

Committee	PLANNING COMMITTEE A	
Report Title	452-458 New Cross Road & 2a, 2b and 2c Florence Road SE14 6TY	
Ward	Brockley	
Contributors	Karl Fetterplace	
Class	PART 1	Date: 14 JULY 2016

Reg. Nos. DC/16/95974

Application dated 01/04/16

Applicant Turley on behalf of Carwood Securities Limited

Proposal Demolition of 2a, 2b and 2c Florence Road, partial demolition of the rear extension to 452-458 New Cross Road SE14 and construction of a part three/part two storey building, to provide 1 two bedroom and 3 four bedroom self contained residential units, together with associated refuse and recycling storage, the provision of 8 cycle spaces and altered access route to existing studio flats.

Applicant's Plan Nos. 730-ExGA-II-00-P1, 730-ExGA-II-01-P1, 730-ExGA-II-02-P1, 730-ExGA-II-B1-P1, 730-ExGA-II-RF-P1, 730-ExGE-II-01-P1, 730-ExGE-II-02-P1, 730-ExGE-II-03-P1, 730-ExGS-II-01-P1, 730-ExS-II-01-P1, 730-GA-II-00-P1, 730-GA-II-01-P1, 730-GA-II-02-P1, 730-GA-II-RF-P1, 730-S-II-01-P1, 730-GS-II-01-P1, 730-GE-II-01-P1, 730-GE-II-02-P1, 730-GE-II-03-P1, 730-GAM-II-00-P1, 730-GAM-II-01-P1, 730-GAM-II-02-P1, 730-DE-II-00-P1, Design and Access Statement (March 2016, Harper Downie), Demolition Plan (March 2016, A2W Consultants), Heritage Assessment (March 2016, Harper Downie), Planning Statement (March 2016, Turley), Daylight and Sunlight Review (March 2016, CHP Surveyors), Structural Visual Inspection 108452.R1 (February 2015, Fairhurst), Transport Statement (March 2016, Caneparo Associates), Phase I Geo-Environmental Assessment UK14.1733 FINAL B (March 2016, EPS), Phase II Geo-Environmental Assessment UK14.1733 FINAL B (March 2016, EPS), Covering Letter (March 2016, Turley), Retail Agency Feedback (October 2015, Brasier Freeth), Planning Energy Statement and Sustainability Monitoring Form (March 2016, Westmead).

Background Papers

- (1) DE/414/454/TP
- (2) Core Strategy (2011)
- (3) Development Management Local Plan (2014)
- (4) The London Plan (2015)

Designation PTAL 6b
Deptford High Street Conservation Area

Not a Listed Building
Area of Archaeological Priority
Local Open Space Deficiency
A Road

1.0 Property/Site Description

- 1.1 The site is situated at 2a, 2b and 2c Florence Road, and 452-458 New Cross Road and has an area of approximately 0.13ha. The site is currently occupied by a three storey terrace fronting New Cross Road, with retail use at ground floor and residential studios above. There is a single storey extension to the rear of the terrace (2a and 2b Florence Road), which operates in connection with the retail unit at 458 New Cross Road, and a vacant single storey building with an established B2 use (2c Florence Road). The rear yard area behind 2c Florence Road also forms part of the site.
- 1.2 On New Cross Road the surrounding buildings are generally three and four storeys, with commercial units at ground floor and residential accommodation above. In Florence Road heights are lower with three-storey buildings on the eastern side of the road. Whilst there are some three-storey buildings on the western side of the road, there are many two-storey cottages, a row of which sits adjacent to the site.
- 1.3 None of the buildings within the site are listed. The building on the opposite corner of New Cross Road and Florence, the Royal Albert Public House, is a Grade II listed building. Numbers 2 & 4 Florence Road to the immediate south of the subject site are locally listed nineteenth century cottages. The site is situated within the Deptford High Street Conservation Area.

2.0 Relevant Planning History

- 2.1 **PRE/15/02088:** The proposal initially comprised a four-storey development, but was subsequently amended to a three-storey building to reflect the height of the locally listed buildings to the south. The proposal was for 10 residential units. Several objections were raised by officers. Following this, a planning application was lodged for a similar proposal.
- 2.2 **DC/15/94342:** The demolition of 2a, 2b and 2c Florence Road, partial demolition of the rear extension to 452-458 New Cross Road and the construction of a new building to provide 9 residential units together with associated refuse and recycling storage, altered access route to existing studio units at 452-458 Florence Road, and external alterations to the retail unit at 452-458 New Cross Road SE14 6TY. This application was refused on 17 February 2016 for the following reasons:
- The proposed development, by reason of its design, would fail to reflect the existing architectural properties and characteristics of the area, in particular the lack of window alignment with the neighbouring locally listed buildings, resulting in significant harm to the streetscape and amenity of the surrounding area, including the Deptford High Street Conservation Area.
 - The proposed development would result in undersized amenity spaces, and amenity spaces which are not private, giving rise to poor quality design and standard of accommodation, and as such would not provide a reasonable level of residential amenity and quality of life for occupants.

- The proposed development, by reason of its design, would result in a loss of outlook and privacy for neighbouring properties and their gardens, thereby impacting on the residential amenity of occupiers of neighbouring properties.

3.0 Current Planning Application

- 3.1 This application is for the demolition of 2a, 2b and 2c Florence Road, partial demolition of the rear extension to 452-458 New Cross Road SE14 and construction of a part three/part two storey building, to provide 1 two bedroom (4 person, 2 storey) and 3 four bedroom (1 x 4 bed 7 person & 2 x 4 bed 8 person – all 3 storey) self contained residential units, together with associated refuse and recycling storage, the provision of 8 cycle spaces and altered access route to existing studio flats.
- 3.2 The demolition of the single storey extension to the rear of the terrace (2a and 2b Florence Road), which operates in connection with the retail unit at 458 New Cross Road, would result in the loss of 66sqm of A1 floorspace. The demolition of 2c Florence Road would result in a loss of 61sqm of B2 space. This building is currently vacant.
- 3.3 The proposed units would be accessed from Florence Road, with the existing units accessed via stairs up to first floor level from Florence Road. Unit 4 would be an accessible unit. The 4 bed units would have roof terraces at the front of the property, concealed behind a 1.95m high wall. The 2 bed unit would have a roof terrace at the rear of the property at first floor level. All units would have landscaped rear gardens.
- 3.4 Bin storage is proposed for the 4 bed units in the front garden, with the bins for the 2 bed unit proposed to be internal and shared with the bin storage for the studios above 452-458 New Cross Road, as these units would have their current bin storage removed due to the partial demolition of the rear extension to 452-458 New Cross Road. This would be accessed from Florence Road via a separate door. Two cycle storage spaces would be provided in the rear garden for all units. No car parking spaces are proposed.
- 3.5 The front elevation would be grey brick with dark grey aluminium windows. Brick front garden walls would be provided, with black painted metal railing gates. The front doors would be timber panelled within an aluminium inset. The second floor to the rear would be clad in metal, with the rear ground floor rendered.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 The Council's Environmental Sustainability, Environmental Protection, Conservation, Highways and Urban Design teams were consulted. No concerns were raised.
- 4.3 Site notices were displayed and neighbouring properties including the Brockley Ward Councillors were consulted. Three objections were received from local residents. The addresses of the objectors are:

- 2 Florence Road
- 6 Florence Road
- 448 New Cross Road

These objectors raised the following concerns:

- The buildings are too high and should be two stories above ground.
- There could be issues relating to light & noise pollution and overlooking, from the flat roofs to the rear of the property.
- The proposed design is not in keeping with the character of the conservation area.
- A condition should be included in the development is approved to ensure that four units are built rather than the previously proposed nine units.
- The demolition of the existing workshop would be a loss for the area.
- Concerns that the development will result in the creation of a mid-terrace property (in relation to No. 2 Florence Road).
- The proposal will result in an increase in traffic and exacerbated parking issues.
- Concern raised with regard to construction noise.
- Concerns with structural damage to the party wall between the application site and No. 2 Florence Road.
- The proposal will impact on the amount of daylight and sunlight to no. 2 Florence Road.

4.4 The Deptford Society raised objections, as outlined below:

- The revised approach to the front elevations is generally more acceptable, but concerns are raised over the height of the main residential units and it is considered that these could be limited to 2 stories above ground.
- There could be issues relating to noise, light pollution and overlooking of existing rear gardens; a loss of amenity that could be mitigated if the houses were to be 2 stories in height.
- There is concern about the overall intention of the project; notwithstanding the points raised above, 4 bedroom family accommodation is very welcomed by the Society. However, to avoid a situation where the houses are later converted into a number of smaller flats or studios, if consented to in its current form, a condition should be placed limiting the development to its currently proposed density and use.

4.5 Copies of letters are available to Members.

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.

The London Plan (March 2015) incorporating March 2016 Minor Alterations

5.5 The London Plan policies relevant to this application are:

Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2012)
Sustainable Design and Construction (2006)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

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

DM Policy 1 Presumption in favour of sustainable development

DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
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 31	Alterations and extensions to existing buildings including residential extensions
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 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
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

Residential Standards Supplementary Planning Document (August 2006)

- 5.10 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.

6.0 Planning Considerations

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

- a) Principle of development
- b) Design, scale, impact on the streetscape and conservation area
- c) Quality of accommodation
- d) Transport and servicing
- e) Impact on adjoining properties
- f) Sustainability and energy
- g) Land Contamination

Principle of Development

- 6.2 DM Policy 1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 6.3 Core Strategy Policy 5 states that with regard to 'other employment locations' the Council will 'protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use

Employment Locations'. However, other uses including residential will be supported if it can be demonstrated that the site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability and viability of redevelopment show that the site should no longer be retained in employment use'. DM Policy 11 echoes Core Strategy Policy 5, by requiring high quality design, requiring contributions to training/local employment schemes where there is a loss of local employment as a result of redevelopment and demonstration that the site has been shown to be no longer viable for commercial purposes through the submission of a marketing report.

- 6.4 This proposal would result in a small loss of 61sqm of commercial floor space, previously used as B2, which is now vacant. This relatively small loss of commercial floor space is considered acceptable in principle. To support this loss of commercial space, the applicant has submitted a letter from a retail consultant who does not consider there to be any tenant demand from the established Class B2 use, though it has been noted that there could be interest in a refurbished premise for some form of Class B8 (storage and distribution) however, loading issues, trading hours and limited employment would make this type of use less attractive. The retail consultant letter considers that a well-designed residential frontage would be the most suitable use for the site.
- 6.5 The demolition of the single storey extension to the rear of the terrace (2a and 2b Florence Road), which operates in connection with the retail unit at 458 New Cross Road, would result in the loss of 66sqm of A1 floorspace. No objection was raised by officers to this in the previous refusal.
- 6.6 From a conservation and design perspective, the existing utilitarian buildings are of little architectural or historic interest and there is no objection in principle to demolition and sympathetic redevelopment of the site. The residential development of the site is acceptable in principle, as established through pre-application discussions and the previously refused planning application.
- 6.7 Any new development must be of high quality design that is appropriate in the context of the surrounding area and appropriate in terms of the other aspects previously listed, including quality of accommodation (particularly provision of amenity space) and impacts on neighbouring amenity, as these three reasons resulted in refusal of the previous scheme.

Design, scale, impact on the streetscape and conservation area

- 6.8 The NPPF states that good design is indivisible from good planning and that design is a key aspect of sustainable development. 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.
- 6.9 Policy 15 Lewisham' of the Core Strategy states that the Council will apply policy guidance to ensure highest quality design and the protection or enhancement of the natural environment. This is echoed in DM Policy 30.
- 6.10 Core Strategy Policy 16 states that the Council will ensure that the borough's heritage assets are enhanced and conserved according to the requirements of

government planning policy guidance, the London Plan policies, local policy and English Heritage best practice. This is echoed through DM Policy 36.

Height, scale and massing

- 6.11 DM Policy 33 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. 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.
- 6.12 This site partly falls into both the categories of backland and infill sites (being an infill of the existing site and backland of New Cross Road), and therefore the development will need to address all the relevant criteria for these types of sites contained within DM Policy 33.
- 6.13 The alignment of the proposed development at the front and rear would be consistent with the neighbouring cottages at Nos. 2 and 4 Florence Road which are also set back from the road. The form of the development reflects that of the surrounding area and is considered acceptable.
- 6.14 The height of the proposed building is considered appropriate, despite objections from residents and the Deptford Society as it would sit below the height of the retail unit and existing flats fronting New Cross Road and neighbouring cottages on Florence Road, and would retain the hierarchy of buildings in the streetscene.

Layout and Design

- 6.15 The proposed four bed dwellings would reflect the architectural style of the adjoining cottages, albeit expressed in a contemporary form, whilst the 2 bed unit is designed to be subservient to these larger dwellings. Behind the facades of the 4 bed dwellings would sit a terrace and flat roof. The window alignment with respect to the neighbouring buildings is considered suitable and the basement level and lightwells have been removed from the previous proposal. As these were considered incongruous with the surrounding area, which is welcomed. The proposed units would be accessed from Florence Road, with the existing units accessed via stairs up to first floor level from Florence Road. This is considered suitable.
- 6.16 Regarding materials, the front elevation would be clad in a grey brick, punctuated by dark grey aluminium windows. Brick front garden walls would be provided, with black painted metal railings/gates. The front doors would be timber panelled within an aluminium inset. The second floor to the rear would be clad in metal panelling, however, this would not be visible from the public realm. To the rear, the ground floor would be rendered. The proposed materials are considered acceptable. The portion of the Florence Road elevation between the 4 bed dwellings and the buildings fronting New Cross Road is proposed to be rendered, but is rendered at present. Officers did not previously raise any concerns regarding this. Further details on the architectural treatment of the buildings and materials along the Florence road frontage, including the railings proposed at first floor level, as well as front garden and boundary treatment are proposed to be secured by condition, but in all would allow for a high quality development.
- 6.17 *Impact on the streetscene and Conservation Area*

- 6.18 A well defined frontage pattern of development is typical of the area and full development of 'backland' spaces would usually be considered contrary to the established pattern. In this case however, the site has been previously developed and proximity to the street corner allows new buildings to the rear of New Cross Road to front Florence Road and achieve active engagement with the streetscene of the latter. The proposed development is thus considered infill in addition to backland and the single storey element references the historic visual separation between the frontage buildings of New Cross Road and Florence Road respectively, therefore retaining the hierarchy of buildings between the two streets. This single storey component also allows the traditional London 'V' butterfly roofs of the buildings fronting the southern side of New Cross Road to remain visible from Florence Road, which is supported where such locally distinctive views are key elements of conservation area character.
- 6.19 The building line on the western side of Florence Road is respected and the architectural treatment of the new development is a contemporary interpretation of the neighbouring terraces, which it effectively complements without imitation. The new built form would sit comfortably in the streetscene.
- 6.20 The present character of the Deptford conservation area derives from diverse phases of development over time. Some degree of change within a designated area is inevitable and provided that development is of the highest quality, it is considered that the proposals would add to the rich architectural diversity of the locality. It is therefore considered that the proposal would not cause harm to the significance of the Deptford High Street conservation area and there is no objection in terms of Policy DM36.

Quality of accommodation

- 6.21 DM Policy 32 states that the standards in the London Plan will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that criteria relating to minimum space standards, floor to ceiling heights and storage space.
- 6.22 This proposal is for 1 x 2 storey (2b4p at 92sqm) and 3 x 3 storey (1 x 4b7p at 138sqm & 2 x 4b8p at 151 & 153sqm) self contained residential units. The floor areas provided would all comfortably comply with the minimum floorspace standards. The minimum storage areas of 3sqm and 2sqm for the 4 bed and 2 bed units are provided. The bedroom areas and minimum widths are all policy compliant. All dwellings would be dual aspect and have ceiling heights of 2.5m, which is compliant with policy.
- 6.23 Roof terraces of between 8-9sqm would be provided for each dwelling – to the front of the 4 bed dwellings at second floor level, hidden behind the parapet wall (said wall having a height of 1.95m), and to the rear of the 2 bed unit at first floor level. For the 4 bed dwellings, this would be mostly open but also have an area with a retractable roof. For the 2 bed unit, the terrace would have planters and louvres with climbing plants, which would assist in screening views to and from the area. The three 4 bed dwellings would have garden areas between 28-36sqm and the 2 bed dwelling would have a garden area of 6.4sqm. The rear gardens are proposed to have stepped planting areas, with the roof terraces and front gardens also provided with planted areas. Soft landscaping is proposed between the new

buildings and the existing studios, which is welcomed. The provision of private amenity space and landscaping is therefore considered acceptable in terms of area and depth/width and the previous reason for refusal is overcome by this and the fact that these areas would be sufficiently private for the enjoyment of future residents.

- 6.24 A Daylight and Sunlight Assessment has been provided that demonstrates that the proposed development would achieve compliance with the relevant requirements in terms of provision of daylight and sunlight to the proposed units. Therefore, the proposal is considered satisfactory from this perspective.
- 6.25 With regard to the objection raised by the Deptford Society about the retention of the proposed development as single family dwellings, this would require planning permission and is not supported by DM Policy 3 Conversion of a single family house to two or more dwellings and it is therefore not considered necessary to include an additional condition for its retention.

Wheelchair housing/accessibility

- 6.26 The dwellings are proposed to be of adequate energy efficiency and meet Lifetime Homes Standards as a minimum and Part M4(2) and M4(3) of Building Regulations, which is acceptable from a planning perspective. The proposed 2 bed unit has been designed to be a wheelchair user dwelling.

Transport and servicing

Car Parking

- 6.27 This site has a PTAL rating of 6a and 6b and therefore has excellent public transport access. The non-provision of car parking with this application is considered appropriate and in accordance with Core Strategy Policy 14, DM Policy 29 Car parking and Policy 6.13 Parking of the London Plan.
- 6.28 As discussed above, the principle of providing residential development on this site is accepted, therefore it is acknowledged that there may be some additional traffic associated with development on the site. However, given the limited scale of development (4 units) which would replace a traffic generating commercial floorspace, it is considered that there would be no adverse harm to the highway network.

Cycle Parking

- 6.29 Two cycle storage spaces would be provided in the rear garden for each unit, which is policy compliant. Whilst a location in the front garden may be preferred, given the limited size of the site and number of units, this is unobjectionable. The storage would be dry and secure and would also reduce visual clutter in the streetscene.

Refuse Storage & Servicing

- 6.30 The existing arrangement is that refuse is collected from Florence Road. Highways officers are satisfied with the proposed arrangement, given that the storage is internal and of sufficient size to avoid refuse being placed on the street. Refuse

storage would be provided for the existing studios, as these units would lose their refuse storage as part of the proposed demolition works.

- 6.31 This application is proposing to provide bin storage for the commercial units fronting New Cross Road (DC/16/95781). This is considered suitable, particularly given the complicated nature of this site, as the bin storage area would be located adjacent to the bin store for the residential units and can be easily accessed from the commercial area.

Impact on Adjoining Properties

- 6.32 Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. It must therefore be demonstrated that proposed developments are neighbourly and that significant harm will not arise with respect to overbearing impact, loss of outlook, overshadowing, loss of light, or general noise and disturbance.

Construction Impacts

- 6.33 With regard to resident objections about construction impacts, it is acknowledged that there would be impacts on the surrounding area. However, this is an inevitable by-product of development. Therefore, a condition is proposed to ensure that a Construction Management Plan (CMP) is provided to and approved by Council prior to works commencing. A CMP would ensure, amongst other things, that there are no unreasonably adverse impacts on neighbouring properties with regard to noise and vibration, dust and traffic. Further to this, a condition would be included to regulate the hours of delivery trucks during construction so that any impacts are kept to a minimum.
- 6.34 It has been identified that the pitched roof to the stand alone garage contains asbestos. An informative regarding asbestos removal is proposed to be included.
- 6.35 Regarding the concerns raised about structural damage which may result from the removal of a party wall between the application site and No. 2 Florence Road, party wall matters are a civil matter which Council is therefore not party to.

Daylight & Sunlight

- 6.36 A Daylight and Sunlight Assessment has been provided that demonstrates that the proposed development would not have an adverse impact on neighbouring properties in terms of daylight and sunlight. Therefore, the proposal is considered satisfactory from this perspective.

Privacy

- 6.37 The roof terraces to the three, no. 4 bed dwellings would be to the front of the property, concealed behind a 1.95m high wall considered as a raised parapet and would therefore not cause any issues relating to privacy. The roof terrace proposed for the 2 bed unit would be to the rear and the distance would be approximately 7m at first floor level to the rear windows of the studios that front New Cross Road. This increases to approximately 13m at second floor level. It is also noted that these windows are to bathrooms and kitchens and therefore it is not considered that there would be an unreasonably adverse level of overlooking, particularly given that some degree of overlooking is inevitable in an urban area.

- 6.38 The roof terrace to the 2 bed unit would not protrude past the rear building line and therefore this, coupled with the privacy screening at 1.7m high, would mean that overlooking to the proposed rear gardens of units 1-3 and adjoining gardens along New Cross Road would not be unreasonably adverse. It is noted that that in the previously refused proposal, there were two balconies at 1st floor and two at 2nd floor with balconies approximately 1.5m high.
- 6.39 Concern has been raised about overlooking from the flat roofs to the rear of the property. It is proposed to condition the development in order to prevent the use of flat roofs as terraces/external amenity spaces.
- 6.40 Concerns have also been raised about light spill and noise, however again it must be accepted that this will occur to a degree in a densely populated urban area and officers do not consider that this would be unacceptable.
- 6.41 Overall, this proposal is therefore considered to have an acceptable impact on neighbouring amenity.

Sustainability and Energy

- 6.42 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- 1 Be Lean: use less energy
 - 2 Be clean: supply energy efficiently
 - 3 Be green: use renewable energy
- 6.43 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy.
- 6.44 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.
- 6.45 Core Strategy Policy 8 Sustainable design and construction and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction, to meet the highest feasible environmental standards during design, construction and occupation. The Policy requires all new residential development (including mixed use) to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011.
- 6.46 An Energy Statement has been prepared as part of the application, which states that the units would meet the equivalent of Level 4 standards in the Code for Sustainable Homes, to be achieved through, among other things, a high efficiency gas heating system, and photovoltaic panels. Given the above, the proposal

would either overall align with Policies 5.2 and 5.3 of the London Plan, and Core Strategy Policy 8 or be required to align via condition.

Contamination

- 6.47 The initial Phase I Desk Study established that the site has historically been used for combined residential and commercial purposes with an automotive workshop to the rear of the property but does not lie within an area of high environmental sensitivity. Laboratory analysis has established that the fill materials would not meet the criteria for use within domestic gardens due to levels of heavy metals and the presence of asbestos fibres, so it would be necessary to provide either a minimum of 475mm of clean soil cover or cap with hard surfacing. Waste analysis of the fill materials has established that for the purposes of off-site disposal it should be classed as Hazardous due to the levels of heavy metals; underlying natural ground should be classed as Non-Hazardous – Inert.
- 6.48 Council's Environmental Health Officer was consulted in relation to the proposal and did not raise any concerns with the site contamination report. A condition is proposed that would require a Remediation Plan to be submitted to the Council for consideration.

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 above development is CIL liable and the applicant has completed the relevant 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 In this matter there is no impact on equality.

10.0 Conclusion

- 10.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011) The London Plan (2015, as amended) and the National Planning Policy Framework (2012).
- 10.2 The proposal is of an acceptable design and form and would make a positive contribution to the local streetscene and conservation area. The standard of accommodation is considered adequate and it is not expected that there would be any unreasonably adverse impacts on neighbouring occupiers. It is therefore considered that the previous reasons for refusal have been addressed. The imposition of a number of conditions would ensure that other necessary matters are adequately addressed.

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:

730-ExGA-II-00-P1, 730-ExGA-II-01-P1, 730-ExGA-II-02-P1, 730-ExGA-II-B1, 730-ExGA-II-RF-P1, 730-ExGE-II-01-P1, 730-ExGE-II-02-P1, 730-ExGE-II-03-P1, 730-ExGS-II-01-P1, 730-ExS-II-01-P1, 730-GA-II-00-P1, 730-GA-II-01-P1, 730-GA-II-02-P1, 730-GA-II-RF-P1, 730-S-II-01-P1, 730-GS-II-01-P1, 730-GE-II-01-P1, 730-GE-II-02-P1, 730-GE-II-03-P1, 730-GAM-II-00-P1, 730-GAM-II-01-P1, 730-GAM-II-02-P1, 730-DE-II-00-P1, Design and Access Statement (March 2016, Harper Downie), Demolition Plan (March 2016, A2W Consultants), Heritage Assessment (March 2016, Harper Downie), Planning Statement (March 2016, Turley), Daylight and Sunlight Review (March 2016, CHP Surveyors), Structural Visual Inspection 108452.R1 (February 2015, Fairhurst), Transport Statement (March 2016, Caneparo Associates), Phase I Geo-Environmental Assessment UK14.1733 FINAL B (March 2016, EPS), Phase II Geo-Environmental Assessment UK14.1733 FINAL B (March 2016, EPS), Covering Letter (March 2016, Turley), Retail Agency Feedback (October

2015, Brasier Freeth), Planning Energy Statement and Sustainability Monitoring Form (March 2016, Westmead).

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

- (3) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction 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.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

- (4) No development shall commence on site until a detailed schedule and specifications & samples of all external materials and finishes to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building 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.

- (5) (a) Notwithstanding the details hereby approved, no development shall commence for any phase of the development until detailed plans at a scale of 1:20 showing the elevation to Florence Road in its entirety and railings proposed at first floor level to the existing studios have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal 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.

- (6) (a) Details of the proposed front boundary treatments including any gates, walls or fences at a scale of 1:20 shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with 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).

- (7) (a) No development or phase of development (including demolition of existing buildings and structures, except where prior agreement with the Council for site investigation enabling works has been received) shall commence until:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
- (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted, (including subsequent correspondences as being necessary or desirable for the remediation of the site) to and approved in writing by the Council.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.

(c) The development or phase of development shall not be occupied until a closure report for the development or phase has been submitted to and approved in writing by the Council.

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

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

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

- (8) (a) The residential units hereby approved shall be constructed in order to achieve the following requirements:
- a. a minimum 19% improvement in the Dwelling Emission Rate over the Target Emission Rate as defined in Part L1A of the 2013 Building Regulations; and
 - b. a reduction in potable water demand to a maximum of 110 litres per person per day
- (b) No development shall commence until a Design Stage Standard Assessment Procedure (SAP) Assessment and Water Efficiency calculations, prepared by suitably qualified assessors, shall have been submitted to and approved in writing by the local planning authority to demonstrate that the detailed design of each unit is in compliance with part (a).
- (c) Within 3 months of occupation of any of the residential units hereby approved, an As Built SAP Assessment and post-construction stage Water Efficiency Calculations, prepared by suitably qualified assessors, shall be submitted to the Local Planning Authority and approved in writing to demonstrate full compliance with part (a) for each unit.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in The London Plan (March 2015) incorporating March 2016 Minor Alterations and Core Strategy Policy 7 Climate change and adapting to the effects, Core

Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (9) (a) A minimum of **8** secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

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

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

- (10) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any elevation except to the rear of the new 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).

- (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, including rainwater pipes other than indicated on the proposed drawings, shall be fixed on the front elevation of the new 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).

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (13) No deliveries in connection with construction works shall be taken at or despatched from the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

- (14) No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011).

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 and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. As the proposal was in accordance with these discussions, addressed the reasons for refusal in the previous application and was in accordance with the Development Plan, no contact was made with the applicant prior to determination.
- B. The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- C. 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>

- D. 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.
- E. The applicant be advised that the details to be submitted pursuant to this permission should have regard to the principles of energy and natural resource efficiency through their design, orientation, density and location, in compliance with Policy 8 Sustainable design and construction and energy efficiency of the adopted Core Strategy (June 2011).
- F. It is the responsibility of the owner to establish whether asbestos is present within their premises and they have a 'duty of care' to manage such asbestos. The applicant is advised to refer to the Health and Safety website for relevant information and advice.
- G. The land contamination condition requirements apply to both whole site and phased developments. Where development is phased, no unit within a phase shall be occupied until a), b) and c) of the condition have been satisfied for that phase.

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

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

- H. The applicant is 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.

I. **Pre-commencement conditions:**

The pre-commencement conditions imposed are to protect residents from contaminated soil, protect the amenity of neighbouring properties, the function of the surrounding highway network, and deliver high quality design.