the exception of blue badge holders.

Meeting the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

10.2 **RECOMMENDATION (B)**

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

1. Time Limit

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

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

2. 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:

PL001, 002 Rev A, 010, 011, 012, 020, 021 Rev A, 022 Rev A, 030 Rev A, 031 Rev A, 032, 033 Rev A, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862 Rev A, Design & Access Statement, Viability Assessment, Airquality, Construction Management Plan, Wheelchair Housing Statement, Materials Statement, Sustainability Statement, Flood Risk Assessment, Planning Statement, Environmental Noise Assessment, Arboricultural Implication Study, Energy Statement, Transport Statement, Travel Plan, Sustainability Monitoring Form & CIL, Outline Surface Water Drainage Strategy ref 1201/RE/02-14/01, Phase 1 Assessment (Desk Study) ref DS-18425-14-34 REV B, Energy Strategy Addendum received 13/01/2014.

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

3. Construction Management Plan

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities.
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement. Including impact upon the bus stops facing Lewisham High Street.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).

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

4. Land Contamination (Environmental Health)

- (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).

5. BREEAM

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

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

6. Code for Sustainable Homes

- (a) The buildings hereby approved shall achieve a minimum Code for Sustainable Homes Rating Level 4.
- (b) No development shall commence until a Design Stage Certificate for each residential unit (prepared by a Code for Sustainable Homes qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

- (c) Within 3 months of occupation of any of the residential units, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Code for Sustainable Homes qualified Assessor) to demonstrate full compliance with part (a) for that specific unit.

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

7. Materials

- (a) The development shall be constructed in those materials as submitted namely: specify exact materials and in full accordance with Plan no.s PL021 A, PL022 A, PL 030 A, PL 031 A, PL032 A and Materials Statement (Yurky Cross Architects)
- (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 Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004).

8. Refuse storage

- a) The development shall be carried out in full accordance with the refuse details submitted within plan no. PL 010 and Transport Statement (Colbalt Ltd 2013).
- (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 Saved Policies URB 3 Urban Design and HSG4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

9. Cycle Storage

- (a) A minimum of 27 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved PL010.
- (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. Living Roof

- (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. PL033 rev A hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 10 managing and reducing flood risk and Core Strategy Policy 12 Open space and environmental assets.

11. Piling design

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

Reason: To protect groundwater in the underlying aquifers from pollution linked to inappropriate foundation works through made or contaminated ground.

12. Travel Plan

The proposal shall be implemented in full accordance with the approved Travel Plan.

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).

13. Lifetime Homes

Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on drawing nos. PL854, 855, 856, 857, 858, 859, 860, 861, 850, 851, 852, 853 hereby approved.

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

14. Wheelchair unit

The 1 wheelchair dwellings hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing nos.PL862 rev A hereby approved prior to their first occupation. For the avoidance of doubt a parking space should be provided for each wheelchair unit and where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Saved Policy HSG 5 Layout and Design of New Residential Development in the Unitary Development Plan (July 2004) and Core Strategy Policy 1 Housing provision, mix and affordability and Core Strategy Policy 15 High quality design for Lewisham (June 2011).

15. Plumping or Pipes

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

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. Construction Hours

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

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

17. Delivery hours

No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise

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

18. Hours of opening

The premises shall only be open for customer business between the hours of 08:00-21:00 on Mondays to Saturdays and between 09:00 and 19:00 on Sundays and Bank and Public Holidays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Saved Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the Unitary Development Plan (July 2004).

19. Restriction on use class

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 within classes A1, A2 or B1 and for no other purpose.

Reason: To ensure the continued viability and vitality of Lewisham High Street and to accord with policies STC5, STC 12 of the Unitary Development Plan and Policy LTC10 of the Lewisham Town Centre Local Plan.

20. Surface water drainage (Environment Agency)

No infiltration or surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of groundwater in the underlying Principal and Secondary Aquifers, within Source Protection Zone 1 of a public water supply.

21. Land contamination (Environment Agency)

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

1. A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: The site lies within a Source Protection Zone 1 for the public drinking water supply, which is a sensitive area for groundwater. Given the previous use there is potential for the land to be contaminated. The development could therefore pose a risk to groundwater.

22. Verification Report (Environment Agency)

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure any issues related to historic contamination of land are addressed in accordance with the NPPF in order to protect groundwater in the underlying aquifers (within Source Protection Zone 1 for a public water supply) from pollution.

Informative

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.

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>

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.

The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

With respect to any proposals for piling through made ground, the applicant is referred to the Environment Agency guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. The applicant is advised that approval of piling methodology is further discussed with the EA when the guidance has been utilised to design appropriate piling regimes at the site.