

Committee	PLANNING COMMITTEE B	
Report Title	122 NEW CROSS ROAD, LONDON, SE14 5BA	
Ward	Telegraph Hill	
Contributors	Julia Robins	
Class	PART 1	16 June 2016

Reg. Nos. DC/14/87433

Application dated 02.05.2014

Applicant Peter Hutchison Architect on behalf of Mr Patel

Proposal The construction of a three storey building incorporating balconies, on land to the rear of 122 New Cross Road SE14, comprising 3 one bedroom, 5 two bedroom and 1 three bedroom self-contained flats, together with associated landscaping and alterations to the front and rear of 122 New Cross Road and the provision of refuse/recycle and bicycle stores at ground floor level

Applicant's Plan Nos. Site Location Plan received 6 May 2014, CIL form received 30.06.14, 13.21-E-1 received 25 Jul 2014, Code For Sustainable Homes Design Stage Report (from Abigail Morgan) dated November 2014 received 20 Mar 2015, Construction Method Statement, 13.21.Ped-1 and Statement of Responses to Planning Policy received 27 Mar 2015; Marketing letter dated 29/05/15 (from Gildersleve & Payne); Lifetime Homes Compliance rev 20.10.15, 13.21-AL-1A, 13.21-P3 Rev B (Planning Statement), received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015; Daylight report, 15.20-P-1D, 15.20-P-2D and 15.20-P-3D received 12 April 2016.

Background Papers (1) Case File DE/414/122/TP
(1) Local Development Framework Documents
(2) The London Plan

Designation PTAL 6a
Area of Archaeological Priority
Flood Risk Zone 2
Major District Centre
Hatcham Conservation Area Article 4(2) Direction
Hatcham Conservation Area
Not a Listed Building

1.0 Background

- 1.1 This application was considered by Members at the meeting of Planning Committee B held on the 21 January 2016. Members resolved to defer determination of the planning application to allow for the carrying out of daylight/sunlight and noise impact assessments in relation to the proposal.
- 1.2 Members are referred to the report considered at that meeting which is included in full as an appendix to this report. It contains a full description of the site and its planning history, the details of the application, an explanation of the planning policy background and an assessment of planning considerations.
- 1.3 Members attention is drawn to the following in the original report to Committee where it was stated, in Para 6.39, that there were no sound protection conditions relating to the protection of occupants from the noise at 116-118 New Cross Road attached to the 2010 consent although to be clear, there is a condition attached, Condition 1(a) which requires details of the proposed construction of the ceilings and walls separating the ground floor use hereby permitted and the upper floors and the external walls.
- 1.4 Additionally Officers should clarify that Planning Officers were not aware of the Music Room's activities at the time of that previous application.

2.0 Additional Information Submitted

- 2.1 The applicant has submitted a daylight report together with further drawings of the proposed building which show the introduction of 7 rooflights.
- 2.2 The daylight report has been prepared to address questions raised as to the amount of daylight within three of the units (C, F and J) given the height of balcony screens, the amount of obscure glazed windows and the orientation of habitable rooms. This report has been undertaken in accordance with the BRE Guidelines.
- 2.3 The report concludes that the Average Daylight Factor levels for the proposed windows in units C, F and J would be met. It also explains that the proposed roof lights would bring in daylight and sunlight into the back of the rooms improving the quality of the space.
- 2.4 The applicant has not submitted a noise report and their covering letter explains that they are not prepared to commission a noise study to assess the possible noise nuisance from the Music Studios as they consider this to be entirely unreasonable. The reasons for this being:
 - If the Music Rooms are creating a noise nuisance existing occupants on the upper floors of 120 and 122 New Cross Road would be affected. 120 New Cross Road is immediately adjacent to the Music Rooms and 122 is nearer to it than flats C, F and J in the proposed building. The applicant considers it to be LB Lewisham's duty to deal with any such nuisance using their powers under the 1990 Environmental Protection Act, if necessary issuing an abatement order. Businesses are required to use 'best practical means' to minimise the noise disturbance caused by their operations; in the case of Music Studios it is reasonable to expect these to include adequate sound insulation.

- This is not a parallel situation to one where traffic noise needs to be considered.

3.0 Consultation

3.1 Neighbours and members were reconsulted on 20 May 2016 for 21 days.

3.2 At the time of writing no letters had been received.

4.0 Planning Considerations

4.1 The main consideration, in addition to the considerations set out in the first report, is whether, with the submission of the daylight assessment and introduction of rooflights, the proposal is acceptable in planning terms.

Quality of new units

4.2 The daylight assessment considers 3 of the proposed units only – units C, F and J.

4.3 The scheme has been amended to introduce rooflights which are located on the south and west sides and would improve daylight levels within the aforementioned units. They would allow sunlight into the back of the units improve their quality. The report finds that daylight levels would be above average. Officers considered in the original report that the units were on balance acceptable and introduction of the roof lights would improve their internal quality which is demonstrated by the assessment.

Design

4.4 The introduction of the roof lights is considered to have little impact on the overall design given their roof top position and location between angled photovoltaic panels. The detailed design of the roof lights has been sought through condition to ensure that appearance is acceptable and that they are flush fitting.

Precluding development on neighbouring sites

4.5 The introduction of the rooflights in the positions shown is not considered to preclude development on the neighbouring sites.

Noise

4.6 Officers remain of the opinion that the revised scheme, whilst introducing 4 additional residential units, gives the opportunity to protect future occupants of these dwellings to a much greater degree than the 2010 scheme as well as protect the Music Room from complaints from new residential occupiers. Officers consider that the burden of the noise emanating from 116-118 New Cross Road should not fall wholly on the scheme at 122 New Cross Road. It is felt that the proposed conditions and informative attached to the decision notice demonstrates that noise levels can be controlled to a satisfactory level and therefore the impact on the Music Room kept to a minimum.

5.0 Local Finance Considerations

5.1 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).

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

5.3 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.

6.0 Equalities Considerations

6.1 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.

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

The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality. In this matter, there is no impact on equality.

7.0 Conclusion

7.1 This application has been considered in the light of policies set out in the development plan and other material considerations. The application site is considered to be an urban environment where higher density development is encouraged where it can respect the existing plan form and neighbour amenity.

7.2 Officers consider that the proposed rooflights does not affect the design quality of the scheme and as such the proposed building remains of an acceptable design quality and given its position, to the rear of the properties on New Cross Road, the proposed building would have limited impact on the conservation area.

7.3 The daylight assessment shows that the scheme would have acceptable levels of daylight reaching into each room, confirming that the quality of the accommodation is acceptable.

7.4 Whilst the applicant's have not submitted a noise assessment, Officer's remain of te opinion that this scheme provides the opportunity to protect future residents from the noise emanating from The London Music Room as well as providing greater protection to The London Music Room from complaints from future occupants of the units.

7.5 Officers still consider that, subject to the conditions set out below, that, on balance, the proposed development results in an acceptable level of impact.

8.0 RECOMMENDATION: GRANT PERMISSION subject to the following conditions

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

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

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

Site Location Plan received 6 May 2014, CIL form received 30.06.14, 13.21-E-1 received 25 Jul 2014, Code For Sustainable Homes Design Stage Report (from Abigail Morgan) dated November 2014 received 20 Mar 2015, Construction Method Statement, 13.21.Ped-1 and Statement of Responses to Planning Policy received 27 Mar 2015; Marketing letter dated 29/05/15 (from Gildersleve & Payne); Lifetime Homes Compliance rev 20.10.15, 13.21-AL-1A, 13.21-P3 Rev B (Planning Statement), received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015; Daylight report, 15.20-P-1D, 15.20-P-2D and 15.20-P-3D received 12 April 2016.

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.

Materials

3. No development above ground level shall commence on site until a detailed schedule of all proposed materials has been submitted to (including rooflights which must be flush fitting) and approved in writing by the local planning authority and samples have been provided for viewing on site. 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.

Shopfront

4. (a) No development above ground level shall commence on site until plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop front has been submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, the window system, the stall riser and the entrance.

(b) The development shall be constructed in full accordance with the approved details.

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 Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

5. Noise mitigation measures

(a) The building shall be designed so as to provide sound insulation against external noise sources to achieve internal noise levels within rooms (with windows closed and other forms of ventilation provided) not exceeding:

	— Octave band centre frequency (Hz)									dB(A)
	31.5	63	125	250	500	1k	2k	4k	8k	
L 5MAX	72	55	44	35	29	25	22	19	18	NR25

(b) Development shall not commence above ground level until details of a sound insulation scheme specifying all necessary measures, including but not limited to balcony screens, windows, doors and building materials to comply with paragraph (a) has been submitted to and 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 retained and 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).

Refuse and recycling

6. The refuse and recycling facilities as shown on plan no.15.20-P-1B 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).

Cycle Parking

7. (a) A minimum of 13 secure and dry cycle parking spaces shall be provided within the cycle store as indicated on plan 15.20-P-1B hereby approved.
- (b) No development above ground level shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

Ambulant stairs and platform lift

8. Details of the disabled ambulant stairs and a platform lift shall be submitted to and approved in writing by the local planning authority before any works above ground level are commenced. The stairs and lift shall be implemented before any part of the development hereby permitted is first occupied and shall be permanently maintained thereafter in accordance with the approved scheme.

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).

Landscaping and boundary treatments

9. Prior to the construction of above ground works the following shall be submitted to and approved in writing by the local planning authority:
 - (a) A scheme of hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) which includes a schedule of materials;
 - (b) 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;
 - (c) 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 (b). 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;
 - (d) A plan indicating the positions, design, materials and type of boundary treatment, including measures to reduce the impact of noise along the shared boundary with no.116-118 New Cross Road.
 - (e) All landscaping works which form part of the approved scheme under parts (a), (b) and (d) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.13 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, DM26 Noise and Vibration, and DM Policy 30 Urban design and local character.

Wheelchair dwelling

10. The 1no. wheelchair dwelling (Flat C) hereby approved shall be constructed to be Building Control Standard M4(3)(2)(a) as shown on drawing no. 15.20-P-1B hereby approved prior to first occupation.

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).

Plumbing and pipes

11. 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, other than rainwater pipes, shall be fixed on the external faces of the buildings.

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).

Additional windows

12. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the windows to be installed in the elevations D-D and E-E, as shown on drawing 15.20-P-3B, of the building hereby approved shall be fitted as obscure glazed and fixed shut with only fixed fanlight opening 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 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Balconies

13. Prior to the commencement of development above ground level, detailed drawings, details of materials and samples in respect of the following shall be submitted to and approved in writing by the local planning authority:-

(a) All balcony surrounds;

(b) The full height screening to the first floor balcony (Flat F) and 1.5m high screening to the terrace on second floor balcony (Flat J) which are on the boundary with the Besson Street site;

The development shall be carried out in full accordance with the approved details prior to occupation of any of the accommodation and the works shall be maintained permanently in accordance with the details approved.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards, and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

Living roofs

14. (a) The development shall be constructed with the living roofs laid out in accordance with plan no.13.21.P-ED-1 hereby approved and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (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).

External Lighting

15. Any external lighting is required to meet with CIBSE and ILE criteria of a maximum 2 lux at the nearest neighbouring residential window.

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

Construction Method

16. Notwithstanding the Construction Method Statement hereby approved, 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 and any Environmental 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 (2011).

Lifetime Homes

17. (a) The detailed design for each ground floor unit hereby approved shall meet standard M4(2) of the Approved Document M of the Building Regulations (2015).
- (b) No development above ground level shall commence 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).
- (c) The development shall be carried out in accordance with the details approved under part (b).

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. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. In preparing the scheme of dust minimisation, reference shall be made to the London Councils Best Practice Guide: The Control of Dust and Emissions from Construction and Demolition. All mitigation measures listed in the Guide appropriate to the size, scale and nature of the development will need to be included in the dust minimisation scheme.
- E. 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.
- F. The applicant and future occupiers are advised that there is rehearsal and studio space at the London Music Room, 116-118 New Cross Road and has the potential to cause noise disturbance.
- G. The applicant is advised that condition 16 requires 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 construction.

