

Committee	PLANNING COMMITTEE A	
Report Title	GARAGES AND FORMER ANTON BOBB COMMUNITY HALL, CORNER OF MARISCHAL ROAD AND MERCATOR ROAD SE13	
Ward	Lewisham Central	
Contributors	Suzanne White	
Class	PART 1	11 September 2014

<u>Reg. Nos.</u>	DC/14/86354
<u>Application dated</u>	31.01.2014 [final submissions dated 24.07.14]
<u>Applicant</u>	CMA Planning on behalf of Pocket Living
<u>Proposal</u>	Demolition Former Anton Bobb Community Hall and garages, at the Corner of Marischal Road and Mercator Road SE13, and the construction of a part 2, part 3 and part 4 storey building to provide 26 self-contained dwellings (25 x 1 bed and 1 x 2 bed); refuse and recycling facilities; cycle parking; and landscaping.
<u>Applicant's Plan Nos.</u>	POC 19137 11A, 00844_X 03 P2, 00844_X_06 P1, 00844_X_11 P1, 00844_X_00 P1, 00844_X_05 P1, 00844_X_02 P1, 00844_X_01 P1, 00844_X_04 P1, 00844_S_02 P1, 00844_S_00 P1, 00844_S_01 P1, 00844_S_03 P1, 00844_S_04 P1, 00844_S_05 P1, 00844_E_03 P1, 00844_E_00 P5, 00844_E_01 P5, 00844_P_00 P4, 00844_P_01 P1, 00844_P_02 P1, Design and Access Statement, Code for Sustainable Homes, Sustainability Statement, Energy Statement, Daylight and Sunlight and Overshadowing Assessment, Construction Management Plan, Planning Statement, Arboricultural Impact Assessment & Tree Protection Plan, Contamination Initial Assessment, Transport Statement, Landscape Specification, Affordable Housing Statement and Valuation.
<u>Background Papers</u>	(1) Case File LE/745/E/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Undesignated land. Currently in use as a Community Hall (D2) and lock-up garages (sui generis)
<u>Screening</u>	Not applicable

1.0 Introduction

1.1 This application has been referred to Committee by the Head of Planning as it proposes a new model of affordable housing in the Borough which it is appropriate for Members to consider.

1.2 The application submissions include an overview of the Pocket Model, which is summarised below.

Pocket Living Model

1.3 'Pocket Living' is a "for profit" social business exclusively dedicated to the provision of affordable homes in London. Pocket builds apartments for a minimum of a 20% discount on open market price for comparable flats in the same area, up to a maximum 3.5 times the Mayor of London's maximum threshold income for affordable housing.

1.4 Pocket builds principally one-bedroom apartments that are designed specifically with singles and couples in mind. The units are bought outright.

1.5 Initial and subsequent sales are restricted to purchasers who can demonstrate that their income is below the eligibility threshold designated by the Mayor of London for acquiring intermediate affordable housing, and eligibility is secured in perpetuity through a s106 agreement and lease restrictions binding on both purchasers and mortgagees.

1.6 Priority is given to those who already live or work in the relevant borough and other key priority groups, such as social tenants, agreed with the Council. The units are focused primarily at people who are unable to buy homes on the open market but whose income prevents them from applying for affordable rent or social rented homes.

1.7 The Mayor of London has confirmed that Pocket's housing meets the NPPF definition of affordable housing now reflected in the Housing SPG and in the proposed Further Alterations to the London Plan, and the Manager of the London Plan has confirmed that Pocket homes count towards LPA's affordable housing numbers. The Pocket model does not require public subsidy (GLA funding is provided in the form of a long-term loan).

1.8 Pocket provides affordable housing that supplements that which other affordable housing providers have traditionally brought forward. Unlike conventional shared ownership and shared equity products Pocket buyers own 100% of the equity and the value of their home from day one but re-sales are restricted to other eligible buyers.

1.9 In the case of shared ownership and shared equity homes the buyers can increase their stake by "stair-casing" until they own 100%, at which point they can sell on the open market and their homes cease to be part of the intermediate housing stock. Pocket homes by contrast remain part of the intermediate housing stock in perpetuity.

1.10 Pocket has been granted planning permission for 7 schemes to date, in Camden, Ealing, Hammersmith & Fulham (2), Hounslow, Westminster and Hackney. Five of these have been completed and all homes sold, the sixth has been fully sold and

a seventh is about to start construction. Demand for Pocket homes is such that over 13,000 people have registered through Pocket's website as applicants. Pocket advise that 63 applicants reside in Lewisham.

- 1.11 Pocket is required by its partner Councils to verify the eligibility of applicants and buyers of its homes. Through this process Pocket acquires and analyses a significant amount of data on its buyers. Based on the 130 homes sold to date the median income is £39,000; average age 32; 80% singles and 20% couples; 56% women and 44% men; 49% are key workers, the rest work in the private sector; a significant majority have had tertiary education.
- 1.12 Pocket has recently been awarded long-term loan funding by the GLA under the Mayor's Housing Covenant intended to boost the provision of intermediate homes for sale. Pocket's bid was supported by eight London boroughs (Lewisham was not involved) who proposed sites for funding, and a number of these are now being taken forward for development.

2.0 Property/Site Description

- 2.1 The site is located on the corner of Marischal and Mercator Roads at the junction with Blessington Road. The site is currently occupied by a vacant community centre, garages and parking spaces. The site is owned by Lewisham Council, it is understood that the Anton Bobb Community Room is no longer in use and the garages are leased to local residents.
- 2.2 Mercator Road slopes steeply to the north which means there is a level difference of 2.1m between the north and south of the site. The existing community centre appears as a single storey structure on the Marischal Road frontage but as two storeys on Mercator Road. The front boundary of the site is secured by a 2.0m high brick wall which also extends along the boundary separating the site and the neighbouring dwelling at 55 Marischal Road. The southern boundary comprises dense planting which separates the site from the flats to the rear.
- 2.3 In the wider context the site is surrounded by residential development of varying age, scale and character.
- 2.4 The site has a PTAL rating of 6a with Lewisham Town Centre and Train Station located within a 10 minute walk and various bus routes running along Lee High Road.
- 2.5 The site is not allocated for any particular land-use or development proposal on the adopted Proposals Map. However, the site falls within an Area of Stability and Managed Change, just beyond the defined Lewisham Major Town Centre boundary.

3.0 Planning History

- 3.1 No relevant planning history.

4.0 Current Planning Applications

The Proposals

- 4.1 The application comprises the demolition of the former Anton Bobb Community Hall building and garages and the construction of a part 2, part 3 and part 4 storey building to create 26 self-contained dwellings (25 x 1 bed and 1 x 2 bed); refuse and recycling facilities; cycle parking; and landscaping.
- 4.2 The fourth floor of the building is set back from the east and southern edges. The footprint of the building would cover a large expanse of the site, set back from the northern edge to maintain the established building line on Marischal Road and built hard onto the eastern boundary facing Mercator Road. A detached bin store would be erected on the southern boundary, the remaining space within the site would be soft landscaped.
- 4.3 The materials palette includes brick, timber louvers and glazed balustrading.
- 4.4 It is understood that Pocket are in negotiations with the Council to acquire the leasehold interest in the site, while the Council would retain the freehold.

Supporting Documents

- 4.5 POC 19137 11A, 00844_X_03 P2, 00844_X_06 P1, 00844_X_11 P1, 00844_X_00 P1, 00844_X_05 P1, 00844_X_02 P1, 00844_X_01 P1, 00844_X_04 P1, 00844_S_02 P1, 00844_S_00 P1, 00844_S_01 P1, 00844_S_03 P1, 00844_S_04 P1, 00844_S_05 P1, 00844_E_03 P1, 00844_E_00 P5, 00844_E_01 P5, 00844_P_00 P4, 00844_P_01 P1, 00844_P_02 P1, Design and Access Statement, Code for Sustainable Homes, Sustainability Statement, Energy Statement, Daylight and Sunlight and Overshadowing Assessment, Construction Management Plan, Planning Statement, Arboricultural Impact Assessment & Tree Protection Plan, Contamination Initial Assessment, Transport Statement, Landscape Specification, Affordable Housing Statement and Valuation.

5.0 Consultation

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

Pre-Application Consultation

- 5.2 The applicant engaged in pre-application discussions with planning officers, as well with the Council's Property and Housing Departments. The discussions with officers concluded with 'in principle' support for the proposals, subject to various revisions to the design being undertaken and the submission of the necessary information to support the application, including a detailed account of how the model would meet the affordable housing definition. This guidance was set out in a letter to the applicants dated 23rd December 2013.
- 5.3 The applicants held a public exhibition at St Margaret's Church on Wednesday 8 January 2014, where plans of the proposals were available for review and members of the Pocket team were in attendance to discuss the project and answer questions.

Statutory Consultation

- 5.4 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 5.5 Consultation letters were sent to the occupants of 64 neighbouring properties and two notices were displayed on site. Internally, Lewisham Central Ward Councillors, Planning Policy, Highways, Environmental Health, Sustainability, Trees, Ecology, S106, Housing and Urban Design officers were consulted.

Written Responses received from Local Residents and Organisations

- 5.6 Two letters of objection were received from the occupiers of the Lower and Upper flats of 55 Marischal Road. Their comments can be summarised as follows:
- No objection to the principle of redevelopment
 - Concern over potential for disturbance arising from the communal roof terrace
 - Potential loss of privacy resulting from communal roof terrace
 - Loss of amenity arising from construction process, particularly dust and vibrations
 - Loss of TV signal
 - General concern over the potential loss of Daylight/Sunlight to 55 Marischal Road, particularly in respect of the following points:
 - no assessment of front garden of 55 Marischal Road undertaken
 - 55 Marischal Road is at a significantly lower ground level than the existing garages
 - Expect party wall to be supported and maintained. Would raise concern if the height of this wall is to be increased due to 'wind tunnelling affect'.
 - Proportions of windows on north elevation should relate better to the Edwardian windows of 55 Marischal Road. [The comment is thought to relate to pane size]

Strategic Housing

- 5.7 Strategic Housing support this scheme and the product as meeting a housing need in the borough that is not currently met elsewhere. The model presented by Pocket Living is considered to complement the existing rent or shared ownership products.
- 5.8 Require that the initial six months of sales are only to people who live/work in Lewisham.

Sustainability Manager

- 5.9 Scheme is in compliance with our policies in relation to Code level 4 and CO₂ emissions reductions.

Highways and Transportation

- 5.10 The site is well located in terms of access to public transport facilities and has a PTAL of 6a which is considered excellent. Based on the level of car ownership in the surrounding area and the available on-street parking in streets adjacent to the application site, the proposal is considered acceptable, subject to:-
- A S106 obligation being included within the S106 that restricts future residents of the development from acquiring permits within the CPZ.
 - The provision of a car club scheme at the site (i.e. the provision of car club membership), as a sustainable alternative to car ownership.
 - A Construction and Logistics Plan (CLP) is required. It should be submitted prior to the commencement of the development and should specify how the impacts of construction activities and associated traffic will be managed.
 - A Waste Management Plan (WMP) is required. The plan should include details of refuse and re-cycling collection points which should be accessible from within 10m of kerb line. The plan should illustrate how bins will be brought out to collection points on collection days & returned.
 - Details of cycle storage is required which should be covered & secure.
 - A condition is required to ensure the Travel Plan is taken forward and delivered. The Travel Plan should include measures to encourage the use of more sustainable forms of transport
 - The applicant will be required to enter into a S278 agreement with the Highway Authority. The S278 Highways Agreement is required to secure the highways works on the public highway within and adjacent to the site and shall include highways reinstatement/improvement works to Marischal Road and Mercator Road.

Ecological Regeneration Manager

- 5.11 Further details of the specification of the living roofs were requested initially. On receipt of that information and assurances from the applicant, the Ecology Manager is satisfied with the scheme, subject to a condition to ensure that there is 80% coverage of the roof within two years and a site inspection by the Council.

Environmental Health

- 5.12 Approval should be subject to a condition to require site intrusive investigation prior to commencement of development.
- 5.13 A further condition should be added to require a commitment to following the Council's Good Practice Guide for control of pollution and noise from demolition and construction.

6.0 Policy Context

Introduction

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

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

A local finance consideration means:

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

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

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

6.4 Officers have reviewed the Core Strategy 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.

Other National Guidance

6.5 The other relevant national guidance is:

Design

Planning obligations

Travel plans, transport assessments and statements in decision-taking

London Plan (July 2011)

6.6 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.9 Inner London
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 3.16 Protection and enhancement of social infrastructure
Policy 5.3 Sustainable design and construction
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.7 Better streets and surface transport
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Housing (2012)
Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

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

Wheelchair Accessible Housing (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

6.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the Lewisham Town Centre Local Plan, 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
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
STR URB 4 Regeneration Areas
URB 3 Urban Design
URB 12 Landscape and Development
URB 13 Trees
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
LCE 2 Existing Leisure and Community Facilities

Residential Standards Supplementary Planning Document (August 2006)

6.11 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)

6.12 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.

Emerging Plans

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

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

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

6.14 The following emerging plans are relevant to this application.

Development Management Local Plan

6.15 The Council submitted the Development Management Local Plan (DMLP) for examination in November 2013. The Examination in Public has now concluded, and the Inspector issued his report on the 23 of July 2014 finding the Plan sound subject to 16 main modifications. The 16 main modifications had previously been published by the Council for public consultation on the 29 of April 2014.

6.16 The Council expects to formally adopt the DMLP in autumn 2014.

6.17 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 as amended by the 16 main modifications has undergone all stages of the plan making process aside from formal adoption, and therefore holds very significant weight at this stage.

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 22	Sustainable design and construction
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 35	Public realm

Draft Further Alterations to the London Plan (FALP)

6.19 On 15 January 2014, the Mayor of London published Draft Further Alterations to the London Plan (FALP). A schedule of suggested changes was published on 7 July 2014 in response to consultation responses received. The Examination in Public commenced on 1 September and will last approximately 3 weeks, after which the Inspector will provide a report on any recommended alterations. The FALP is considered to carry

6.20 The FALP has undergone all stages of public consultation and plan preparation aside from examination, and therefore holds significant weight at this stage. However, some policies contained within the plan hold less weight as the Mayor has received representations from consultees or questions from the Inspector regarding the soundness of these policies.

7.0 Planning Considerations

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

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

Principle of Development

7.2 Saved UDP Policy LCE2 – Existing Leisure and Community Facilities seeks to protect existing facilities unless they are genuinely redundant, there is a proven lack of need, cannot be updated at reasonable cost and alternative provision is made elsewhere.

7.3 Core Strategy Policy 19 echoes London Plan Policy 3.16 in seeking to ensure that adequate provision of community facilities is maintained in order to meet the needs of current and future populations.

7.4 The applicant details that the former Anton Bobb Community Hall was a general purpose facility that was regularly used by a local tenant and residents association until 2007 when the group was disbanded. Subsequently, the hall was used on an infrequent basis for external bookings until an inspection by Lewisham Homes in 2012 found that a new boiler would be required for continued use at which point a decision was made to close the hall. A letter from the Council's Housing Strategy Manager, dated 28 January 2014 and submitted with the application, confirms the decision to close the centre.

7.5 The Council has resolved to dispose of the site due to the lack of demand and disproportionate costs associated with up-grading the building. Accordingly, the principle of redeveloping the existing community facility is considered acceptable in the context of Policy LCE2 given the history of vacancy and condition of the building.

7.6 The provision of alternative community facilities does not form part of the application, however this can be mitigated by a contribution towards community facilities. On this basis, it is considered that the loss of the community centre is acceptable under Policy LCE2.

7.7 It is also appropriate to consider the principle of redevelopment of the existing garages on site as, whilst they are not specifically protected in policy terms, redevelopment will result in a reduction in off-street parking capacity in the area.

7.8 The applicant states that, of the 20 existing garages, 14 are currently rented out. The submitted Transport Statement includes a parking survey which demonstrates that there is sufficient spare capacity within local resident only parking bays in the vicinity of the site to accommodate any displaced vehicles

resulting from the loss of the garages. The redevelopment of the garages is therefore considered acceptable in principle.

- 7.9 Planning policies at all levels identify a pressing need to deliver more homes, particularly affordable, and advocate making the best use of sites to meet that need, taking into account local context, character and public transport accessibility.
- 7.10 The application proposals will make use of a previously developed site, that is situated within a predominantly residential area, just outside Lewisham Town Centre and which has a PTAL of 6a, making it highly accessible.
- 7.11 On the basis of the above considerations, the principle of redevelopment for housing is acceptable in planning policy terms.

Affordable Housing

- 7.12 The application as submitted was not considered to provide sufficient evidence to demonstrate that the proposed scheme would constitute affordable housing according to planning policy.
- 7.13 The definition of affordable housing is found in Annex 2 of the NPPF, and is repeated in Policy 3.10 of the London Plan:

“Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable”.

- 7.14 The proposal is for 100% intermediate units. Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing. Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.
- 7.15 The London Plan, at paragraph 3.61, states that *“Households whose annual income is in the range of £18,100- £64,300 should be eligible for new intermediate homes.”* The upper income threshold is proposed to be increased to £66,000 in the Draft Further Alterations to the London Plan January 2014 (FALP). The application as submitted relied on this provision as the determinant of eligibility.
- 7.16 Officers felt that this did not reflect the requirements of the affordable housing definition that eligibility should be determined with regard to local incomes and house prices, i.e. within the Lewisham context. Officers were also concerned to ensure that the units would remain affordable in perpetuity.
- 7.17 Discussions took place with the applicant with regard to these points and additional information was submitted in response. As a result of these discussions, and provisions to be secured through a S106 agreement, Officers have concluded that the proposal as amended meets the definition of affordable housing.

- 7.18 The proposal is considered against each element of the definition below.
- i) The units must be provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local prices.*
- 7.19 The applicant has provided an Affordable Housing Statement and an Independent Valuation, including review of recent sales prices, in order to establish the household income required to purchase a comparable market unit in the area at present. By definition, the needs of those earning less are not met by the market currently.
- 7.20 The Independent Valuation was undertaken by Jones Lang LaSalle and is dated July 22 2014. The valuation was based upon a site visit and took into consideration the size and specification of Pocket units i.e. a one bedroom (2 habitable rooms) property measuring 37.7sqm (406sq ft), without any private outside space. It reviewed sold prices for 12 comparable schemes in the Lewisham Town Centre area. Of most relevance to the application scheme were developments at Riverdale House and Renaissance in Loampit Vale.
- 7.21 The valuation shows that a 1bed flat at Riverdale House, of identical proportions to a Pocket unit, was sold in July this year for £270,000. It is noted that this scheme is a conversion (and may therefore be compromised in terms of layout) but benefits from being located much closer to Lewisham Town Centre and train/DLR stations.
- 7.22 Larger 1 bed (457sq ft) units at Renaissance have sold for £276,000 (7th floor) and £316,000 (9th floor) in July this year. The 1bed units on the lower floors (3rd, 4th, 5th) were sold out in April/May, achieving prices of £257-£260,000. The valuation considers that the market has changed since then and that the Pocket units would achieve a higher price than the 3rd/4th/5th floor Renaissance units in today's market.
- 7.23 The valuation concludes that the Market Value for the Pocket units at Mercator Road would be £265,000. Officers consider that this figure has been adequately justified and can be used as a basis to determine eligibility criteria. The valuation letter is attached to this report at Appendix A.
- 7.24 In terms of local incomes, the Council's Planning Obligations SPD (2011) sets out a maximum income threshold for rent or purchase of intermediate housing at Table A.1 of £38,429. The Draft Planning Obligations SPD (July 2014), approved for public consultation at the Mayor and Cabinet meeting of 16 July 2014, updates the maximum threshold for intermediate housing to households earning no more than £51,565.
- 7.25 The income threshold in the 2011 SPD was set with shared ownership schemes in mind, whereby purchasers would seek a mortgage for a proportion (typically 25%) of the cost of a dwelling initially. It is accepted by planning and housing officers that the SPD threshold did not anticipate the Pocket model, whereby units will be purchased outright and therefore a larger income would be required.
- 7.26 Taking the above factors into account, it is possible to determine an income threshold for eligible purchasers.

7.27 The valuation has established a market value of £265,000 for a Pocket 1bed flat. Although the final market price would be subject to a further valuation undertaken closer to the time of initial sales, and controlled through the S106 agreement, it is considered that the current valuation is sufficient to illustrate the model and determine eligibility. A market value for the 2bed unit has not been provided, though it is considered that the sale price will be adequately controlled by the Mayor of London's income eligibility cap.

7.28 Pocket would sell the flats at a discount of 20% from the market price i.e. £212,000 based on the current valuation. The London Plan income threshold is based on an income multiplier of 3.5. Officers consider that it is reasonable to assume that purchasers will have a deposit, given current mortgage requirements, and have used 10% as a guide. On this basis, the income threshold for eligibility would be calculated as follows:

Purchase price:	£212,000
Deposit (10%):	£21,200
Mortgage required:	£190,800
Income required: (3.5 times multiplier)	£54,514.

7.29 On this basis a maximum household income threshold of £54,500 is proposed for eligible purchasers.

7.30 There are a number of variables behind the above calculation which could be applied differently, however Officers consider that the above is a reasonable illustration of how a Pocket unit might be purchased.

7.31 In terms of the level of deposit, the Mercator Road units may be eligible for the Government's Help to Buy Scheme, whereby purchasers with a 5% deposit are able to access a loan to bring their deposit up to 25%. One of Pocket's existing schemes was eligible for this scheme and, although the Mercator Road scheme has not been through the application process yet, there is a good prospect that it would also qualify. With a 25% deposit, the units would be affordable to households with an income of £45,200, based on a mortgage multiplier of 3.5 times income.

7.32 Consideration has also been given to purchasers with a lower deposit and higher income (£54,500+). It is felt that purchasers at this income level would have more options available to them on the open market and it is therefore appropriate to focus the availability of these units to those with less opportunities to purchase a home.

7.33 A cautious approach has been adopted in using a 3.5 times income multiplier. It is possible that purchasers may be able to borrow a greater multiple of their salary, which again would make the units affordable to those on lower incomes.

7.34 The Affordable Housing statements provided by Pocket state that, based on previous sales, the average purchaser of a Pocket flat has an income of £37,566 and a deposit of £23,410. These figures would suggest that the above assumptions in respect of income multiplier and level of deposit are appropriate.

- 7.35 The £54,500 limit on the income of eligible purchasers is proposed to apply for the initial 6 months of sales. In addition, sales during this period would be restricted to eligible purchasers either living or working in Lewisham.
- 7.36 After this initial period, the flats would be available to any purchaser whose income sits within the Mayor of London's gross household income eligibility range for Intermediate Housing in London (£18,000-£66,000). This is in accordance with the Draft Further Alterations to the London Plan which state that Boroughs may set their own eligibility requirements, but only for an initial 3 month period. A longer period of 6 months has been agreed with the applicant in order to best meet local need.
- 7.37 At all states of the sales process, the units can only be sold to persons who do not already own a residential property. This provision, together with strict controls on rental of the units, help to ensure that the units would be sold to owner-occupiers and would not be available for buy-to-let investors.

Ensuring that there is provision for the units to remain at an affordable price for future purchases - reselling

- 7.38 Consideration was given as to whether an income threshold below that of the Mayor of London's should be set for re-sales, as is the case for the initial 6 months of sales. The conclusion reached by officers was that, although we could be confident at present that purchasers would have deposits (particularly given the potential assistance available through the Help to Buy scheme), we could not rely on this being the situation in the future. In that scenario, future purchasers may require a higher income in order to be able to afford a unit.
- 7.39 Officers explored the possibility of setting out a formula within the S106 agreement to enable future sale prices to be calculated on the basis of house price increases. However, the conclusion reached was that this may place an unnecessary burden on the ability of future occupiers to sell their properties and, given rising house prices, may not result in a materially different income threshold to that set by the Mayor of London.
- 7.40 Re-sale of the flats is also controlled through the S106 so that for the first 6 months of marketing the flats can only be re-sold to eligible persons. Provisions in the S106 will require a marketing plan to set out how re-sales will be marketed, in order to ensure that eligible purchasers have every opportunity to be made aware of the flats being on the market.
- 7.41 After the initial 6 month period, the flats can be sold to any purchaser, on the open market. However, that purchaser would subsequently be bound by the requirements of the S106 agreement to market the unit only to eligible persons for the first six months when they came to sell.
- 7.42 Mortgage lenders are unwilling to accept any restriction on re-sales and therefore, where a flat is repossessed, it could be sold on the open market. However, again, if the flat were re-sold in the future it would be bound by the S106 provisions to prioritise eligible persons.
- 7.43 It is considered that these exceptions are unlikely to be frequent occurrences, and so it is considered that, in the majority of circumstances, the units would remain affordable in perpetuity.

- 7.44 For these reasons the proposal is considered to meet the affordable housing definition.

Mix

- 7.45 Core Strategy Policy 1 seeks to secure an appropriate mix of unit sizes within any development, including the provision of family housing (3+ bedrooms) as part of any scheme with 10+ units. However, the policy also provides that the appropriate mix will be determined having regard to: a. the physical character of the site or building and its setting; b. the previous or existing use of the site of 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; and f. the location of schools, shops, open space and other infrastructure.
- 7.46 The Pocket Model is based upon the provision of 1-bed units, though in the current application a 2bed unit has also been proposed. In this case, a high proportion of 1 bed units is considered acceptable on account of the high public transport accessibility of the site and broader existing mix of dwelling sizes in the locality.

Lifetime and wheelchair homes

- 7.47 All of the units proposed will be built to Lifetime Homes Standards, with the exception of the car parking requirement.
- 7.48 During pre-application discussions, the scheme had included a wheelchair unit. However, in the course of those discussions and taking advice from the Council's Occupational Therapists, it was concluded that the site was not suitable for a wheelchair unit on account of the lack of off-street parking, topography of the surrounding area and travel time to local public transport. Instead, it has been agreed that the applicant will make a financial contribution towards the provision of wheelchair accommodation elsewhere in the borough.

Housing Standards

- 7.49 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.
- 7.50 Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The standards require a studio (1-person) flat to have a minimum internal floor area of 37sqm, a one bed (2-person) flat to be a minimum of 50sqm and a 2-bed (3-person) flat to be a minimum of 61sqm.
- 7.51 The proposed 1bed units are 37.7sqm in size, while the 2-bed unit is 61.5sqm. The proposed 1bed flats would meet the London Plan minimum size for a 1person flat but fall well short of the minimum size for a 1bed unit.
- 7.52 Development Management Local Plan Policy 32 – Housing design, layout and space standards (e.) states that “*Single person dwellings will not be supported other than in exceptional circumstances. Developments will be required to have an exceptional design quality and be in highly accessible locations*”.

- 7.53 Pocket use measures such as underfloor heating (negating the need for radiators), large windows, generous floor to ceiling heights, good levels of storage and communal external space to help address issues that could arise with a compact style of living.
- 7.54 During the application process Officers have engaged with Pocket to increase the proportion of dual aspect units within the scheme and are now comfortable that these have been maximised. In addition, the submitted daylight/sunlight assessment demonstrates that appropriate levels of light will be achieved for all units.
- 7.55 Pocket state that 81% of their units sold to date have been bought by single purchasers and as such it is considered reasonable to use the standard for 1-person flats as the measure by which to assess them. An appeal decision dated September 2006 considered this issue specifically and the Inspector concluded that the units were acceptable on the basis of the space-saving design measures incorporated, that they would predominantly be occupied by single persons and that therefore the 1person standard was met.
- 7.56 During the application process, the applicant reduced the proportion of single-aspect dwellings and improved the quality of the proposed external materials in response to concerns raised by the Council's Urban Design Officers.
- 7.57 Taking all of the above into account, and particularly given the high public transport accessibility of the site, it is considered that the proposal is acceptable in terms of unit sizes and standard of accommodation proposed.
- 7.58 Standard 4.10.1 of the London Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The proposals include communal amenity space at lower-ground level to the south of the building and a roof terrace at the top floor. Private terraces are provided to the south facing flats at lower-ground level, a semi-private garden is provided to the two north-facing units at lower-ground level and a private roof terrace is provided to the 2-bed unit.
- 7.59 The proposal does not meet the requirements of the policy as private amenity space is not provided for all units. However, 170sqm of communal amenity space of a good standard is provided and it is considered that this constitutes acceptable provision for 1bed units in this location.

Design

- 7.60 All levels of planning policy put great emphasis on design as a key aspect of the planning process. Developments are required to respond to local character and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping.
- 7.61 London Plan Policy 3.5 – Quality and Design of Housing Developments: States that housing development should be of the highest quality internally and externally and in relation to their wider context and to the wider environment.

- 7.62 Core Strategy Policy 15 – High quality design for Lewisham states that for all development the Council will: a. ensure the highest quality design which is sustainable, accessible for all, optimises the potential of sites and is sensitive to local context and character; b. ensure design acts to reduce crime and the fear of crime; c. apply the housing densities set out in the London Plan; e. use Building for Life standards for major planning applications; f. ensure development is flexible and adaptable to change; and g. ensure development conserves and enhances the historic environment.
- 7.63 The application site is situated in an “Area of Stability and Managed Change”, for which CS Policy 15 expects: the scale and type of development to be generally smaller scale, unless close to stations where higher densities may be acceptable; provide a high level of amenity; and ensure that any adverse impact on neighbouring residential amenity or biodiversity is addressed.
- 7.64 The proposed building is of a significant scale for the size of the site, however as a corner plot it is accepted that a prominent building would be appropriate in this location, subject to achieving a high quality of design. The submitted scheme is deemed to have successfully addressed these requirements by setting back the fourth storey, introducing a series of recessed elements, and variations in the fenestration and materials palette, all of which serve to ‘break down’ the scale and mass of the proposed building.
- 7.65 The building would be set back from Marischal Road to respect the established building line of this part of the street. The set back at fourth floor level reduces the scale and mass of the block as perceived from the street and this is considered acceptable in the context of the local area.
- 7.66 In terms of the colour of the proposed bricks, there are good precedents within the immediate area of buildings faced in grey brick. The proposal picks up and re-interprets this in a contemporary way. The final specification of the bricks can be controlled by condition, with the applicant required to assemble sample panels on site.
- 7.67 Timber panels are introduced over the main entrance and as shading panels to the south and east facing bedroom windows, serving to soften the predominantly brick façade.
- 7.68 Overall, it is considered that the design has successfully responded to the constraints of the site and character of the area, whilst also optimising its potential to deliver housing.

Impact on Adjoining Properties

- 7.69 *Policy HSG 4 – Residential Amenity* of the UDP seeks to protect existing residential occupiers from inappropriate development.
- 7.70 A daylight/sunlight assessment undertaken in accordance with the BRE Guidelines “Site Layout Planning for Daylight and Sunlight – A Good Practice Guide” was submitted as part of the application submission. The report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties and open spaces surrounding the site.

- 7.71 In respect of the apartment block to the southwest of the site, 1-20 Mercator Road, some northeast facing windows will experience a noticeable reduction in daylight levels. However, the report identifies that the main habitable rooms of these dwellings are located on the southwest elevation of the block and that, due to the external walkways on the northeast elevation of the building, the impacted windows are already compromised and would already require artificial lighting to the kitchen areas behind.
- 7.72 The assessment considers the impact on the windows of No. 55 and No. 59 Marischal Road specifically, and concludes that neither property will experience any noticeable impact on daylight access.
- 7.73 Two neighbouring amenity areas, including the rear garden of 55 Marischal Road, were identified as having the potential to be affected by the proposal. After assessment, it was concluded that both would receive at least 2 hours or more of sunlight on 21 March on at least 50% of their area, which meets the BRE Guidelines.
- 7.74 Overall, the assessment demonstrates that the proposed scheme will not give rise to any unacceptable impact on the amenity of neighbouring properties in terms of loss of daylight or sunlight or overshadowing, based on the BRE assessment guidelines.
- 7.75 As covered earlier in this report, it is considered that the scale and proportions of the scheme are appropriate to the context of the site and would not give rise to an overbearing impact on neighbouring occupiers.
- 7.76 It is also noted that the scheme has sought to minimise the potential for overlooking of neighbouring properties by orientating most windows towards the street frontages. Windows on the west elevation either correspond to circulation space or are at high level to prevent overlooking towards 55 Marischal Road.
- 7.77 The separation distance between the facing windows of the proposed block and those of the existing apartment block to the south is 11metres at its closest, increasing to 19 metres as one moves south east across the site. However, it is understood that the north facing windows of the block to the south relate to kitchen areas. Moreover, the potential for overlooking between the existing and proposed blocks is mitigated by the orientation of the new building, the substantial mature planting on the boundary and the difference in levels between the two buildings.
- 7.78 Concern has been raised with regard to the proposed communal roof terrace in terms of the potential for overlooking and noise and disturbance.
- 7.79 The roof terrace is located towards the north-western portion of the roof. There are no windows on the flank elevation of 55 Marischal Road (except at lower ground level) and therefore the only risk of overlooking is to the rear garden of that property. It is considered that this could adequately be controlled through the imposition of a condition requiring details of screening of the terrace to be provided.
- 7.80 In terms of noise and disturbance, as a residential scheme it is expected that the use of the roof terrace would be similar to that of any residential garden. If noise became an issue, this could be controlled by the Council's Environmental Health

Team. However, if Members are concerned about this element, a condition could be added to approval of the scheme to limit the hours of use of the roof terrace.

- 7.81 Taking these factors into account, it is considered that the proposal will not result in an unacceptable impact on the amenity of adjoining occupiers.

Highways and Traffic Issues

a) Access

- 7.82 There is no off-street parking or vehicular access proposed for the scheme. There will be two pedestrian points of access, the primary of these will be to the main entrance of the building from Marischal Road. A secondary access from Mercator Road provides access to the external communal amenity space to the south and to the cycle storage, which is located within the building envelope.

b) Refuse and Servicing

- 7.83 A stopping point for refuse vehicles has been identified on Mercator Road. A bin store is located to the south of the Mercator Road entrance.

c) Cycle Parking

- 7.84 Secure cycle parking for 27 bikes is provided within the building and an additional visitor space is provided at the main entrance.

d) Car Parking

- 7.85 DM Policy 29 seeks to limit car parking in areas of high public transport accessibility. In line with this approach, and given the profile of prospective occupiers, the scheme proposes a 'car free' approach.

- 7.86 It is proposed that 'Sustainable Travel Information Packs' will be provided to each occupier.

- 7.87 Highways have confirmed that the proposed 'car free' approach is acceptable, subject to the provision of a car club for occupiers; a requirement that future residents will not be able to acquire permits within the CPZ and the implementation of the Travel Plan.

e) Public Realm Improvements

- 7.88 As a car-free development, the pedestrian environment in the vicinity of the development, and safe and attractive routes to the surrounding facilities, will be of particular relevance to the development and its impacts. The town centre will be the major attractor for pedestrian trips to and from the development, which will rely on routes to the shopping area and market around Lewisham High Street / Lewis Grove, routes to the station and routes to Tesco's as the closest major supermarket.

- 7.89 A reasonable contribution of £15,000 should therefore be sought to improve the attractiveness, safety or accessibility of the public realm, which may include, for example, contribution to streetscape enhancements or new crossing facilities.

- 7.90 On this basis the proposal is considered acceptable from a highways perspective.

Sustainability and Energy

- 7.91 The application includes a 'Sustainability Statement' and an 'Energy Assessment.'
- 7.92 The Sustainability Statement confirms that the proposals will meet Code for Sustainable Homes Level 4, whilst the Energy Strategy demonstrates that the proposals have been designed in response to the Mayor's 'Energy Hierarchy'. Renewable energy is generated on site through photovoltaic cells fixed to the roof.
- 7.93 The proposals incorporate energy efficiency measures including high levels of insulation and high performance glazing beyond current Building Regulations requirements.
- 7.94 The development will provide an overall reduction in CO₂ emissions of 42.9% compared to current Building Regulations which accords with the most up to date London Plan target for carbon reduction and Core Strategy Policy 8 - *Sustainable design and construction and energy efficiency*.
- 7.95 On this basis the proposal is considered to be in accordance with the relevant planning policies.

Ecology and Landscaping

- 7.96 There is no vegetation within the application site; however, there are five established trees immediately beyond the southern boundary of the site.
- 7.97 An Arboricultural Impact Assessment has been submitted as part of the proposals, which demonstrates that there will be no impact on these trees arising from the proposed development. Tree protection measures are set out in the report and these can be secured by condition.
- 7.98 A living roof will cover part of the roof area. The specification has been discussed with the Council's Ecological Manager and he is satisfied that it meets the Council's requirements. The initial management of the roof will be secured by condition to ensure that it establishes successfully.

Planning Obligations

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

7.99 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.

7.100 Officers have discussed with the applicant the planning obligations that are considered necessary to mitigate the impacts of the development. The agreed obligations are as follows:

Affordable Housing

Sales restrictions

- No occupation of the units other than by Eligible Persons
- No sales to persons already in ownership of a residential property
- Sales during first 6 months of marketing only to eligible persons, working or living in Lewisham and earning no more than £54,500.
- Subsequent 6 months of sales only to eligible persons, working or living in Greater London and in accordance with the London Plan eligibility criteria.
- After that period, sales only to eligible persons no matter where they live or work. Units may be rented to Eligible Persons, at 80% of Local Market Rate, until the unit is sold.
- No units to be sold on the Open Market in the first round of sales.

Price

- Owner must commit not to sell any of the units for more than 80% of Open Market Value in the 1st round of sales

Other affordable housing obligations:

- Marketing Methods Plan required
- Re-sales only to Eligible Persons according to London Plan eligibility criteria
- No re-sales within 12 months of first purchase
- Monitoring requirements

Contributions

- Health £16,250
- Open Space £11,256.08
- Employment £4,261.36
- Community facilities £3,925.87
- Public Realm & walking/cycling links £15,000
- Wheelchair provision £25,000

Car Free & Car Club

- Restriction on future residents of the development from acquiring permits within the CPZ.

- The provision of a car club scheme at the site (i.e. the provision of car club membership), as a sustainable alternative to car ownership.

Council's legal costs

- Reimbursement of the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring the agreement.

Local Labour

- Local labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinator etc...;

- 7.101 The above contributions in respect of Health, Open Space, Employment and Community Facilities have been generated in reference to the standard charges as set out in the Planning Obligations SPD 2011, but discounted to reflect the lower occupancy levels anticipated for a scheme of predominantly 1bed units.
- 7.102 Contributions towards education and leisure facilities were not considered appropriate on account of the unit sizes (and consequent low child yield) and the recent provision of a new leisure centre in Lewisham Town Centre.
- 7.103 The Wheelchair contribution has been applied on the basis that the site is not suitable for the provision of a wheelchair unit, on account of the lack of off-street parking, topography of the surrounding area and travel time to local public transport.
- 7.104 A contribution towards improving 'walking and cycling' links between the development and Lewisham Town Centre/Lewisham Station and towards improving the 'public realm' in the vicinity of the development; to encourage sustainable modes of travel and to improve accessibility to from the site was also considered appropriate on account of the car-free nature of the scheme.
- 7.105 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).

8.0 Community Infrastructure Levy

- 8.1 The above development is not CIL liable.

9.0 Equalities Considerations

- 9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

9.4 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.

10.0 Conclusion

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

10.2 The proposal would provide intermediate affordable housing, meeting the needs of those who, whilst not eligible for social housing, may nonetheless struggle to purchase a property on the open market.

10.3 The proposal is considered to meet the definition of affordable housing and, through a S106 agreement, the units can be maintained as intermediate affordable housing in perpetuity.

10.4 The development would make positive use of a presently under-used site. The design is considered to be of good quality, and will make a positive contribution to the local area.

10.5 For these reasons, the proposal is considered acceptable and is therefore recommended for approval.

11.0 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:-

Affordable Housing

Sales restrictions

- No occupation of the units other than by Eligible Persons
- No sales to persons already in ownership of a residential property
- Sales during first 6 months of marketing only to eligible persons, working or living in Lewisham and earning no more than £54,500.
- Subsequent 6 months of sales only to eligible persons, working or living in Greater London and in accordance with the London Plan eligibility criteria.
- After that period, sales only to eligible persons no matter where they live or work. Units may be rented to Eligible Persons, at 80% of Local Market Rate, until the unit is sold.

- No units to be sold on the Open Market in the first round of sales.

Price

- Owner must commit not to sell any of the units for more than 80% of Open Market Value in the 1st round of sales

Other affordable housing obligations:

- Marketing Methods Plan required
- Re-sales only to Eligible Persons according to London Plan eligibility criteria
- No re-sales within 12months of first purchase
- Monitoring requirements

Contributions

- Health £16,250
- Open Space £11,256.08
- Employment £4,261.36
- Community facilities £3,925.87
- Wheelchair £25,000
- Public realm & walking/cycling links £15,000

Car Free & Car Club

- Restriction on future residents of the development from acquiring permits within the CPZ.
- The provision of a car club scheme at the site (i.e. the provision of car club membership), as a sustainable alternative to car ownership.

Council's legal costs

- Reimbursement of the Councils legal, professional and monitoring costs associated with the drafting, finalising and monitoring the agreement.

Local Labour

- Local labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinator etc.

RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106, within 1 month, 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:

POC 19137 11A, 00844_X_03 P2, 00844_X_06 P1, 00844_X_11 P1, 00844_X_00 P1, 00844_X_05 P1, 00844_X_02 P1, 00844_X_01 P1, 00844_X_04 P1, 00844_S_02 P1, 00844_S_00 P1, 00844_S_01 P1, 00844_S_03 P1, 00844_S_04 P1, 00844_S_05 P1, 00844_E_03 P1, 00844_E_00 P5, 00844_E_01 P5, 00844_P_00 P4, 00844_P_01 P1, 00844_P_02 P1, Design and Access Statement, Code for Sustainable Homes, Sustainability Statement, Energy Statement, Daylight and Sunlight and Overshadowing Assessment, Construction Management Plan, Planning Statement, Arboricultural Impact Assessment & Tree Protection Plan, Contamination Initial Assessment, Transport Statement, Landscape Specification, Affordable Housing Statement and Valuation.

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

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

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

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

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

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

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

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

Reason: To ensure that the local planning authority may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes and to

comply with Saved Policy ENV.PRO 10 Contaminated Land in the Unitary Development Plan (July 2004).

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

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

7. No development shall commence above ground level on site until a detailed schedule, specification and samples of all external materials and finishes, including windows, doors, roof coverings, balustrades and timber louvres to be used on the buildings have been submitted to and approved in writing by the local planning authority. Brick sample panels (including mortar) shall be erected on site and arrangements made with officers to inspect the materials prior to their approval. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Saved Policy URB 3 Urban Design in the Unitary Development Plan (July 2004)

8. (a) The bin storage facilities as hereby approved shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities 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 HSG 4 Residential Amenity in the Unitary Development Plan (July 2004) and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

9. (a) A minimum of 26 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

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

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

- 11. The tree protection measures as set out in the approved Arboricultural Impact Assessment shall be implemented in full and for the duration of the construction period.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011) and Saved Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the Unitary Development Plan (July 2004).

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

13. (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).

14. The biodiverse living roof, as indicated on plan nos 00844_P_01 P1 & 00844_X 03 P2 and which shall cover an area no less than 40sqm, shall be planted during the first planting season following the practical completion of the building works.

The applicant will ensure that 80% coverage of the living roof is achieved within two years of first occupation and shall make arrangements for the Council's Ecological Regeneration Manager to inspect the roof within 2 months of the second anniversary of first occupation of the building.

The living roof 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.

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.

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.

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

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

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

16. The development hereby approved shall not be occupied until the existing accesses have been closed, the highway reinstated and the new accesses have been constructed in accordance with the permitted plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

17. Each of the dwellings shall meet Lifetime Home Standards (in accordance with the 2010 (Revised) document) as set out in the Design & Access Statement dated January 2014 and 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).

18. 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).

19. a) Details of the proposed screening to the roof terrace hereby approved shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved screening shall be implemented prior to first occupation of the building and retained in perpetuity.

Reason: In the interests of residential amenity and to comply with Saved Policy URB Residential Amenity in the Unitary Development Plan (July 2004) and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

20. Prior to first occupation of the units, detailed plans showing the location and extent of photovoltaic cells to be installed on the building shall have been submitted to and approved by the Local Planning Authority in writing. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy and good quality design in accordance with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, Core Strategy Policies 8 Sustainable design and construction and energy efficiency and 15 High quality design for Lewisham(2011).

INFORMATIVES

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.