

Committee	PLANNING COMMITTEE B	
Report Title	122 NEW CROSS ROAD, LONDON, SE14 5BA	
Ward	Telegraph Hill	
Contributors	Julia Robins	
Class	PART 1	21 January 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), 15.20-P-1B, 15.20-P-2B and 15.20-P-3B received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 2015.

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 **Property/Site Description**

1.0 No.122 New Cross Road forms part of a terraced group from No. 120 to No. 128 called Minerva Terrace and dating from around 1830 and is located on the southern

side of New Cross Road. Each house is in three bays and the ground floors (as with the rest of the row) are all obscured by Victorian shops.

- 1.1 The rear part of the site is accessed through the ground floor of no.122. The flats within the frontage building are not proposed to be changed and they are accessed separately from New Cross Road.
- 1.2 The rear part of the site has been empty since 2005 and before that was tenanted by a music company and then it was used as storage. Whilst lying vacant the premises was destroyed by fire. The remains of the fire damaged buildings have recently been removed.
- 1.3 Adjacent to the site to the north, west and south west is a site which forms part of the Kender Triangle area and is an allocated site within the Council's site allocations document. It is currently vacant. Consent was granted on 18 March 2009 for the construction of one to ten storey blocks on the site comprising 173 residential units, library, doctor's surgery, gym and other community uses, café and a public square. This permission has now expired.
- 1.4 To the south and south west of the site are industrial buildings which are accessed from Fishers Court. To the west is the garden of 120 New Cross Road and butting the lower end of the western boundary is the London Music Room at 116-118 New Cross Road. The London Music Room has 5 rehearsal studios and has a licence for sale by retail of alcohol for consumption on premises and provision of regulated entertainment (films). They are open Monday - Sunday 09.30-23.15 and from 09.30-01.30 New Year's Eve.
- 1.5 The site is located within the Hatcham Conservation Area which is also covered by an Article 4 direction.

## **2.0 Planning History**

- 2.1 In 1991 an application was granted for the conversion of the ground, first and second floors of 122 New Cross Road to flats.
- 2.2 In 2010 permission was granted at committee, for the construction of a single to three storey building incorporating terraces, on land to the rear of 122 New Cross Road SE14 comprising 3 commercial units (Use Class B1) on the ground floor and 5 two bedroom self-contained maisonettes above, together with associated landscaping and alterations to the front and rear of 122 New Cross Road and provision of refuse/recyclables and bicycle stores at ground floor level. A new timber shopfront was also proposed.
- 2.3 The building ran around the eastern and southern boundary facing a landscaped 'communal garden'. There units consisted of 1 x 3 bedroom unit, 5 x 2 bedroom units and 3 x 1 bedroom unit.
- 2.4 Officers are satisfied that this planning permission has been implemented following the submission of evidence from the applicant. This evidence consists of a photograph of trenches dug in 2013, submission of the initial notice to Lewisham Building Control on 31 October 2013 and the Initial Notice from a private Building Control company dated 24<sup>th</sup> October 2013. Officers have also checked Lewisham's Building Control records which confirm that plans were deposited on 25<sup>th</sup> October 2013. Officers can also confirm that walls have been constructed towards the rear of the site which are approximately 1.3m high.

2.5 An application (DC/13/85397) was made to discharge the conditions (sound proofing, code of sustainability, wheelchair lift, screening, refuse and cycle racks, landscaping, paving-sample and living roof) attached to this consent in November 2013 although has not yet been decided.

### **3.0 Current Planning Application**

3.1 The current application is for a three storey development comprising of 9 flats. The flats would be accessed through the ground floor of 122 which was a shop. It is now a large lobby and is proposed to house the refuse and cycle storage. In this space there would also be steps down to the rear part of the site and a platform lift for wheelchair users.

3.2 The mix of units comprises of 1 x 3 bedroom flat, 5 x 2 bedroom flat and 3 x 1 bedroom flat. 6 of the flats would have balconies and 3 would have private gardens. One of the 1 bedroom flats would be fully accessible for wheelchair users (Flat C) which would have a private garden located to the front of the flat.

#### **3.3 Materials:**

- Walls: Glazed blocks and facing bricks
- Roof: Shallow pitch with zinc covering. Living roofs over entrance canopies.
- Windows are proposed to be timber and the doors would also be glazed timber.
- Boundary treatments are proposed to be brick walls with timber fencing.

3.4 **Amenity Area:** A communal amenity area would be provided in front of the building.

3.5 **122 New Cross Road:** A new timber shopfront would be inserted.

#### Supporting Documents

##### Planning Statement

3.6 This document first runs through the site's history, the applicant's concerns with the consented scheme, the design of the proposal, sustainability and confirmation that the development is expected to meet Code 4 of the Code for Sustainable Homes, explains access for disabled users and confirmation that the flats are laid out to meet Part M, refuse and recycling facilities and bicycle storage.

##### Code for Sustainable Homes Design Stage - Prediction Report

3.7 This document is an initial report prepared based on information provided by the design team and sets out the probable credits. It finds that the development will be scored to achieve a minimum CSH Level 4 rating, using Nov 2010 version.

##### Lifetime homes compliance

3.8 The document was revised on 20<sup>th</sup> October 2015 and runs through each criteria and shows that it will meet all but two. One of these involves the approach to the dwelling from a parking space. The other regards windows and window handles.

##### Marketing Information

3.9 A letter was received on 29 May 2015 from the property consultants, Gildersleve & Payne who carried out an off plan marketing exercise which started on 1<sup>st</sup> June 2011 and during the twelve months after. They received little interest in the commercial

units and it is the consultant's view that the commercial units were unattractive to prospective tenants because of the constraints imposed on a residential development in terms of noise, limitations on operation as well as potential difficulties with regard to parking and deliveries. It explains that their client was also concerned that the flats would be difficult to sell/let due to the proximity of the commercial units.

- 3.10 Their letter concludes that the most appropriate form of development in this location is outright residential.

#### Construction Method Statement (CMS)

- 3.11 The CMS states that it should be considered as a preliminary description of construction methodologies in broad terms and reviews will take place before and during construction and further developed in detail by the Principal Contractor and Project Design Team.
- 3.12 The report proposes measures to minimise and mitigate construction impact on the local community and set targets for the management of the site during the construction phase. It has sections on the demolition and associated works, site description, site security, site operations and facilities, on site vehicles and parking, deliveries, materials storage and waste disposal.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and 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.

#### Consultation by Applicant

- 4.3 None.

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

- 4.4 Letters of consultation were sent to 119 properties in the surrounding area adjoining the site, statutory notices were displayed on the site and in the local press. Ward Councillors were also notified.

#### Responses from Local Residents

- 4.5 3 responses were received from 116-118 New Cross Road (2 responses) and 122A New Cross Road from two consultations.
- 4.6 The following is a summary of the main points of objection to first consultation:
- Development has now totally changed from the original application offering a less desirable design
  - Work/live units were in keeping with the commercial area and current/previous use and the proposed residential only units are at a far greater density.
  - It is argued that the workshops would be difficult to let, because of difficulties with loading on New Cross Road. These problems were not raised when the application in Jan 2010 for 122 New Cross Road SE14 was made and granted. The red route was in place at that time. I operate a business on the New Cross

Road and loading and unloading has to be managed but it does not prevent me from trading.

- Difficulty in accessing the site through the underpass under the existing building
- No easy access for fire and other emergency services.
- Changing the units to residential removes any potential for improved employment and work opportunities in the area. New Cross Gate is in desperate need of jobs and work chances and this would remove that possibility on a site which has always been commercial.
- Next door has licensed garden at the rear which is used by customers of the business adjacent to the proposed site, and a cinema licence. The increased height of the proposed development will result in a detrimental effect and cause overlooking affecting enjoyment.
- Main windows will directly face the rear of our property, a major cause for future complaint. It will interfere with my clients' privacy at the rear of my property
- Noise/sound from the rehearsal rooms would be clearly heard by the residents and risk poor relations with neighbours (simply by the new building being at a higher level over a larger area than originally planned)
- Development needs a sound proofing wall otherwise it will disrupt business next door and disruption to the tenants of the new build, simply because of the poor design.
- The revised plans will result in an overly densely populated area on the site
- Site backs onto the Kender Triangle -may affect the design of the whole new Kender Triangle development.

Non – planning issues

- Effect building work will have on daughters health as she has bronchial problems (letter is supported by letter from child's GP).

4.6 Following the plans being amended to reposition balconies and windows a reconsultation was undertaken and in response another letter was received from 116-118 New Cross Road:

- 116-118 is known as The Music Room London and provides rehearsal and studio space, rehearsals take place 7 days a week from 11am -11pm weekdays and 11am-9pm Saturdays and Sundays.
- By its nature it is a noisy activity involving loud amplified music which is easily heard outside the property.
- Is concerned that the proposal in such close proximity to their premises including balconies and bedroom windows facing directly towards the Music Room would give rise to complaints from new residents that impact on the business.
- Relevance of noise and the objective of not siting sensitive development close to existing noise generating uses is recognised in Policy DM26 which post dates the previous consent.
- Policy DM26 requires a Noise and Vibration Assessment to be submitted with applications where noise sensitive development is proposed in close proximity to an existing noise generating source. No such assessment has been submitted. At the least the applicants should be required to submit a Noise Assessment before this application is determined.
- Applicants recognise problems of collating noise sensitive development adjacent to uses which create noise.
- All principle rooms, balconies and patio gardens face 116-118 New Cross Road.
- It is inevitable that noise disturbance to them will become an issue.

- Question whether it is appropriate to grant consent for a residential development in such close proximity to a noise generating development.
- If it is considered that there is no other place for such a development then DM26 is clear that noise mitigation measures should be put in place which they are not in the current development.
- The previous consent had at least 5 pre commencement conditions which have not been discharged so effectively the consent has lapsed.
- Any start on site given the extent of the unresolved pre commencement conditions would not have been a lawful implementation of the consent.

(letters are available to Members)

#### Amenity Societies' Panel

- 4.7 ASP feels that this development is totally inappropriate in terms of its design, massing, scale and materials and fails to preserve or enhance the conservation area

### **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.

- 5.6 In relation to Noise the NPPG states that 'noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. When preparing local or neighbourhood plans, or taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment.'

- 5.7 The section on noise contains a table which summarizes the noise exposure hierarchy, based on the likely average response:

Perception	Examples of Outcomes	Increasing Effect Level	Action
Not noticeable	No Effect	No Observed Effect	No specific measures required
Noticeable and not intrusive	Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.	No Observed Adverse Effect	No specific measures required
		Lowest Observed Adverse Effect Level	
Noticeable and intrusive	Noise can be heard and causes small changes in behaviour and/or attitude, e.g. turning up volume of television; speaking more loudly; where there is no alternative ventilation, having to close windows for some of the time because of the noise. Potential for some reported sleep disturbance. Affects the acoustic character of the area such that there is a perceived change in the quality of life.	Observed Adverse Effect	Mitigate and reduce to a minimum
		Significant Observed Adverse Effect Level	
Noticeable and	The noise causes a material change in behaviour and/or attitude, e.g. avoiding certain activities during	Significant Observed	Avoid

disruptive	periods of intrusion; where there is no alternative ventilation, having to keep windows closed most of the time because of the noise. Potential for sleep disturbance resulting in difficulty in getting to sleep, premature awakening and difficulty in getting back to sleep. Quality of life diminished due to change in acoustic character of the area.	Adverse Effect	
Noticeable and very disruptive	Extensive and regular changes in behaviour and/or an inability to mitigate effect of noise leading to psychological stress or physiological effects, e.g. regular sleep deprivation/awakening; loss of appetite, significant, medically definable harm, e.g. auditory and non-auditory	Unacceptable Adverse Effect	Prevent

- 5.7 The Noise Policy Statement for England (NPSE) was published in March 2010 and seeks to provide clarity regarding current policies and practices to enable noise management decisions to be made within the wider context, at the most appropriate level and in a cost-effective and timely way. The NPSE also aims to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise.
- 5.8 Its vision is to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.
- 5.9 It has the following aims, through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:
- avoid significant adverse impacts on health and quality of life;
  - mitigate and minimise adverse impacts on health and quality of life;
  - and where possible, contribute to the improvement of health and quality of life.
- 5.10 It sets out three noise levels:
- NOEL – No Observed Effect Level - This is the level below which no effect can be detected and below this level, there is no detectable effect on health and quality of life due to the noise.
  - LOAEL – Lowest Observed Adverse Effect Level - This is the level above which adverse effects on health and quality of life can be detected.
  - SOAEL – Significant Observed Adverse Effect Level - This is the level above which significant adverse effects on health and quality of life occur.
- 5.11 The NPSE explains that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations therefore the SOAEL is likely to be different for different noise sources, for different receptors and at different times. The document acknowledges that further research is required to better understand what may constitute a significant adverse impact on health and quality of life from noise.

### London Plan (March 2015)

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

Policy 3.5	Quality and design of housing developments
Policy 3.6	Children and young people's play and informal recreation facilities
Policy 3.8	Housing choice
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 5.3	Sustainable design and construction
Policy 5.10	Urban greening
Policy 5.11	Green roofs and development site environs
Policy 6.13	Parking
Policy 7.4	Local character
Policy 7.6	Architecture
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)

- 5.13 The London Plan SPG's relevant to this application are:  
Accessible London: Achieving an Inclusive Environment (2004)  
Housing (2012)  
Shaping Neighbourhoods: Play and Informal Recreation (2012)

### Core Strategy

- 5.14 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
Core Strategy Policy 1	Housing provision, mix and affordability
Core Strategy Policy 5	Other employment locations
Core Strategy Policy 8	Sustainable design and construction and energy efficiency
Core Strategy Policy 9	Improving local air quality
Core Strategy Policy 15	High quality design for Lewisham
Core Strategy Policy 16	Conservation areas, heritage assets and the historic environment
Core Strategy Policy 19	Provision and maintenance of community and recreational facilities
Core Strategy Policy 20	Delivering educational achievements, healthcare provision and promoting healthy lifestyles
Core Strategy Policy 21	Planning obligations

### Development Management Local Plan

- 5.15 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.
- 5.16 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:
- |              |                                                                                                                                                                                                              |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DM Policy 1  | Presumption in favour of sustainable development                                                                                                                                                             |
| DM Policy 7  | Affordable rented housing                                                                                                                                                                                    |
| DM Policy 11 | Other employment locations                                                                                                                                                                                   |
| DM Policy 22 | Sustainable design and construction                                                                                                                                                                          |
| DM Policy 24 | Biodiversity, living roofs and artificial playing pitches                                                                                                                                                    |
| DM Policy 25 | Landscaping and trees                                                                                                                                                                                        |
| DM Policy 26 | Noise and Vibration                                                                                                                                                                                          |
| 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                                                                                                                                                                                                 |
| DM Policy 36 | New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens |

### Residential Standards Supplementary Planning Document (August 2006, updated 2012)

- 5.17 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.

### Shopfront Design Guide Supplementary Planning Document (March 2006 revised 2012)

- 5.18 This document seeks to promote good design in order to enhance the character and appearance of the borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

### Hatcham Conservation Area Supplementary Planning Document (2006)

- 5.19 This document advises on the content of planning applications, and gives advice on external alterations to properties within the Hatcham Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimneystacks, doors, porches, canopies, walls, front gardens, development in rear gardens, shop fronts and architectural and other details.

## **6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- Principle of Development
  - Design and impact on character and appearance of the Hatcham Conservation Area
  - Standard of accommodation
  - Impacts on surrounding properties
  - Impact on the London Music Room, 116-118 New Cross Road
  - Sunlight and daylight
  - Sustainability and Energy
  - Landscaping
  - Highways
  - Cycle Parking
  - Refuse
  - Construction Methodology

### Principle of Development

- 6.2 Housing is a priority for all London boroughs and the Core Strategy welcomes the provision of small scale infill development provided that it is of sufficiently high quality and designed to complement the character of the area, it provides suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay.
- 6.3 Given the PTAL of the site being 6a, it is a highly sustainable location. The principle of redeveloping this site has already been established and is thus acceptable provided that the development is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, it takes account of issues such as neighbourhood noise and it provides for sufficient cycle, refuse and amenity space. In revising the scheme (from the mixed use development granted permission at committee in 2010) the commercial element has been removed. The site has not been used since 2003 for employment uses and the applicant has provided evidence that the previous scheme was marketed for a year, unsuccessfully, from June 2011 until June 2012. This site is not a Local Employment Land (LEL) and falls within the 'Other employment locations' category as set out in DM Policy 11. This policy requires that where a proposal involves no job creation or retention that a suitable period of marketing should take place, given that the units within the approved 2010 scheme were marketed unsuccessfully for a year the proposal is considered to meet this requirement.

### Design and impact on the character and appearance of the conservation area

- 6.4 Paragraph 63 of the NPPF 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 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.
- 6.5 London Plan Policy 7.4 Local Character, states that development should improve an area's visual or physical connection with natural features. London Plan Policy 7.6 Architecture, states that architecture should make a positive contribution to a coherent

public realm, streetscape and wider cityscape and should incorporate the highest quality materials.

- 6.6 Core Strategy Policy 15 states that 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.
- 6.7 DM Policy 19 Shopfronts, signs and hoardings states that shop fronts should be designed to a high quality and reflect and improve the character of their surroundings
- 6.8 DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas states that planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape, and is sensitive to the setting of heritage assets. This includes the spaces between buildings which may be as important as the character of the buildings themselves, and the size and proportions of adjacent buildings.
- 6.9 DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens is also relevant.
- 6.10 The current three storey proposal is based on the scheme approved in 2010, although it is wholly residential. As before, the proposal wraps around the southern edges of the site and is of a similar mass although would have a slightly smaller footprint and would be marginally taller. A shallow mono pitch roof has been added along with PVs on the roof. Like the previous scheme, the building itself is a simple, contemporary design which is considered acceptable. Given that the building wraps around the end of the site and as a result many angles are created, a simple response is considered appropriate.
- 6.11 In terms of materials, the palette is simple and consists of walls of glazed masonry blocks and brick. The main roof would be partly flat (in a L-shape) and partly shallow pitch roof (zinc covered). Given the complexity of the building, the proposed simple palette of materials is considered to be acceptable. Windows serving bathrooms and hallways have been included on the elevations on the south east and south western boundaries. These windows add to the articulation on these elevations along with the use of masonry bands and glazed blocks.
- 6.12 There would be planted roofs over the two long entrance canopies which would soften the appearance of the building. Full details and samples of the materials are required by condition to ensure that the materials sit comfortably with neighbouring buildings and are of high quality.
- 6.13 The building would sit up against the industrial sheds in Fishers Court although would face away from them, hiding them from view (when looking from New Cross Road). It is considered that the building sits acceptably next to these buildings. As it is considered to be of an acceptable design standard the proposal would meet the requirements of DM Policy 33 Development Infill sites, backland sites, back gardens and amenity areas. It would not be visible from the public realm and as such would have limited impact upon it or the character and appearance of the Hatcham Conservation Area and as such would meet the requirements of DM Policy 36.

6.14 In terms of the proposed changes to the frontage building, the application proposes the insertion of a traditional timber shopfront. The present frontage is entirely painted dark blue and is in a very poor state and has a negative impact on the appearance of the building and conservation area. The insertion of a new shopfront is welcomed, as is the internal relocation of the bins (which currently are lined up outside on the footway). The changes proposed would significantly improve the appearance of 122 New Cross Road,. Full details of the shopfront are required by condition to ensure that they are in line with the Council's Shopfront Guidance. The proposal is considered to improve the appearance of 122 New Cross Road and therefore the character and appearance of the conservation area as required by DM Policy 36.

Standard of Accommodation

6.15 Lewisham Core Strategy Policy 1 Housing provision, mix and affordability seeks that all new housing is to be built to Lifetime Homes standards and 10% of all housing are to be wheelchair accessible or easily adapted for those using a wheelchair in accordance with London Plan policy.

6.16 DM Policy 31 states that new rooms provided by extensions to residential buildings will be required to meet the space standards in DM Policy 32 Housing Design, layout and space standards.

6.17 DM Policy 32 states that residential accommodation will be expected:

- to meet the minimum space standards for new development which should conform with the standards in the London Plan and the London Plan Supplementary Planning Guidance on Housing (as updated);
- to have a minimum floor height of 2.5 metres between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards;
- provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy.

6.18 The room sizes meet the National Technical Standards and those in the London Housing Design Guide (August 2010) and as such the standard of accommodation is acceptable.

	No of Bedrooms	Unit Size	Bed 1	Bed 2	Bed 3	KLD	Amenity Space
Flat A	3	76.5m2	12.8	8.7	8.4	31.5	Private garden
Flat B	2	69.5m2	12	9.6	n/a	35.3	Private Garden
Flat C	1 (w'chair)	56.4m2	12.5	n/a	n/a	39.5	Private Garden
Flat D	2	64.5m2	12.3	8.5	n/a	28.5	Balcony
Flat E	2	65m2	12	9.6	n/a	35.3	Balcony
Flat F	1	56.4m2	12	n/a	n/a	34	Balcony
Flat G	2	66.4m2	13	10	n/a	28.5	Balcony
Flat H	2	69m2	12.8	9.6	n/a	33.4	Balcony
Flat J	1	56.4m2	12	n/a	n/a	34.5	Balcony

6.19 All of the proposed dwellings would be self-contained and all but one would be single aspect. The application originally proposed balconies to three units which faced

towards neighbouring land and whilst the balconies would have meant that the units were dual aspect they would have resulted in overlooking and the preclusion of development on two neighbouring sites. The first being the industrial buildings in Fisher's Court and the second being the Council's allocated site SA7: New Cross Gate Trust Site, Kender Estate. As one of the Council's allocated sites the Kender site is expected to deliver a large scale, sustainable development which cannot be hindered by another, small scale scheme on a neighbouring site. In order to avoid the preclusion of the development on either of these sites Officers sought amendments to remove the balconies and windows sited on the shared boundaries. The applicant has made the necessary amendments and redesigned the scheme so that it is inward looking, as the approved 2010 scheme was. The two balconies which remain on the shared boundary with the Kender site would have full height boundary screening to channel views towards the application site. The issue arising from an inward facing scheme is that the units are all (except 1) north facing. Whilst this is not ideal the site is highly constrained and in this instance is this is considered, on balance, to be an acceptable solution.

- 6.20 All of the units would have access to a private amenity area or balcony. There is also a communal amenity area in front of the block and as such the development is considered to have sufficient external space for each unit. There is also open space close to the site - across New Cross Road (Eckington Gardens) and within the Kender development (Hatcham Gardens) which are both within a 5 minute walk.
- 6.21 In accordance with the London Plan and South East London Housing Partnership (SELHP) guidance 10% of the new homes should be designed to be wheelchair accessible or easily adaptable for residents whom are wheelchair users. As such one fully accessible wheelchair flat is proposed (Flat C) This is a one bedroom unit located at the rear of the development which has a private garden to the front. In order for a wheelchair user to access the rear part of the site a platform lift is proposed adjacent to the stairs located within the former shop unit. Within the external areas level provision has also been made for wheelchair users. To ensure that the unit is fitted out in accordance with the plans a condition has been attached.
- 6.22 Core Strategy Policy 1 outlines all new homes should be Lifetime Homes compliant. However it is noted that Lifetime Homes has been superseded by new access requirements under Building Regulations. The M4(3)(2) Building Regulations standard equates to Lifetime Homes standards. There are no topographical or other reasons why the approved ground floor units cannot meet this standard. Therefore, in accordance with Core Strategy Policy 1, it is proposed that all units other than the wheelchair unit shall be required by condition to meet this standard. Evidence of certification by a recognised building control body will be required to be submitted by condition.
- 6.23 The proposed accommodation is considered to be of an acceptable standard and would meet the requirements of DM Policies 31 and 32, the National Technical Standards, the London Plan dwelling sizes and Housing SPG.

#### Impact on Surrounding Properties

- 6.24 DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas is relevant and states that developments will only be acceptable providing that there is no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens.

- 6.25 The Council's Residential Development Standards SPD states that developers will be expected to demonstrate how privacy would be provided for occupiers of neighbouring housing, and that the minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9m or more, although these guidelines can be interpreted flexibly depending on the context of the development.
- 6.26 Privacy - The development is predominantly single aspect and inward facing with balconies and windows facing west and north. To prevent views over the shared boundary with the Kender site to the west, solid, full height balcony screens are proposed which would limit views. In order to ensure views are obscured from the balconies they would have obscure glazed screens on the front. It is acknowledged that some views, from windows, would be gained towards the neighbouring properties located westwards along New Cross Road from the proposed windows however they are over 15m away and given the densely developed urban context that this site sits within this relationship is not considered to be unreasonable. Of particular note is the relationship to the immediate neighbours, 116-118 New Cross Road and 120 New Cross Road.
- 6.27 116-118 New Cross Road is used as recording studios and a music equipment hire and repair shop. It is acknowledged there would be views towards the rear of this building and the garden area. The garden area (approx 12m away from the closest window) is bounded by a single storey building and high brick wall which would assist in avoiding direct overlooking. In regard to 120 New Cross Road, proposed windows would look towards the rear end of the garden although it is overgrown and looks unused, so the level of overlooking is considered to be within acceptable limits. Whilst there will be an increase in views towards the rear end of these gardens as this is a closely developed urban location, this is not considered unacceptable.
- 6.28 Outlook - It is considered that the scheme would not have a significantly detrimental impact on the outlook of any adjacent residents. Whilst there are side facing windows in a single storey extension to Goddis Lodge, 126 New Cross Road (a hotel) that look towards the site, the impact on these windows is not considered to cause significant harm. This is due to the fact there is a sufficient distance, there are other structures between the two sites and that the windows do not serve a residential property.
- 6.29 In terms of the outlook of future residents, the balcony screens would restrict outlook but would avoid overlooking and preclusion of development and therefore are necessary for the scheme to be acceptable. The side screens would be full height with the front screens being lower and the details of all balcony screening, to be retained in perpetuity, is sought by condition.

#### Impact on The London Music Room, 116-118 New Cross Road

- 6.30 Paragraph 123 of the NPPF encourages the identification and proper management of new and existing noise generating developments.
- 6.31 National Planning Practice Guidance explains that owing to the subjective nature of noise that there is not a simple relationship between the noise and those affected. It can depend on the many factors which combine in any situation. These factors include: the source and level of the noise and the time at which it occurs; the time of the noise, the type of receptor and level of background noise. Where non continuous noise is concerned the factors also include: the number of noise events and their frequency, the noise's general character and the cumulative impact of the noise.

- 6.32 It goes on to say that when relevant, “consideration should also be given to whether adverse internal effects can be completely removed by closing windows and if the proposed mitigation relies on windows being kept closed most of the time. In both cases a suitable alternative means of ventilation is likely to be necessary.” In regard to the impact on external amenity spaces, it states that where are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.
- 6.33 In relation to new residential development being located close to an existing business that gives rise to noise, the NPPG states that this should be carefully considered. This is because the noise from the business, even if intermittent may be regarded as unacceptable by new residents and subject to enforcement action and to assist in avoiding this, appropriate mitigation should be considered.
- 6.34 It also notes that when proposed developments could include activities that are covered by the licensing regime, LPAs should consider whether the potential for adverse noise impacts will be addressed through licensing controls (including license conditions). LPAs should not presume that license conditions will provide for noise management in all instances and they should liaise with the Council’s licensing team.
- 6.35 The Noise Policy Statement 2010 and its Explanatory Note advise that whilst assessing a scheme involving noise, assessment should include identifying whether the overall effect of the noise exposure is, or would be, above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation. It also advises that as noise is a complex technical issue, it may be appropriate to seek experienced specialist assistance when applying this policy.
- 6.36 When a local planning authority is considering an application which involves noise they must take account of the acoustic environment and consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
- 6.37 London Plan Policy 7.15 Reducing Noise and Enhancing Soundscapes states that development proposals should manage noise by avoiding significant noise impacts, minimising and mitigating the adverse impacts of noise without placing unreasonable restrictions or costs upon existing businesses, improving and enhancing the acoustic environment, separating new noise sensitive development from major noise sources, where it is not possible to achieve separation of noise sensitive development and noise sources then potential adverse effects should be controlled through good acoustic design principles and promote new technologies to reduce noise at source.
- 6.38 DM Policy 26 Noise and vibration is also of particular relevance and states that the Council will require noise/vibration generating development to be located in the Strategic Industrial Locations and Local Employment Locations, new noise sensitive developments are to be located away from existing or planned sources of noise pollution, except if it can be demonstrated through design or mitigation that internal and external noise levels can be satisfactorily controlled and managed by the noise sensitive development; and there will be no adverse impact on the continued operation of any existing or proposed business/operation and where appropriate a Noise and Vibration Assessment will be sought to identify issues and attenuation measures, prepared by a qualified acoustician. It also states that where development is permitted, conditions may be attached to the planning permission to ensure effective noise insulation or other mitigation measures are undertaken.

- 6.39 The London Music Room (116-118 New Cross Road) have objected to the scheme and raised concerns that introducing residential properties would limit their ability to operate. They did not object to the 2010 planning application. At that time their use did not have the benefit of planning permission and officers were not aware of the noisy nature of its operation. Therefore, no sound protection conditions relating to the protection of occupants from the noise at 116-118 New Cross Road were attached to the 2010 consent. As works have commenced on the 2010 scheme it could be built and the units occupied without any protection against external noise.
- 6.40 The London Music Room has now been operating for over 10 years and therefore no enforcement action may be taken and the use is lawful. Since their objection was received, officers have visited the property and spoken to their appointed Planning Consultant, which has revealed that the Music Room has no sound insulation. However, the noise from this use has not been the subject of any noise complaints to the Council. Had the Council granted consent for the uses at the Music Room conditions would have been attached and would include those to require sound proofing, and the limitation of hours.
- 6.41 Having now been made aware of the noise from this use, and considering it to be 'noticeable and intrusive' as defined in the Planning Practice Guidance, there is a need to mitigate and reduce the impact of the noise to a minimum. In order to mitigate the impact of the noise upon future residents as well as protect the Music Room from complaints a number of conditions are considered necessary. It should be noted that Officers have not sought a noise report during the consideration of the application, owing to the fact it is considered possible to adequately mitigate the scheme through attaching appropriate conditions. The first condition which is recommended, and has been developed in consultation with the Council's Environmental Health Officer, is a requires that a sound insulation scheme is submitted and approved which identifies necessary measures so that within rooms (with windows closed and other forms of ventilation provided) the following internal noise levels are not exceeded as a result of noise sources from the London Music Room:

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

- 6.42 The applicant is willing to provide triple glazing to the windows, which would be part of the necessary noise insulation measures and a condition requiring appropriate landscaping along the shared boundary with 116-118 New Cross Road is also considered necessary. Whilst these measures would not overcome the noise issue when occupants are on their balconies or terraces, it is not considered reasonable to seek enclosed balconies given that they have a northerly orientation and therefore enclosing them would greatly reduce the quality of the space.
- 6.43 Additionally, and in order to make future purchasers of the units within the scheme aware of the fact that there is a noisy use next door an informative is recommended to be added and a note will be added to the land charges register.
- 6.44 DM Policy 26 Noise and vibration states that new noise sensitive developments are to be located away from existing sources of noise pollution unless it can be demonstrated through design or mitigation that internal and external noise levels can be satisfactorily controlled and managed and there will be no adverse impact on the continued operation of any existing business. Officers consider 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. Whilst officers are fully supportive of the London Music Room, it is felt that the proposed conditions, the inclusion of a note on the land registry 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.

#### Sunlight and Daylight Impacts

- 6.45 The 2010 application included a Daylight and Sunlight study which ran through the impacts on different properties. Given the fact that that report found that all of the rooms in neighbouring properties (116-118, 120, 124 and 126-128 New Cross Road) were BRE compliant in terms of daylight and sunlight the applicant on this revised application considered this issue already dealt with. Officers are minded to agree with this position as the scheme is only marginally taller.

#### Sustainability and Energy

- 6.46 London Plan Policy 5.2: Minimising Carbon Dioxide Emissions establishes an energy hierarchy based around using less energy, in particular by adopting sustainable design and construction (being 'lean'), supplying energy efficiently, in particular by prioritising decentralised energy generation (being 'clean') and using renewable energy (being 'green').
- 6.47 In terms of being 'lean', London Plan Policy 5.3: Sustainable Design and Construction encourages minimising energy use, reducing carbon dioxide emissions, effective and sustainable use of water and designing buildings for flexible use throughout their lifetime. Following a review of technical housing standards in March 2015, the government has withdrawn the Code for Sustainable Homes, though residential development is still expected to meet code level in regard to energy performance and water efficiency.
- 6.48 From 1 October 2015, the Ministerial Statement advised that the standard for energy efficiency in new residential development will be a 19% reduction in CO2 emissions over Building Control requirements, which is equivalent to Code Level 4. The application was submitted prior to March 2015 after which local authorities were prohibited from attaching conditions to planning permissions seeking compliance with Level 4 Code for Sustainable Homes, although the Level 4 equivalent with regard to water consumption and energy remains. A Code for sustainable homes statement which explains that the scheme would achieve Code Level 4 for Sustainable Homes was submitted with the application.
- 6.49 In regard to water efficiency, from 1 October 2015 new development is expected to achieve a consumption of 110 litres per person per day, including a 5 litre allowance for external water use. The scheme has incorporated water consumption targets in accordance with Level 4 CSH. The planning statement notes that they plan to incorporate a rainwater harvesting scheme which has the potential to reduce water use, for the flats and to irrigate the planting, by as much as 20-25%, therefore officers raise no objections to the proposals with regard to the water consumption on the site. A condition has been attached to ensure that the consumption level is achieved.

- 6.50 The Code for Sustainable Homes document states that the building would be triple glazed and this scheme introduces PVs onto the roof. This scheme exceeds the minimum credit score required to achieve Code Level 4 and the applicant has confirmed that will be a 19% reduction in CO2 emissions over Building Control requirements.
- 6.51 Given the above, it is considered that the proposal would meet the National Technical Standards. As the proposal exceeds the local policy requirements, it is considered that contributions to the carbon offset fund is not required in this instance.

#### Landscaping

- 6.52 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more diverse range of planting than plug-planted sedum roofs, providing greater opportunity for bio-diversity.
- 6.53 DM Policy 25 Landscaping and Trees states that where appropriate non major development will be required to submit a Landscape Scheme which is proportionate to the size of the development. DM Policy 30 also seeks that development proposals attain a high standard of design.
- 6.54 The application contains a draft landscaping scheme which gives a good indication of the applicant's intentions for the open areas of the site. The proposed landscaping is considered to create a pleasant and useable courtyard garden although it does not provide details of planting or materials which are required by condition. In order to provide protection from noise to residents using the garden a denser screen on the shared boundary with 116-118 New Cross Road is necessary and the landscaping condition reflects that.
- 6.55 Two small areas of living roof are proposed on the flat roofs of the entrances which project towards the shared roof garden. The roof is proposed to be planted with meadow grass mix upon layers of engineered substrate, insulation layer and a single ply waterproof membrane which are placed on a timber deck. Whilst this roof is not a deep substrate roof, this is not a major application and as such there is no policy equipment for one to be provided. A condition has been attached seeking that the details shown on drawing no. 13.21.P-ED-1 are implemented in full.

#### Highways

- 6.56 Relevant policies are London Plan Policy 6.13 Parking and DM Policy 29 Car parking.
- 6.57 The application proposes no off street parking spaces. The site has a PTAL of 6a given its close proximity to 2 stations and many bus routes as such there is no objection to this being a car free development.

#### Cycle Parking

- 6.58 The London Housing SPG requires that cycle storage facilities are provided at the following level: 1 per 1-2 bedroom dwelling and 2 per 3+ bedroom dwelling. The proposal involves 7 Sheffield cycle stands which are located within the former shop unit which would be covered and secure. Sheffield stands are capable of housing two cycles so the provision in this case is well over the minimum requirement.

#### Refuse

- 6.59 London Plan Policy 5.17 Waste Facilities requires that developments provide sufficient storage for both refuse and recycling. The proposed refuse facility would also cater for the units within the frontage building. Presently the refuse from these units is stored on the pavement outside and looks unsightly. The proposed storage facility would be an acceptable distance from the back of the pavement and be of sufficient size. Given its position, within the entrance, to ensure that the refuse storage unit does not smell, a condition has been attached requiring the storage facility be ventilated. The proposed facility would meet the requirements of London Plan Policy 5.17.

#### Construction Methodology

- 6.60 The proposal would raise the internal floor level by 60cm which would allow the retention of a significant portion of, if not all, of the excavated spoil within the site. This would reduce the movements to and from the site hence reducing the opportunities for obstruction on New Cross Road.
- 6.61 Other movements to the site would be deliveries of materials, fixtures and other construction waste. These are proposed to be timed for when the red route provisions do not apply on New Cross Road and vehicles would utilise the designated bays by the site entrance for loading and unloading.
- 6.62 The details within the plan submitted are considered acceptable although the details are not yet confirmed so a condition has been attached seeking a more detailed Construction Management Plan which is based on the one submitted with the application.

### **7.0 Local Finance Considerations**

- 7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

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

### **8.0 Community Infrastructure Levy**

- 8.1 The Local CIL charge was adopted in April 2015. As such, any new development proposals are subject to Local CIL.

- 8.2 The proposed development proposes 9 residential units. As such, all these units are subject to the CIL charge.

- 8.2 The applicant has completed the relevant CIL form.

### **9.0 Equalities Considerations**

- 9.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.
- 9.4 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **10.0 Conclusion**

- 10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 10.2 Officers consider that the proposed building is 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. The alterations to the frontage of 122 New Cross Road are considered to be positive and would enhance the appearance of both the street scene and Hatcham Conservation Area.
- 10.4 The submission of a revised scheme on this site has provided the opportunity to protect future residents from the noise emanating from The London Music Room better, as well as providing greater protection to The London Music Room from complaints from future occupants of the units. This site is heavily constrained and many revisions have been made to the scheme. The scheme now presents a reasonable position in terms of impact on neighbouring properties and businesses whilst maintaining an adequate standard of accommodation for future occupants. Officers consider that with the recommended planning conditions, the proposal is, on balance, acceptable.

## **11.0 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), 15.20-P-1B, 15.20-P-2B and 15.20-P-3B received 20 Oct 2015, Schedule of room sizes and 15.20-L-1 received 21 October 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.

Materials

3. No development above ground level shall commence on site until a detailed schedule of all proposed materials has been submitted to 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 <small>5MAX</small>	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 related activity.
    - iii. Measures to deal with safe pedestrian movement.
  - (e) Security Management (to minimise risks to unauthorised personnel).
  - (f) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements.

**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.