

Committee	PLANNING COMMITTEE (A)	
Report Title	154-158 Sydenham Road, SE26	
Ward	Sydenham	
Contributors	Geoff Whittington	
Class	PART 1	16 August 2018

Reg. Nos.

DC/17/104571

Application dated

15 November 2017

Applicant

Family Mosaic

Proposal

The construction of a part 2/ part 3-storey building fronting Sydenham Road providing 16, one, two and three bedroom self-contained residential flats and a 2 bedroom self-contained maisonette, 155sq.m ground and first floor commercial floorspace (use classes A1, A2, B1, D1, D2), with the provision of upper floor residential balconies; and the construction of a part 2/ part 3-storey building at the rear of the site comprising 10, three bedroom single dwelling-houses, 1, one bedroom self-contained flat and 1, two bedroom self-contained maisonette, together with associated landscaping, installation of PV Panels, 14 parking bays (including 4 disabled spaces) and dry/ secure cycle spaces at 154-158 Sydenham Road SE26.

Applicant's Plan Nos.

SYD-P010-S2-P0; SYD-P110-S2-P0; SYD-P111-S2-P0; SYD-P112-S2-P0; SYD-P113-S2-P0; SYD-P410-S2-P0; SYD-P411-S2-P0; SYD-P412-S2-P0; SYD-P413-S2-P0; SYD-P414-S2-P0; SYD-P510-S2-P0; SYD-P511-S2-P0; SYD-P611-S2-P0; Existing Plans; Landscape Report; Construction Site Operations Plan; Energy Statement; Report on Phase 1 Desk Study; Environmental Noise Survey Report; Planning Statement; Report on Ground Investigation; Sustainability Statement; Design & Access Statement; Daylight & Sunlight Assessment; Transport Statement; Residential Travel Plan Statement; The Central Courtyard; Indicative Material and Furniture Palette; Planting for Seasons Received 23 November 2017

P212-S2-P1; SYD-DS-01-ZZ-DR-A-P213; SYD-P310-S2-P1; SYD-P311-SO-P1; SYD-P210-S2-P1; SYD-P211-S2-P0; SYD-P213-S2-P1; SYD-P610-S2-P1; SYD-P611-S2-P1 Received 22 February 2018

Background Papers

- (1) Case File LE/180/154/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016 as amended)
- (4) The NPPF

Designation

PTAL 4

1.0 **Property/Site Description**

- 1.1 The application site is on the south side of Sydenham Road, a short distance to the west of the traffic-light controlled junction with Kent House Road. It has a frontage onto Sydenham Road measuring some 18 metres in width, with this narrow frontage element being some 26 metres deep. The site widens substantially at the rear to measure over 60 metres wide, by just less than 60 metres deep. There is no other vehicular or pedestrian access into or out of the site other than from Sydenham Road. To the west of the rear part of the site are houses in Knighton Park Road (Nos. 3 to 31), whilst along the southern boundary are the rear gardens of houses in Hillmore Grove (Nos. 10 to 30). The site does not have any significant level changes.
- 1.2 The site had been occupied for some years by O'Rourke Construction, a highways contractor. In the 1980's, it was a light industrial fire alarm business called FACE UK and prior to that Mears Construction Ltd.
- 1.3 A derelict 1930s 2-storey building lies adjacent to the vehicular access leading through to the former yard at the rear. Prior to their demolition, the site comprised buildings used for office and storage purposes.
- 1.4 To the west on the Sydenham Road frontage is a row of Victorian properties with ground floor commercial units and residential accommodation above. These buildings are two-storey, with habitable rooms within the roofspace. Immediately to the east is the access into the Sivyer Transport yard, with two stories of residential accommodation above. This three-storey terrace continues round the corner into Kent House Road, with shops at ground floor level and mainly residential above.
- 1.5 The application site is not located within a conservation area, nor is it subject to an Article 4 Direction. The existing building is not listed, whilst the site does not lie near any listed buildings. The site falls within a Local Open Space Deficiency and an Area of Archaeological Priority.
- 1.6 The PTAL rating is 4, with bus-stops located nearby, whilst Sydenham Train Station lies within walking distance to the west of the site.

2.0 **Relevant Planning History**

- 2.1 In 2014, the Council determined that Prior Approval was required for a change of use from B1(a) office to provide 9 two-bedroom and 6 one-bedroom flats at 154-158 Sydenham Road SE26, pursuant to Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), for the following reasons:
 - 1) The applicant has failed to suitably demonstrate that the existing office falls within the B1(a) use class, and is therefore considered contrary to Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - 2) The proposed change of use raises concerns relating to transport and highways impacts, in particular pedestrian safety for future occupiers, contrary to Class J of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 2.2 The decision was appealed, and subsequently, the Planning Inspector determined that Prior Approval was not required.
- 2.3 In September 2015, a Prior Approval application for the demolition of the existing buildings was submitted. Prior Approval was deemed required for the following reasons:

- 1) The application fails to sufficiently demonstrate how the impacts of demolition would be mitigated with regard to noise, dust, asbestos and land contamination. In the absence of such detail and mitigation, the proposed method of demolition would fail to adequately control the environmental effects of the proposed demolition. Prior approval is therefore required.
 - 2) The applicant is informed that prior approval for demolition is required and cannot be given until a Demolition Method Statement has been submitted and confirmed as being acceptable by the local authority in writing.
- 2.4 In November 2015, a planning application was submitted proposing the redevelopment of the site, including the provision of 34 residential units, however this was withdrawn following officer concerns in regard to the height of the scheme, and resulting impact upon neighbouring amenity.
- 2.5 In 2016, an application was submitted for 'The construction of a part 2/ part 3/ part 4-storey with basement building providing 18, one, two and three bedroom self-contained residential flats and 155sq.m ground and first floor commercial floorspace (use classes A1, A2, B1, D1, D2), and a part 2/ part 3-storey terrace comprising 10, three bedroom single dwelling-houses, 1, one bedroom self-contained flat and 1, two bedroom self-contained maisonette, together with the provision of upper floor balconies, associated landscaping, PV Panels, 14 parking bays (including 4 disabled spaces) and 68 secure cycle spaces at 154-158 Sydenham Road SE26.' (DC/16/096301).
- 2.6 On 26 August 2016, permission was refused under delegated powers for the following reasons:
- 1) The proposed three-storey terraced dwelling-houses, by reason of siting, height and massing, would appear as an overbearing form of development that would result in significant visual harm to neighbouring occupiers on Hilmore Grove by way of increased sense of enclosure, reduced outlook and overlooking, contrary to Policy 15: High Quality Design for Lewisham of the adopted Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (2012).
 - 2) The proposed building fronting Sydenham Road, in particular the mansard roof and parapet wall, would appear as an incongruous feature in the streetscene that would fail to respect the prevailing roof form of the adjoining terrace, impacting detrimentally upon the character of the streetscene, contrary to Objective 10: Protect & Enhance Lewisham's Character and Policy 15 High Quality Design for Lewisham of the adopted Core Strategy (2011), DM Policy 30 Urban Design and Local Character, DM Policy 32 Housing design, layout and space standards and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (2014) and the Residential Standards SPD of the Local Development Framework (2012).
- 2.7 The decision to refuse permission was subsequently appealed in June 2017 at a Public Hearing, and subsequently, the Council's reasons for refusal were upheld.
- 2.8 The Planning Inspector dismissed the appeal, stating; 'I conclude that the appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. As such the

proposal would not be sustainable development and accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.'

3.0 Current Planning Application

- 3.1 The current application proposes the demolition of all existing buildings upon the former O'Rourke Construction site, and the construction of two separate blocks.
- 3.2 The first would front Sydenham Road, and would be of an 'L' shape that would occupy the northern part of the site to the rear of nos.142-152 Sydenham Road. The building would be part 2/ part 3-storeys, and would accommodate 155sq.m ground and first floor commercial floorspace (use classes A1, A2, B1, D1, D2) fronting Sydenham Road. The remainder of the building would accommodate 17, one, two and three bedroom self-contained residential units with each afforded private amenity space.
- 3.3 The second block would be part 2/ part 3 storeys to the southern section of the application site, to the rear of Hillmore Grove dwellings. The building would accommodate 10, three bedroom single dwelling-houses, 1, one bedroom self-contained flat and 1, two bedroom self-contained maisonette. Each dwelling would be provided with private rear gardens.
- 3.4 The proposed group of buildings would be orientated east to west, sited away from the north and south boundaries. Each building would incorporate flat roofs similar to surrounding development.
- 3.5 Eight units of affordable tenure would be provided, comprised of;
 - four Affordable Rent
 - four Shared Ownership
- 3.6 Three ground floor wheelchair units would be provided - (F01, F02 & F03).
- 3.7 14no. car parking spaces would be provided to the central area of the site, together with dry and secure cycle spaces. The existing access road into the site from Sydenham Road would be maintained, providing a vehicular and pedestrian route.
- 3.8 Proposed landscaping measures would include a hard landscaped central shared space, with some soft landscaping measures. Private rear gardens to the rear block would be lawned.

4.0 Consultation

Neighbours and Local Amenity Societies

- 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 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents

4.3 Nine letters and a petition have been received, objecting to the proposed development, on the following grounds:

- Height of the proposed development;
- Overlooking;
- Too many units;
- Insufficient on-site parking;
- Close proximity to neighbouring gardens;
- Noticeably taller than existing dwellings;
- Building footprint is too large;
- Additional on-street parking pressures;
- Out of character;
- Density too high;
- Facing brick unacceptable.

4.4 The Sydenham Society have also objected to the planning application, advising they share the concerns raised by residents with regard to the impact of the rear building upon the neighbouring Hillmore Grove dwellings.

4.5 Five letters of support have been received.

(Letters are available to Members)

Local Drop-in Session

4.6 The Council's Statement of Community Involvement (SCI) requires that a local meeting or drop-in session be offered to those who have made representations and the applicant at least two weeks prior to a decision being made on a planning application, in the following circumstances:

- where one or more objections have been received from a residents' association, community/amenity group or ward Councillor; and/or
- where a petition is received containing more than 25 signatures; and/or
- where 10 or more individual written objections are received from different residents.

4.7 Subsequently, a drop in session was held between 6pm-8pm on 17th May 2018 at the Lovely Gallery, 140 Sydenham Road. The Planning officer and members of the development team attended, and plans and visuals of the proposal were displayed.

4.8 In the event, ten people attended the session, and the main areas of discussion centred around the height and scale of the development, the vacant nature of the existing plot and affordable housing provision.

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 shall 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 revised NPPF was published on 24th July 2018 and is a material consideration in the determination of planning applications. It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on its implementation. In summary, this states in paragraph 213, 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 and in regard to existing local policies, that '...due weight should be given to them, 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 and Development Management Local Plan for consistency with the NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the NPPF.

Other National Guidance

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

The London Plan consolidated with Alterations since 2011 (March 2016)

5.6 The London Plan policies relevant to this application are:

- Policy 3.5 Quality and design of housing developments
- Policy 3.9 Mixed and balanced communities
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 5.1 Climate change migration
- Policy 5.2 Minimising Carbon Dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.15 Water use and supplies
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.4 Local Character
- Policy 7.5 Public Realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology

Nationally Described Space Standard

- 5.7 Technical housing standards – nationally described space standard (2015)

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Affordable Housing and Viability (2017)

Core Strategy

- 5.9 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), 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
Objective 3 Local housing need
Policy 1 Housing provision, mix and affordability
Policy 7 Climate change and adapting to the effects
Policy 8 Sustainable design and construction and energy efficiency
Policy 13 Addressing Lewisham's waste management requirements
Policy 14 Sustainable movement and transport
Policy 15 High quality design for Lewisham

Development Management Local Plan

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

DM Policy 7	Affordable rented housing
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees
DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas

6.0 Planning Considerations

6.1 The main planning considerations include:

- a) Principle of development;
- b) Design;
- c) Housing;
- d) Highways and traffic issues;
- e) Impact on neighbouring properties;
- f) Sustainability and energy;
- g) Landscaping and trees;
- h) Planning Obligations.

Principle of Development

6.2 National, regional and local planning policies seek to promote efficient use of land for housing delivery by developing Brownfield sites, bringing back into use vacant sites and providing higher density development.

Demolition:

6.3 The application proposes the demolition of the existing unoccupied and derelict 2-storey building. Officers consider that the building has no discernible architectural merit that would justify its retention, therefore no objections are raised toward the proposed demolition, subject to securing a replacement of high quality design that enhances the character of the area.

Employment:

6.4 Core Strategy Policy 5 Other employment locations in the Lewisham Core Strategy (2011) states that employment land within town centres should be recommended for retention in employment use. It further states that other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, building viability, and viability of redevelopment show that the site should no longer be used in employment use.

6.5 The site does not lie within a designated Defined Employment Area on the Core Strategy Proposals Map, but is identified specifically within the Site Allocations Local Plan (2013), which states;

'The allocation should maintain or improve the current employment contribution while also contributing to the housing provision targets for the borough. Employment uses on this site are an asset to Sydenham and bring short and long term economic benefits to the area.'

6.6 The application site provided a long period of employment use, however the site was vacated in 2014 and has remained unoccupied since, with most of the storage buildings having been demolished. It is understood that the former occupiers relocated to larger premises.

6.7 In compliance with Core Strategy Policy 5, it is appropriate that a redevelopment of the site includes employment use. The proposal in this case may re-provide (B1) office floorspace, or alternatively (A1/ A2/ D1/ D2 uses). Officers support the principle of the proposed retail and office uses, however D1/ D2 uses should be conditioned to allow for further assessment of their operation and to ensure against potential disturbance to neighbouring occupiers.

- 6.8 The loss of (B2) General Industrial provision in this case is considered acceptable. The nature of the immediate area, apart from the adjacent Sivyers site, is predominantly residential in character, therefore the former use is less compatible with its surroundings, with its associated noise and disturbance being of significant harm to neighbouring amenity.
- 6.9 The application site was previously capable of employing up to 70 full-time staff in total prior to closure, however this number had fallen to below 20 prior to closure. The proposed commercial unit/s would provide up to 12 employees, which is significantly less than the former use. Considering this, the applicant had agreed to pay £62K to mitigate the loss of employment floorspace, in accordance with the Lewisham Planning Obligations SPD, which advises that 'The Council will resist the loss of employment floorspace in accordance with the policy framework in place. However, in exceptional circumstances and at the Council's discretion, the Council may take the view that the loss of employment floorspace is acceptable. Where this is the case, the Council will seek a financial contribution', which will contribute to bringing forward flexible and affordable business space in the Borough.
- 6.10 In summary, officers raise no objections to the loss of the former general industrial use, and support the provision of a smaller commercial unit fronting Sydenham Road, subject to appropriate conditions.

Design

- 6.11 Core Strategy Policy 15 High quality design for Lewisham and Policy 32 of the Development Management Plan requires that all new residential development be attractive and neighbourly, and meet the functional requirements of future residents.
- 6.12 DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' advises that, 'If a site is considered suitable for development, 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.'

a) Scale and Appearance

- 6.13 The application site is located behind the terraced properties fronting Sydenham Road to the north, Kent House Road to the east, Hillmore Road to the south and Knighton Park Road to the west, therefore it is considered to be a backland site according to DM Policy 33. Part 2 states that if development is suitable on the site, planning permission will not be granted unless the proposed development is of the highest design quality.
- 6.14 The backland element of the site has a relatively limited view from the public realm, being most visible through the existing gap between existing buildings on the Sydenham Road frontage. Due to the proposed siting and height of the development, the two blocks located within the central area of the site would be partially visible. The restricted views of the development has been given due weight in the assessment of the scheme.
- 6.15 In terms of scale, it is considered that development of up to 3-storeys is acceptable on the site, subject to the extent of visual harm upon neighbouring residential amenity.
- 6.16 The current proposal would construct a part 2/ part 3-storey building that would front Sydenham Road, providing 17, one, two and three bedroom self-contained residential flats and 155sq.m ground and first floor commercial floorspace.
- 6.17 In the previous scheme, the front building was intended to be 4-storeys, including a mansard element that would be partially obscured by a parapet wall. This does not form part of the current proposal following objections raised by officers and the Planning Inspector who stated;

'The mansard roof would detract from the street scene to such an extent that it would override the broadly positive contribution the rest of the structure would have as a

contemporary interpretation of those properties to the immediate east of the appeal site entrance. The mansard roof would therefore harm the character and appearance of the area. The appellant's visualisations only serve to confirm my reservations that the mansard roof would be an incongruous addition to the street scene of Sydenham Road.'

- 6.18 Officers consider that following the removal of the mansard, the front would be acceptable in design and scale, having a positive impact upon the character of the streetscene. It would incorporate a symmetry and vertical emphasis that is found locally, and so would relate well with the existing streetscape, befitting of this prominent site. The external materials would include facing brick with textured detailing, and window surrounds of stucco painted in grey, which would harmonise with the surrounding context.
- 6.19 The second element of the scheme to the southern part of the site would include the construction of a part 2/ part 3-storey building, comprising 10, three bedroom single dwelling-houses, 1, one bedroom self-contained flat and 1, two bedroom self-contained maisonette.
- 6.20 The design is a significant departure from the original 2016 approach, which incorporated a sawtooth roof design. In this case, following concerns raised toward the resulting harm upon neighbouring visual amenity, the height of the terrace has been reduced, with flat roofs replacing the distinctive sawtooth design.
- 6.21 The facing materials to be used for the rear building would include brick; composite aluminium/ timber windows, aluminium doors and glazed balcony screens. The principle of the materials are considered to be acceptable within the context of the site, however, it is appropriate that further details are submitted and facing materials are presented on-site for a detailed assessment by officers, to be secured by condition.
- 6.22 Officers are satisfied that the backland development would remain subordinate to adjacent buildings so that the traditional hierarchical pattern would be maintained. The proposed buildings would be comparable with the surrounding 2-storey plus roofspace dwellings in terms of height. Whilst officers acknowledge the proposal would occupy a larger proportion of the site than the former buildings, the scale of the development would be appropriate and not over-dominant, assisted by the proposed siting of the buildings away from the boundaries and the perspective at street level.
- 6.23 In summary, officers are satisfied with the design approach of the development, and consider it to be a significant improvement upon the scheme that was refused in 2016, addressing the concerns raised by officers and the Planning Inspector.

b) Density

- 6.24 Given the need for housing, Policy 3.4 of the London Plan states that, taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. This is also carried through in DM Policy 30.
- 6.25 The application site has a PTAL value of 4, which represents very good accessibility to public transport. The site lies within close proximity to the main shopping area of Sydenham Road to the west, with a mix of uses within the immediate area, fronting a busy arterial highway. The most appropriate setting in this case is therefore urban.
- 6.26 In applying the density matrix of Table 3.2, the stated density range is between 200-700 hr/ha. The proposal would provide 29 units, being 105 habitable rooms over the 0.422ha site. Officers calculate the density to be 263 hr/ha, which falls within the stated range, therefore officers raise no objections on density grounds.

Housing

a) Affordable Housing

- 6.27 In addition to the housing targets, new residential development must also meet the needs of potential residents. This is highlighted in Objective 3 of the Core Strategy which states that this will include provision of affordable housing and mix of dwelling size and types, including family housing.
- 6.28 Core Strategy Policy 1 has been adopted following the evidence base of the Lewisham and South-East London Strategic Housing Market Assessment (SHMA). This policy has been adopted in line with London Plan policy 3.8-3.13 and the NPPF.
- 6.29 With respect to affordable housing, CS Policy 1 outlines that the Council will seek the maximum provision of affordable housing with a strategic target of 50% affordable housing from all sources. To ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% social rented and 30% intermediate housing. This is also recognised in DM Policy 7.
- 6.30 In addition to this, the Council have adopted the Planning Obligations SPD which outlines the evidence behind the affordable housing targets, definitions of affordable housing and where obligations will be sought. Contributions on affordable housing will be sought on sites that are capable of providing 10 residential units or more. The Council's preference is for affordable housing to be provided on-site and off-site provision will only be accepted in exceptional circumstances.
- 6.31 However, the provision of affordable housing is subject to a financial viability assessment to ensure meeting this policy does not make development unviable.
- 6.32 It is noted that the applicant in this case is a housing association - Family Mosaic - who propose a tenure mix of:
- 21 Private units;
 - 4 Affordable Rent;
 - 1 bed 2 person (wheelchair); 2 bed 3 person (wheelchair); 3 bed 4 person (wheelchair); 2 bed 4 person
 - 4 Intermediate (Shared Ownership);
 - 3no. 2 bed 4 person; 1 bed 2 person
- 6.33 The applicant had originally proposed 7 affordable units, however this was increased following an assessment by independent consultants Urban Delivery who have provided assistance and advice to the Council on the matter of viability. In their report, they challenged the applicant's viability assumptions, including site value, profit return and professional fees, and concluded that the scheme would be able to provide an additional on-site affordable unit.
- 6.34 In Paragraph 6.2 of their report, Urban Delivery stated that based upon their assessment, the proposed development, including the seven affordable units, would generate a residual land value of approximately £1,574,000. It was then calculated that this would provide a surplus of approximately £174,000, assuming a 20% target return is required on private sale units and 6% on affordable units. This surplus would therefore allow for an additional affordable unit.

6.35 Following discussions, the applicant has agreed to provide 8 affordable units, which would equate to an on-site affordable housing provision of 28%. Whilst this would represent a 50/50 split between tenure types instead of the 70/30 mix stated in Core Strategy Policy 1, officers consider that, based on the evidence received from the applicant and the advice given by UrbanDelivery, the proposal would be acceptable in this case. This would be secured in a S106 Agreement.

6.36 The Council's 'Affordable Rent Study: Market Research & Affordability Analysis', published February 2014' which looked at affordable rent levels across the borough advised that:

Appropriate Affordable Rent levels would be:

- 1-bed: 80% market rent or LHA
- 2-bed: 70 to 80% market rent or LHA
- 3-bed: Up to 65% or a proportion at the capped rent of 50%

6.37 In this case, the applicant proposes that the affordable units would be in compliance with the Planning Obligations SPD (2015).

6.38 The Affordable Housing and Viability SPG (2017) seeks to maximise affordable housing delivery in the longer term and acknowledges the potential for significant changes in values in the housing market, therefore the use of review mechanisms are supported. This would include an early review which is triggered where an agreed level of progress on implementing the permission has not been reached within two years of the permission being granted. Following this, a late review would be applied once 75 per cent of homes are sold. The SPG advises that the benefit of this approach is that the review can be based on values achieved and costs incurred. The review takes place prior to sale of the whole development to ensure that the review and any additional contribution arising from this are enforceable. The outcome of this review will typically be a financial contribution towards off-site affordable housing provision. Such review mechanisms would be secured in the S106.

6.39 The proposed development would give rise to additional demands on existing social infrastructure such as schools and health services. Funding of the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the Borough is now secured through Community Infrastructure Levy (CIL) payments.

6.40 In summary, officers accept the conclusions of UrbanDelivery toward viability, and raise no objections to the number of affordable housing units being proposed at this stage.

b) Unit Mix

6.41 The SHMA studies have determined there is a lack of family dwellings in the Borough. Following from this evidence base, together with accommodating mixed and diverse communities as outlined in the London Plan, the Council requires a suitable mix of units, including three bedroom family units. Core Strategy Policy 1 states that this is subject to the following criteria:-

- 1) the physical character of the site or building and its setting;
- 2) the previous or existing use of the site or building;
- 3) access to private gardens or communal garden areas for family dwellings;
- 4) the likely effect on demand for car parking within the area;
- 5) the surrounding housing mix and density of population;

6) the location of schools, shops, open space and other infrastructure requirements.

6.42 41% of the units proposed would be family tenure (3 bed). Officers have considered the criteria outlined in Core Strategy Policy 1 and consider that the provision of 12 family units would be acceptable on the site.

6.43 In addition to the number of family units, Core Strategy Policy 1 states that 10% of new build residential development should be wheelchair accessible housing. The scheme would achieve this by providing three ground floor wheelchair dwellings.

6.44 Overall officers consider the mix and type of the units to be in line with the policy requirements and therefore is acceptable.

c) Standard of Accommodation

6.45 London Plan Policy 3.5 states that local frameworks and planning decisions should incorporate requirements for accessibility and adaptability, minimum space standards and water efficiency. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process

6.46 In line with this, the Council's adopted DM Policy 32 states that the standards in the London Plan Housing SPG 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 meet the following criteria:

a) meet the minimum space standards for new development which should conform with the standards in the London Plan;

b) habitable rooms and kitchens and bathrooms are required 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;

c) 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. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved. North facing single aspect flats will not be supported; and,

d) include sufficient space for storage and utility purposes in addition to the minimum space standards.

6.47 Since the adoption of DM Policy 32, the national Technical Housing Standards prepared by DCLG have been adopted. The London Plan Housing SPG is now generally in compliance with the national standards and therefore these are also considered in the assessment of standard of accommodation.

6.48 The housing standards state that new 1b2p units should be provided with 50 sqm of internal floor area and 1.5 sqm of utility space, while new 3b5p units should be provided with 86 sqm and 2.5 sqm of utility space. Double and twin bedrooms should be a minimum 11.5 sqm and single bedrooms should be 7.5 sqm.

6.49 Finally, DM Policy 32 states new build development will be required to be provided with a readily accessible, secure, private and usable external amenity space.

- *Internal and External Floor Area*

6.50 The proposed development would comply with the overall internal floor area of the technical housing standards. In addition, having measured each habitable room, officers consider that the individual rooms would also meet the relevant standards, whilst floor to ceiling heights would be compliant. A sufficient provision of internal storage space would be afforded to occupiers. Therefore, in terms of internal amenity, the proposed units would be acceptable.

6.51 All habitable rooms would be afforded sufficient outlook, and would therefore be acceptable. In terms of natural light intake, the Council uses the BRE guide to good practice (2011) standards to assess the quality of daylight/sunlight into new development. The applicant has not submitted an assessment to address the standards.

6.52 DM Policy 32 (4c) states that residential development should provide accommodation of a good size, good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect. Single aspect north facing units will not be supported.

6.53 In this case, the majority of proposed units would be dual aspect, however two units – F05 and F11 - to the northern building would be single aspect, and east facing. This is due to the rear elevations of those units lying adjacent to the boundary with the existing properties fronting Sydenham Road, therefore the provision of openings would result in overlooking concerns. Considering outlook would be provided to all habitable rooms, officers raise no objections to the single aspect units.

6.54 The ground floor habitable rooms that front onto the communal access route would have defensible space to allow for adequate privacy and safety for the residents of those units.

6.55 Overall, the standard of internal accommodation within each unit would be of high quality, in accordance with the Technical housing standards – nationally described space standard (2015).

d) External Amenity

6.56 DM Policy 32 'Housing design, layout and space standards' should be provided with a readily accessible, secure, private and usable external space and include space suitable for children's play. The Council will apply the standards of the London Plan Supplementary Planning Guidance, 'Providing for Children and Young People's Play and Informal Recreation', which specifies 10 square metres of play space for each child.

6.57 The London Plan Housing SPG Standard 26 and 27 relates to external amenity and outlines that 5 sqm should be provided for one bedroom dwellings with an additional 1 sqm per additional occupant. This space should have a minimal depth of 1.5m.

6.58 In the supporting text of the Housing SPG, in exceptional circumstances where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA. This requirement is also reflected in Policy 3.5 of the London Plan (2016).

6.59 The proposed flatted development would provide private external amenity in the form of private rear gardens for three ground floor units, with other flats afforded either east or south facing terraces.

- 6.60 In addition, a communal amenity space would be provided to the south of the flats, including a landscaped area. During the pre-application discussions, officers outlined the importance of providing communal amenity space including a children's play area, and subsequently, the proposed 73sq.m area would be acceptable. Officers consider that the communal space would have a satisfactory level of surveillance to ensure the area would be afforded a sense of security.
- 6.61 The block to the rear would be provided with minimum 9 metre deep private rear gardens for each dwelling.
- 6.62 In summary, officers are satisfied with the provision of proposed private and communal amenity spaces, in line with the Housing SPG standards.

Impact on Neighbouring Properties

- 6.63 DM Policy 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties.
- 6.64 Objections from residents at Hillmore Grove and Knighton Park Road that surround the application site have been received in relation to the level of harm upon their privacy, light and visual amenities as a result of the siting and scale of development.
- 6.65 DM Policy 32 states that development should be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 6.66 Part B of DM Policy 33 relates to backland sites and states that new development in these sites will only be permitted where they provide no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens.
- 6.67 The Council will also use the guidance of the BRE 'Site layout planning for daylight and sunlight: a guide to good practice', where relevant, to assess the impact on existing properties in terms of daylight/ sunlight.
- 6.68 The site is located to the rear of Hillmore Grove dwelling-houses that have approximately 9 metre deep rear gardens. Objections were raised by officers toward the 2016 scheme whereby the proposed 3-storey block to the rear of the site would significantly harm neighbouring amenity by way of reduced outlook, overlooking and increased sense of enclosure. This position was supported by the Planning Inspector, who stated;
- 'I therefore conclude that the appeal scheme would significantly harm the outlook and privacy of the occupants of Nos 10–26 Hillmore Grove. It would therefore be contrary to DM Policies 30, 32 and 33 of the Development Management Local Plan 2014 (DMLP), which seek to protect the privacy and outlook of a development's neighbours.'*
- 6.69 In response, the applicant has reduced the height of the rear building by removing the sawtooth roof and lowering the overall height to instead construct a flat roof. The terrace would also step down from 3-storeys at the front, to 2-storeys at the rear, thereby reducing the extent of visual harm upon the nearest Hillmore Grove properties. The building would be sited between 9.2 – 10.8 metres from the southern boundary, and between 21 – 23.4 metres away from the existing dwelling-houses.
- 6.70 Officers maintain that the level of visual harm upon residents in Knighton Park Road and Sydenham Road would not be significant nor adverse.
- 6.71 The proposed design and appearance represents an improvement upon the refused scheme - and the former buildings that occupied the application site - and would have an appropriate relationship with the existing setting. The proposed height would be comparable with the surrounding properties, whilst there would be sufficient distance

between the buildings, therefore officers consider that the current scheme would not appear as an overbearing or dominant form of development.

- 6.72 In regard to privacy, officers measure the distance from habitable windows in the proposed building at first floor to the rear elevation of properties in Hillmore Grove at a minimum distance of 21 metres, which would be appropriate. The set-back second floor would incorporate frosted openings that would serve bathrooms.
- 6.73 Paragraph 2.3.36 of the London Plan Housing SPG states that a distance of 18-21 metres will generally be sought between existing and proposed habitable windows. However, it is considered that rigidly adhering to this distance can limit the variety of urban spaces and restrict density. Paragraph 2.250 of DM Policy 32 also references a distance of 21 metres, however it outlines that this must be interpreted flexibly, taking into account the height of buildings.
- 6.74 The proposed rear building would be sited a sufficient distance from existing dwelling-houses in Hillmore Grove, and sufficiently addresses the reasons for refusing the previous scheme, therefore, officers are satisfied there would be no significant level of overlooking between existing and proposed habitable rooms.
- 6.75 It is acknowledged that the level of overlooking into the rear gardens of the neighbouring properties would be greater than from the former buildings that occupied the employment site, however officers are satisfied the resulting impact would not be significant over and beyond what would typically be expected in a developed residential setting. The proposed south facing elevation of the rear building would provide no external balconies, whilst a planning condition would ensure the flat roof areas are not used for amenity purposes.
- 6.76 As per paragraph 3.3.17 of the BRE guide, it is recommended that at least half of the garden or amenity area should receive at least 2 hours of sunlight on 21st March.
- 6.77 The Daylight and Sunlight Assessment states that the existing amenity spaces would receive no less than the existing levels of sunlight hours post-development, and that half of the open spaces receive more than 2 hours of sunlight for both the existing and proposed schemes.
- 6.78 Results show that half of the open spaces receive more than 2 hours of sunlight for both the existing and proposed schemes. The open space at 146 Sydenham Road has very low probable hours of sunlight due to the shading already produced by all the surrounding existing buildings. The reduction between the two cases is minor, and is only apparent in the morning and by 2pm the two cases are identical. This reduction would be within the BRE guidelines of less than 20% reduction.
- 6.79 In terms of loss of light to habitable windows, it is considered that the distance of the proposed building from the windows of the rear elevation would ensure there would be no impact. The Assessment states that the proposal would result in no adverse harm upon the daylighting and sunlighting levels to the neighbouring properties and spaces. The VSC, sunlighting, and angle to sky results would be within the parameters of the BRE guidelines. The results also indicate that Average Daylight Factors for the internal habitable spaces of the proposed development would comply with the relevant British Standard.
- 6.80 In regard to external lighting measures, details will be requested by condition to ensure neighbouring amenity would not be harmed.
- 6.81 The northern building would have south and east facing terraces on the upper floors, being sited approximately 14 metres from the nearest Knighton Park dwellings to the west, and 12 metres from the nearest Sydenham Road flats to the east. It is appropriate that screening measures be undertaken to the terraces to avoid any loss of privacy to neighbouring occupiers, which will be assessed in the submission of further details.

6.82 Overall, there is not considered to be any significant adverse impacts on the amenities of neighbouring occupiers to warrant the refusal of the scheme.

Employment

6.83 London Plan Policy 2.15 requires development proposals to 'sustain and enhance the vitality and viability of the centre'.

6.84 DM Policy 11 Other employment locations states that 'Redevelopment of a site on a commercial street frontage will be supported when the site or building is redeveloped to a high standard of environmental and design quality in line with the other policies in this plan, where a business use is retained on the ground floor, and a business and/or residential development is provided on upper floors (where an appropriate standard of amenity can be achieved). Uses not within the B Use class, such as retail, leisure, or other uses appropriate to a town centre or local hub will be considered as part of a mix of uses where the number of jobs created by the proposal outweighs the loss of an employment site, and results in no net loss of jobs.'

6.85 The proposed ground floor commercial unit would provide flexible use classes A1 (retail), A2 (professional and financial services), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure) floorspace, measuring 63sqm at ground floor, and 92 sqm at first floor.

6.86 It is appropriate that a marketing strategy for the commercial unit is formally submitted to the Council within 4 months of commencement of development, demonstrating that sufficient measures are being undertaken to ensure occupancy of the unit. This would be secured by a planning condition.

6.87 It is acknowledged that the main difficulties for small businesses being able to occupy new premises includes the affordability of the units that come forward, the start-up costs associated with fitting out beyond shell and core and lack of flexibility with leases. In order to address this issue and to ensure that the reduced amount of commercial floorspace to be delivered as part of this mixed use development offers genuine employment opportunities, it is considered appropriate to secure measures that would make the commercial units more affordable for small businesses, whilst increasing potential for occupancy at an early stage.

6.88 In accordance with DM Policy 11 Other employment locations, the S106 would ensure that the developers undertake an initial fit-out of the unit, which would include service connections for gas, electricity, water and foul drainage, and provision for telecommunication services and broadband services; wall and ceiling finishes; wheelchair accessible entrances and screed floors. The incoming tenant would then be responsible for the final fit-out.

6.89 The applicant has advised that a 3 month rent free period would be granted to allow the tenant to fit-out the unit and begin trading before any rental payments are due. The above measures would enable a small business to take over the unit without significant start-up costs, which can be prohibitive and would facilitate a 'bedding in' period.

6.90 The Lewisham Planning Obligations: Supplementary Planning Document (2015) advises that The Council will resist the loss of employment floorspace in accordance with the policy framework in place. However, in exceptional circumstances and at the Council's discretion, the Council may take the view that the loss of employment floorspace is acceptable. Where this is the case, the Council will seek a financial contribution.

6.91 Considering there would be a reduction in overall employment floorspace, the applicant has agreed to a financial contribution of £61k, based upon the estimated loss of employment between the former and proposed uses, and annual cost for a trainee. The Council will use this funding to bring forward flexible and affordable business space.

- 6.92 In regard to the proposed commercial use, it is appropriate that the A1 and D uses in particular are subject to planning conditions requiring further details to ensure their suitability and potential harm upon neighbouring amenity, including deliveries for retail use, and operation details for any potential D1 use, including for example a nursery or place of worship.

Highways and Traffic Issues

a) *Car Parking*

- 6.93 The Council, in line with the London Plan and takes a restrictive approach to private parking provisions in order to promote sustainable modes of transport, where appropriate. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum to Chapter 6. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- 6.94 The London Plan also favours sustainable transport modes where it is reasonable to do decrease the need to travel by car. This is in order to reduce traffic congestion and environmental impacts of car use. This is achieved through promoting cycling through the provision of storage space, improve pedestrian routes where necessary, supporting the use of public transport through travel plans and preventing excessive parking through the maximum standards provided.
- 6.95 Core Strategy Policy 14 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The car parking standards contained within the London Plan will be used as a basis for assessment.
- 6.96 DM Policy 29: Car parking advises that car limited major residential development will only be considered where there is:
- a) PTAL level 4 or higher, or where this can be achieved through investment in transport infrastructure and services;
 - b) no detrimental impact on the provision of on-street parking in the vicinity;
 - c) no negative impact on the safety and suitability of access and servicing;
 - d) protection of required publicly accessible or business use car parking;
 - e) inclusion of car clubs, car pooling schemes, cycle clubs and cycle parking and storage;
 - f) as part of a package of measures mitigating the need for on-site car parking provision, an equitable split of parking provision between private and affordable residential development, and
 - g) on-site accessible priority parking for disabled drivers.
- 6.97 The site benefits from an existing access route from Sydenham Road, which would be maintained. 14no. parking spaces are proposed within the central area of the site, including four disabled bays.
- 6.98 A Transport Statement has been submitted in support of the application and used in the assessment of the impact.
- 6.99 The Parking Addendum to Chapter 6 of the London Plan includes maximum parking standards for new residential development under Table 6.2. The site has a PTAL of 4 within an urban setting and, the policy that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit for 1-2 bedroom units, and up to 1.5 spaces for 3 bedroom units. Given the PTAL of 4 and close proximity to the centre of Sydenham, the parking provision of 14 spaces would be acceptable.

- 6.100 The Transport Statement concludes that the overall impact of the development would generate an expected 186 person trips, with 56 vehicle trips and an expected daily 130 non-vehicle trips of which 43 would be by public transport trips, and the remainder by walking or cycling. There would be an estimated 7 morning peak hour car trips, and 4 evening peak hour car trips.
- 6.101 Residents of the proposed development are expected to own 19 vehicles based on existing car ownership and the proposed housing mix. Parking surveys undertaken around the immediate area on consecutive nights between 4-5am demonstrated an excess of 20 parking spaces within approximately 200 metres of the site, and a total of over 60 spaces within approximately 300m. Therefore, the proposed 14 on-site parking spaces would be sufficient when account is taken of the available on-street unrestricted parking capacity. Officers are therefore satisfied there would be no detrimental impact upon on-street parking.
- 6.102 A Residential Travel Plan has also been submitted which sets out measures for future occupiers to consider sustainable modes of transport as an alternative to private car ownership.
- 6.103 The applicant will also be required to enter into a S278 agreement with the Highway Authority to secure highways reinstatement/ improvement works on the public highway (Sydenham Road) adjacent to the proposed site access (including waiting restrictions to enable large vehicles to access the site; dropped kerb; and tactile paving.) The S278 would ensure the completion of works prior to first occupation of the proposed units.
- 6.104 A planning condition will require details relating to the installation of electric charging facilities within the parking area, in accordance with London Plan standards.
- 6.105 In summary, the proposed development would not adversely impact upon the level of parking in the area. Through the appropriate management of parking, cycle parking provision and a Travel Plan, the scheme would meet the policies of the London Plan (2016) and DM Policy 29: Car parking in reducing private vehicle travel.

b) Access

- 6.106 DM Policy 33 requires development of backland sites to have a proper means of access and servicing which is convenient and safe both for drivers and pedestrians. Good access to development on backland sites is a key issue and will be an important factor when considering development applications. Emergency vehicles, refuse vehicles and delivery services need appropriate access. Pedestrian access needs to be safe for all users and avoid conflict with vehicles. If safe and convenient access cannot be achieved for all users then developments will be refused.
- 6.107 The existing accessway from Sydenham Road is of an appropriate width to accommodate larger vehicles, with sufficient opportunity to give way to oncoming vehicles without causing significant harm upon pedestrians.
- 6.108 Swept path diagrams of large vehicles typical of refuse and emergency vehicles are provided, which show that the vehicles could enter and exit the access road onto Sydenham Road in a forward gear. An 11.2 metre long refuse vehicle would be able to manoeuvre within the site, although it is noted that as the refuse store for the flats are located to the eastern side of the building fronting the accessway, alternatively the vehicle could reverse into the site, whilst the dwelling-house bins could be collected on foot.
- 6.109 Overall, the access is considered to be appropriate for safe pedestrian and vehicle access, including refuse and emergency vehicles.

c) Cycle Parking

- 6.110 Cycle parking standards are provided in Table 6.3 of the Parking Addendum to Chapter 6 of the London Plan. It states that residential dwellings should provide 1 space per one bedroom dwelling and 2 spaces per all other dwellings. Therefore the proposed development should provide 44 cycle parking spaces.
- 6.111 The Transport Statement outlines that 40 dry and secure spaces would be provided within the communal area adjacent to the northern boundary, which would include 4 spaces for the commercial unit. The southern block would be afforded lockers in the rear gardens that can accommodate 2 cycles, whilst 3 Sheffield stands for visitors would be located adjacent to the vehicle parking bays. In total, 72 cycle spaces would be provided.
- 6.112 Officers consider the provision and location of the storage units to be acceptable. A planning condition will require further details regarding the appearance of the cycle lockers, whilst ensuring all spaces are provided prior to first residential occupation.

d) Refuse

- 6.113 In accordance with Standard 22 and 23 of the London Plan Housing SPG highlights guidance on refuse for new residential development and references the British Standard BS5906:2005, the proposal would include:
- 3no.1100L household waste;
- 1no. 1100L Recycling;
- 1no.240L Food waste
- 6.114 In addition, the commercial unit would benefit from a 1280L bin. Refuse provision is therefore considered acceptable.

Sustainability and Energy

- 6.115 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be lean: use less energy;
 - Be clean: supply energy efficiently; and,
 - Be green: use renewable energy.
- 6.116 Major development should look to meet targets in reducing carbon dioxide emissions in new buildings. These targets are expressed as minimum improvements over the Target Emission Rate outlined in the national Building Regulations. For new residential buildings a 35% reduction target beyond Part L 2013 is sought. An energy assessment should be included to demonstrate how the targets for emissions reduction are to be met.
- 6.117 Proposals should outline details of decentralised energy where feasible, such as Combined Heat and Power (CHP), and on-site renewable energy. As outlined within Policy 5.6 and 5.7 of the London Plan, these options should be explored within the energy assessment.
- 6.118 Lewisham's Core Strategy Objective 5 states 'The Council will take action to ensure that climate change is adapted to and mitigated against, including measures necessary to

reduce carbon emissions by maximising generation and use of renewable energy and locally distributed energy, particularly for major development sites.'

- 6.119 Core Strategy Policy 7 looks to apply the London Plan policies relevant to climate change including those related to: air quality, energy efficiency, sustainable design and construction, retrofitting, decentralised energy works, renewable energy, innovative energy technologies, overheating and cooling, urban greening, and living roofs and walls.
- 6.120 The application includes an Energy Assessment and Sustainability Statement, which considers that due to the scale of the development and constraints of the site, certain renewable energy options and CHP are not feasible. Officers raise no objections to this.
- 6.121 The assessment outlines that the development would achieve a 35% reduction in CO2 emissions, thereby exceeding the requirement. Energy efficiency measures would include the installation of PV panels; high efficiency heating system; advanced heating controls; and flue gas heat recovery. Officers therefore consider the development to be acceptable. In compliance with zero carbon targets, a financial contribution of £57,060 to offset the emissions would be incurred by the applicant, and secured in the S106.

Landscaping and Sustainable Urban Drainage Systems

- 6.122 DM Policy 25 Landscaping and Trees aims to ensure applicants consider landscaping and trees as an integral part of the application and development process.
- 6.123 The site would provide a mix of soft and hard landscaping measures, including an 'avenue of trees' within the central courtyard, and hedges, shrubs and lawns to front gardens.
- 6.124 The D&A Statement advises that within the central area, 'a pocket play area is provided for children to use, together with seating for parents. The play equipment will be 'naturalistic' and sculptural in character, including a circuit of stepping stones and timber sleepers for toddlers to negotiate.'
- 6.125 In principle the proposed landscaping measures would be acceptable, however a planning condition will require the submission of further detailed hard and soft landscaping information, in addition to the proposed children's playspace and equipment.
- 6.126 Sustainable Urban Drainage Systems aid in alleviating local flood risk, managing water quality and enhancing biodiversity. A condition will require further information regarding appropriate measures and permeable materials to ensure this would be achieved.
- 6.127 In regard to boundary treatment, further details will be required by condition. This includes the proposed acoustic fencing to the eastern boundary to mitigate noise levels from vehicular movement within the Sivyers site to external amenity areas.

Planning Obligations

- 6.128 The National Planning Policy Framework (NPPF) (para. 54) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF (para. 56) also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and

(c) Fairly and reasonably related in scale and kind to the development

6.129 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests.

6.130 The obligations sought are as follows:

- Eight affordable units, comprising;
 - **4 Affordable Rent;**
 - 1 bed 2 person (wheelchair);
 - 2 bed 3 person (wheelchair);
 - 3 bed 4 person (wheelchair);
 - 2 bed 4 person.
 - **4 Intermediate (Shared Ownership);**
 - 3no. 2 bed 4 person;
 - 1 bed 2 person.
- Employment payment of £61,000;
- Carbon neutral payment of £57,060;
- Viability Review Mechanism;
- Local Labour;
- S278 Highways works;
- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
 - Service connections for gas, electricity, water and foul drainage;
 - Provision for telecommunication services and broadband services;
 - Wall and ceiling finishes;
 - Wheelchair accessible entrances;
 - Screed floors;
 - Glazing solution.
- A 3 month rent free period granted to the commercial occupier to allow the tenant to fit-out the unit and begin trading before any rental payments are due;
- Monitoring, legal and professional costs.

6.131 As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy

objectives, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010.

Prevention of crime and disorder

- 6.132 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder etc in its area. Officers do not consider that this application raises any crime and disorder issues.

Human Rights Act

- 6.133 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 6.134 The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

7.0 Community Infrastructure Levy

- 7.1 The above development is liable for Lewisham CIL.

8.0 Equalities Considerations

- 8.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 8.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 8.3 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 8.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling

reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

8.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

8.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

<https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>

8.7 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.

9.0 Conclusion

9.1 The proposal would include the demolition of an existing non-designated building, which is of insufficient architectural merit to warrant retention.

9.2 The proposed development would provide a mixed use residential and commercial scheme that has been amended to address the reasons for the refusal of the 2016 proposal. The design has been reconsidered to alleviate the overbearing nature of the refused scheme upon neighbouring amenity by reducing the height of the proposed block located to the southern part of the application site.

9.3 Officers consider the development to be acceptable in its siting, design and scale, and would be an appropriate addition to the townscape.

9.4 The standard of proposed residential accommodation would be acceptable, in accordance with policies, with each unit being afforded private amenity space. The provision of eight affordable units has been tested by an independent viability consultant, who concludes the scheme would be unable to provide any additional tenure. The proposed mix of Affordable Rent and Intermediate units would be acceptable.

9.5 Officers are satisfied with the Highways impact of the proposal, subject to S278 works to the highway.

9.6 For these reasons, it is recommended permission is granted.

10.0 **RECOMMENDATION (A)**

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

- Eight affordable units, comprising;
 - **4 Affordable Rent;**
 - 1 bed 2 person (wheelchair);
 - 2 bed 3 person (wheelchair);
 - 4 bed 4 person (wheelchair);
 - 2 bed 4 person.
 - **4 Intermediate (Shared Ownership);**
 - 3no. 2 bed 4 person;
 - 1 bed 2 person.
- Employment payment of £61,000 and payable in full upon first occupation;
- Carbon neutral payment of £57,060 and payable in full upon first occupation;
- Review Mechanism - Early stage review if the planning permission has not been implemented within two years, and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG);
- Local Labour;
- S278 Highways Works:

No development shall commence until details of the following highways works have been submitted to and approved in writing by the local planning authority;

 - re-instatement and improvement works on the public highway (Sydenham Road) adjacent to the proposed site access, including waiting restrictions to enable large vehicles to access the site; dropped kerb; and tactile paving.
- Commercial marketing strategy
- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
 - Service connections for gas, electricity, water and foul drainage;
 - Provision for telecommunication services and broadband services;
 - Wall and ceiling finishes;
 - Wheelchair accessible entrances;

- Screed floors;
- Glazing solution.
- A 3 month rent free period granted to the commercial occupier to allow the tenant to fit-out the unit and begin trading before any rental payments are due;
- Monitoring, legal and professional costs:

Meeting the Council's reasonable costs in preparing and monitoring the legal obligations. The monitoring costs would equate to £3200 as per the Planning Obligations SPD.

RECOMMENDATION (B)

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

- (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:

SYD-P010-S2-P0; SYD-P110-S2-P0; SYD-P111-S2-P0; SYD-P112-S2-P0; SYD-P113-S2-P0; SYD-P410-S2-P0; SYD-P411-S2-P0; SYD-P412-S2-P0; SYD-P413-S2-P0; SYD-P414-S2-P0; SYD-P510-S2-P0; SYD-P511-S2-P0; SYD-P611-S2-P0; Existing Plans; Landscape Report; Construction Site Operations Plan; Energy Statement; Report on Phase 1 Desk Study; Environmental Noise Survey Report; Planning Statement; Report on Ground Investigation; Sustainability Statement; Design & Access Statement; Daylight & Sunlight Assessment; Transport Statement; Residential Travel Plan Statement; The Central Courtyard; Indicative Material and Furniture Palette; Planting for Seasons Received 23 November 2017

P212-S2-P1; SYD-DS-01-ZZ-DR-A-P213; SYD-P310-S2-P1; SYD-P311-SO-P1; SYD-P210-S2-P1; SYD-P211-S2-P0; SYD-P213-S2-P1; SYD-P610-S2-P1; SYD-P611-S2-P1 Received 22 February 2018

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) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by

remedial works or not) has been submitted to and approved in writing by the Council.

- (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

- (4) (a) The commercial floorspace hereby approved shall achieve a minimum BREEAM Rating of ‘Excellent’.
- (b) No works beyond piling shall commence until a Design Stage Certificate for the commercial floorspace (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (b) Within 3 months of occupation of the commercial unit, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a).

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 (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (5) 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) Demolition works, including 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.

The development shall be carried out in accordance with the approved Construction Management Plan.

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 (2016).

- (6) (a) The buildings shall be designed and constructed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided.
- (b) Development shall not commence above ground level until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policy 26 Noise and vibration, DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (7) (a) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:5 showing: windows/ doors/ balconies/ terraces and entrances 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.

- (8) No development above ground level shall commence on site until a detailed schedule of all external materials and finishes, windows, roof coverings and balcony treatments to be used on the buildings hereby granted have been submitted to and approved in writing by the Local Planning Authority, and samples of external materials presented to officers on-site, prior to commencement of the relevant part of the development. The development shall thereafter be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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

- (9) The residential and commercial refuse facilities shall be provided in full prior to occupation of the residential units 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).

- (10) (a) A minimum of 66 secure and dry cycle parking spaces for residential occupiers shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground floor level until the full details of all 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 residential units 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).

- (11) (a) No development beyond piling shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.
- (b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan

(November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

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

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

- (13) (a) Details of the proposed boundary treatments including any gates, walls or fences (including the acoustic fencing to the eastern boundary) 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 first occupation 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).

- (14) (a) Prior to occupation of the residential units a scheme for any external lighting that is to be installed at the site, including measures to prevent light spillage shall be submitted to and approved in writing by the local planning authority.
- (b) Any such external lighting as approved under part (a) shall be installed prior to occupation in accordance with the approved drawings and such directional hoods shall be retained permanently.
- (c) The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

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).

- (15) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes,

including rainwater pipes (other than those expressly shown on the approved drawings), shall be fixed on the front elevation 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).

- (16) The proposed private and communal amenity spaces shall be provided in full prior to first residential occupation, and retained thereafter permanently for the benefit of the occupiers of the residential units hereby permitted.

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

- (17) 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 roofed areas (other than those indicated as amenity space) hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof areas shall be carried out, nor shall the roof areas be used as a 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 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

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

- (19) Details of the number and location of the bird, bat and bug houses boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

Reason: To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2016), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

- (20) (a) Details of the location of electric vehicle charging points to be provided and a programme for their installation and maintenance shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.
- (b) The electric vehicle charging points as approved shall be installed prior to occupation of the Development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To reduce pollution emissions in accordance with Policy 7.14 Improving air quality in the London Plan (2016), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

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

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

- (22) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the buildings other than those expressly authorised by this permission.

Reason: To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity of the Development Management Local Plan (November 2014).

- (23) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the south facing windows at second floor of the southern Block hereby approved shall be fitted as top hung opening only and obscure glazed, and retained in perpetuity.

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with 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).

- (24) (a) Details of the proposed solar panels shall be submitted to and approved in writing by the LPA prior to first installation.
- (b) The solar panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved, and retained in perpetuity.

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 (2016) and Core strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

- (25) (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified below:
- (i) 3 units shall meet standard M4(3) (Units F01, F02 & F03)
- (ii) All other ground floor units shall meet standard M4(2)
- (b) No development of any Building shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with paragraph (a) of this condition in respect of such Building.
- (c) The development shall be carried out in accordance with the requirements of paragraphs (a) and (b) of this condition.

Reason: In order to ensure an adequate supply of 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).

- (26) Screening measures to all upper floor terraces shall be submitted to and approved in writing by the local planning authority and shall be installed in their entirety prior to first residential occupation and maintained thereafter in perpetuity.

Reason: To avoid the direct overlooking of neighbouring properties and consequent loss of privacy thereto and to comply with 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).

- (27) No development beyond ground works shall commence on site until a play strategy demonstrating the proposed layout, materials, fixtures and fittings of the playable space in general accordance with drawing no. SYD-P110-S2-P0 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation of the residential units and retained in perpetuity.

Reason: In order that the local authority may be satisfied that the playable space proposed within the scheme is useable and appropriate in accordance with Policy 3.6 Children and young peoples play and informal recreation facilities of the London Plan (2016) and Policy 12 Open Space and Environmental Assists of the Core Strategy (2011).

- (28) (a) The commercial unit hereby approved shall not be occupied until such time as a user's Travel Plan for the residential use, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
- (b) The Travel Plan shall specify initiatives to be implemented by the commercial use to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
- (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

- (29) No development shall commence on site until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (2016)

- (30) The whole of the residential car parking accommodation shown on drawing no. SYD-P110-S2-P0 hereby approved shall be provided prior to the occupation of any dwelling and retained permanently thereafter

Reason: To ensure the permanent retention of the spaces for parking purposes, to ensure that the use of the buildings does not increase on-street parking in the vicinity and to comply with Policies 1 Housing provision, mix and affordability and 14 Sustainable movement and transport of the Core Strategy (June 2011), DM Policy 29 Car Parking of the Development Management Local Plan, (November 2014), and Table 6.2 of the London Plan (2016).

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

Reason: In order to safeguard the amenities of adjoining 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 16 Local shopping parades and corner shops, of the Development Management Local Plan (November 2014).

- (32) The commercial premises shall only be open for customer business between the hours of 0800 and 2300 on any day of the week.

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 16 Local shopping parades and corner shops, of the Development Management Local Plan (November 2014).

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

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

- (34) No extensions or alterations to the single dwelling-houses 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).

- (35) (a) The proposed commercial unit shall only be used for A1 (Retail), A2 (Financial and Professional Services) or B1 (Business) uses.
- b) Operational details with regard to potential D1 and D2 uses shall be submitted to and approved in writing by the local planning authority prior to first commencement.

Reason: To provide employment floorspace in line with Core Strategy Policy 5 Other employment locations, and in order to safeguard the amenities of adjoining occupants.

INFORMATIVES

- (A) 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) **Pre-Commencement Conditions:** The applicant is advised that Conditions relating to Site Contamination, Archaeology and Construction Management Plan require details to be submitted prior to the commencement of works due to the importance of: ensuring the development makes appropriate provision for local labour and delivery of jobs; allowing for archaeological investigations; ensuring the site has been cleared of any potential contaminants; and minimising disruption on local residents during construction works.
- (E) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

