

Committee	PLANNING COMMITTEE B	
Report Title	87-89 Loampit Vale, SE13 7TG	
Ward	Ladywell	
Contributors	Suzanne White	
Class	PART 1	3 <sup>rd</sup> March 2016

Reg. Nos. DC/15/093403

Application dated 18.08.15 as revised 16<sup>th</sup> November 2015

Applicant Bptw on behalf of Family Mosaic

Proposal Demolition of existing shop, workshop and 5 no. bedsits at 87-89 Loampit Vale, SE13 and the construction of a part 4, part 6, part 7 storey building comprising 49 self-contained dwellings (Use Class C3) together with associated parking, landscape works and amenity space.

Applicant's Plan Nos. OS; EX\_SP; EX\_E\_01; EX\_S\_01; L\_SP; L\_03\_00; L\_03\_01; L\_03\_02; L\_03\_03; L\_03\_05; L\_03\_06; L\_03\_07; S\_AA; S\_BB; S\_CC; EL\_S; EL\_W;; EL\_NW; EL\_NE; EL\_E; DR\_EL\_S; DR\_EL\_W; DR\_EL\_E; D-WIN-01; D-WIN-02; D-WIN-03; D\_TY\_RT1 Rev B; D-ENT-01; D-BAL-01; D-BAL-02; D-CLAD-01; D-CLAD-02; FT\_20\_WCH01; FT\_20\_WCH02; FT\_20\_WCH09; FT\_20\_WCH10; FT\_20\_WCH11; L200; L700; Daylight; Sunlight & Overshadowing Report; Design & Access Statement; Air Quality Neutral Assessment; Affordable Housing Statement; External & Internal Daytime Bat Assessment; Lifetime Homes Review; Wheelchair Statement; Financial Viability Appraisal; CfSH Assessment; Flood Risk Assessment; Schedule Of Areas 2015/07/01; Transport Statement; Travel Plan; Energy Assessment; Sustainability Statement; Lighting Assessment; Train Induced Vibration And Assessment Report 22147/VAR/REVB; Planning Statement; Phase 1 Habitat Survey & Bat Scoping Survey; Environmental Noise Survey Report 22147/ENS1; Justification For The Loss Of Commercial Use; Vegetation For Extensive & Biodiverse Green Roofs; CIL Form; Planning Obligations Form; Phase 1 Land Contamination Assessment; (received 16<sup>th</sup> September 2015); and

L\_03\_04 Rev A; Revised Bat Emergence/Return Survey (WYG); Suggested bird and bat box location; Cover letter (bptw) received 16<sup>th</sup>

November 2015.

Background Papers

- (1) Case File LE/122/L/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

None

Screening

N/A

**1.0 Property/Site Description**

- 1.1 The application site is located on the south side of Loampit Vale, just west of the railway line and outside the Lewisham Town Centre boundary. It is bordered to the south by Bertrand Street, while to the west are commercial and residential properties fronting Algernon Road and Loampit Vale.
- 1.2 To the Loampit Vale frontage the site is occupied by a part single, part two storey building that comprises a vacant retail unit (50sqm) to the ground floor with residential accommodation above (no. 89 Loampit Vale). Immediately adjoining this building to the rear is a two storey building, also comprising residential units. In total the existing buildings provide 5 studio flats on the site. The total site area is approximately 0.18ha.
- 1.3 The southern portion of the site is occupied by a builder's yard and skip storage area totalling approximately 1,590 m<sup>2</sup>. This portion of the site is vacant at present.
- 1.4 The surrounding context is mixed, with commercial uses to the north and north-west on Loampit Vale, including an existing petrol station. To the west is a mixture of two-storey terraced dwellings and a relatively recent 4 storey block of flats. East of the viaduct, within Lewisham Town Centre, the building scale ranges up to 24 storeys, though the building to the immediate east has a height of 12/14 storeys. To the west of the viaduct the predominant scale is 3 storeys, with occasional exceedances including the church and 4 storey flatted block on Algernon Road.
- 1.5 Access to the site is taken from Loampit Vale and Bertrand Street. To the south east of the site, Bertrand Street is pedestrianised under the railway viaduct.
- 1.6 The site is located within the Lewisham Town Centre CPZ, as is Bertrand Street.
- 1.7 The site has a PTAL rating of 6b 'Excellent' and is located in Flood Zone 2. It is not situated within a conservation area and does not contain any listed buildings. The Former Church of Transfiguration on the western side of Algernon Road is Grade II listed.

**2.0 Planning History**

- 2.1 DC/12/81564 - The construction of a part three/part four/part five/part six storey block incorporating balconies at 87-89 Loampit Vale SE13 comprising 20, one bedroom, 11 two bedroom and 18 three bedroom self-contained flats, together with the provision of refuse stores, cycle spaces, 4 car parking spaces and vehicular access onto Loampit Vale. WITHDRAWN

- 2.2 DC/13/85582 - Demolition of existing shop, workshop and 5 no. bedsits at 87-89 Loampit Vale, SE13 and the construction of a part 4, part 11 storey building comprising 49 self-contained dwellings (20 x 1 bedroom, 18 x 2 bedroom and 11 x 3 bedroom); together with four car parking spaces, landscaping and amenity space. WITHDRAWN.
- 2.3 DC/09/72170 - The construction of 2, four storey blocks comprising 8 two bedroom self-contained flats on the former Builders Yard, adjacent to 87 Loampit Vale SE13, together with the provision of refuse stores, 8 cycle spaces, 3 car parking spaces and vehicular access onto Loampit Vale. REFUSED on account of poor outlook of the units onto the railway, lack of amenity given noise and vibration from railway, premature and piecemeal development of site likely to give rise to conflict with skip yard adjacent and loss of employment use.

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 The application seeks permission for the demolition of the existing buildings on site and the erection of a part 4/part 6/part 7 storey building comprising of 49 residential units.
- 3.2 The scheme layout features a new linear route parallel to the viaduct in the eastern portion of the site. The new building would face on to this route, as well as onto Loampit Vale and Bertrand Street. In the western portion of the site, roughly triangular shaped, a communal garden for the occupiers would be created.
- 3.3 The building would span from Loampit Vale to Bertrand Street, with the tallest elements to the north and gradually stepping down to 4 storeys in the south of the site. The seventh floor would be set back on all sides. The building is proposed to be faced in a mixture of light brown, dark brown and white brick.
- 3.4 The proposed mix is 22no 1bed units, 17no 2bed units and 10no 3bed units. Of these, 5no. are wheelchair units.
- 3.5 The scheme is car-free but proposes that two disabled spaces are designated on the highway (Bertrand Street).

### **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, a advert was placed in the local press and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

#### Written Responses received from Local Residents and Organisations

- 4.3 Objections were received from six local residents, of Algernon Road and Bertrand Street, raising the following concerns:

- Design in direct contravention of URB 3 Urban Design as it does not respect the local context and street pattern, and in particular, the scale and proportions of the surrounding buildings. Reaching up to seven storeys in places far outstripping the immediate surrounds that are predominately two or three storey low rise housing.
- The proposed number of 49 residential units on the plot size available (0.18 hectares) is clearly over-development. The site is not identified as a 'Regeneration & Growth Area' with the site sitting outside of the Council's 'major town centre' boundary. The density of the site at 790 habitable rooms per hectare is unacceptable for the site
- proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the properties immediately adjacent to the site and surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.
- report on daylight and sunlight highlights that there will be a detrimental and noticeable effect on all of the adjacent properties. Concern that height of proposed building will cause restriction to the light to flats at the back of the WhiteCube.
- parking spaces should be provided on-site, within the boundary of the proposed scheme and could easily be provided for if a less over developed proposal came forward.
- residents in need of these spaces will not be able to guarantee their availability given all Blue Badge holders will be able to access these spaces if provided off-site on the street.
- The drawings do not take into consideration the on-street parking bays on the other side of Bertrand St and as cited block the proposed pedestrian/cycle route through the site.
- Ensure if the building goes ahead (in whatever agreed format) that the noise and work carried out on this property is very much inside set limits that do not effect the tenants/owners of the Whitecube at the weekend and early mornings or late evenings during the week and that construction debris and dirt is carefully disposed of. The amount of new buildings and roadworks in our area of Lewisham has been extremely high recently. This has a serious impact on the day-to-day life of residents.
- Council should investigate the quality of work by Mulberry builders did building The White Cube and the amount of serious structural problems all of the owners and tenants have experienced. (not a planning consideration)

#### Written Responses received from Statutory Agencies

#### Ecological Regeneration Manager

- 4.4 The cross section e.g. Bauder uk native species plug plants on 75-150mm variable depth substrate is acceptable.

- 4.5 Suggest requiring details of plug planting density (and to lesser extent species composition), any over-seeding proposal and an establishment guarantee and or maintenance plan to ensure that the roof does function in the longer term and that issues such as access and watering (to aid effective establishment) are incorporated into the design rather than as an afterthought.

#### Strategic Housing

- 4.6 Disappointed that the affordable element at 31% does not meet the policy position of 50%, which should be tested through a viability assessment.
- 4.7 Additionally, the tenure split of 40/60 for shared ownership/rented does not meet the policy position. Would rather some of these units are swapped in favour of more rented, particularly the 2 beds.
- 4.8 Pleased that the rented units are all 2 and 3 beds and that rent levels will be set at the target rent +1%.

#### Environmental Health

- 4.9 In relation to the vibration report, agree with the recommendations in the report, which should be secured, in particular measures to minimise amplification of vibration levels by the use of heavy, stiff constructions.
- 4.10 We would want to have some consideration for S106 to cover costs of air quality monitoring. The Council has a real time air quality monitoring station that is nearby on Loampit Vale and the money will contribute to the ongoing maintenance costs for the station.
- 4.11 Please include a CEMP and CLP which will seek to control the impacts from the construction.

#### Highways and Transportation

- 4.12 The Council's Highways Officer has advised that, given the site's location near Lewisham Town Centre, a car-free approach is acceptable, subject to the provision of:-
- Car Club membership
  - A Travel Plan
  - A S106 agreement excluding future residents of the proposed development from obtaining permits in the surrounding Controlled Parking Zone
  - The applicant entering into a s278 agreement with the highway authority to secure improvement works to the section of Bertrand Street adjacent to the site, to enhance the pedestrian environment adjacent to the site.
- 4.13 The S278 highways works include:-
- Enhancing lighting on Bertrand Street
  - New footway on Bertrand Street (along site frontage)
  - Enhancing the pedestrian environment under the railway bridge on Bertrand Street adjacent to the site (surface treatment (footways & walls), lighting, works to prevent birds roosting,

- Reconfigure the parking bays on Bertrand Street (as shown on the plan in Appendix I of the TA) to provide two proposed disabled parking bays on Bertrand Street and meet cost of amending the associated TMO)

4.14 In addition, a Parking Management Plan, Delivery and Servicing Plan and a Construction Management Plan should be secured by condition.

#### Environment Agency

4.15 The site lies mainly within Flood Zone 1, and partly in Flood Zone 2, the low and medium risk zones respectively. Residential development is classified as vulnerable in terms of flood risk. The application should be assessed in reference to our Flood Risk Standing Advice for vulnerable development in Flood Zone 2 when reviewing the flood risk assessment submitted with this planning application.

#### Transport for London

- 4.16 This proposal is located on the Lewisham Way A20 which forms part of the Transport for London for which TfL is the highway authority.
- 4.17 TfL requests that the footway and carriageway on the TLRN is not blocked during demolition or construction. Temporary obstructions must be kept to a minimum. No skips or materials should be kept on the footway or carriageway at any time.
- 4.18 Welcomes a car free development. Also, TfL confirms that two disabled parking bays will be provided.
- 4.19 TfL is satisfied that the cycle parking provision meets the Further Alterations to the London Plan (2015) for both long and short stay. TfL requests that, to support cycling, cycle shower and changing facilities are provided.
- 4.20 TfL welcomes the commitment to prepare a Construction Logistic Plan (CLP). This plan should be secured by condition.
- 4.21 Travel Plans should be checked for robustness using the ATTrBuTE tool and a draft or framework plan should be provided as part of the application submission.

## **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.

#### 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 2.9 Inner London

Policy 2.13 Opportunity areas and intensification areas

Policy 2.14 Areas for regeneration

Policy 3.3 Increasing housing supply

Policy 3.4 Optimising housing potential

Policy 3.5 Quality and design of housing developments

Policy 3.6 Children and young people's play and informal recreation facilities

Policy 3.7 Large residential developments

Policy 3.8 Housing choice  
Policy 3.9 Mixed and balanced communities  
Policy 3.10 Definition of affordable housing  
Policy 3.11 Affordable housing targets  
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes  
Policy 3.13 Affordable housing thresholds  
Policy 4.1 Developing London's economy  
Policy 4.4 Managing industrial land and premises  
Policy 5.3 Sustainable design and construction  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 6.3 Assessing effects of development on transport capacity  
Policy 6.4 Enhancing London's transport connectivity  
Policy 6.7 Better streets and surface transport  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.11 Smoothing traffic flow and tackling congestion  
Policy 6.12 Road network capacity  
Policy 6.13 Parking  
Policy 7.1 Lifetime neighbourhoods  
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 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
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:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

Shaping Neighbourhoods: Play and Informal Recreation (2012)

#### London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)

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

Wheelchair Accessible Housing (2007)



## London Housing Design Guide (Interim Edition, 2010)

### Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 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 2	Prevention of loss of existing housing
DM Policy 7	Affordable rented housing
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 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 35	Public realm

Residential Standards Supplementary Planning Document (August 2006/ Updated 2012)

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

Planning Obligations Supplementary Planning Document (February 2015)

- 5.13 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) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping
- h) Other considerations
- i) Planning Obligations

Principle of Development

- 6.2 The site includes a retail unit (A1), workshop and builder's yard. It is not located within the town centre of a designated shopping frontage nor within any of the defined Strategic Industrial Locations, Local Employment Locations or Mixed Use Locations as defined by Core Strategy. The site is therefore classed as an "other employment location".
- 6.3 The submitted planning statement states that the retail unit is vacant and that the yard is presently used to store a small amount of building material. It further states that the retail unit is unlikely to become occupied and requires significant investment and refurbishment due to its poor condition.
- 6.4 Core Strategy Policy 5 seeks to protect non-designated employment sites which are located outside of Town and Local Centres. The Policy states that other uses, including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.

- 6.5 In this case, access to the site for large vehicles is somewhat constrained on account of the narrow frontage to Loampit Vale and the residential nature of Bertrand Street, albeit the site has been used in the past as a skip yard and builder's yard. In recent years, redevelopment within the town centre, particularly to the east along Loampit Vale has introduced new residential use in proximity to the site. It appears that demand for the retail unit and commercial space has dwindled over the same period, with the result that the site would now require substantial investment in order to re-activate these uses. The applicant has stated that there is an existing lease for the yard, yet even so it is under utilised.
- 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 within walking distance of 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 49 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 On account of its high public transport accessibility, proximity to the town centre and situation within an area with a high proportion of residential use it is considered that the site would be appropriate for residential use. Taking this into account and given the site's location outside the town centre and designated shopping frontages, and the apparent lack of demand for commercial uses, on balance it is considered that the principle of residential use on the site is acceptable, subject to achieving a high quality scheme in response to the other policies of the Development Plan, as discussed below.

### *Density*

- 6.8 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2011 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 6.9 The site is located within an Area of Stability and Managed Change, just outside Lewisham Town Centre and has a PTAL of 6b, indicating excellent accessibility to public transport connections. The scheme proposes 49 dwellings on a 0.18 hectare site which equates to a density of 267 dwellings (790 habitable rooms) per hectare, just above the density range of 70-260 dwellings per hectare (200-700 hr/ha) for the 'Urban' setting density ranges set out in the London Plan and is considered to be acceptable in this highly accessible location.

- 6.10 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 discussed further below.

### Design

- 6.11 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’.
- 6.12 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.
- 6.13 London Plan and Core Strategy design policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 6.14 Lewisham Town Centre and the wider area is undergoing significant change. The redevelopment of this prominent site creates the opportunity to significantly improve the quality of the local environment as one of a sequence of high quality new developments that deliver improvements to the public realm.

### *Height and massing*

- 6.15 In terms of the impact upon the urban environment, Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character. Within the Areas of Stability and Managed Change the policy advises that the scale and type of development will generally be smaller scale than other parts of the borough respecting conservation areas, listed buildings and the scale of surrounding residential character. It notes in respect of redevelopment opportunities near stations that these may provide scope for higher density redevelopment, where the primary considerations will be accessibility to public transport, local character and urban design principles which aim to establish place making as part of any redevelopment.
- 6.16 This application is a resubmission following the withdrawal of planning application DC/13/85582 which sought the redevelopment of the site to provide a building of between 4 and 11 storeys. This was withdrawn following confirmation from officers that the building was of an unacceptable scale given the site’s location outside the town centre.
- 6.17 The revised scheme proposes a building of 6 storeys with a recessed 7<sup>th</sup> floor 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'.

- 6.18 The submitted Design and Access Statement includes a series of 3D images showing the proposal in views from the Town Centre, Bertrand Street and Loampit Vale (west). The views show that the building's scale and mass would be a significant change in comparison to the existing 2 storey buildings on site, but would not appear out of context against the scale of buildings in the town centre.
- 6.19 The scale of buildings to the west of the viaduct varies between 2 to 4 storeys and in this context the building would be prominent, however this is considered acceptable for a number of reasons. The building's mass and scale is focused to the north of the site, on Loampit Vale, which is considered appropriate as an important approach to the town centre. The top floor is set back on all sides, reducing its visual impact. The building then steps down as it moves south towards Bertrand Street, where it has a height of 4 storeys. The building's position on the site is also relevant, as it is located towards the eastern portion, leaving a significant garden area in the western portion of the site, adjacent to existing residential properties.
- 6.20 Overall, officers consider that the scale, massing and layout of the proposed building are successful in responding to the existing built context, particularly in mediating the transition from Loampit Vale to Bertrand Street.

#### *Detailed design*

- 6.21 In terms of materiality, the elevations are formed from three primary materials, brick, metal panels and glazing. The east and northeast elevations, which face the elevated railway and the Renaissance development, are faced in a darker brick. The west elevations, surrounding the communal gardens and the south elevation which faces two storey residential properties, are proposed to be clad in a lighter brick. A white brick is used in recessed elements, while the 7<sup>th</sup> storey and four storey element on Bertrand Street are clad in glass rainscreen cladding.
- 6.22 With regard to the north west elevation, care has been taken to reduce the number of windows overlooking the adjacent petrol station site, so as not to unduly prejudice its redevelopment in time. Glass panels on this elevation are sandblasted to allow light in to the building, while preventing overlooking of the adjacent site. Interest is added to this elevation by recessed panels with extruded brick detailing.
- 6.23 The residential lobby on Loampit Vale is proposed as a fully glazed frontage, which wraps around the corner of the building. Along the proposed new pedestrian route, direct access is provided to ground floor units, which are set back behind the building line of the upper floors to provide privacy for occupiers. As the building turns the corner on to Bertrand Street, a landscaped strip extends to provide a front garden for the ground floor unit on the corner. The corresponding ground floor on Bertrand Street similarly is set back on the line of the existing terraced dwellings, and provided with a front garden space. A second

residential entrance on this elevation is identified metal canopy. An external balcony sits above the canopy, with the remainder of balconies on this elevation inset. Projecting balconies are provided to units overlooking the communal space on the west elevation, while the 3bed maisonettes on ground and first floor levels below each have private terraces which link directly to the communal garden.

- 6.24 The elevations are considered to be well ordered and simple in arrangement. It is through the use of subtle detailing around the windows that interest is articulated.
- 6.25 Officers fully support the use of brick in this location, which is used extensively in Loampit Vale, Lewisham Way, Algernon Road and Bertrand Street, together with the extensive use of glazing 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.

#### *Public realm and landscaping*

- 6.26 In terms of public realm, the existing site is dominated by hard standing and the buildings, and boundary treatment in particular, have a neutral to negative impact on the streetscene and public realm. It is proposed that the replacement building would be set back from and run in parallel to the railway viaduct, providing a new public route between Loampit Vale and Bertrand Street. The route would vary in width between 4.3 and 4.8 metres, which is considered appropriate for the anticipated level of pedestrian and cycle use.
- 6.27 The route and footpath on the Loampit Vale frontage are proposed to be finished in a simple treatment of hard paving slabs and setts, softened with a low hedge adjacent to the ground floor units. This is considered to be acceptable in principle, and a condition is recommended to secure these details.
- 6.28 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 make a positive contribution in this respect.
- 6.29 The proposed communal garden would cover an area of and includes different character areas, including a decked seating area, play space, lawn area, new shrub and tree planting and a perimeter route providing access to each area. Details of landscape materials, planting specification, play equipment and landscape management are proposed to be required by conditions in order to ensure that this space is delivered to the quality indicated in the plans and Design and Access Statement.

#### *Summary*

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

- 6.31 Following requests from the Council's officers at pre-application stage, the applicant has provided 1:20 details of the balcony balustrades/ soffits/ entrances/ brick detailing and windows as described above. The specification of the bricks and other external materials has not been submitted, however it is considered that this can be secured by condition.
- 6.32 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 area.

### Housing

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

- 6.33 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.

- 6.34 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.
- 6.35 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.
- 6.36 The proposed development would provide 49 residential units. As originally submitted, the tenure mix proposed was 6no. social rent, 9no. shared ownership and 34no. private units.

6.37 In discussion with officers, this has been amended to 10no. social rent and 39no. private units. This is the result of discussions with the Council's Strategic Housing Team who have stated a preference for rented units as opposed to shared ownership in this location, to better meet the identified needs of residents in this part of the borough.

6.38 The development would therefore comprise 20.4% affordable units or 29% by habitable room.

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

	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>4 Bed +</b>	<b>Total</b>
<b>Private</b>	18 (2)	11 (1)	7 (0)	0 (0)	36 (3)
<b>Social Rent</b>	2 (0)	3 (2)	3 (0)	0 (0)	8 (2)
<b>Affordable Rent</b>	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Shared Ownership</b>	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	20 (2)	14 (3)	10 (0)	0 (0)	44 (5)

\*Wheelchair accessible units shown in ( )

6.40 As the percentage of affordable housing to be provided falls below the target figure referred to in Core Strategy Policy 1, a financial viability assessment has been submitted by the applicant. This has been the subject of independent review by specialist consultants instructed by the Council 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, the proposed development exceeds the maximum technically viable amount of affordable housing at this time.

6.41 It is also important to consider CIL and s106 obligations secured. Such mitigation has an impact on the viability of the scheme

6.42 It is also relevant to note that the provision of the 10 (100%) social rented units does not meet the 70% social rented / 30% intermediate split for housing set out in Core Strategy Policy 1 nor the 60/40% split in London Plan Policy 3.11.

6.43 The result of the independent review of the applicant's financial viability assessment is that the scheme shows a deficit based on both the originally proposed level of affordable housing and the revised offer of 10 social rent units. The report prepared by the Council's viability consultant, which is attached as Appendix A, considers alternative tenure mixes in line with Policy CS1. The first considers a policy compliant mix, providing 10 social rented and 5 shared ownership units. This results in a greater deficit and, hence, the scheme would not viable.



- 6.44 The second scenario the affordable housing offer being 100% social rented tenure. This results in 5no. two bedroom apartments and 3no. three bed maisonettes. This results in a surplus, though not sufficient to enable the provision of an additional affordable unit.
- 6.45 On the basis of a viable scheme (no deficit), a policy compliant mix was considered. The outcome was 6no. affordable rent units and 3 shared ownership units. A further viable option, would comprise 5no. 2bed and 3no 3bed units.
- 6.46 This compares to the proposed affordable housing offer of 10no. social rented. A policy compliant scheme, subject to viability assessment, would deliver a mix of 6no. social rented and 3no. intermediate units. The applicant has essentially accepted a lower return from the scheme in order to provide additional social rent units.
- 6.47 The submitted affordable housing statement confirms that all of the rented properties would be let at target rent + 1%, to allow for the Government's rent reduction. The Target Rent level is controlled by the Tenants Services Authority for the Government. Rents are calculated according to a formula based on relative property values and relative local earnings. The Council's Housing Officer supports this this approach to setting rent levels for this scheme.
- 6.48 For the reasons set out above, the proposals have been shown to exceed the amount of affordable housing that can be supported by the scheme, based on financial viability assessment. It is therefore considered that this tenure mix is acceptable.
- 6.49 The proposed size mix includes 10 family sized units (3 bed) which equates to 20.4% overall but 33% within the rented tenure. Although the overall number of family sized units is lower than the 42% sought by Core Strategy Policy 1, given the site's location adjacent to a railway viaduct, it is considered that the provision is acceptable in relation to the Policy. Further it is welcomed that the majority (80%) of social rented units are 2bed and 3bed units, which best meet the current need as advised by the Council's Housing Officer. On balance, the mix is considered to be acceptable overall.

*b) Wheelchair units*

- 6.50 Core Strategy Policy 1 and London Plan Policy 3.8 state that all new housing should be built to Lifetime Homes standards and that 10% of the new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As such, the application is required to provide 5 wheelchair units. The proposed provision is 2no. units (2bed 3 person) in social rent tenure and 3no. units (1x2bed and 2x1bed units) in private tenure. The location and size of the wheelchair units are identified in the Schedule of Accommodation and ground and first floor plans. The level of wheelchair unit provision is considered to accord with the requirements of Core Strategy 1.
- 6.51 The applicant has confirmed that all residential units have been designed to Lifetime Homes standards. Although Lifetime Homes standards have been superseded, the new Building Regulations Part M4(2) is equivalent.
- 6.52 A condition is recommended to secure the provision of 10% wheelchair units to Building Regulations Part M4(3)(2) and the remaining 90% of units to Building

Regulations Part M4(2), equivalent to Lifetime Homes. In addition, it is proposed to secure through the s.106 agreement, the nomination of the affordable wheelchair units and marketing of the private adaptable units.

*b) Standard of Residential Accommodation*

- 6.53 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.
- 6.54 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.
- 6.55 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 6.56 The national housing standards are roughly in compliance with the space standards of the London Plan. However there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent.
- 6.57 All units would meet these standards, the majority of which are dual aspect. Fourteen units are single aspect, of which 3 face north east. These units are provided with a full width terrace which has aspect to the north west also. On the basis of the low number of these units, the fact that they do not face directly north, have additional private amenity space and access to a large communal garden, it is considered that they would provide adequate living accommodation and the scheme as a whole would provide a good standard of accommodation.

**Table [2]: Dwelling Sizes**

Unit Size	National Technical Standard	Proposed minimum area
1 bed, 2 person	50 sqm	50 sqm
2 bed, 3 person	61 sqm	61 sqm
2 bed, 4 person	70 sqm	70 sqm
3 bed, 4 person	74 sqm	80 sqm
3 bed, 5 person flat	86 sqm	86 sqm
3 bed, 5 person maisonette	93 sqm (2 storey)	96 sqm

- 6.58 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.

#### *Noise and Vibration*

- 6.59 The application is supported by a Train Induced Vibration Report and an Environmental Noise Survey, both by Hann Tucker Associates.
- 6.60 The former provides an assessment of the current train induced vibrations, based on survey data, in order to predict the likely train induced vibration and re-radiated noise levels in the development. The report concludes that vibrations would be very low, falling in the 'low probability of adverse comment' range, and would not therefore require mitigation. Nonetheless, the report goes on to recommend that measures are taken to minimise amplification of vibration levels by the use of heavy, stiff constructions, noting that the use of lightweight wide span constructions are inherently prone to significant vibration amplification.
- 6.61 A noise survey was also carried out on site. Based on the recorded noise levels, the report concludes that, with conventional thermal double glazing specified for the units closest to the rail line, the Council's requirements in terms of sound insulation will be readily achievable.
- 6.62 The Council's Environmental Health Officer has reviewed both reports and advised that they are unobjectionable, subject to conditions requiring that the development is carried out in accordance with the recommendations in the Vibration Report and measures to ensure sound insulation against external noise. Conditions have been specified in order to secure these mitigation measures.

#### Highways and Traffic Issues

##### *a) Access*

- 6.63 The site is located in close proximity to 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) of 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' encourages 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.
- 6.64 The scheme includes the provision of a new public route, linking Loampit Vale and Bertrand Street, which is a positive contribution towards public realm.

##### *b) Servicing*

- 6.65 Refuse stores are located internally, near the Loampit Vale and Bertrand Street entrances. It is proposed that refuse will be collected using the access way with refuse trucks moving from Bertrand Street to Loampit Vale, where they can exit via Loampit Vale either east or west. This is considered to be an acceptable

arrangement, provided that access is one-way. This is proposed to be secured through a Delivery and Servicing Plan by condition.

*c) Cycle Parking*

- 6.66 Cycle parking is provided within internal stores located off the two cores in addition to provision within the front amenity space of the ground floor units. As these units have additional amenity space to the rear, this arrangement is considered acceptable. A total of 78 spaces is provided, which is in accordance with the requirements of the London Plan.

*d) Car Parking*

- 6.67 No car parking is proposed on site. It is proposed to allocate two disabled spaces on Bertrand Street for the use of occupiers of the wheelchair units. 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.
- 6.68 The applicant has identified that two Blue Badge bays could be provided on Bertrand street adjacent to the site. However, in order to enable a refuse vehicle to enter the site from Bertrand Street, three bays on the opposite side of the street would need to be removed. The parking survey identified 59 parking spaces available within 200m or 2-3 minute walk from the site. It is considered that the loss of one on-street parking space would not have a significant impact on the provision of parking locally.
- 6.69 To mitigate the lack of parking on site the Council's Highways Officer has specified works to Bertrand Street adjacent to the site to improve the pedestrian environment between the site and town centre and encourage walking and cycling. The works on Bertrand Street include surface treatment to the footway adjacent to the site and improvements to the underside of the railway bridge on Bertrand Street to add lighting, refurbish the walls and works to prevent birds roosting. It is considered that the footway on Loampit Vale on the northern site boundary is in good condition and does not require improvement works. It is also noted that the new hard landscaped area created by the set back of the new building will deliver an improvement to this area for pedestrians.
- 6.70 It is further recommended that developer should provide 2 years' free car club membership to all residential units at first occupation, to reduce reliance on private vehicles. There are 3 car club spaces within 5 minutes walk of the site.
- 6.71 In summary, the site is highly accessible, with a PTAL of 6b, Lewisham DLR and National Rail stations approximately 400m distance away and many bus routes serving Loampit Vale. A car-free development is considered acceptable on the basis of the site's public transport accessibility rating and mitigation measures proposed, including provision of 2 disabled spaces on Bertrand Street, improvements to the pedestrian environment, car club membership, high cycle parking provision and a travel plan.

Impact on Adjoining Properties

- 6.72 Development Management Policy 32 requires the siting and layout of all new-build 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*

- 6.73 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 report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties surrounding the site as well as within the proposed development itself.
- 6.74 It is important to note that the BRE guidance includes a degree 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.
- 6.75 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. A further measure of daylight distribution within a room is no sky line (NSL). This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.
- 6.76 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.
- 6.77 The existing site buildings are modest in scale and footprint. As a result it is considered that surrounding residential buildings enjoy a level of daylight and sunlight across the site in excess of what is found in a typical urban location such as this. For this reason, it is expected that there would be impact upon daylight and sunlight.
- 6.78 The relevant properties tested are residential buildings with windows that face onto the site. These includes: no's 1-3, 5-7, 9-11, 13-15 Algernon Road; White

Cube, Algernon Road; no.s 1-6 Bertrand Street; and 15 Branscombe Street. The results of the assessment are summarised below:

- Algernon Road: in all instances either a VSC of 27% or greater than 0.8 times the existing value is achieved. In addition, all rooms in the proposed situation will have a significant portion (80%) of the room in front of the NSL.
- White Cube: for the lower three floors in the existing situation a VSC of 27% is not achieved and, that following the implementation of the proposals will not be greater than 0.8 times the existing. The rooms of the windows affected were also tested for internal daylighting, using ADF and NSL. The ADF analysis takes into account the size of the window in question, the size of the room it serves and any other windows serving the room. The recommended minimum ADF levels depend on the room use, with these being 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. In all instances the recommended minimum ADF for a kitchen is exceeded in the proposed condition. All rooms in the proposed situation will have a significant portion of the room in front of the NSL.
- 1-4 Bertrand Street: all windows will achieve a VSC of at least 27% or 0.8 times the existing value and all rooms in the proposed situation will have a significant portion of the room in front of the NSL.
- 5&6 Bertrand Street: two windows serving a habitable room do not achieve a VSC of greater than 27% or greater than 0.8 times the existing value. ADF analysis was undertaken for these two rooms and NSL analysis was completed for all habitable rooms. In relation to the first floor window the minimum ADF for a bedroom is exceeded. In relation to the ground floor window, the assessment concludes that, due to the obstruction the existing rear extension of this property causes to daylight, even with the underdeveloped nature of the site, this room only achieves an existing ADF of 1%. The analysis demonstrates that an ADF of 0.8 times the existing is achieved, in compliance with the BRE guidelines. All rooms in the proposed situation will have a significant portion of the room in front of the NSL.
- 15 Branscombe Street: a VSC of 27% or greater than 0.8 times the existing value is achieved. In addition, all rooms in the proposed situation will have a significant portion of the room in front of the NSL.

6.79 With the development in place, the report concludes that all windows or the rooms they serve will achieve the required level of daylight set out in the BRE guidance based on either a VSC or ADF analysis except one window which, despite an open outlook, currently enjoys a poor level of daylight due to an existing extension at the property.

6.80 In light of the above, Officers have concluded that the impact of the proposals on adjoining properties in terms of daylight, sunlight and overshadowing would be acceptable.

#### *Outlook*

6.81 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 by virtue of its scale and mass. 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. The proposed building is located in the eastern portion of the application site, with the communal garden providing separation space to the rear of properties on Algernon Road and Bertrand Street. The mass is also concentrated towards Loampit Vale, between the filling station to the west and railway viaduct to the east.

- 6.82 The footprint of the proposed building adjoins 6 Bertrand Street at ground floor level, where the distance to the flank wall of the existing dwelling is 4 metres. A setback at 1<sup>st</sup> and 2<sup>nd</sup> floor levels increases the distance to 6 metres and a final setback at 3<sup>rd</sup> floor level increases this to 12 metres. The Council does not have guidance in respect of separation distances for flank to flank relationships, instead reference is made to the requirement of Policy DM 32 for new development to be neighbourly and provide adequate outlook. It is considered that the design of the proposed building, through its siting and the distribution of accommodation achieves a comfortable relationship with the neighbouring dwellings, whilst also making efficient use of the site.

#### *Privacy*

- 6.83 The Council's Residential Development Standards SPD (updated 2012) states that developers will be expected to demonstrate how the form and layout of their proposals will provide residents with a quality living environment, and how privacy will be provided both for the neighbours and the occupiers of the proposed development.
- 6.84 It states that a minimum separation distance of 21 metres should be maintained between directly facing habitable room windows on main rear elevations, unless mitigated through design. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development. A greater separation distance will be required where taller buildings are involved.
- 6.85 The acceptable distance between front elevations should normally be determined by the character of road widths in the area. The use of mews, courtyard, and other similar forms of development may entail relatively small front to front distances.
- 6.86 The minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more.
- 6.87 The separation distances between the proposed block and adjacent properties are as follows:
- Min 23.2 metres to the White Cube at an oblique angle (21.5m to balcony)
  - 7.6 metres to 6 Bertrand Street (opaque window proposed)
  - 11.7 metres to 6 Bertrand Street at oblique angle
- 6.88 It is noted that the proposed block is set back from the boundary with the White Cube by 10-21metres, with the White Cube set off the same boundary by 11.6m. The proposed building therefore takes a similar approach to the boundary relationship. Although the proposed building is taller in part, there are no windows

directly facing the White Cube. The separation distance is a minimum of 23.2 to the rear elevation of the White Cube, 21.5 from the edge of the balcony. While the distance to the boundary is less at 7.4metres, there is only a parking area at the rear of the White Cube.

- 6.89 In relation to 6 Bertrand Street, there is a possibility of direct overlooking from the corner unit at each level, however the proposed windows facing towards the neighbouring dwelling are proposed to be obscure glazed. This is proposed to be secured by condition. The rooms within the proposed corner units at 1<sup>st</sup> and 2<sup>nd</sup> floor levels have aspect to south and north and are served by other windows, therefore will retain adequate daylight and outlook. The corner unit at 3<sup>rd</sup> floor level is set back 10.7metres from the flank wall of the rear projection of 6 Bertrand Street. That property has a window only at ground floor level. It is considered that the combination of the setback and flat roofs below would prevent direct overlooking of this window.
- 6.90 Of concern however is proximity of balconies on the proposed building to the rear and side elevations of 6 Bertrand Street and its rear garden. The balconies of Flats 13 at 2<sup>nd</sup> and 3<sup>rd</sup> floor level would sit 3 metres from the boundary of 6 Bertrand Street and could give rise to overlooking of that garden and consequent loss of privacy. In order to address this, it is recommended that a condition is added requiring screening to the south west part of these balconies.
- 6.91 In terms of privacy, therefore, it is accepted that there would be an element of mutual overlooking as is common in high density schemes. However, with the imposition of the conditions identified above, it is considered that the proposals would not give rise to a significant adverse impact upon neighbouring occupiers in this regard.

#### Sustainability and Energy

- 6.92 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.
- 6.93 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
  - 2 Be clean: supply energy efficiently
  - 3 Be green: use renewable energy
- 6.94 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.



- 6.95 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. This would be policy compliant and is therefore supported.
- 6.96 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.
- 6.97 The applicant's energy statement shows that, through a combination of insulation, low energy lighting, insulation to pipework, high efficiency boilers and waste water heat recovery, energy efficiency measures of 23% will be achieved.
- 6.98 With regards to renewable energy, the applicant's 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.
- 6.99 The energy assessment confirms that solar photovoltaic panels (150 sqm array) are to be used at roof level. Taken together, the energy efficiency measures and renewable technologies will achieve a total carbon reduction of 35% which is compliant with the London Plan.

#### Living Roofs and Ecology

- 6.100 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 comprise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.
- 6.101 In this instance, the scheme proposes a living roof (108.4sqm) over the 4 storey element. A section has been provided which shows that, in terms of substrate depth and planting methodology, the specification meets the Council's requirements. A condition would be required to enable species composition to be agreed.
- 6.102 In addition, two bird boxes and two bat boxes are proposed. The location of these have been confirmed on a supplementary plan submitted in response to the comments of the Council's Ecological Regeneration Manager. This is considered acceptable and it is recommended that their specification is reserved by condition.
- 6.103 Taking into account the existing site condition, and lack of natural habitat it is considered that the proposals, through provision of a good quality living roof and bird and bat boxes achieves an enhancement of biodiversity habitat on site. 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.

#### Other considerations

### *Construction*

- 6.104 Concern has been raised about disruption to local residents arising from construction works. A condition requiring a Construction Management Plan, in line with the Council's Code of Construction Practice, will enable the Council to limit working hours to reasonable times and require appropriate dust mitigation measures in order to address these concerns, although it is inevitable that some disruption would occur during the demolition and construction phase.

### *Flood Risk*

- 6.105 The application is supported by a Flood Risk Assessment, which identifies through a site specific flood risk assessment that the site is located mainly in Flood Zone 1, although the north east corner encroaches within the edge of Flood Zone 2. The site is therefore characterised as having a low risk of flooding from rivers or other sources of flooding
- 6.106 Technical Guidance to the National Planning Policy Framework Table 3, "Flood Risk Vulnerability and Flood Zone Compatibility", confirms that 'more vulnerable' developments situated in Zones 1 and 2 are appropriate and an exception test is not required.
- 6.107 The minimum proposed ground floor level for habitable rooms is situated at a level of 7.950m AOD which is at the modelled 1:1000 year flood level. Although no flood level information is available for the 1:100 year + climate change, the FRA shows that the extent of this event as shown on the Environment Agency flood maps is to the east of the railway viaduct. The ground level at this location is approximately 7.0m AOD, therefore the lowest proposed floor level will sit 0.95m above this level.
- 6.108 Further, the submitted assessment states that runoff rates will be restricted to less than 50% of the existing rate in accordance with the London Plan, and the proposed impermeable area of the site will be reduced from the existing situation. As such, the proposed surface water generated from the development would not be expected to result in increased flood risk elsewhere. A condition is recommended requiring details of surface water management to be submitted in order to ensure that the development is carried out in accordance with the strategy outlined in the Flood Risk Assessment.

### *Employment and Training*

- 6.109 As London's economy grows the number of jobs and careers available to Lewisham's citizens will increase. Many of these jobs will require specific skills. Lewisham's citizens should feel equipped to compete for the best jobs and fulfil their aspirations.
- 6.110 The Lewisham Local Labour and Business Scheme is a local initiative that helps local businesses and residents to access the opportunities generated by regeneration and development activity in Lewisham.
- 6.111 This particular policy objective provides the basis of the Government's commitment to reducing the environmental impact of new developments.

- 6.112 The use of local labour can also limit the environmental impact of new development due to people commuting shorter distances to travel to work.
- 6.113 The approach set out in the Council's Planning Obligations SPD is to split the contributions required equally between residential and commercial development. The contribution sought reflects the current training and operation costs of running the programme to the end date of this document (2025).
- 6.114 A threshold for residential developments of 10 dwellings or more, including mixed use schemes and live-work units, is set. Applied to the application scheme, this gives a contribution of £25,970.

### Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

- 6.115 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.
- 6.116 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.117 The following obligations are proposed to be secured by S106 agreement:

#### Housing

- Provision of 10no. social rent units (2no. 1bed, 5no. 2bed and 3no. 3bed)
- Rent levels at target rent +1%
- 2no. Social Rent units (Unit numbers 1 & 2) to be wheelchair units designed to Part M4(3)(2)(b) for which the Council will have nomination rights.
- Marketing strategy for wheelchair adaptable units in Private tenure
- Review mechanism to apply if scheme not implemented and positively progressed within 2 years

#### Transport

- 2 year car club membership for the occupiers of each unit

- Restriction on residents permits and notification of restriction to future occupiers
- Parking management plan
- Enter into a S278 agreement to secure the following:
  - Enhanced lighting on Bertrand Street
  - New footway on Bertrand Street (along site frontage)
  - Enhancing the pedestrian environment under the railway bridge on Bertrand Street adjacent to the site (surface treatment (footways & walls), lighting, works to prevent birds roosting,
  - Reconfigure the parking bays on Bertrand Street (as shown on the plan in Appendix I of the TA) to provide two proposed disabled parking bays on Bertrand Street and meet cost of amending the associated TMO)

#### Public Realm

- Provision of public routes through the site with the right to pass and repass
- Submission of public realm maintenance and management plan prior to first occupation.

#### Employment & Training

- Local labour scheme
- Financial contribution of £25,970

#### Air Quality

- Air quality monitoring contribution of £4,900

#### Monitoring & costs

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

6.118 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

## **7.0 Local Finance Considerations**

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

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

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

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

#### Viability

- 7.4 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 15 affordable units (6no within social rent tenure and 9 within shared ownership tenure) is considered to be acceptable.
- 7.5 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.
- 7.6 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; with Affordable elements at 6% on cost. Taking into account site works, build costs and finance costs which have been appraised and accepted.
- 7.7 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 the current time. 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 significant benefits the area.
- 7.8 An independent Quantity Surveyor has confirmed that the stated build costs are appropriate for the quality of scheme shown in the planning application.
- 7.9 The scheme is considered to be viable in its current form. Given the size of the scheme (49 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'*.
- 7.10 Core Strategy Policy 1 sets a strategic target of 50% affordable housing from all sources and that this is the starting point for negotiations. The policy also notes that the level of affordable housing on sites will be subject to a financial viability assessment and the Council's SPD on planning obligations provides further guidance. Accordingly, the application scheme has been tested in respect of the level of affordable housing that can be provided, through financial viability review. The proposed level of affordable housing is considered to be the maximum that can be required and is therefore acceptable in relation to Core Strategy 1.

7.11 However, should the scheme not be implemented and positively progressed within two years, it is appropriate that scheme viability is revisited in order to determine whether additional affordable housing can be supported. It is therefore proposed that an obligation be secured to trigger a review mechanism if implementation has not progressed within 2 years.

## **8.0 Community Infrastructure Levy**

8.1 The above development is CIL liable.

## **9.0 Equalities Considerations**

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

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

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

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

9.4 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 characteristics.

## **10.0 Conclusion**

10.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.

10.2 It is considered that the scale of the development is acceptable, that the building has been designed to respond to the context, constraints and potential of the site and that the development will provide a high standard of accommodation.

10.3 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place the scheme accords with local and national policies.

10.4 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered

to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

## **11.0 RECOMMENDATION (A)**

To agree the proposals and authorise the Head of Law to complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

### Housing

- Provision of 10no. social rent units (2no. 1bed, 5no. 2bed and 3no. 3bed)
- Rent levels at target rent +1%
- 2no. Social Rent units (Unit numbers 1 & 2) to be wheelchair units designed to Part M4(3)(2)(b) for which the Council will have nomination rights.
- Marketing strategy for wheelchair adaptable units in Private tenure
- Review mechanism to apply if scheme not implemented within 2 years

### Transport

- 2 year car club membership for the occupiers of each unit
- Restriction on residents permits and notification of restriction to future occupiers
- Parking management plan
- Enter into a S278 agreement to secure the following:
  - Enhanced lighting on Bertrand Street
  - New footway on Bertrand Street (along site frontage)
  - Enhancing the pedestrian environment under the railway bridge on Bertrand Street adjacent to the site (surface treatment (footways & walls), lighting, works to prevent birds roosting,
  - Reconfigure the parking bays on Bertrand Street (as shown on the plan in Appendix I of the TA) to provide two proposed disabled parking bays on Bertrand Street and meet cost of amending the associated TMO)

### Public Realm

- Provision of public routes through the site with the right to pass and repass
- Submission of public realm maintenance and management plan prior to first occupation.

### Employment & Training

- Local labour scheme
- Financial contribution of £25,970

### Air Quality

- Air quality monitoring contribution of £4,900

### Monitoring & costs

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations

## **RECOMMENDATION (B)**

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

### Conditions

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

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

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

OS; EX\_SP; EX\_E\_01; EX\_S\_01; L\_SP; L\_03\_00; L\_03\_01; L\_03\_02; L\_03\_03; L\_03\_05; L\_03\_06; L\_03\_07; S\_AA; S\_BB; S\_CC; EL\_S; EL\_W; EL\_NW; EL\_NE; EL\_E; DR\_EL\_S; DR\_EL\_W; DR\_EL\_E; D-WIN-01; D-WIN-02; D-WIN-03; D\_TY\_RT1; D-ENT-01; D-BAL-01; D-BAL-02; D-CLAD-01; D-CLAD-02; FT\_20\_WCH01; FT\_20\_WCH02; FT\_20\_WCH09; FT\_20\_WCH10; FT\_20\_WCH11; L 200; L700; Daylight; Sunlight & Overshadowing Report; Air Quality Neutral Assessment; Affordable Housing Statement; External & Internal Daytime Bat Assessment; Bat Emergence/Return Survey; Wheelchair Statement; Flood Risk Assessment; Transport Statement; Lighting Assessment; Train Induced Vibration And Assessment Report 22147/VAR/REVB; Phase 1 Habitat Survey & Bat Scoping Survey; Environmental Noise Survey Report 22147/ENS1; Vegetation For Extensive & Biodiverse Green Roofs; Energy Assessment; Sustainability Statement; Travel Plan; Design and Access Statement (received 16<sup>th</sup> September 2015); and

**L\_03\_04 Rev A;** Revised Bat Emergence/Return Survey; Suggested bird and bat box location; Cover letter (bptw) received 16<sup>th</sup> November 2015.

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

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

**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 (2015).

4. (a) No development (with the exception of the demolition of above ground 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. (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not

exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

- (b) Development shall not commence above ground level until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 6. (a) The buildings hereby approved shall be constructed in accordance with the approved Energy Assessment (Silcock Dawson, August 2015) in order to achieve the following requirements:
  - a minimum of 35% improvement in the Target Emission Rate (TER) over the 2013 Building Regulations Part L1A minimum requirement to accord with current (April 2015) GLA requirements for carbon reduction; and
  - provide a whole house assessment of the efficiency of internal water fittings of a maximum of 105L per person per day

(b) Within 3 months of occupation of any of the residential units hereby approved, evidence (prepared by a suitably qualified assessor) shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

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

- 8. (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.

- (b) Details of any such operations must be submitted to and approved in writing by the local planning authority prior to commencement of development (excluding above ground demolition) on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

9. No development shall commence above ground level on site until a detailed schedule and sample panel of all external materials, including surface treatments, and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

10. The refuse storage and recycling facilities shown on drawing L\_03\_00 hereby approved, shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

**Reason:** In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

11. (a) A minimum of 78 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

12. All hard landscaping works which form part of the approved scheme shall be completed in accordance with approved plan L\_200 prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban

design and local character.

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

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Core Strategy Policy 12 Open space and environmental assets, Policy 15 High quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

14. Details of the specification of bird and 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 (2015), 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).

15. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. L\_03\_04 Rev A, D\_TY-RT1 Rev B and the Green Roof Specification hereby approved and maintained thereafter. Prior to commencement of the above ground works, a planting specification shall have been submitted to and approved in writing by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

**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 (2015), 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).

16. All external lighting shall be installed in accordance with the approved Lighting Assessment Report (AJ Energy Consultants Ltd, August 2015) and retained

permanently.

**Reason:** In order that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

17. (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).

18. (a) Notwithstanding the details approved, 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).

19. Prior to the occupation of the building hereby approved, details of screening to the balconies on the west elevation to prevent overlooking of no. 6 Bertrand Street shall be submitted to and approved in writing by the local planning authority.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

20. (a) No development shall commence above ground level on site until detailed plans and specifications of the street furniture and play equipment to be provided on site have been submitted to and approved in writing by the local planning authority.
- (b) All works which form part of the approved scheme under part (a) shall be

completed prior to occupation of the development.

**Reason:** In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policy 3.6 of the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

21. (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified below:

- (i) Units **11, 12 & 13** shall meet standard M4(3)(2)(a)
- (ii) Units **1 & 2** shall meet standard M4(3)(2)(b)
- (iii) All other units shall meet standard M4(2)

(b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.

(c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

**Reason:** To ensure that there is an adequate supply of wheelchair accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

22. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the 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).

23. 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 shall be fixed on the external faces 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).

24. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new windows to be installed in the west elevation of the building hereby approved and as denoted on plans L\_03\_01, L\_03\_02 and L\_03\_03 shall be fitted as obscure glazed fixed shut and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design,

layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

**Reason:** In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing Design, layout and space standards of the Development Management Local Plan (November 2014).

26. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to additional areas of the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

27. The development shall be carried out in accordance with the recommendations set out in Section 11 of the approved Train Induced Vibration Report (Hann Tucker Associates, 17 July 2015).

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

## Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. 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>
- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.

- D. The applicant is advised that conditions 3 (CMP) and 4 (Site Investigation) require details to be submitted prior to the commencement of works due to the importance of minimising disruption on local residents and the local highway network during demolition and construction works and correctly identifying and remediating site contamination.