

Committee	PLANNING COMMITTEE (A)	
Report Title	78-82 NIGHTINGALE GROVE SE13 6DZ	
Ward	Lewisham Central	
Contributors	Geoff Whittington	
Class	PART 1	Date: 31 JULY 2014

Reg. Nos.

DC/13/85721

Application dated

26.11.2013, amended 13.06.14

Applicant

Savills on behalf of Nella Cutlery Services

Proposal

The demolition of the existing buildings on the site of and the construction of 2 part two/part four storey blocks, incorporating balconies and courtyards, to provide 11 one bedroom, 19 two bedroom and 13 three bedroom self-contained flats, together with the provision of 2 disabled car parking spaces, 80 bicycles spaces and refuse storage.

Applicant's Plan Nos.

PL_1100, 1101, 1102, 1103, 1105, 1500 rev A, 1501 Rev A, 1502 Rev A, 1503 Rev A, PL 2000 Rev C, 2001 Rev C, 2002 Rev B, 3001 Rev C, 3002 Rev C, 3003 Rev C, 3004 Rev A, 3005 Rev A, 4000, Site Location Plan, Lifetime Homes Criteria Schedule, Unit Sizes Schedule, Transport Statement, Sustainability Statement, Energy Statement, Ecology Consultancy Statement June 2014), Phase 1 Assessment-Desk Study, Daylight & Sunlight and Overshadowing Assessment, Statement Of Justification For Loss Of Commercial Units, Wheelchair Housing Statement, Planning Statement, Design and Access Statement, and Summary Of Consultation (January 2013.)

Background Papers

- (1) Case File LE/792/78/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Local Development Framework Documents
- (4) The London Plan

Designation

Existing Use

1.0 Property/Site Description

- 1.1 The Nightingale Mews Estate (0.25 Hectares) is located on the western side of Nightingale Grove, and has for many years been in established use for industrial/employment purposes. The site is occupied by a collection of buildings, which are currently in full operational use.

- 1.2 The surrounding area provides a contrasting mix between residential and employment uses. Directly to the north of the site is 72-76 Nightingale Grove, whereby the redevelopment of the site was completed in 2012 to accommodate employment units and 62 residential dwellings.
- 1.3 A row of 2-storey terraced dwellings lies adjacent to the site fronting Nightingale Grove, and to the south fronting Beacon Road. To the west is a road that leads to the Hither Green Driving Test Centre. On the opposite side of the Mews Estate lies a mechanic's garage and the storage of scrap metal.
- 1.4 Abutting the site to the south-west corner is a part single/ two-storey live/work building (47-53 Beacon Road.)
- 1.5 Approximately one hundred metres to the south-east of the site lies Hither Green Train Station, which provides a number of frequent services into central London and Kent. Local bus routes operate along nearby Hither Green Lane, and also serve the north side of Hither Green Train Station toward Fernbrook Road. Lewisham Town Centre is easily accessible by all forms of transportation.
- 1.6 The site is not a designated employment site, and does not accommodate, or lie adjacent to, any listed buildings. The site is not located within a conservation area.

2.0 Planning History

- 2.1 In 2013, permission was refused for the demolition of the existing buildings on the site of 78-82 Nightingale Grove SE13 and the construction of 2 part two/part five storey blocks, incorporating balconies and courtyards, to provide 364 sq m of commercial floor space and showroom (Use Class B1) on the ground floor block fronting Nightingale Grove, 10 one bedroom, 11 two bedroom and 22 three bedroom self-contained flats, together with the provision of 4 disabled car parking spaces, 78 bicycles spaces and refuse storage, for the following reasons:
 - (1) The proposed development, by reason of design, scale and massing, represents an over-development of the site that would result in an adverse impact upon the visual amenities of neighbouring occupiers, contrary to Objective 10: Protect & Enhance Lewisham's Character & Policy 15: High Quality Design for Lewisham of the adopted Local Development Framework - Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Development in the Council's Unitary Development Plan (July 2004).
 - (2) The development would provide no private outside amenity space to 18 of the flats, poor quality amenity space to some of the ground floor units and wheelchair units which do not comply with South East London Housing Partnership standards. As such, the development would fail to provide a good standard of residential accommodation to the detriment of future residents, contrary to Core Strategy Policy 1 Housing Provision, mix and affordability, Core Strategy Policy 15 High quality design for Lewisham, London Plan Policy 3.5 Quality design of housing developments, the Mayor of London's Housing SPG, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 7 Gardens in the Council's Unitary Development Plan (July 2004) and the South East London Housing Partnership Wheelchair Homes Design Guidelines (2011).

- 2.2 In 2007, permission was granted at Committee (A) - subject to the outcome of a S106 Agreement - for the demolition of the existing buildings on the site at 72-78 Nightingale Grove, and the construction of a two storey, a three storey and 2 four storey blocks, incorporating balconies, comprising a total of 496 sq m of commercial floor space, 38 one bedroom, 20 two bedroom and 4 three bedroom self-contained flats, associated landscaping, provision of refuse stores, 72 cycle, 2 motorcycle and 12 car parking spaces.
- 2.3 The scheme has since been implemented, with all residential units in occupancy, however the commercial units remain vacant. In 2014, permission was granted for the change of use of four commercial units to four residential dwellings, in light of the long term vacancy.

3.0 Current Planning Application

The Proposals

- 3.1 It is proposed to demolish the existing buildings upon the site, and provide the following:
- Construction of a block fronting Nightingale Grove, with an underpass to allow vehicular and pedestrian movement, together with a block at the rear of the site, ranging in height between 3-4 stories;
 - The development would accommodate 43 residential dwellings (33 private and 10 affordable units), including a range of 1, 2 and 3 bedroom flats/ maisonettes;
 - Provision of 10 (23%) affordable residential units;
 - Four ground floor level wheelchair units;
 - On-site parking for 2 disabled users;
 - Sustainability provisions including use of solar panels;
 - 80 secure cycle spaces for residencies.

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.
- 4.2 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Pre-Application Discussion

- 4.4 Discussions were held with officers subsequent to the refusal issued in May 2013. Officers advised of their concerns toward the 5-storey height of the rear building and the resulting visual impact upon the private gardens, in addition to a lack of amenity provision for upper floor occupiers and overlooking to existing neighbouring residents.

4.5 Written Responses received from Local Residents and Organisations

4.6 Four letters have been received from the occupiers of flat 8 Nightingale Grove, 22 Springbank Road, 52 Gunton Mews and Zoom – Maythorne Cottages, objecting on the following grounds:

- Lack of parking provision and resulting impact upon neighbouring streets;
- Existing building should be retained;
- Light concerns;
- Traffic concerns;
- The building should be redesigned to be smaller, thereby allowing for additional off-street parking provision;
- Loss of commercial units will prevent further local investment and jobs.

(Letters are available to Members)

Summary Of Applicant Consultation (January 2013)

4.7 The statement advises that a pre-application public exercise was undertaken in accordance with The Localism Act 2011 with neighbouring occupiers in September 2012, prior to the submission of the application that was ultimately refused permission in May 2013.

4.8 1200 leaflets were distributed to residents and businesses advising of the proposals, and 67 letters were delivered to households. Ward Councillors were also advised, together with 12 local community groups/ organisations.

4.9 An exhibition was arranged in August 2012, which displayed the proposals. In the event, 11 local residents attended. The plans were also presented to the hither Green Community Association in October 2012.

4.10 The statement concludes that the public consultation was successful in raising awareness within the community, whereby 'the majority of respondents are in favour of the proposals', and 'feedback received was generally positive.' 'There was some reservation about the potential for noise from an increased number of residents.....most people considered that the proposals would benefit the area and agreed that provision of a limited number of parking spaces was a good idea.'

Sustainability Manager

4.11 The proposals meet the Code and Energy standards. It is suggested conditions are included to ensure this is delivered in practice.

Highways and Transportation

4.12 No objections raised.

Network Rail

4.13 Raise no objections

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham (Unitary Development Plan (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.

Other National Guidance

5.6 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)

5.7 The London Plan policies relevant to this application are

Policy 3.3 Increasing housing supply;
3.4 Optimising housing potential;
3.5 Quality and design of housing developments;
3.6 Children and young people's play and informal recreation facilities;
3.8 Housing choice;
3.16 Protection and enhancement of social infrastructure;
5.2 Minimising carbon dioxide emissions;
5.3 Sustainable design and construction;
5.7 Renewable energy;
5.11 Green roofs and development site environs;
5.12 Flood risk management;
5.13 Sustainable drainage;
6.9 Cycling;
6.13 Parking;
7.3 Designing out crime;
7.4 Local character;
7.5 Public realm;
7.6 Architecture;
7.19 Biodiversity and access to nature, in the London Plan.

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);
Industrial Capacity (2008);
Housing (2012);
Sustainable Design and Construction (2006);
Shaping Neighbourhoods: Play and Informal Recreation (2012);

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005);
Control of dust and emissions from construction and demolition (2006);
Wheelchair Accessible Housing (2007);
Health Issues in Planning (2007);
London Housing Design Guide (2012)

Core Strategy

- 5.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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:

Objective 1: Physical and socio-economic benefits;
Objective 2: Housing provision and distribution;
Objective 3: Local housing needs;
Objective 5: Climate change;
Objective 6: Flood risk reduction and water management;
Objective 7: Open spaces and environmental assets;
Objective 8: Waste management;
Objective 9: Transport and accessibility;
Objective 10: Protect and enhance Lewisham's character;
Objective 11: Community well-being;
Policy 1: Housing provision, mix and affordability;
Policy 7: Climate change and adapting to the effects;
Policy 8: Sustainable design and construction and energy efficiency;
Policy 10: Managing and reducing the risk of flooding;
Policy 12: Open space and environmental assets;
Policy 14: Sustainable movement and transport;
Policy 15: High quality design for Lewisham.

Site Allocations

- 5.11 The Site Allocations local plan was adopted by the Council at its meeting on 26 June 2013. The Site Allocations, together with the Core Strategy, the London Plan and the saved policies of the Unitary Development Plan, is the Borough's statutory development plan.

Unitary Development Plan (2004)

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

URB 3 Urban Design;
URB 12 Landscape and Development;
HSG 4 Residential Amenity;
HSG 5 Layout and Design of New Residential Development;
HSG 7 Gardens.

Residential Standards Supplementary Planning Document

- 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 Plan

- 5.17 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013.
- 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 15	Neighbourhood local centres;
DM Policy 26	Noise and vibration;
DM Policy 28	Contaminated land;
DM Policy 35	Public realm;
DM Policy 40	Public conveniences;
DM Policy 41	Innovative community facility provision;
DM Policy 42	Nurseries and childcare.

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 7	Affordable rented housing;
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 27	Lighting;
DM Policy 29	Car parking;
DM Policy 30	Urban design and local character;
DM Policy 32	Housing design, layout and space standards;
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas;
DM Policy 38	Demolition or substantial harm to designated and non-designated heritage assets.

6.0 Planning Considerations

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

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

Principle of Development

6.2 National, regional and local planning policies seek to promote efficient use of land for housing delivery by developing Brownfield sites, bringing back into use vacant sites and providing higher density development.

6.3 The proposal is for the demolition of the existing employment buildings upon the site, and the provision of residential units. The applicant has advised that the existing business (Nellas) is relocating elsewhere within the Borough due to expansion plans, whilst the Butcher's unit is due to close, therefore this represents an opportunity to redevelop the site rather than to seek occupiers for the existing buildings.

6.4 The site is not within a Defined Employment Area on the Core Strategy Proposals Map, but the site has been used as employment land for a long period of time. The site falls within the 'Local Hub' of Hither Green, according to the adopted Core Strategy (2011).

- 6.5 Spatial Policy 4 states individual Local Hubs will be managed to enhance their identity and distinctiveness, whilst mixed use development is expected. In Hither Green, the Council's aims include upgrading the character and appearance of the approaches to Hither Green Station by redeveloping sites in industrial and business use and creating new mixed use developments that will retain and enhance the variety and varied nature of the local economy, whilst contributing to feelings of safety and security and to create a sense of place.
- 6.6 Having assessed the proposal, officers are satisfied that the principle of a new build development would provide a suitable replacement for the existing employment use subject to matters including design, scale, standard of accommodation and visual impact upon neighbouring occupiers.
- 6.7 The scheme will provide only residential units, as opposed to the previous application that included ground floor commercial units fronting Nightingale Grove.
- 6.8 During pre-application discussion, officers advised that taking into consideration the adjacent vacant ground floor use and other similar situations in Lewisham, there was a concern that the ground floor commercial units would not attract an end user, and would therefore lie dormant and boarded up. This is not desirable in urban design terms as it provides a blank unattractive edge to the front of the public realm, as demonstrated currently at 72-78 Nightingale Grove.
- 6.9 For this reason, officers raise no objections in principle to the development proposing only residential units, and are satisfied that the existing workforce will be relocated elsewhere.
- 6.10 In regard to the existing building itself, it is of a typical industrial appearance, incorporating brick elevations, large window openings and a 'sawtooth' style roof. Having assessed the character of the building and its impact upon the surrounding area, officers do not consider it to be a heritage asset that should be retained or locally listed, and therefore raise no objections to the demolition of the building.

Design

- 6.11 Paragraph 15 of the National Planning Policy Framework (p15) states: "local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
- 6.12 The applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the site. Officers provided advice on planning policies, the constraints of the site, design, layout and relationship with surrounding development.
- 6.13 The layout of the development clearly draws upon the example set of the adjoining development, with a 4-storey building fronting the highway, a building located to the rear of the site, and landscaped areas and parking in between.
- 6.14 The proposed buildings are considered to represent good, modern design, whilst respecting the character of the surrounding area. The front block would measure an approximate height of up to 13 metres, which is comparable with the development at 72-78, but significantly greater than the existing building. The building would initially be 3-storey at the southern end, similar in height to the dwelling at 86 Nightingale Grove, before stepping up to the highest element.

- 6.15 The height and massing of the rear building has been reduced in light of the previous planning refusal. The rear building would now reach a maximum of 4-stories, as opposed to the former 5, whilst the southern element would be reduced from 3 to 2-stories.
- 6.16 The front and rear buildings would effectively comprise 9 individual sections, varying in height and appearance. The building would be predominantly brick facing, with 'Buff', 'Blue' and 'Red' brick characterising each section. All window frames would be ppc aluminium/ timber composite, whilst balconies would be enclosed by glazed screens and metal handrails.
- 6.17 The proposed combination of materials is considered to be appropriate, contributing positively to the appearance of the development, whilst relating well with the immediate area. The alternative use of dark and light brick colours, particularly to the front building, would serve to break up the massing and result in a less harsh appearance, whilst providing a sense of visual interest within the streetscene.
- 6.18 The provision of balconies contributes to the overall outdoor feel and modern design of the development.
- 6.19 Officers consider the proposed flat roof to be acceptable in appearance, resulting in the overall bulk of the building being kept to a minimum.
- 6.20 In summary, the development is considered to be appropriate in scale, height and massing, respecting the general form of development within the immediate area, and befitting of this location. The applicants will be requested by way of a planning condition to provide external material samples for further assessment and detailed plans that show the living roof, windows, entrances and brick detailing.

Density

- 6.21 In regard to density matters, The Council's former density policy (HSG 16) was not among those saved by the Secretary of State, therefore the London Plan now contains the detailed density policies for Development Plan purposes.
- 6.22 The Council's assessment of the nature of this section of Nightingale Grove is that the site falls within an area that has industrial and residential characteristics, surrounded by typical suburban residential streets directly to the south and east of the application site. Nightingale Road is not a classified highway, yet it experiences high pedestrian and vehicular movement during peak hours, due in part to the nearby train station.
- 6.23 Whilst any development upon this site must respect the neighbouring suburban character, the position and size of the site allows for a greater density in the scale of the development, as identified when permission was granted for a high density development to the adjoining site at no.72-76.
- 6.24 The proposal would include 43 residential units on this site, comprised of 141 habitable rooms. This would equate to a density of 564 habitable rooms per hectare, which exceeds the maximum density range in Table 3.2 of the London Plan. Density, however, forms only part of the considerations toward developments such as this. Guidance states that the Council should make the best use of previously developed land, however such aspirations should not negate the requirement for developments to blend with the surrounding character.
- 6.25 Given that the scheme is of high quality design and substantially improves the appearance of the site, the higher density is considered acceptable and consistent with current Government guidance.

Housing

a) Size and Tenure of Residential Accommodation

- 6.26 It is acknowledged that the proposed residential units follow the guidelines outlined in the London Housing Design Guidance. A good proportion of 3 bedroom units are incorporated into the scheme, accounting for 13 of the proposed 43 units (30%). Lewisham suffers a shortage of larger housing units particularly 3+ bedrooms and therefore a development of 10 or more units must include family sized dwellings.
- 6.27 Core Strategy Policy 1: Housing Provision, Mix and Affordability officers states the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings.
- 6.28 In accordance with the London Plan and Core Strategy all units should be built to Lifetime Home standards and all should show 100% compliance with the 16 criteria. Officers are satisfied this has been achieved.
- 6.29 In addition a minimum of 10% of units should be built to SELHP Wheelchair standards. Drawings, which should include 1:20 plans of the key rooms within the units and 1:50 of the whole units, should be submitted as part of the formal planning application. In this case, 4 disabled units would be provided, and is thereby compliant. 1:20 plans have been submitted, which demonstrates each of the 4 units would comply with SELHP standards for minimum unit sizes.
- 6.30 In accordance with The London Plan and Core Strategy, affordable housing will be sought on developments of 10 units or more. The starting point for negotiation is 50%, and would be subject to a financial viability assessment. To ensure mixed tenure and promote mixed and balanced communities, the affordable housing component to be provided should achieve at least 70% social rented and 30% intermediate housing.
- 6.31 In this case, the scheme would provide 23% affordable housing by units, which is considerably lower than the initial strategic 50% London Plan requirement.
- 6.32 A financial viability statement has been submitted to the Council and reviewed by Lambert Smith Hampton (LSH). Having undertaken 'sensitivity testing', LSH advised that the development would be unable to provide 50% affordable housing, however an off-site payment of £157,000 would be a reasonable sum to offset the proposed provision of affordable units. The developer has since agreed to this additional payment.
- 6.33 While it is accepted that the provision of a larger proportion of affordable housing is not possible, given the shortfall in affordable housing provision relative to the levels set out in planning policies, it is appropriate that additional affordable housing be kept under review. To this end, two review mechanisms are to be incorporated into the Section 106 agreement to secure a financial contribution towards affordable housing off-site, should values increase to a level where this would be financially viable. The first review would take place if development does not commence within 24 months of the date of the decision. The second review would occur upon 75% completion of the development. Both review mechanisms have been discussed with the applicant.

Table 1: Residential Tenure and Size Mix

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	8	15	10	-	33
Social Rent					
Affordable Rent	1	2	3	-	6
Shared Ownership	1	3	-	-	4
Total	10	20	13	-	43

b) *Standard of Residential Accommodation*

- 6.34 The layout and circulation of the proposed units is considered to be acceptable, providing a good standard of accommodation for future occupiers, in accordance with the minimum standards set out within the London Plan (2011). Each habitable room would be assured of sufficient natural light intake and outlook.
- 6.35 Each ground floor flat and maisonette within the two buildings would have direct access to private gardens at the rear, in accordance with Council guidelines. The gardens would fail to achieve the 9 metres depth generally requested by policy, however, considering the occupiers would also have use of the proposed communal area, some leniency may be shown in this case.
- 6.36 All flats on the upper floors would have use of private balconies, which is a significant increase upon the previous application.
- 6.37 The site lies within an Area of Open Space Deficiency, which means there are limited opportunities for residents to go to local parks. The nearest parks are Mountsfield, Manor and Manor House Gardens, which provide children's playgrounds and playing pitches, but are approximately 1000 metres away from the site.
- 6.38 The proposed set-back of the building from the Nightingale Grove footpath by 1.8 metres, and boundary treatment would allow for a degree of privacy for the ground floor residents from passing pedestrians.
- 6.39 Officers subsequently raise no concerns to the proposed standard of accommodation within the development.

Highways and Traffic Issues

- 6.40 Two off-street disabled parking bays would be provided within the site, together with the provision of secure cycle parking for residential and commercial users.
- 6.41 The London Plan (2011) states that in locations with high public transport accessibility, car-free developments should be promoted, whilst still providing for disabled people.

- 6.42 Considering the PTAL for this area is 3, attributed to the close proximity of Hither Green Train Station, and nearby Hither Green Lane being well served by local bus routes, a reduction in car provision in this case is considered acceptable.
- 6.43 Neighbours have raised concern toward weekend parking as the CPZ only operates on weekdays. It is difficult to prove that the development would necessarily result in a high volume of on-street parking at weekends, considering public transport within the immediate area provides an alternative means of travel.
- 6.44 Future occupiers may wish to apply for a residents permit, however the number of existing permits that have been issued to local residents, together with availability of on-street parking would be a determining factor.
- 6.45 A car club does not form part of this application, however there are existing car club vehicles at nearby Charlcroft Road, Elthruda Road and Dermody Road.
- 6.46 Secure internal parking for 80 bicycles would be provided at various points across the site, the majority being located within the front building.
- 6.47 A Travel Plan has been submitted that sets out a number of objectives that will seek to encourage future occupiers to consider modes of transport other than private vehicles.
- 6.48 The Plan advises that a travel co-ordinator would be responsible for ensuring implementation of the objectives 'on a day to day basis', including:
- Residential Travel Information Pack provided to each household within 3 months of occupancy.
 - The Pack would include advice on bicycle and pedestrian routes; mainline rail timetables; local car clubs.
 - Travel Plan Noticeboard displayed with foyer areas.
 - Promotion of 'car share' and cycling.
- 6.49 The Travel Plan would be monitored and reviewed, and would ensure residents are fully engaged. The Council welcomes this approach, particularly as the development is effectively car free, however to ensure the Travel Plan is developed, it is appropriate that a condition be included requesting details are formally submitted to the Council within a suitable timescale.
- 6.50 Subsequently, Highways have raised no objections to the proposal.

Refuse

- 6.51 An internal refuse store area would be located within the front building, accessed from the undercroft route into the site.

Impact on Neighbouring Properties

- 6.52 Officers advised at pre-application that any future submission would need to address the amenities of neighbouring residential dwellings, demonstrating any potential impact in terms of overlooking, loss of privacy, overbearing impact, loss of outlook and overshadowing/ loss of light, has been suitably addressed.
- 6.53 Having visited the neighbouring Nightingale Grove dwellings during the course of the previous planning application, it was considered that the rear block, in particular the 3-storey element nearest the southern boundary would be likely to

result in significant visual impact upon the existing dwellings at nos.86-90 Nightingale Grove by way of overlooking, loss of privacy and sense of enclosure.

- 6.54 The current application has sought to address this by reducing the height to 2-stories, whilst the front facing windows and balconies would be set behind an extended flank wall. Officers are satisfied the visual impact has been sufficiently reduced to the nearest Nightingale Grove occupiers.
- 6.55 47-53 Beacon Road to the south-west of the site is a part single/ two-storey building that is in live/ work use, and it appears the residential element may be located at first floor. No objections have been received from the occupiers. Considering the proposed height reduction of the rear building, and no rear facing balconies, officers are satisfied there would be no significant impact upon the existing unit.
- 6.56 Overall, officers consider that the siting of the proposed development would not significantly harm the visual amenities of neighbouring occupiers. The highest part of the development would lie approximately 17 metres from the nearest dwellings to the south of the site, whilst the highest part of the rear building lies directly east of an unadopted road.
- 6.57 The Daylight/ Sunlight report concludes the proposed development satisfies the Building Research Establishment (BRE) minimum requirements in relation to daylight, sunlight and overshadowing, and would have no significant impact upon neighbouring properties.
- 6.58 Most balconies would be sited sufficiently within the site. For those close to the boundaries, it is suggested a condition be included requesting screening details to avoid overlooking.

Sustainability and Energy

a) Renewable Energy

- 6.59 Relevant policies within the London Plan, UDP and Core Strategy would need to be addressed in any submission.
- 6.60 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.61 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Major developments should demonstrate that the proposed heating and cooling systems have been selected to minimise carbon dioxide emissions. In terms of being 'green', a reduction in carbon emissions from onsite renewable energy is expected.
- 6.62 In accordance with the Core Strategy all new dwellings must be built to meet Code for Sustainable Homes Level 4.
- 6.63 Solar panels have been identified as the most suitable renewable technology, which would potentially reduce CO₂ emissions by 29.8%. The panels would be located upon the majority of the flat roofs.

- 6.64 The overall 40% reduction would be achieved by use of efficient lighting, insulation and high performance glazing.
- 6.65 It is considered the development would be in compliance with sustainability criteria.

Ecology and Landscaping

- 6.66 The original Ecology report advised that the existing buildings have been assessed to have 'features of low potential to support roosting bats', and that a full assessment be undertaken prior to demolition to establish whether there are actually any roosts.
- 6.67 In response, officers advised that the application was therefore deficient with regard to providing information relating to European Protected Species that may be present on site. The presence of bats and/or bat roosts are deemed a material planning.
- 6.68 Subsequently, a Bat Presence/ Likely Absence Survey report has been submitted that advises 'given the low level of bat activity recorded on and around the site, it is considered that sufficient survey effort has been undertaken to establish the likely absence of roosting bats on the site'.
- 6.69 The Ecology officer has advised they are satisfied with the content of the report, and request that the enhancements as detailed in the report are carried out in full.
- 6.70 A Living Roof has been proposed as part of the development, including the submission of a section plan detailing the construction of the roof. The Ecology officer, however has advised that whilst a living roof is welcomed, further plans would be required for further assessment as the proposal does not meet with guidance in the Council's Local Information List. A Condition will therefore be included requesting the submission of further plans.
- 6.71 In regard to hard and soft landscaping measures, two external communal garden areas would be located between the front and rear buildings. Plans indicate this to be landscaped, comprised of grass and trees/ planting, together with a paved pathway.
- 6.72 Surfaces would be laid with sustainable urban drainage systems, whilst planting areas 'will be linked with a passive irrigation system using rainwater collected and stored in a rainwater harvester'.
- 6.73 The ground floor units within the rear building would be afforded gardens comprising patio areas and grass.
- 6.74 Officers are generally satisfied with the principle of proposed landscaping works, subject to the submission of further details confirming the nature of planting and trees, maintenance and paving materials.

Planning Obligations

- 6.75 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 NFFP 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

6.76 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.

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

- 6.78
- (1) Education contribution: £45,000;
 - (2) Health contribution: £25,120;
 - (3) Sustainable transport contribution: £5,000;
 - (4) Hither Green Public Realm: £3,000;
 - (5) 10 affordable housing units;
 - (6) £157,000 off-site payment towards affordable housing;
 - (7) 100% of the units to meet the Lifetime Homes Standard;
 - (8) Development to meet Code for Sustainable Homes Level 4;
 - (9) 10% of the units to meet the South East London Housing Partnership (SELHP) Wheelchair Homes Design Guidelines (August 2009);
 - (10) A review mechanism to be undertaken within 24 months of the date of the Deed should development have not commenced during that period. A further review shall be undertaken at 75% completion of the development;
 - (11) Meeting the Council's legal, professional, and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

6.79 Aside from the affordable off-site sum, the financial obligation offered by the applicant is less than usually expected for a scheme on this scale. The applicant states that a larger payment would compromise the viability of the scheme, with the £78,120 payment being the 'maximum the scheme can provide, as demonstrated by the viability assessment'.

6.80 The viability has been assessed by Lambert Smith Hampton, and they concluded that 'any amendments to the S106 costs or CIL will impact upon the viability of this scheme and affect its ability to contribute towards Affordable Housing.'

6.81 With the applicant having agreed to incur a further cost of £157,000 towards an off-site affordable housing payment, they have advised that an increase in the S106 sum is not possible.

6.82 Officers have assessed the comments from LSH and, whilst considered to be generally reasonable, have challenged their conclusions. LSH have since advised that the capital values given were based upon comparable evidence drawn from the local area, and reflect the increase in land values that have occurred in the Hither Green area. The implication of the Mayoral CIL in 2012 would serve to depress land values (albeit Mayoral is calculated on net additional floor area) and given the evidence available at the time of their report, LSH were unaware of any further comparables.

6.83 In light of the further discussions, officers consider that the obligations outlined above to be acceptable at this stage in order to make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Local Finance Considerations

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

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

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

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

8.0 Equalities Considerations

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

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

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

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

8.4 In this particular case, it is not considered that the nature of the proposed development would result in a harmful impact upon equality.

9.0 Conclusion

9.1 This application has been considered in the light of policies set out in the development plan and other material considerations. Officers consider that the scheme is acceptable for the reasons addressed, and therefore recommend the application be approved.

10.0 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) Education contribution: £45,000;
- (2) Health contribution: £25,120;
- (3) Sustainable transport contribution: £5,000;
- (4) Hither Green Public Realm: £3,000;
- (5) 10 affordable housing units;
- (6) £157,000 off-site payment towards affordable housing;
- (7) 100% of the units to meet the Lifetime Homes Standard;
- (8) Development to meet Code for Sustainable Homes Level 4;
- (9) 10% of the units to meet the South East London Housing Partnership (SELHP) Wheelchair Homes Design Guidelines (August 2009);
- (10) A review mechanism to be undertaken within 24 months of the date of the Deed should development have not commenced during that period. A further review shall be undertaken at 75% completion of the development;
- (11) Meeting the Council's legal, professional, and monitoring costs associated with the drafting, finalising and monitoring of the Agreement.

10.1 RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106 by the 13 week time frame, in relation to the matters set out above, authorise the Head of Planning to **Grant Permission** subject to the following conditions:-

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

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

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

PL_1100, 1101, 1102, 1103, 1105, 1500 rev A, 1501 Rev A, 1502 Rev A, 1503 Rev A, PL 2000 Rev C, 2001 Rev C, 2002 Rev B, 3001 Rev C, 3002

Rev C, 3003 Rev C, 3004 Rev A, 3005 Rev A, 4000, Site Location Plan, Lifetime Homes Criteria Schedule, Unit Sizes Schedule, Transport Statement, Sustainability Statement, Energy Statement, Ecology Report (June 2014) Consultancy Statement, Phase 1 Assessment-Desk Study, Daylight & Sunlight and Overshadowing Assessment, Statement Of Justification For Loss Of Commercial Units, Wheelchair Housing Statement, Planning Statement, Design and Access Statement, and Summary Of Consultation (January 2013.)

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

- (3) (i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
 - (b) A commitment to working with the local planning authority's local labour and business coordinator.
 - (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
 - (d) Early warnings within the local planning authority's area of contracts to be let at the development.
 - (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
 - (f) Recommended training routes to secure jobs.
 - (g) Proposals to encourage diversity in the workforce.
 - (h) Measures to encourage local businesses to apply for work in relation to the development.
 - (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
 - (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
 - (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
 - (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
 - (m) Provision of childcare and employee assistance to improve working environments.
 - (n) Interview arrangements for jobs.

- (o) Arrangements for working with schools and colleges.
- (p) Measures to encourage local people into end use jobs.
- (r) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
 - The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
 - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
 - Number of days of work experience provided.
 - Number of apprenticeships provided.
- (ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.
- (iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

Reason: In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to supports sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

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

- (a) Dust mitigation measures.

- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan.

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).

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

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use 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).

- (7) (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
- (b) Development shall not commence until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

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

- (8) (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).

- (9) (a) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:5 showing windows/ doors/ balconies/ terraces/ entrances have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

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

- (10) (a) The development shall be constructed in those materials as submitted namely: Buff Brick, Blue Brick, Red Brick, 'Fibre C' Cladding, aluminium/ timber composite windows, timber doors, and in full accordance with state relevant plans PL_3001C, 3002C, 3003C, 3004A, 3005A and Design and Access Statement (P22 - Appearance-Materials.)
- (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).

- (11) (a) Details for the on-site storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority prior to commencement of the development hereby approved.
- (b) The approved details shall be carried out in full prior to occupation of each phase of development and retained thereafter.

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

- (12) (a) A minimum of 80 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).

- (13) (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).

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

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

- (15) (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).

- (16) (a) Further section plans of the proposed living roof shall be submitted to and approved in writing by the local planning authority.
- (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, and shall thereafter be retained in perpetuity.

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.

- (17) (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.
- (d) All proposed measures and strategies of mitigating the level of lighting impact detailed in paragraph 4.12 of the Ecology Report (June 2014) shall be implemented in full prior to first occupation, and thereafter retained.

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).

- (18) The development hereby approved shall not be occupied until the vehicular access as shown on plan PL_1100E has been constructed in full accordance with the said plan.

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

- (19) Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as shown on the plans 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).

- (20) The four 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 the plans hereby approved prior to their first occupation. For the avoidance of doubt where a communal access is to be the principle access for wheelchair users or relates to communal access to amenity space or facilities intended for the enjoyment of residents of the development the specification for the said communal access shall not be less than the specification for access for wheelchair units under the SELHP Wheelchair Homes Design Guidelines.

Reason: To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with 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).

- (21) The whole of the amenity space (including roof terraces and balconies) as shown on the plans hereby approved shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy HSG 7 Gardens in the Unitary Development Plan (July 2004).

- (22) Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed areas 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 areas shall be carried out, nor shall the roof areas 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).

- (23) The whole of the car parking accommodation shown on drawing no.PL_1100E hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the spaces for parking purposes, and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011) and Table 6.1 of the London Plan (July 2011).

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

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2011) and Core Strategy Policy 12 Open space and environmental assets.

- (25) The proposed Solar Panels shall be installed and fully operational prior to first occupation of the residential units hereby granted.

Reason: To ensure the development is in compliance with Policy 8 'Sustainable design and construction and energy efficiency' of the adopted Core Strategy (June 2011).

INFORMATIVES

- (1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (2) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. The Council will issue you with a CIL liability notice detailing the CIL payable shortly. For CIL purposes, planning permission permits development as at the date of this notice. However, before development commences you must submit a CIL Commencement Notice to the council. More information on the CIL is available at: -

**[http://www.communities.gov.uk/publications/planningandbuilding/
communityinfrastructurelevymay11](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) The applicant is advised to view the Council's Local Information List which details Living Roof requirements and guidance.

<https://www.lewisham.gov.uk/myserVICES/planning/applications/Documents/LocalInformationRequirements.pdf>