

Committee	PLANNING COMMITTEE A	
Report Title	167-169 Lewisham Road, SE13 6JL	
Ward	Blackheath	
Contributors	Michael Forrester	
Class	PART 1	19 <sup>th</sup> November 2015

Reg. Nos. DC/15/91914

Application dated 22.04.2015

Applicant Cerda Planning on behalf of Clancroft Properties Ltd

Proposal Demolition of existing petrol filling station, canopies and all site buildings at 167-169 Lewisham Road SE13 and construction of a six storey building comprising ground floor commercial units (Use Class A1-A3) with 28 residential units above, associated refuse and cycle spaces and landscaping.

Applicant's Plan Nos. 12-241-101 rev C, 12-241-102 rev C, 12-241-103 rev C, 12-241-104 rev C, 12-241-105 rev C, 12-241-106 rev C, 12-241-107 rev C, 12-241-108 rev C, 12-241-109 rev C, 12-241-110 rev C, 12-241-111 rev C, 12-241-112 rev C, 12-241-113 rev C, 12-241-114 rev C, 12-241-115 rev C, 12-241-116 rev C, Existing Site Survey, Design and Access Statement, Appendix 1 drawings, Appendix 2 cgi photomontages, Planning Statement, Daylight and Sunlight Statement, Schedule of Accommodation, Construction Logistics Plan ref HH4120685/KL/009, Air Quality Assessment Project No. 441472-02, Drainage Strategy and Flood Risk Statement ref 8671/FRA, Ecological Constraints Survey, Planning Noise Assessment 296239-01 (00), Site Waste Management Plan, Transport Statement, Travel Plan

Background Papers

- (1) Case File LE/133/167/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation Core Strategy – Growth and Regeneration Area, Lewisham Town Centre

Adopted DMLP - Existing Use Within Lewisham Town Centre boundary (Major Centre)

## **1.0 Property/Site Description**

- 1.1 The application site is located on the eastern edge of Lewisham Road on the junction with Granville Park and currently comprises a 'Texaco' petrol filling station with two storey building and canopy over the forecourt. The site is hard surfaced and measures approximately 0.07 hectares.
- 1.2 To the north of the site is the Anchor Public House, a Victorian three storey gable fronted building which has a pedestrian right of way through the application site to its rear garden along the northern boundary. Beyond the pub are three storey dwellings facing Lewisham

Road, some divided into flats. To the east is the Community Education Lewisham Learning and Skills centre, which is a contemporary three storey building facing Granville Park. To the west of the site are Victorian three storey terraces with commercial ground floor units. To the south beyond Granville Park is the railway viaduct that extends from Lewisham Station towards Blackheath. The Premier Inn hotel under construction sits immediately south of the viaduct.

- 1.3 The site is included within the Lewisham Town Centre boundary and is defined as an 'edge of centre area'. The site is not located in a conservation area and is not a listed building and is neither flanked by any listed or locally listed buildings. The nearest conservation area is St Stephens which is set approximately 20m to the south and Blackheath which is set approximately 107m to the west.
- 1.4 Lewisham Town Centre is identified as a Regeneration and Growth area in the Core Strategy and an Opportunity Area and Intensification Area within the London Plan.

## **2.0 Planning History**

- 2.1 DC/14/87509 - Change of use of the existing petrol filling station together with demolition of existing buildings at 167-169 Lewisham Road SE13 and the construction of a part 4 storey stepped building rising to 9 storeys comprising basement level plant room, ground floor cafe and 45 dwellings on the upper floors comprising 2 x studio flats, 20 x 1 bedroom and 23 x 2 bedroom together with 3 parking spaces, 23 bicycle stands, refuse stores and vehicular access from Granville Park and associated landscaping – application withdrawn.
- 2.2 DC/12/81408 – Demolition of the existing petrol station and convenience store and development of a new budget hotel with 5 storeys of hotel rooms (totally 115 rooms), above ground floor café and associated facilities – application withdrawn.
- 2.3 DC/10/81408 – The change of use, alteration and conversion of the first floor at 167-179 Lewisham Road from office use to a 1 three bedroom self-contained flat with alterations to the elevations – approved but not implemented, permission now expired.

## **3.0 Current Planning Applications**

### The Proposals

- 3.1 Permission is sought for the demolition of the existing site buildings including removal of the petrol filling tanks and construction of a part 5, part 6 storey building with ground floor café and 28 residential units above (8 x 1 bed, 16 x 2 bed and 4 x 3 bed).
- 3.2 The ground floor café would measure 178 sqm and would face onto Lewisham Road with a return frontage onto Granville Park. The frontage of this unit would be fully glazed. The residential entrance into the building is via Granville Park which also serves as the vehicular access into the building where a refuse store, plant space and three accessible parking spaces are located.
- 3.3 The upper levels comprise 6 flats per level with the top floor providing 4 units. Each unit has access to a private balcony or terrace.
- 3.4 The building would measure 17m up to the 5<sup>th</sup> floor (including the raised parapet/ balcony enclosure), with the recessed top level bring the total height to 19.5m. The width of the building would measure 20.2m and the depth 26.4m. The building is rectangular in shape.

- 3.5 The elevations are to be finished in two brick types (a Shelford Cream Multi – buff and a Rustington Antique – grey both by Traditional Brick and Stone Ltd), divided by large areas of full height glazing and recessed balconies finished in bronze.

#### Supporting Documents

##### Air Quality Assessment

- 3.6 An air quality assessment has been conducted on the site with regards to the impact from construction and proposes a series of construction mitigation measures. An assessment has also been undertaken with regard to the long term air quality impact for future residents and states that the development is acceptable.

##### Construction Logistics Plan

- 3.7 A draft construction logistics plan has been submitted, this states that construction is likely to take one year. The report confirms that materials are to be stored within the site hoardings and indicates that also site security and construction site office would be located within the site boundaries. The plan is considered deficient in detail to approve as a construction management plan as it does not include details of dust management for example.

##### Daylight, Sunlight and Overshadowing Report

- 3.8 This report provides an assessment of the daylight, sunlight and overshadowing impact from the proposed building on existing properties adjacent to the site using BRE methodology. The report states that the scheme would be of no adverse impact to those properties opposite on Lewisham Road or the education centre on Granville Park and that there would be some impact upon the Anchor PH to the north and No. 2 Lewisham Hill but that the impact would not be adverse to a degree to warrant the refusal of planning permission.

##### Delivery and Servicing

- 3.9 This provides a site description and further detail on the potential operation of the café unit including refuse collection and delivery scheduling. The report confirms that the delivery and servicing plan would be monitored to ensure that that all aspects of delivery and servicing are properly managed.

##### Design and Access Statement and CGI views

- 3.10 This document provides a historical analysis of the site, and summary of the site history, including design proposals for a hotel and residential options. An overview of the development s included including full design specification and justification regarding the height and massing. The Design and Access Statement is supported by a range of CGI views of the site from surrounding view points including Lewisham Road/ Hill, Lewisham Gateway and the town centre to the south and Granville Park.

##### Drainage and Flood Risk

- 3.11 This document provides details of the sites drainage strategy and proposes to incorporate SUDs features. The use of living roofs is also confirmed.

##### Ecological Constraints Survey

- 3.12 A survey was undertaken of the existing site (the hard standing, service station canopy, shop building and two trees). It concludes that the service station canopy and shop building have no potential for roosting bats. The two trees are proposed to be removed as

part of the proposal, one tree was found to offer no features suitable for bats and the other tree has features capable of hosting bats but that no evidence was found. No nesting birds are found during the survey.

#### Planning Statement

- 3.13 This document provides a site and development overview and seeks to demonstrate how the proposals accord with local and national planning policy. The document also provides the relevant planning considerations in terms of density, design, residential standards, transport and viability.

#### Noise and Vibration Assessment

- 3.14 This document provides an assessment of noise levels affecting the site, these are identified road and rail noise primarily. Vibration levels calculated from the site are found to be below the level for specific mitigation.

#### Sustainability and Energy Statement

- 3.15 This document provides an overview for the Energy Strategy and confirms that the commercial element of the building can meet BREEAM Excellent. Details of the energy hierarchy have been submitted and this confirms that a Be Lean, Be Clean and Be Green approach has been adopted in line with the London Plan. A total carbon saving of 35.12% is confirmed.

#### Site Waste Management Plan

- 3.16 This report details proposals for site waste during construction including the role of the contractors/ developers.

#### Transport Statement

- 3.17 This report describes the existing site and scale of the proposed development. Matters relating to access, traffic generation, highway impact and site accessibility are also detailed. The report confirms that the site has a PTAL of 6b and that the development would be of no adverse impact upon the local highway network taking into account the trip generation associated with the existing use as a petrol filling station.

#### Travel Plan

- 3.18 The report submitted provides details of public transport links, cycle routes and the objectives of the Travel Plan which are to reduce the need to travel by vehicles, promote healthy and sustainable modes of transport, and encourage the use of public transport. The report confirms that Sustainable Travel Information Packs will be issued to new residents.

#### Utility Strategy Report

- 3.19 This report provides details of services and infrastructure that affect the site. It concludes that the site is affected by UK Power Networks electric cables, Scotia Gas Network gas lines, Thames Water supplies, BT Open Reach/ Virgin Media and other telecoms equipment.

#### Viability Report

- 3.20 This report sets out the viability of the proposal and its financial capacity to support affordable housing and identifies the process by which this would be considered. The content of this report is confidential.

## **4.0 Consultation**

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors. Transport for London were also consulted.

### Written Responses received from Local Residents and Organisations

4.3 Four objections have been received from 18 Oakcroft Road SE13, 14 Eliot Park SE13, 1C Eliot Park SE13, 2B Eliot Park SE13,

- Not in favour of large developments in the area.
- Do not object in principle to new buildings but there are concerns about scale and bulk.
- Position of the building would be detrimental to highway visibility and is hazardous.
- Loss of habitat and wildlife.
- Serious parking congestion already exists on Lewisham Hill and Granville Park.
- Chain operator of the café would be detrimental to other businesses.
- Loss of light
- Development needs to consider the needs of existing residents.
- Development is too high
- Loss of light and outlook.
- Not enough parking

4.4 The Blackheath Society has objected to the proposals on the basis of the sites prominent location and inappropriate scale. Whilst not objecting to the principle of redevelopment, the building needs to be reduced in scale, the materials need revision and should be simpler brick building, there are serious parking concerns and access for commercial deliveries is not demonstrated.

4.5 Three letters in support have been received from the occupiers of 25 Granville Park SE13, 86a Tyrwhitt Road SE4 and 53 Fordel Road SE6 these are summarised below:

- The area needs housing.
- The proposal bodes well by integrating with the regeneration around Lewisham Station.
- Cycle spaces look good
- Looks fantastic and will make a welcome facelift to the approach to this side of Lewisham.

- Good to see the removal of the eyesore petrol station.
- Good to see inclusion of affordable housing.
- The scheme will enhance the area.
- The development is considered for the area.

4.6 Letters are available to Members.

#### Written Responses received from Statutory Agencies

##### Transport for London

4.7 TfL welcomes the car free development given the sites good accessibility to public transport. Consideration should be given to the potential for staff from the café to have access to the secure cycle parking depending on usage levels by residents.

4.8 TfL request that the footway and carriageway are not blocked during demolition or construction. Temporary obstructions must be kept to a minimum and not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on this road. In addition, no skips or materials should be kept on the footway or carriageway at any time. TfL expects the footways to be reinstated with appropriate provision of dropped kerbs and tactile following completion of the construction work.

##### Network Rail

4.9 After reviewing the information provided in relation to the above planning application, Network Rail has no objection or further observations to make.

##### Strategic Housing

4.10 There is a preference to provide on site affordable units and that these are rented the inclusion of these as larger 2 and 3 bedroom units is welcomed and would help to meet local demand.

##### Highways and Transportation

4.11 A car free scheme is supported in this location, however, the right to apply for car parking permits needs to be restricted by s106. A construction management plan is required to be secured by condition, given the location within the town centre and location adjacent to Lewisham Gateway.

##### Environmental Health

4.12 Taking into account the site history and current usage as a petrol filling station, a land contamination condition should be attached to any planning permission.

## **5.0 Policy Context**

### Introduction

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

- (a) the provisions of the development plan, so far as material to the application,

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

A local finance consideration means:

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

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework

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

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

#### Other National Guidance

5.5 On 6 March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents. The relevant guidance includes:

Design

Ensuring the vitality of town centres

Land affected by contamination

Renewable and low carbon energy

Travel plans, transport assessment and statements in decision-making

Use of Planning Conditions

Viability

## London Plan (March 2015)

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

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 2.3 Growth areas and coordination corridors

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 3.1 Ensuring equal life chances for all

Policy 3.2 Improving health and addressing health inequalities

Policy 3.3 Increasing housing supply

Policy 3.5 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 3.12 Negotiating affordable housing on individual private residential and mixed use schemes

Policy 4.7 Retail and town centre development

Policy 4.8 Supporting a successful and diverse retail sector and related facilities and services

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.14 Improving air quality

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

## London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)

Sustainable Design and Construction (2006)

Land for Transport Functions (2007)

## London Plan Best Practice Guidance

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

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

Core Strategy



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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 2 Regeneration and Growth Areas  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 7 Climate change and adapting to the effects  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 9 Improving local air quality  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment  
Core Strategy Policy 18 The location and design of tall buildings  
Core Strategy Policy 21 Planning obligations

#### Development Management Local Plan

5.10 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 7	Affordable rented housing
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 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 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 35	Public realm
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

#### Lewisham Town Centre Local Plan

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

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

Policy LTCP0	Presumption in favour of sustainable development
Policy LTC9	Growing the local economy
Policy LTC10	Mixed use
Policy LTC11	Employment uses
Policy LTC16	Retail areas
Policy LTC18	Public realm
Policy LTC19	Tall buildings
Policy LTC21	Sustainable transport
Policy LTC22	Social infrastructure
Policy LTC24	Carbon dioxide emission reduction
Policy LTC25	Adapting to climate change
Policy LTC26	Implementation
Policy LTC27	Monitoring

Residential Standards Supplementary Planning Document (2012)

5.14 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. Much of this document has been superseded by the adopted London Plan Housing SPG.

Planning Obligations Supplementary Planning Document (January 2015)

5.15 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.

## **6.0 Planning Considerations**

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

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

A. Principle of Development

- 6.2 The site is located within the boundaries of Lewisham Town Centre, the adopted Lewisham Town Centre Local Plan provides a framework for development and provides vision to *'make Lewisham the best place in London to live, work and learn'*.
- 6.3 Policy LTCP0 of the adopted Lewisham Town Centre Local Plan (LTCLP) states that *'when considering development proposals in favour of sustainable development in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals secure development that improves the economic, social and environmental conditions in the borough'*.
- 6.4 Policy LTC2 of the LTCLP requires all new development to contribute positively to the delivery of the vision for Lewisham Town Centre, development will be required to:
- A) demonstrate how the proposal will support the delivery of the town centre vision and the objectives for both the town centre and the individual Policy Areas.*
- B) demonstrate how the proposal for a site has been informed by the current, emerging and future context of both the town centre and the individual Policy Areas.*
- C) ensure that the proposal is in no way detrimental to the successful current or future implementation of other nearby sites or their ability to meet the LTCLP vision or objectives.*
- 6.5 There are no policies protecting petrol filling stations within the development plan and the application proposes that the existing facility is replaced by a mixed use building comprising a commercial unit at ground floor (retail/ café) with residential accommodation above.
- 6.6 The National Planning Policy Framework (NPPF) states that Planning 'should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity. The site is well served by public transport, being located close to Lewisham Rail and DLR stations and is therefore considered a sustainable location and would utilise previously developed land. Residential use is a priority in London and the borough and it is considered that an additional 28 units would make a valuable contribution towards meeting housing need, which is set by the London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target.
- 6.7 As stated, there are no policies protecting Petrol filling stations (PFS), however, the site is generating a level of employment. In this case the redevelopment of the site would include the loss of the PFS and associated shop, but replacement with a retail unit/ café at ground floor. This would provide alternative on site employment and there is no objection to the provision of a retail unit/ café in this location given the mixture of retail offerings on this part of Lewisham Road which includes a large percentage of A1 uses. It is noted that within the objections received concern is raised at the potential for a chain group to operate this space, however, this is not a planning consideration. With regard to alternative PFS locations in the locality, there are two other facilities within central Lewisham, one at Tesco on Connington Road and another on Loampit Hill.
- 6.8 In all, Officers consider that the principle of providing a mixed use development in Lewisham Town Centre, especially on this important approach towards the station, is acceptable provided that a high standard of design is secured.

*Relationship with other Town Centre Sites and Uses*

- 6.9 The Council's aspirations for the regeneration of Lewisham Town Centre are supported by Spatial Strategy 2 within the Core Strategy with further detail about town centre areas and sites being explored in the adopted Lewisham Town Centre Local Plan. A key matter is the transformation of the town centre as a whole and the need to understand how different sites relate to each other, ensuring that the redevelopment of one site would not prejudice the redevelopment of neighbouring sites.
- 6.10 The site is set to the north of the railway viaduct and is bound by the application boundary of the Lewisham Gateway site, which is a development of strategic importance in the borough currently under construction.
- 6.11 To the south of the viaduct is the new Premier Inn hotel at Kings Hall Mews which is nearing completion. This scheme includes the paving and lighting up of the railway viaduct which extends towards the application site.
- 6.12 Officers consider that the suit is suitable for mixed use redevelopment and would sufficiently integrate with adjacent town centre uses, making for an appropriate link north of the railway viaduct up to Lewisham Hill.

#### B. Density

- 7.0 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Within the Regeneration and Growth Areas development should achieve 'central' density levels within the Lewisham Town Major Centre. Policy 3.4 of the London Plan 2011 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 7.1 The site is located within Lewisham Town Centre and has a PTAL of 6, indicating excellent accessibility to public transport connections. The scheme proposes 28 dwellings on a 0.07 hectare site which equates to a density of 400 dwellings per hectare, this is within the top end of the 'central' density ranges set out in the London Plan and is considered to be acceptable in this highly accessible location.
- 7.2 Notwithstanding the density of the proposals, the scheme should provide a high quality and well designed standard of residential accommodation and good urban design. The quality of the residential accommodation is considered high quality and is discussed further below.

#### C. Design

- 7.3 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.
- 7.4 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

- 7.5 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 7.6 Lewisham Town Centre is an area undergoing significant change. The redevelopment of this prominent site creates the opportunity to significantly improve the quality of the local environment through the provision of high quality new developments that deliver improvements to the public realm.

#### *Height and massing*

- 7.7 In terms of the impact upon the urban environment, Core Strategy Policy 15 states that within the Regeneration and Growth Areas, development within Lewisham Town Centre should result in the upgrading of the social and physical environment and, in order to be successful, will need to allow for tall buildings of the highest design quality where they improve and add coherence to the skyline and do not cause harm to the surrounding environment.
- 7.8 This application is a resubmission following the withdraw of planning application DC/14/87509 which sought for the redevelopment of the site to provide a building of between 4 and 9 storeys. This was withdrawn following confirmation from officers that building was of an unacceptable scale and height that poorly integrated into its surroundings.
- 7.9 The revised scheme proposes a building of 6 storeys with the top floor recessed and is of a much simpler form. Whilst taller than immediately adjacent buildings, the scheme is not considered to represent a 'tall building' as defined by Core Strategy Policy 18 which states that 'tall buildings are defined as 'i) buildings that are significantly taller than the predominant height of buildings in the surrounding area ii) buildings which have a notable impact on the skyline of the borough iii) are more than 25m high adjacent to the River Thames or 30m high elsewhere in the borough'.
- 7.10 The applicant has submitted a series of CGI's assessing the proposal in views from the Town Centre, Lewisham Road and Granville Park. The views show that a building of 6 storeys would be of a prominent impact taking into account the massing of the existing building and forecourt canopy, standing at 2 storeys but would not a prominent feature in the skyline nor stand significantly above adjacent buildings. Which at 3 storeys appear taller due to the steeply pitched gabled roofs. The building would mirror the height of the Premier Inn hotel building to the south of the railway and when viewed with this scheme would act as 'book ends' to the viaduct.
- 7.11 The massing of the building is considered to be appropriate, it has been set back from Lewisham Road by 5.3m and 3.89m from Granville Park, so whilst the building would have extensive plot coverage the inset nature of the building from the boundaries would allow for generous pavements which is considered to be an acceptable response to the street and would be set behind the Anchor PH. The proposed building would be inset 5m Road (reducing to 0.4m due to the tapering boundary) from the northern boundary with this building due to the need to accommodate the pedestrian right of way and the covered cycle store. This gap between the proposed building and adjacent Anchor PH is considered acceptable and the massing of the building would not appear overbearing.

#### *Detailed design*

- 7.12 In terms of materiality, as described above, the elevations are formed from two primary materials brick and glazing. The ground floor commercial unit is proposed as a fully glazed frontage onto Lewisham Road, which wraps around the corner of the building, whilst a buff and a grey brick clad the upper floors. These are divided by recessed balconies with painted steel balustrades. The elevations are considered to be well

ordered and simple in arrangement, it is through the use of recessed balconies and subtle detailing around the windows that interest is articulated.

- 7.13 Details of the windows have been submitted, these confirm that glazing to the upper floors is to be full height (except for some windows facing north) and that these are recessed by 280mm. The window units are to be slim framed (the drawings state by Vitrocsa) in an bronze anodised aluminium frame with an frameless internal glazed balustrade. The window units are to be framed by an anodised aluminium panel again in bronze with a angled brick wall finished in Sheldford Cream brick slips to match the main elevations. The cill of the windows are to be finished in anodised bronze to match the rest of the window. The level of detail submitted is considered to be high and provide a realistic impression of the final buildings appearance.
- 7.14 Details of recessed balconies has also been submitted, these are to have a oak finished floor and provide level access from each unit. The balustrades are 1.1m high and formed from steel vertical bars 80mm by 8mm spaced at 100mm centres and powder coated in RAL: 1036 'pearl gold'. A continuous handrail is set behind the balustrade edge to ensure a clean and elegant appearance. This is powder coated to match the railings. The RAL colour would match the balconies of the adjacent Premier Inn hotel building on Kings Hall Mews, which are considered to be high quality.
- 7.15 Details of the structural glazing system to the ground floor retail/café space have been submitted, this shows that a series of 10 identically sized glazing panels form the west facing Lewisham Road elevation a single access point. A secondary access to the café unit is provided on Granville Road. The detail shows that each pane of glass measures 3.55m high and are separated by a 12mm silicone joint. A signage zone for the café is allowed for behind the glazing. Officers consider the detailing to be high quality and provide assurances for the final appearance of the building.
- 7.16 Details of the residential entrance on Granville Park have been provided. The canopy is to fall at 5 degrees to allow rain to fall into a recessed drainage channel. The canopy itself is a perforated anodised bronze aluminium canopy with a circular design set in a rectangular frame.
- 7.17 Officers fully support the use of bricks in this location, where Lewisham Road is characterised by Victorian brick buildings, the extensive use of glazing with recessed balconies and limited pallet of brick and metals. The level of detail submitted alongside the application is extensive and provides a clear and realistic impression of the buildings final appearance.
- 7.18 In terms of public realm, the existing site is dominated by hard standing and the petrol filling station and offers little positive contribution to the public realm. It is proposed that the replacement building would be inset from the pavement edges and paved in a grey concrete slab to match those works proposed by the Lewisham Gateway scheme. This is considered to be acceptable in principle, and a condition is recommended to secure these details. Breaking up the area of paving are a number of large circular planers, similar to those to be installed outside of the Premier Inn hotel building. These are 0.7m high grass reinforced concrete planters finished in a 'rusty' colour to match the bronze accents across the building.
- 7.19 Overall, the proposed treatment of the public realm is considered high quality and is supported by officers. The applicant has demonstrated on the plans how their proposed public realm would co-ordinate with adjacent development sites and as such it is considered that the proposal would successfully integrate within the Town Centre.
- 7.20 Based on the proposed materials and design details submitted the scheme has the potential to be elegant and is therefore considered to be acceptable in principle, however,

the success of the design and therefore its acceptability will depend entirely on securing the high quality of the materials and detailing proposed to ensure that the simplicity of the proposal does not lead to a scheme that is bland and fails to respond to the surrounding context. This is why it has been considered necessary by officers to secure the proposed materials for the scheme and why many details have been agreed with Officers prior to planning permission being recommended.

- 7.21 Following requests from the Council's officers at pre-application stage, the applicant has provided 1:20 details of the balcony balustrades/ soffits/ doors/ windows as described above of the proposal and has confirmed the specification for the materials that will be used to ensure that the high quality design of the proposal will be delivered in accordance with the requirements of this sensitive site. It is considered that the details provided demonstrate that despite the simplicity of the building form, the scheme will make a positive contribution to Lewisham Road and Lewisham Town Centre and will conserve and enhance the character and appearance of the area. A condition is recommended to secure the agreed materials and details as they have been submitted.
- 7.22 It is considered that through design discussions with Officers that have taken place during the pre application process a high level of architectural quality has been achieved for the proposal. The detailed plans that have been submitted demonstrate that a quality design is achievable and are therefore considered to be sufficient to justify the scale and height of the proposal. Officers consider that the proposed development has maximised the potential of the site and the scale of building achievable in this location and subject to the quality of the detailing and design being adequately secured through conditions, it is considered that the Development would be a high quality addition to the town centre.

#### *Deliverability of Design Quality*

- 7.23 Paragraph 173 of the NPPF states that the viability and deliverability of development should be considered in decision taking. The document goes on to say that to ensure viability, the cost of requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
- 7.24 As discussed, the building is simple in design and the palate of materials is limited. The clean and contemporary aesthetic that this approach results in is considered to have merit but makes the detailing of the building and materials of vital importance to support such a simple approach. The Council has had the viability of the scheme appraised independently who have confirmed that the proposed build costs are reasonable and comparable to other developments, however, one method to improve scheme viability is to reduce the building cost per square metres (by reducing the quality of the materials used). Given this, the applicant has submitted confirmation to deliver the proposed design, given that the quality of the materials is vital to demonstrate the acceptability of this development in principle and to show that the scheme is deliverable in the near future without any major redesign.
- 7.25 It is materially relevant for the Council to consider the likelihood of a proposed development being carried into effect and the planning consequences should a scheme be unviable and therefore not be delivered in accordance with the approved plans.
- 7.26 Officers consider that the acceptability of this scheme in principle is inextricably linked with the design and quality that is inherent within it. The acceptability of the scale, massing, height and appearance of the proposal is inseparable from the design specification proposed materials. Given how vital these elements are to some of the fundamental elements of the scheme, it would not be possible in officers' view to leave the detailing to be secured by condition as this would suggest that the principle of the approach is acceptable irrespective of detailing which would be capable of being resolved

as a separate matter. Should future amendments to the scheme result in it being of a lesser quality than currently proposed, the entire approach to the development, its scale, height and appearance would need to be reconsidered as opposed to just considering alternative detailing. Given that the applicant has provided a high level of detail (although further details are required) as part of the submission and that they have confirmed that they are committed to delivering the scheme as designed, it is felt that the proposal would be acceptable in this regard and the quality of the proposal would be safeguarded.

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

#### D. Housing

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

- 8.0 Policy 3.12 of the London Plan (Negotiating Affordable Housing on individual private residential and mixed use schemes) states that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential mixed use schemes, having regard to:

- a) current and future requirements of affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11.
- b) affordable housing targets adopted in line with Policy 3.11
- c) the need to encourage rather than restrain residential development
- d) the need to promote mixed and balanced communities
- e) the size and type of affordable housing needed in particular locations
- f) the specific circumstances of individual sites.

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

- 8.1 Core Strategy Policy 1 states that contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. Core Strategy Policy 1 confirms that the maximum level of affordable housing would be sought by the Council, with a strategic target of 50%, as a starting point for negotiations and subject to an assessment of viability. The policy seeks provision at 70% social rented and 30% intermediate housing (based on total unit numbers) and family housing (three+ bedrooms) in development of more than 10 units. Where existing areas have a high concentration of social rented housing, different proportions of affordable housing could be sought. Different proportions are supported by the Lewisham Housing Market Assessment 2007-8 (HMA), published in December 2009 which states (paragraph 37) that affordable housing provision in Lewisham should comprise 85% social rented housing, and 15% intermediate housing, in order to meet the identified need.

- 8.2 The HMA states (at paragraph 35) that a net 6,777 dwellings should be provided over the current 5-year period to meet current identified need. This is equivalent to the provision of 1,345 dwellings per annum. Table 3A.1 of the London Plan sets out a target of 11,050 additional homes to be built in Lewisham in the 10 years from 2011 - 2021, which is reflected in a monitoring target of 1,105 additional homes per year. As part of the overall need for housing in Lewisham, there is a specific need for affordable housing. The HMA states (paragraph 36) that over 80% of all new housing built would need to be affordable in order to meet identified need. Core Strategy Policy 1 indicates that where a site falls within an area which has existing high concentrations of social rented housing, the Council would be prepared to consider an affordable housing contribution to be provided in a way which assists in securing a more balanced social mix. This may include a higher percentage of intermediate housing or other arrangements as considered appropriate.



- 8.3 The proposed development would provide 28 residential units, including 5 affordable units (all affordable rent). Based on this the development would comprise 18% affordable units or 27% by habitable room.

**Table [1]: Residential Tenure and Size Mix**

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<b>Private</b>	16 (3)	7		23 (3)
<b>Affordable Rent</b>		1	4	5
<b>Total</b>	16 (3)	8	4	28 (3)

\*Wheelchair accessible units shown in ( )

- 8.4 The percentage of affordable housing to be provided therefore falls below the maximum figure referred to in Core Strategy Policy 1. The Applicant has submitted a confidential financial appraisal for the scheme that has enabled the Council, advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. Further consideration of financial viability is set out in section 7 of this report. However, in summary, the financial appraisal demonstrates that when taken with other policy requirements and the package of measures proposed to make the commercial units attractive and affordable, the proposed development provides the maximum viable amount of affordable housing at this time.
- 8.5 It is also important to consider CIL and s106 obligations secured. Such mitigation has an impact on the viability of the scheme
- 8.6 It is also relevant to note that the provision of the 5 affordable units does not meet the 70% social rented / 30% intermediate split for housing set out in Core Strategy and the 60/40% split in London Plan Policy 3.11. The development proposes an 100% affordable rent, which is the result of discussions with the Council's Strategic Housing Team who have stated a preference for rented unit as opposed to shared ownership in this location due to the identified needs of residents in this part of the borough.
- 8.7 The viability assessment confirms that all of the affordable rented properties would be capped at 60% of market value.
- 8.8 For the reasons set out previously and in more detail in paragraphs 9.4-9.10, the proposals have been shown to include the maximum amount of affordable housing viable in a particular tenure and it is therefore recommended that this tenure mix is accepted.
- 8.9 The proposed size mix includes 4 family sized units (3 + bed) which equates to 14% overall but 80% within the affordable tenure. Although the overall number of family sized units is relatively low, officers welcome that that these would be in affordable tenure. On balance, the mix is considered to be acceptable overall.

*b) Standard of Residential Accommodation*

- 8.10 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards. The accompanying London Plan Housing SPG is also a material

consideration, and contains further guidance on internal layout. The standards require the largest 1 bedroom to be a minimum of 50 sqm, the largest 2 bedroom to be 70 sqm and largest 3 bedroom to be 95 sqm. All units would meet these standards, the majority of unit are dual aspect, whilst the 1 bedroom units are single aspect they either face east or west and as such are considered to represent a good standard of accommodation.

- 8.11 Standard 4.10.1 of the 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 minimum depth for all external space is 1500mm. All units within this development would have private amenity space in the form of balconies/ terraces which meet the aforementioned standard.

**Table [2]: Dwelling sizes**

Unit Size	London Plan requirement	Proposed development
1 bed, 2 person	50 sqm	51 sqm - 54 sqm
2 bed, 4 person	70 sqm	70 sqm – 74 sqm
3 bed, 4 person	74 sqm	78 sqm

#### E. Highways and Traffic Issues

##### *a) Access*

- 8.12 The site is within Lewisham Town Centre, close to bus services along Loampit Vale and train and Docklands Light Railway (DLR) services from Lewisham Station. It has a Public Transport Accessibility Level (PTAL) 6b, where '1' is rated as Poor and '6' is rated as Excellent. The Council's Core Strategy Policy 15 'High quality design for London' and London Plan Policy 2.13 'Opportunity Areas and Intensification Areas' encourage relatively dense development to be located in areas such as Lewisham where the PTAL is Good or Excellent. The site is considered to be highly accessible.
- 8.13 The proposal include a ground floor retail unit/café facing Lewisham Road with a return frontage onto Granville Park. The vehicular access into the building is via Granville Park, where three parking spaces and the refuse/ storage areas are located.
- 8.14 The commercial and residential units would benefit from level access.

##### *b) Refuse and Servicing*

- 8.15 A refuse store is located along the flank of the building facing Granville Road, this is accessed via the service yard identified on the plans. This is considered to be an acceptable arrangement. Drop off and collection would be via Granville Park which raises no objections.

##### *c) Cycle and Car Parking*

- 8.16 Cycle storage is located adjacent at ground floor to the north of the building under a secure canopy, this also serves as the maintained right of way to the public house. The level of cycle parking is compliant with the London Plan and is considered to be acceptable. A brown roof extends over this space.

- 8.17 No car parking is proposed aside from three accessible parking spaces within the building accessed via Granville Park. A car-free approach is supported in this location which benefits from a PTAL of 6b, however, it is recommended that the ability to apply for parking permits is restricted to ensure that surrounding roads do not suffer from increased demand for on-street car parking. This would need to be secured as part of a s106 agreement.
- 8.18 Details of the cycle parking have been submitted, these are to be brushed stainless steel hoops and are of a high quality. These would be set behind a screen enclosing the cycle store from the street. The cycle parking would be dry and secure.

#### F. Impact on Adjoining Properties

- 8.19 Development Management Policy 32 requires the siting and layout of all new-building housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents. All new-build housing will be required to be sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.

#### *Daylight/ Sunlight/ Overshadowing*

- 8.20 An assessment of daylight and sunlight has been carried out for the development in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight". This allows the Council to consider the impact of the proposal on the extent of daylight/sunlight received in the windows of adjacent properties serving the rooms used most frequently. This is useful in assessing the extent to which the site layout allows for natural lighting, but is only one factor in considering whether the scheme is well designed and should be considered in the context of the overall approach to the design of the scheme.
- 8.21 It is also important to note that the BRE guidance includes a level of flexibility within its application and for instance, developments in urban areas are treated differently to suburban areas because expectations of daylight and sunlight into properties differ in such locations. Consequently, it is often necessary to aim for different 'target values' of daylight and sunlight into rooms according to the location of the development.
- 8.22 The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. The extent, to which the effect of a proposal on surrounding properties is considered significant, is dependent on the use of the room to which the window relates. The significance of any impact of proposals on non-habitable or less well-used rooms such as bedrooms therefore varies. In this case, the relevant tests are essentially whether less than 0.8 times the existing level of daylight and sunlight is retained within a room and whether more than half of any one garden space is overshadowed. For sunlight the Annual Probable Sunlight Hours (APSH) method is detailed. This calculates the percentage of statistically probable hours of sunlight received by each window in both summer and winter months. March 21<sup>st</sup> through to September 21<sup>st</sup> is considered to be the summer period, whilst September 21<sup>st</sup> to March 21<sup>st</sup> is considered the winter period. For properties neighbouring a development only those

windows orientated within 90° of due south and which outlook the site of the proposal are relevant for assessment.

- 8.23 The site currently comprises a two storey building set the rear with a large extended canopy over the petrol filling station forecourt. The site is bound by the Anchor Public House to the north and the Community Education Lewisham Learning and Skills building on Granville Park. Beyond the Anchor PH are residential properties on the upper floors.
- 8.24 The existing site buildings/ forecourt canopy are in general much lower than the surrounding buildings. As a result it is considered that surrounding residential buildings enjoy a level of daylight and sunlight across the site in excess found in a typical urban location such as this. For this reason, it is expected that there would be impact upon daylight and sunlight.
- 8.25 The Anchor PH (165 Lewisham Road as referred to in the report) has a blank flank wall which faces onto the site,
- 8.26 The relevant properties tested are residential and educational buildings with windows that face onto the site. These includes No's 308-322 Lewisham Road, 165 Lewisham Road, 2 Lewisham Hill and the Community Education centre on Granville Park.
- 8.27 The report states that the garden to the Anchor PH as existing with the petrol filling station adjacent, on the equinox of the 21<sup>st</sup> March receives sunlight in the morning hours but is shaded in the afternoon.
- 8.28 The report has calculated the impact upon daylight and details that the BRE Guide states that if VSC is both less than 27% and less than 0.8m its former value, occupants of the existing surrounding buildings will notice the reduction in the amount of skylight.
- 8.29 With the development in place, the report states that the first floor windows of the Anchor would experience a reduction but that the VSC would remain 27% and that the windows of 2 Lewisham Hill (residential property which faces onto the garden of the PH) would have a reduction in VSC to 66% of the baseline value. Sunlight calculations have also been undertaken , this shows that all properties except the first floor windows of the 165 Lewisham Road would receive more than the recommended sunlight hours and that the impact would therefore be negligible. The windows of the Anchor PH would received above the recommended 25% of sunlight hours but only 2% in winter which is below the recommended 5%. In light of the above, taking into account the orientation and use of this building which faces east/ west and the separation distance to the proposed site Officers have concluded that the impact of the proposals on adjoining properties in terms of daylight, sunlight and overshadowing would be acceptable.

#### *Outlook*

- 8.30 With regard to outlook, an important consideration is the impact of the development from neighbouring properties and whether the development would have an overbearing impact. Whilst it is evident that the view of the site from surrounding sites would dramatically change, it is not considered that there would be an adverse impact in this respect. Sufficient distances of between 25m-32m from the first floor of No.2 Lewisham Hill which faces onto the site would be retained between the development to prevent any overbearing visual impact or loss of outlook. The first floor of the Anchor PH No. 165 Lewisham Road faces east toward Granville Park, and taking into account this orientation and distance to the proposed building, it is not considered that there would be unacceptable harm in terms of outlook.

#### *Privacy*

- 8.31 In terms of privacy it is not considered that the proposals would have an adverse impact upon neighbouring occupiers. There would be views towards the rear of properties on Lewisham Road and the Community Education Lewisham Learning and Skills building on Granville Park although the former retains an acceptable separation distances as detailed above and the later is not a residential building where the back to flank distance would measure between 7m and 9m.
- 8.32 Given the distance that would be retained between the new blocks and residential properties on Lewisham Road any overlooking would be at a sufficient distance to prevent a loss of privacy occurring given the distance of . However, it is accepted that there would be an element of mutual overlooking as is common in high density schemes.

#### G. Noise

- 8.33 It is recognised that during implementation of the development there would be a significant amount of noise and disturbance from construction related activity including vehicular traffic. Traffic has been discussed in this report and the impact has been deemed to be acceptable.
- 8.34 Construction related noise and activity cannot be avoided when implementing a development of this nature and scale. This is a relatively short term impact that can be managed as much as practically possible through measures such as a Construction Environmental Management Plan (CEMP)/ Construction Method Plan (CMP) and control of construction hours. A draft Construction Logistics Plan has been submitted, however it is not considered to be appropriately detailed for this sensitive site to allow for full approval.
- 8.35 Therefore, subject to control of the CEMP via condition, it is not considered appropriate or reasonable to raise an objection to the proposal on the grounds of harm to neighbouring amenity from construction related activity.

#### H. Sustainability and Energy

##### *a) Renewable Energy*

- 8.36 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 8.37 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
  - 2 Be clean: supply energy efficiently
  - 3 Be green: use renewable energy
- 8.38 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.

- 8.39 Code for Sustainable Homes is no longer enforced following a Government review of technical housing standards in 2015, however, the applicant has submitted a pre-assessment which confirms that the development is capable of achieving the 19% carbon reduction that equates to a Level 4 rating. A BREEAM assessment has also been submitted in relation to the non-residential floorspace and this confirms that the scheme can achieve an 'Excellent' rating. This would be policy compliant and is therefore supported.
- 8.40 The London Plan sets a higher carbon saving output of 35% for major development proposals and the applicant has submitted an energy strategy which adopts the Be Lean, Be Clean and Be Green principles from Policy 5.2 set out above.
- 8.41 With regards to renewable energy, the applicants energy statement states that ground source heat pumps, air source heat pumps, wind turbines and biomass heating have been discounted due to the difficulties in integrating this technology within a scheme of this size.
- 8.42 The energy assessment confirms that solar photovoltaic panels (62 sqm array) are to be used at roof level and that a combined heat and power system is proposed. The report acknowledged that a standard CHP system is typically not economically viable on development of this size, but that a micro system has been adopted. These technologies together with energy efficiencies made through building fabric equate to a total carbon reduction of 35.12% which is compliant with the London Plan.
- 8.43 Officers are supportive of the energy strategy proposed, however, details of the micro-CHP system to be installed are required to be sought by condition.

*b) Living Roofs, ecology and landscaping*

- 8.44 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.
- 8.45 In this instance, the scheme proposes a brown roof over the covered cycle store and a 'sedum' roof over the top floor. Although Core Strategy Policy 7 indicates a preference for deeper substrates that bio-diverse roofs, in this instance, the applicant has sought to keep the building height to a minimum, where as a deeper substrate would need a taller parapet and thus raise the height of the building. Furthermore, the top floor is also covered by a 62 sqm array of photo voltaic panels.
- 8.46 Taking into account the existing site condition, and lack of natural habitat (aside from the trees to the rear) it is considered that the existing site makes a negative impact to biodiversity and landscaping. The two roofs proposed in this instance would assist in attenuating and reducing the amount of run-off actually leaving the site. Overall the proposal is considered to be acceptable when judged against sustainability policies and other site considerations.

*Ecology*

- 8.47 The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, ecological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 109 which states, the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity,

including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. Core Strategy Policy 11 seeks to protect the Borough's rivers and waterway network and Core Strategy Policy 12 seeks to protect open space and environmental assets.

- 8.48 This site is a Brownfield site with limited ecological value, however, the site does back onto the railway viaduct. An extended Phase 1 habitat survey was submitted with the application which did not find any protected species.

#### *Landscaping*

- 8.49 Landscaping and public realm works have been detailed above, the majority of the plot is to be covered by the proposed building, however, it is considered that taking into account the green/ brown roofs and various planters proposed within the public realm that the development would make a positive contribution to landscaping. Especially when taking into account the existing use as a petrol filling station.

#### I. Planning Obligations

- 8.50 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

- 8.51 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.

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

- Affordable Housing comprising 1 x 2 bedroom flat and 4 x 3 bedroom flats. All rents to be capped at 60% of market value. Affordable units to be built and transferred to a Registered Provider upon occupation of 50% of the private residential units. Should a Registered Provider not be found then a payment in lieu is to be secured for the affordable units.
- Public Realm contribution of £25,000 to be paid on commencement of development.
- Enter into a s278 agreement to undertake highway improvements to Granville Park which bound the application site.
- Local Labour obligations i.e. use of local labour during construction, working with the Councils Local Labour and Business Coordinators.

- Restriction on the ability to apply for car parking permits, except for blue badge holders.
- Submission of public access plan prior to first occupation.
- To construct (including shopfronts) and make available the commercial floorspace prior to any occupation of the residential units.
- Reimbursement of the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the agreement.

8.53 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).

## **9.0 Local Finance Considerations**

9.1 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).

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

9.3 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.

### Viability

9.4 The Applicant has submitted a confidential financial appraisal for the scheme that has enabled the Council, advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. As discussed above, the offer of 5 affordable units (1 x 2 bedroom and 4 x 3 bedroom) within affordable rent is considered to be acceptable.

9.5 The financial viability assessment has been independently tested in terms of its methodology for assessment. The content has been found to be robust in terms of development opportunity, and viable against a number of land and profit benchmarks. The scheme assumptions and build costs have been tested and consideration has been given to sensitivity tests, s106 and CIL requirements in seeking to ascertain whether the development is viable and what level of affordable housing can be provided.

9.6 With regard to a suitable development return, the Council's consultant has advised that the GLA Toolkit's default allowance of 20% on Cost is a reasonable benchmark on private and commercial elements; with Affordable elements at 6% on cost. Taking into account site works, build costs and finance costs which have been appraised and accepted.

9.7 The financial appraisal demonstrates that, when taken with other policy requirements and the regeneration benefits of the scheme, the proposed development provides the maximum viable amount of affordable housing at this time. This is essentially because of the costs of building which includes the removal of the petrol filling station and associated fuel tanks. There are also a range of transport and public realm improvements that would be undertaken to enhance the public realm around the site, namely the pavement



upgrades and hard landscaping which the applicant has committed to providing. These parts of the scheme require substantial investment but also offer very significant benefits the overall regeneration of Lewisham Town Centre.

- 9.8 An independent Quantity Surveyor has confirmed that the stated build costs are appropriate for the quality of scheme shown in the planning application.
- 9.9 The scheme is considered to be viable in its current form, given the size of the scheme (28 units) which would be delivered in a single construction phase it is not considered appropriate to use a 'review mechanism' within a s106. National Planning Practice Guidance on Viability states that *'Viability assessment in decision-taking should be based on current costs and values. Planning applications should be considered in today's circumstances. However, where a scheme required phased delivery over the medium and longer term, changes in the value of development and costs of delivery may be considered. Forecasts based on relevant market data, should be agreed between the applicant and local planning authority wherever possible'*.
- 9.10 Taking the above national guidance into account officers recommend that a shorter time for implementation is secured, in this case 1 year from the date of any grant of planning permission. This would ensure that the development is taken forward based on known costs and would delivery the proposed level of affordable housing.

#### Delivery

- 9.11 The viability appraisal confirms that the proposed development is viable and could be delivered in accordance with the details submitted with this application. It is proposed to deliver this development as one construction phase.
- 9.12 There are no known land ownership issues that would prevent delivery of the development. The development can still be accommodated with the Lewisham Gateway project and other development sites in Lewisham Town Centre in terms of construction logistics. This development would not prejudice the future development.

#### **10.0 Equalities Considerations**

- 10.1 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.
- 10.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. 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.
- 10.3 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characterises.

## **11.0 Conclusion**

- 11.1 The proposed building is considered to be of high architectural and design quality and as discussed in this report the redevelopment of this site as part of the Lewisham Town Centre is considered to make a significant positive contribution to the regeneration of this part of the Borough. Officers have engaged in extensive discussions with the applicant regarding redevelopment opportunities for the site in order to try and influence the nature and quality of the development proposals that come forward.
- 11.2 Officers consider that, with the recommended mitigation, planning conditions and obligations in place the proposal represents a high quality development that would bring a range of positive benefits to the Borough

## **12.0 RECOMMENDATION**

Authorise officers to negotiate and complete a legal agreement under Section 106 of the Town and Country Planning 1990 Act (and other appropriate powers) to cover the following matters including such amendments as considered appropriate to ensure the acceptable implementation of the development:

### S106 items

Affordable Housing comprising 1 x 2 bedroom flat and 4 x 3 bedroom flats. All rents to be capped at 60% of market value. Affordable units to be built and transferred to a Registered Provider upon occupation of 50% of the private residential units. Should a Registered Provider not be found then a payment in lieu is to be secured for the affordable units.

Public Realm contribution of £25,000 to be paid on commencement of development.

Enter into a s278 agreement to undertake highway improvements to Granville Park which bound the application site.

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

Submission of public access plan prior to first occupation.

To construct (including shopfronts) and make available the commercial floorspace prior to any occupation of the residential units

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

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

### **RECOMMENDATION (B)**

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

#### 1. Time Limit

The development to which this permission relates must be begun not later than the expiration of one year 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. Accord with Plans

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

12-241-101 rev C, 12-241-102 rev C, 12-241-103 rev C, 12-241-104 rev C, 12-241-105 rev C, 12-241-106 rev C, 12-241-107 rev C, 12-241-108 rev C, 12-241-109 rev C, 12-241-110 rev C, 12-241-111 rev C, 12-241-112 rev C, 12-241-113 rev C, 12-241-114 rev C, 12-241-115 rev C, 12-241-116 rev C, Existing Site Survey, Design and Access Statement, Appendix 1 drawings, Appendix 2 cgi photomontages, Planning Statement, Daylight and Sunlight Statement, Schedule of Accommodation, Construction Logistics Plan ref HH4120685/KL/009, Air Quality Assessment Project No. 441472-02, Drainage Strategy and Flood Risk Statement ref 8671/FRA, Ecological Constraints Survey, Planning Noise Assessment 296239-01 (00), Site Waste Management Plan, Transport Statement, Travel Plan

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

## 3. Construction Environment Management Plan

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

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

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2011).

## 4. Site Contamination

- (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-

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

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

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

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

#### 5. Soundproofing for Mixed Use Buildings

- (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet  $D'nT, w + Ctr$  dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and to comply with DM Policy 26 Noise and vibration, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

#### 6. Fixed Plant Noise Control

- (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 DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

#### 7. BREEAM

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

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

#### 8. Details of CHP

- (a) No development shall commence until full details of the abatement technology utilised to minimise emissions to air from the CHP have been submitted to and approved in writing by the local planning authority.
- (b) The CHP and associated abatement shall be installed in accordance with the approved details prior to occupation of the development and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To improve air quality in the interest of safeguarding the health of the local population and to protect the amenities of adjoining premises in accordance with Policy 7.14 Improving air quality of the London Plan (2011), Policy 7 Climate change and adapting to the effects and Policy 9 Improving local air quality of the Core Strategy (June 2011) and to comply with Development Management Local Plan (November 2014) DM Policy 23 Air quality.

#### 9. Materials

The development shall be carried out in accordance with the materials as detailed on drawing no's 12-241-101 rev C and 12-141-102 rev C hereby approved, unless approved in writing by the local planning authority.

**Reason:** To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

#### 10. Bird Bat Boxes

Details of the number and location of the bird/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), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

#### 11. Living Roofs

- (a) The development shall be constructed in accordance with plan nos 12-241-110 rev C hereby approved and maintained thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

#### 12. Delivery and Servicing Plan

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

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

### 13. Travel Plan

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

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

### 14. Closure of Existing Access

The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has 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).

### 15. Satellite Dishes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the north/south/east/west elevations or the roof of the building.

**Reason:** In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### 16. Plumbing and Pipes

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, including rainwater pipes, other than those shown on the approved drawings, shall be fixed on the external faces of the building(s).

**Reason:** It is considered that such plumbing or pipes would seriously detract from the appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

### 17. Delivery Hours (once operational)

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

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

#### 18. Opening Hours

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

**Reason:** In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 32 Housing design, layout and space standards, DM Policy 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014)

#### 19. Restrict Use Class

Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), the premises shall be used for Retail and café purposes falling within Use Classes A1, A2 or A3 only and for no other purpose

**Reason:** In order to protect residential amenity and in order to support a mixture of retail uses within Lewisham Town Centre and to accord with Policy LTC16 of the Lewisham Town Centre Local Plan (February 2014).

#### 20. Access for Shop Front

The shop front hereby permitted shall have a level or ramped access (maximum gradient: 1 in 12) and the entrance door shall be a minimum 900mm clear opening width and such features shall be retained permanently.

**Reason:** In order to comply with Policies 14 Sustainable movement and transport and 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 19 Shopfronts, signs and hoardings of the Development Management Local Plan (November 2014).

### **INFORMATIVES**

#### Positive and Proactive Statement

The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.

#### Community Infrastructure Levy

As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where



they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

### Construction

You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.

### Land Contamination

Applicants are advised to read 'Contaminated Land Guide for Developers'(London Borough's Publication 2003), on the Lewisham web page, before complying with the above condition. All of the above must be conducted in accordance with DEFRA and the Environment Agency's (EA) - Model Procedures for the Management of Land Contamination.

Applicants should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA and EA publications.

### Drainage

You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.

### Noise from Fixed Plant

Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant.