

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 20 OCTOBER 2011 TIME 7.30 PM**

PLACE: **ROOM 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Bell (Chair)
Beck
Davis
Feakes
Folorunso
Harris
Ibitson
Long (Deputy Chair)
Nisbet
Paschoud**

The public are welcome to attend our committee meetings, however, occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

**Barry Quirk
Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 11 October 2011**

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Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 20 OCTOBER 2011

Declaration of interests

Members are asked to declare any personal interest they have in any item on the agenda.

Personal interests

There are two types of personal interest :-

- (a) an interest which you must enter in the Register of Members' Interests*
- (b) an interest where the wellbeing or financial position of you, (or a "relevant person") is likely to be affected by a matter more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

*Full details of registerable interests appear on the Council's website.

("Relevant" person includes you, a member of your family, a close associate, and their employer, a firm in which they are a partner, a company where they are a director, any body in which they have securities with a nominal value of £25,000 and (i) any body of which they are a member, or in a position of general control or management to which they were appointed or nominated by the Council, and (ii) any body exercising functions of a public nature, or directed to charitable purposes or one of whose principal purpose includes the influence of public opinion or policy, including any trade union or political party) where they hold a position of general management or control

If you have a personal interest you must declare the nature and extent of it before the matter is discussed or as soon as it becomes apparent, except in limited circumstances. Even if the interest is in the Register of Interests, you must declare it in meetings where matters relating to it are under discussion, unless an exemption applies.

Exemptions to the need to declare personal interest to the meeting

You do not need to declare a personal interest where it arises solely from membership of, or position of control or management on:

- (a) any other body to which you were appointed or nominated by the Council
- (b) any other body exercising functions of a public nature.

In these exceptional cases, unless your interest is also prejudicial, you only need to declare your interest if and when you speak on the matter .

Sensitive information

If the entry of a personal interest in the Register of Interests would lead to the disclosure of information whose availability for inspection creates or is likely to create a serious risk of violence to you or a person living with you, the interest need not be

entered in the Register of Interests, provided the Monitoring Officer accepts that the information is sensitive. Where this is the case, if such an interest arises at a meeting, it must be declared but you need not disclose the sensitive information.

Prejudicial interests

Your personal interest will also be prejudicial if all of the following conditions are met:

- (a) it does not fall into an exempt category (see below)
- (b) the matter affects either your financial interests or relates to regulatory matters
- the determining of any consent, approval, licence, permission or registration
- (c) a member of the public who knows the relevant facts would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Categories exempt from being prejudicial interest

- (a) Housing – holding a tenancy or lease with the Council unless the matter relates to your particular tenancy or lease; (subject to arrears exception)
- (b) School meals, school transport and travelling expenses; if you are a parent or guardian of a child in full time education, or a school governor unless the matter relates particularly to the school your child attends or of which you are a governor;
- (c) Statutory sick pay; if you are in receipt
- (d) Allowances, payment or indemnity for members
- (e) Ceremonial honours for members
- (f) Setting Council Tax or precept (subject to arrears exception)

Effect of having a prejudicial interest

If your personal interest is also prejudicial, you must not speak on the matter. Subject to the exception below, you must leave the room when it is being discussed and not seek to influence the decision improperly in any way.

Exception

The exception to this general rule applies to allow a member to act as a community advocate notwithstanding the existence of a prejudicial interest. It only applies where members of the public also have a right to attend to make representation, give evidence or answer questions about the matter. Where this is the case, the member with a prejudicial interest may also attend the meeting for that purpose. However the member must still declare the prejudicial interest, and must leave the room once they have finished making representations, or when the meeting decides they have finished, if that is earlier. The member cannot vote on the matter, nor remain in the public gallery to observe the vote.

Prejudicial interests and overview and scrutiny

In addition, members also have a prejudicial interest in any matter before an Overview and Scrutiny body where the business relates to a decision by the Executive or by a committee or sub committee of the Council if at the time the decision was made the member was on the Executive/Council committee or sub-committee and was present when the decision was taken. In short, members are not allowed to scrutinise decisions to which they were party.

Committee	PLANNING COMMITTEE (C)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date 20 OCTOBER 2011

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 8th September 2011.

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Committee	PLANNING COMMITTEE (C)	
Report Title	52-54 THURSTON ROAD SE13 7SD	
Ward	Lewisham Central	
Contributors	Emma Talbot	
Class	PART 1	Date: 20 OCTOBER 2011

<u>Reg. No.</u>	DC/11/77754 as revised
<u>Application dated</u>	30.06.11, completed 27 July 2011 [as revised on 13.09.11, 28.09.11, 07.10.11]
<u>Applicant</u>	Mr R Rossetti of Savills on behalf of Regionla Square (Thurston Road) Ltd
<u>Proposal</u>	The construction of a part 9, part 10 storey building comprising three commercial units to the ground floor (Use Class B1 Business) and 28, 1 bed, 24, 2 bed and 10, 3 bed self-contained flats, together with the provision of five car parking spaces, bin store and associated landscaping.
<u>Applicant's Plan Nos.</u>	005 A, 010 A, 011 E, 012 K, 013 K, 015 G, 016 F, 017 G, 018 F, 020 H, 021 D, 022 D, 024 F, 025 B, 050, 051, 080 B, 21643/002/007 A, Planning Design & Access Statement (09 June 2011) part superseded by area schedule and accommodation distribution and mix received 07.10.11, Flood Risk Assessment Revision B (August 2010), Flood Risk Management Plan Revision 1(June 2011 MacDonald Egan), Transport Statement (May 2010 Regional square Ltd), PPG24 Noise Survey & Assessment (cass allen associates, 02/06360 REV 2), Planning Statement (July 2010 Savills), Planning Obligations Statement, Sustainability Statement (September 2011), Groundsure Review (Dec 8 2010), wind microclimate Around 52-54 Thurston Road (7 April 2011, BRE), Air Quality assessment (March 2010, Air Quality Consultants), Letter to Judith Cooke dated 05 August 2011, clarification note (07.10.11), Marley Eternit Natura Pro samples in natural grey and Anthracite, metal colour samples Anolok 541& Anolok 547.
<u>Background Papers</u>	<ol style="list-style-type: none"> (1) Case File - LE/132/C/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents

- (4) The London Plan (2011)
- (5) Core Strategy (June 2011)
- (6) PPS 1: Delivering Sustainable Development
- (7) PPS 3: Housing
- (8) PPS 4: Planning for Sustainable Economic Growth
- (9) PPS 9: Biodiversity and Geological Conservation
- (10) PPG 13: Transport
- (11) PPG 17: Planning for Open Space, Sport and Recreation
- (12) PPS 22: Renewable Energy
- (13) PPS 23: Planning and Pollution Control
- (14) PPG 24: Planning and Noise
- (15) PPS 25: Development and Flood Risk

Designation

Adopted UDP - Existing Use, Major District Centre

Core Strategy – Growth and Regeneration Area, Lewisham Town Centre

Screening

Screening opinion confirming that the development is not EIA development was issued in October 2011.

1.0 Property/Site Description

- 1.1 The application site is located on the north side of Thurston Road, at its western most end where it meets Brookmill Road. The site is triangular in shape, narrowing to the west and is bounded by a railway viaduct to the north. To the east of the site there is a vacant area of land. Thurston Road is a busy route into Lewisham Town Centre which is the main route from Deptford. The road is a bus route.
- 1.2 Until relatively recently the site was occupied by a car breakers yard. It is currently in use as a car wash and is hard paved. This part of Thurston Road is mostly in industrial use with 12 units at Sherwood Court (although at least three are in use as unauthorised churches presently) and to the south of the site sits the main Thurston Road Industrial Estate. This has planning permission for redevelopment to provide retail and commercial space along with over 400 residential units.
- 1.3 The site is located within flood zone 3a as defined by PPS 25 with a 1 in 100 year risk of flooding. Recent flood modelling by the Environment Agency has resulted in a greater depth of flood waters anticipated for the site in a flooding event. The site is also located above an aquifer. It is within Lewisham Town Centre and is a site which is being promoted through the Lewisham Town Centre Area Action Plan for redevelopment. The site is within an Air Quality Management Area.

2.0 Planning History

2.1 There have been various applications for development of this site, the majority of which is of no relevance to the current application. Those applications of relevance are;

2.2 Outline planning permission was granted in 2004 for the construction of a four storey block comprising 4 office units together with 12 one bedroom self-contained flats. Valid reserved matters applications were not received within the necessary three years following the grant of planning permission and the outline planning permission has therefore lapsed.

2.3 Outline planning permission was refused in 2005 for the construction of a four storey building at the site comprising 16 one bedroom self-contained flats. The application was refused because the ground floor residential use was considered unsuitable and would give rise to a poor quality living environment. No evidence was provided to demonstrate that an employment use of mix of uses could not be provided in this location.

2.4 In 2010, a planning application was submitted for an almost identical scheme. Planning officers raised a number of concerns about the quality and content of supporting documents. The scheme was subsequently withdrawn.

2.5 In addition to the planning history for the site itself, there are a number of schemes that have recently been approved in the surrounding area which are of some relevance, as outlined below:

2.6 Loampit Vale

2.7 Following a resolution to grant planning permission in September 2009, planning permission was granted in March 2010 for the redevelopment of the land to the south of Loampit Vale (LPA ref DC/09/71246). This proposal comprises the redevelopment of the site to provide a new leisure centre, over 788 new homes, retail and business space and the re-provision of the existing London City Mission provide within eight buildings ranging in height from five to 24 storeys arranged across the site generally rising in height from the west to the east. There would be 181 car parking spaces within the development, 866 cycle spaces and 26 motorcycle spaces. Development commenced in April 2010.

2.8 Lewisham Gateway

2.9 In October 2007, the Council resolved to grant planning permission (part outline/part detailed) (LPA ref: DC/06/62375) for the comprehensive redevelopment of the Lewisham Gateway site, which lies to the east of Loampit Vale. The resolution to grant was subject to referral of the application to the Secretary of State and the GLA and the entering into a Section 106 Agreement. The legal agreement was completed and planning permission granted in May 2009. This proposal comprises up to 100,000 sq. m. of retail, offices, hotel, approximately 800 residential units, education, health and leisure with new road layout, parking, servicing, associated infrastructure and improvements to the public transport interchange, as well as open space, rivers and water features. The Gateway proposals provide for a minimum, optimum and maximum scheme with a range of building heights, up to 77m (22 storeys) in the maximum scheme.

2.10 Thurston Road Industrial Estate

- 2.11 In 2006 planning permission (LPA ref: DC/05/59343/X) was granted for the construction of a four to fifteen storey building on the site of Thurston Road Industrial Estate, Jerrard Street SE13, comprising retail units, including a garden centre, 19 live/work units, 71 one bedroom, 178 two bedroom, 21 three bedroom and 1 four bedroom self-contained flats/maisonettes, together with associated landscaping, provision of a delivery yard, loading bay, stores, bin stores, 185 cycle, 24 motorcycle and 350 car parking spaces on ground and upper ground floor levels, associated highway works, plant and servicing.
- 2.12 In 2008 a further planning application (LPA ref: DC/07/65251/X), was granted for the construction of a 2 to 17 storey building, incorporating balconies/terraces, on the site of Thurston Road Industrial Estate, comprising up to a total of 6,771 m² non-food retail space (Use Class A1), 5 units of flexible commercial (Use Class B1)/live/work space, 4 units of flexible retail/commercial (Use Classes A1/A2/B1) space, 406 dwellings comprising 108 one bedroom, 256 two bedroom and 42 three bedroom self-contained flats/maisonettes, together with associated landscaping, provision of a delivery yard, loading bay, stores, bin stores, 415 cycle, 4 motorcycle and 235 car parking spaces comprising 117 retail spaces and 118 residential spaces on ground and upper ground floor levels, with courtyard garden above, associated highway works, plant and servicing.
- 2.13 The 2008 application was subject to an extension of time limit application in February 2011. It was resolved, subject to referral to the GLA and completion of a Section 106, to grant an extension to the scheme of 18 months in July 2011.

3.0 Current Planning Application

- 3.1 The current application is for the redevelopment of the site to provide a part 9, part 10 storey building comprising three commercial units to the ground floor plus 62 residential units comprising 28 x 1 bed, 24 x 2 bed and 10 x 3 bed. 12 of the units would be affordable in the form of intermediate tenure. A shared amenity space with children's play equipment would be located at the 9th floor on the roof top of the 9 storey element.
- 3.2 The building would take the form of a cranked rectangular block, following the edge of the site on the frontage towards the northwest end of the site and being angled back from the edge of the site towards the southeast end. Overall, the building would measure 58m in length and would be approximately 13m wide (not including balconies or projections), tapering in to 6.5m wide at the northwest edge of the site. The 10 storey element would measure 30m in height and would be 20.5m in width. The building would then step down to 9 storeys, measuring 27m in height for 37.5 m in length. Railings are shown on the 9 storey element which would form a roof top amenity space for the units and a CHP chimney is also included which would sit 3m above the highest part of the building.
- 3.3 The materials proposed for the building are grey and 'light tone' eternit panels, samples of which have been submitted and powder coated metal framing for glazing frames and railings. Although the plans state that the colour is to be confirmed, the design and access statement specifies that the treatment would be regency gold and samples of that have been submitted for approval.

- 3.4 More detail of the proposed treatment of the ground floor has been provided detailing the built in signage to the residential cores which would be screen printed onto railings forming gates into the building, railings, stairs and finish of commercial unit frontages and positioning of ornamental trees. More detailed studies of this elevation are included as part of the design and access statement.
- 3.5 In terms of landscaping, proposals for the front of the building include 20 ornamental trees located along the frontage at key positions in front of lift positions and staircases the residential units which would have flood voids beneath.
- 3.6 7 trees are proposed to the rear of the building with the remainder of the area hard landscaped.
- 3.7 The ground floor would comprise of three B1 commercial units (with mezzanine floors) and cycle storage, refuse rooms and a plant room. The building would be raised above ground level to allow for a flood void to be provided beneath the building. The ground floor units would therefore be accessed via sets of stairs and accompanying platform lifts. Between the commercial units, an undercroft would provide vehicular access to the parking and service area situated behind the building. Residential entrances would be located at the southern most and northern most ends of the building. These entrances would have level access.
- 3.8 Access to residential units would be from decks located on the eastern elevation. Two cores, each with one lift, would give access to three units from the northern core and five from the southern most one. A connecting door would be located between the cores so that there would be access between the two.
- 3.9 At first floor level would be the mezzanine of the commercial units and three private residences; 2 x 1 bed and 1 x 2 bed. The second, fourth, sixth and eighth floors would comprise of 3 x 1 bed, 4 x 2 bed and 1 x 3 bed units, the third, fifth and seventh floors would have 4 x 1 bed, 2 x 2 bed and 2 x 3 bed units and the 9th floor would comprise 2 x 1 bed and 1 x 2 bed units. All units would have open plan living/kitchen dining spaces and all apart from 9 units would have access to private balcony spaces.
- 3.10 The intermediate/shared ownership units would be located from 1st to 7th floors and would be positioned towards the northern most core of the building.
- 3.11 The submission is accompanied by a number of supporting documents, the details of which have been set out in the following paragraphs.

Design and Access Statement

- 3.12 The submitted design and access statement outlines the design process for the scheme as well as the design philosophy of the architect to demonstrate the quality of other schemes from that practice. This describes the site and its context, outlines how the site was appraised and how it has responded to other town centre developments. The development of the scheme proposal is outlined and the design decisions explained. The statement explains that the massing of the proposed building is a response to the approved Thurston Road Industrial Estate development. The access and parking arrangements are explained and an assessment of the scheme's impact on surrounding residential areas to the north of the railway viaduct is shown which concludes that there would be no significant

impact due to the distances between the sites and the railway viaduct acting as a buffer.

- 3.13 The different materials explored are outlined which has resulted in the use of Eternit cladding being proposed in grey and light tones. Precedent examples of other schemes are included to demonstrate the proposed finishes and detailing. The detailing of the green roof and overall landscaping approach is explained, including a proposal for wider works for Thurston Road. The design and access statement outlines the approach to street activity for the ground floor and creation of public space. It also demonstrates how flood resilience has been designed into the scheme with the incorporation of flood defences as part of a detailed designed ground floor and public realm with anodised aluminium gates/railings picking up on the design of the windows and doors in a regency gold colour. Raised decks would be precast concrete. It is proposed that the detailing of features would be simple and refined with landscaping used to soften the edge of access points into the building.
- 3.14 The landscaping details state that trees would be either birch or cherry to be robust whilst providing seasonal variation. These would be planted into porous external surfaces of clay paving blocks with tree pits detailed with 'grilles for protection'. Bollards (retractable) are proposed to the building edge to protect from vehicles and a series of lighting is proposed with spotlights within trees and wall mounted lighting beneath the arches to the railway.
- 3.15 Details of the roof are provided showing the incorporation of a green roof on the 9 storey element and the 10 storey as well as useable play space.
- 3.16 The statement includes a full schedule of accommodation and identifies the location of the proposed shared ownership units.

Planning Statement

- 3.17 The submitted planning statement describes the site and its surroundings and sets out the planning history for the site. The document notes the relevant policy framework at the national, regional and local levels as was the case at the time when the submission was made [the London Plan 2011 has been adopted in the interim period]. The key planning considerations are identified as the general principle of the development, delivering regeneration, mix of uses, delivering homes, design, environmental sustainability, sustainable transport, noise, flooding and Section 106 contributions. The report concludes that the scheme is in accordance with all of the relevant policies and presenting a sustainable, mixed-use development that would enhance the local environment.
- 3.18 A Statement of Community Involvement is included as part of the Planning Statement outlining the properties consulted and material that was circulated. This resulted in no local interest or enquiries.

Air Quality Assessment

- 3.19 The submitted Air Quality Assessment identifies the baseline conditions on the site for Nitrogen Dioxide levels and PM₁₀ particulates. The impact on air quality from the proposal is stated to be from construction with traffic levels not felt to be likely to have a perceptible impact due to the proposed 5 parking spaces only. The

report also assesses the impact from exposing new residents into the Air Quality Management Area.

- 3.20 The report states that the predicted annual mean concentration of nitrogen dioxide, PM_{2.5} and PM₁₀ levels are well below the objectives at all receptor location around the site in 2009 and 2012. The number of days when PM₁₀ concentrations would be above acceptable concentration levels would also be below objectives at all receptors. The report concludes that it is not expected that as a result of the scheme, new exposure would be introduced into this area.
- 3.21 The construction works are stated to pose a medium risk to air quality based on GLA Site Evaluation Guidelines with the main impacts likely to be from demolition and site preparation activities along with dust tracking from vehicles leaving the site. Proposed mitigation is outlined in section 6.3 of the report and includes erecting solid barriers around the site, planning the location of dust causing activities and machinery away from sensitive receptors, wheel washing of vehicles, covering loads and cleaning of haulage routes and suppressing dust by using water.

Noise Survey

- 3.22 The submitted noise survey has determined the noise category for the site in accordance with PPG24 by undertaking on site measurements. The noise level category on the site is C which is defined by PPG 24 as being a level at which planning permission should not normally be granted but where considered that planning permission should be given because, for example, no alternative quieter sites are available, planning conditions should be imposed to ensure adequate protection against noise. Surveys of vibration levels due to passing trains were also undertaken and the results confirm that the levels fall below the level at which there would be a low probability of adverse comment.
- 3.23 The vibration levels at the site have also been measured and the report states that they are believed to be acceptable for the proposed development.
- 3.24 The report predicts the internal noise levels for units based on the construction details, room dimensions and LBL noise criteria. This demonstrates that the necessary noise levels could be met, assuming that windows were closed with vents open. It also predicts that a worst case scenario of a freight train passing at night for a flat with a bedroom level with the railway line would meet recommendations of BS8233 and WHO.
- 3.25 The report concludes that the noise levels required to provide adequate levels within the development could be achieved. It recommends that construction noise impacts could be controlled through condition.

Sustainability and Renewables

- 3.26 The submitted sustainability and renewables report (September 2011) assesses the scheme's ability to reduce carbon through the use of passive design measures, clean energy, on-site renewables and Code for Sustainable Homes level 4 for the residential units. The BREEAM for the commercial would be very excellent.

- 3.27 The document estimates the base load carbon use on site and calculates that a 47% saving would be 51, 477 tonnes of carbon dioxide per annum which could be achieved through the use of a gas fired CHP, Solar thermal and photovoltaic panels. It assesses the scheme against the lean, clean, green criteria in the 2008 London Plan concluding that passive measures such as the strong building fabric combined with efficient plant using a Combined Heat and Power (CHP) system with 170 sq.m of Photovoltaic panels at roof level would provide the necessary carbon savings.
- 3.28 The report outlines the sustainability measures generally in terms of materials, water consumption, the use of SUDs to control surface water run-off [although the report incorrectly states that the area is at low risk of flood when in fact it is at high risk of flooding], waste and biodiversity. It is stated that the scheme would meet Code level 4 and a pre-assessment review scored 69.31% which is 'within the parameters of a level 4 rating'. The scoring details and weighting are outlined in the remainder of the document.

Environmental Review

- 3.29 An environmental review has been submitted looking at the history of the use of the site, any pollution incidents, any impact from landfill or other waste sites, the current land use and natural hazards, ground workings and the environmental sensitivity of the site. The report is stated to be a basic risk assessment for the purposes of transaction and due diligence and does not contain a Conceptual Site Model but would prove highly effective in identifying whether one was required.
- 3.30 The report identifies potential contamination sources on the site and given the proximity of residential properties and the location of a major aquifer underlying the site, the site is said to have a high environmental sensitivity. It concludes that significant potential 'environmental liabilities' have been found and further assessment is needed.
- 3.31 Transport Statement
- 3.32 The transport statement explains the current situation with local traffic based on traffic surveys undertaken, predicting the impacts of the new development. TRAVL data has been assessed using a multi modal trip generation is used with St Georges Wharf as comparison (for rented not shared ownership). It is anticipated that rented units would give no rise to car movement with the majority of residents relying on walking (41%). For the private units it is predicted that 89% of people would walk or use public transport with attributable car trips adding 76 inbound and 81 outbound car journeys. The report states that this is considered to overestimate impacts given the low car parking proposed and a restriction on applying for permits within the CPZ.
- 3.33 Cycle parking is proposed with 66 spaces being provided in addition to visitor cycle stands. The assessment includes an analysis of wood pellet delivery and storage although a biomass boiler is no longer proposed as part of the development. Commercial unit servicing would be via Thurston Road which is not restricted.
- 3.34 The assessment considers cumulative impacts taking into account Thurston Road Industrial Estate and Lewisham Gateway. It is stated that the impact of the

proposed development traffic would be typically less than 1% and is not considered significant in traffic engineering terms and would have no significant impact with or without committed developments. Bus usage would also be within capacity.

3.35 Flood Risk Assessment

3.36 The report identifies the site as being within Flood Zone 3 as defined by PPS25. It sets out the relevant policy position and the maximum flood level for the site (6.08m AOD) in a 1 in 50 annual probability event and therefore a minimum floor level required of 6.98 AOD. In a flood event, modelling shows that the site would be at risk for a period of 6 hours with the depth of water resulting in a classification of 'danger for some'. The route would remain safe for emergency services at all times.

3.37 The Flood Risk Assessment outlines the proposals for the site including the provision of affordable housing and a series of contributions to demonstrate that it meets the exception test and that the wider sustainability benefits to the community outweigh flood risk. The details are incorrect with regard to the tenure of affordable housing and the stated Code Level 3 (the sustainability statement commits to level 4 as does the FRA elsewhere). It does however, explain that there would be the removal of an unwelcome use on the site to promote regeneration, the creation of jobs, the provision of new housing with a level of affordable (although all intermediate units), ecology improvements through the incorporation of green roofs, planting and bird/bat boxes, lifetime homes and SUDs using an underground storage tank. It is argued that it would promote economic growth and be environmentally and socially sound.

3.38 Accommodation would be raised above the 1 in 100 year flood levels plus climate change level with flood voids included beneath the building. It is also stated that the applicant would be meeting the cost of raising the public footpath slightly to benefit the community which has been 'embraced by the developer of the neighbouring scheme further along Thurston Road'. The commercial units would also be elevated and safe access arrangements including safe refuge and a site specific flood warning management plan which all future residents and occupiers would be provided with. It also notes that there would be no overall loss of flood plain storage as a result of the development and a reduction in surface water runoff.

3.39 The mitigation within the scheme including raising residential development, a flood compensation scheme, safe refuge spaces and a warning and evacuation plan, the FRA considers that all occupants would be safe during the flood event.

3.40 Flood Risk Management Plan

3.41 The submitted management plan is intended to be the means by which appropriate flood advice will be provided to future occupants. It would become a live document on completion of the development and would be reviewed annually. It explains the risk associated with the site and the actions that would need to be taken in a flood event which would involve staying inside or evacuating before floor level reaches their peak. It sets out the responsible bodies in such an event and also lists actions and equipment that residents would benefit from having in an event.

3.42 Wind Assessment

- 3.43 The submitted wind assessment considers the impact of the scheme on the area immediately around the development. The document submitted is a desk study and no wind tunnel testing or modelling was undertaken in order to assess the impact. The report (prepared by BRE) concludes that the wind conditions on the ground floor of the proposed development are likely to be suitable for pedestrian activities and the roof top conditions likely to be appropriate for play. It is suggested that 'ball and frisbee type activities' are restricted at this level. The shelter afforded by the existing railway embankments and trees coupled with the design features including the residential floors oversailing the ground floor commercial units would provide shelter from downdrafts and wind vortices.

Section 106 Heads of Terms

- 3.44 The proposed Heads of Terms submitted for the application have been set out following the guidance within the Council's draft Planning Obligations SPD. The proposed Heads of Terms and contributions are:

- 3.45 Affordable housing – 4x1 bed, 7x2 bed and 1x3 bed units provided on a shared ownership basis equating to 33 habitable rooms (20%)

S278 agreement to undertake improvements to Thurston Road based on submitted plans

Biodiversity – in kind works to provide green roofs, bird and bat boxes, SUDs and 'additional public greenery'

Renewable energy – Code for Sustainable Homes level 4 to be achieved and CO2 reductions of 20%

Flood Risk/management – development and maintenance of a site specific flood alleviation plan

Management of voids – responsibility to carry out regular inspections and monitoring to keep under floor voids clear, unobstructed and fit for purpose

Wheelchair housing – 6 easily adaptable units

Lifetime Homes compliance of all units

Restriction of future occupiers applying for permits for CPZ

The preparation and management of a Green Travel Plan for both residential and commercial occupiers

Education - £205,199

Employment and training - £29,031

Health services and facilities - £80,600

Open space, sports and leisure - £77,311

Community facilities - £19,472

Town Centre management/schemes - £12,425

Meeting the Council's implementation and monitoring costs - £5,000

- 3.46 Following a number of queries, the applicant submitted a clarification note. This confirms and/or corrects a number of statements in documents. This includes statements that despite the plan included in the design and access statement, the first floor units are private residences and the schedule of accommodation is correct, it confirms (despite statements in the Planning Statement, that Code Level 4 would be achieved on site and states that the TRAVL data in the Transport Assessment based on social rented units is attributable to both social and intermediate users. It also requests that the fit out of commercial units is in part only with details to be agreed.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the applicant prior to submission and the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed and letters were sent to 80 residents, business and organisations in the surrounding area and the relevant ward Councillors. TfL and the Environment Agency were also consulted along with Network Rail, the MET Police, London Ambulance Service and London Fire Service.

Pre-Application Consultation

- 4.3 Extensive pre-application discussions took place about the proposed redevelopment of this site, including presentation to the Council's Design Panel and in depth discussions with the Environment Agency about flooding issues.

Written Responses received from Local Residents and Organisations

- 4.4 No responses were received from any local residents or organisations.

Written Responses received from Statutory Agencies

Transport for London

- 4.5 The site is located close to the A20 Loampit Vale, which forms part of the Transport for London Road Network (TLRN).

With the exception of 4 disabled spaces, the site is intended to be car free. This is welcomed by TfL although residents should be prevented from applying for parking permits in the surrounding CPZ.

Cycle parking is proposed at 1 space per unit. Whilst this is welcome, 2 cycle parking spaces need to be provided for each 3 bed residential unit, in line with the new London Plan.

No Travel Plan is proposed. As the development proposes between 50 and 80 residential units, in accordance with latest TfL Travel Planning guidance, a local

level Travel Plan should be produced for the development. Further information on this is available at <http://www.tfl.gov.uk/assets/downloads/corporate/travel-planning.pdf>

TfL would request that a Construction Logistics Plan (CLP) is secured on any consent and submitted prior to the commencement of works on the site. This should demonstrate that construction materials can be delivered and waste removed in a safe and efficient manner and may also need to take into account any restrictions that may be in place during the Olympic period. Further information on CLPs can be found at http://www.tfl.gov.uk/microsites/freight/construction_logistics_plans.aspx.

The Environment Agency

- 4.6 The Environment Agency have no objections to the proposal as submitted subject to certain planning conditions being imposed on any planning permission granted. They state that they still have concerns as to whether a safe escape route can be provided, but note that the Council's Emergency Planner expressed a preference for provision of a 'safe refuge' within new development in this location over reliance on evacuation. The submitted 'Flood Risk Management Plan' advises residents to remain within the dwellings as these will offer 'safe refuge' being above the flood level. They accept that this issue can be potentially mitigated through the use of a flood plan which meets the requirements of Lewisham's Emergency Planner.

Lewisham Emergency Planning

- 4.7 The Flood Risk Management Plan is acceptable.

Lewisham Design Panel

- 4.8 Although the panel accepted the overall height of the development, it was of the opinion that the development has lost some of the massing articulation that it had at some point in the process. Specifically, the step between the two heights of the building has lost strength and is now just one storey difference.

In terms of density, the Panel pointed out that the density per habitable room appears to exceed the highest densities allowed by the London Plan in central London. Considering the challenging location and conditions that the development needs to respond to, the panel considers that the development lacks generosity in terms of the density of accommodation and layout. Specifically, the panel considered the corridor (around 1m wide) to be mean and questioned the quality of bedrooms along it. On the other hand the panel considers that the north elevation overlooking the moment the railway splits into two, could provide more generous windows that would make the most of this special view, making the most of what is otherwise considered a constraint.

Adding to this, the panel requested a section of the northern corner of the development with careful consideration of the aspect of habitable rooms onto the embankment and further information regarding the cladding of the northeast elevation in relation to internal windows, these were not shown on the plans.

Strategic Housing

- 4.9 Only 16% of units are 3 bedrooms which is below policy targets. There is no policy basis for all the affordable units being shared ownership and would clarify that the units would not be eligible for grant on that basis despite statements in the Design and Access Statement. However, given the number of units it is unlikely that a registered provider would be interested in a mix of tenures to deliver a 70:30 split and the delivery of only one tenure on the site would be preferred. All the wheelchair units appear to be within the private tenure and there is no mention of the wheelchair standard that would be met.

Sustainability Manager

- 4.10 The details are acceptable, subject to the imposition of an condition/obligation to secure the ability of the CHP system linking with other sites to form an energy network.

Highways and Transportation

- 4.11 The proposal is unobjectionable subject to:-

The provision of a Construction and Logistics Plan, It should be submitted prior to the commencement of the development and should specify how the impacts of construction activities and associated traffic will be managed.

The provision of a Parking Management Plan. The plan should provide details of measures to prevent parked vehicles from obstructing the vehicle route through the site, to ensure that vehicles are able to enter and exit the site in forward gear. The parking management plan should also include details relating to the operation of the vehicular access gate.

A planning obligation to prevent future occupants of the development from acquiring resident's car parking permits for adjacent Controlled Parking Zones

The provision of a Delivery and Servicing Plan. The Plan should rationalise the number and time of delivery and servicing trips to the commercial element of the development, with the aim of reducing the impact of servicing activity.

A S278 Highways Agreement, for highways/public realm improvement works to Thurston Road,

The provision of Car Club membership for all occupants of the development, for a minimum of a year.

The submission of a site wide Travel Plan, to encourage more sustainable modes of travel.

If any of the balconies on the building overhang the highway, a overhang license will be required under section 177 of the Highways Act 1980.

Ecological Regeneration Manager

- 4.12 The Council's Ecological Regeneration Manager is concerned by light pollution from the proposed spotlights and would recommend that that the railway embankment is treated as a dark corridor. This may necessitate that a appropriately worded condition be placed on the proposed development.

The applicant has made a commitment to providing bird and bat boxes which should be secured by conditioned specifying that 6 bird & bat boxes are provided.

It is unclear from the roof plan the extent of the living roof area and if this extends to the east part of building and under the proposed photovoltaic's. The diagram's are unclear but the maximum area of living roof should be delivered.

The current living roof proposal which has specified a Zinco Alumasc extensive sedum roof will not deliver a meaningful biodiversity enhancement. A Zinco Alumasc biodiverse living roof will deliver a preferred system. This is a better solution for the environment not only in terms of ecology but SUDS, energy efficiency, sustainability, & climate change/amelioration etc. It will require a marginally greater loading requirement but given that the proposal includes a children's playground and additional plant located on the roof this is not anticipated to be issue. It is recommended that a condition is imposed to secure a plug planted and seeded biodiverse living roof that uses the London living roof species list.

5.0 Policy Context

Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

- 5.2 A mixed use development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)
Planning Policy Statement 3: Housing (2010)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
Planning Policy Statement 12: Local Spatial Planning (2008)
Planning Policy Guidance 13: Transport (2011)
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (2002)
Planning Policy Statement 22: Renewable Energy (2004)
Planning Policy Statement 23: Planning and Pollution Control (2004)
Planning Policy Guidance 24: Planning and Noise (1994)
Planning Policy Statement 25: Development and Flood Risk (2010)

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.3 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

- 5.4 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)
Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)
Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)
Guidance on Tall Buildings (English Heritage/CABE, July 2007)
Code for Sustainable Homes Technical Guide (DCLG/BRE, November 2010)

London Plan (July 2011)

- 5.5 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London
Policy 2.1 London in its global, European and United Kingdom context
Policy 2.2 London and the wider metropolitan area
Policy 2.3 Growth Areas and Coordination Corridors
Policy 2.4 The 2012 Games and their Legacy
Policy 2.5 Sub-regions
Policy 2.6 Outer London: vision and strategy
Policy 2.7 Outer London: Economy
Policy 2.8 Outer London: transport
Policy 2.9 Inner London
Policy 2.10 Central Activities Zone – strategic priorities
Policy 2.11 Central Activities Zone – strategic functions
Policy 2.12 Central Activities Zone – predominantly local activities
Policy 2.13 Opportunity Areas and Intensification Areas

Policy 2.14 Areas for regeneration
Policy 2.15 Town Centres
Policy 2.16 Strategic outer London development centres
Policy 2.17 Strategic industrial locations
Policy 2.18 Green infrastructure: the network of open and green spaces
Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.6 Children and young people's play and informal recreation facilities
Policy 3.7 Large residential developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 3.10 Definition of affordable housing
Policy 3.11 Affordable housing targets
Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
Policy 3.13 Affordable housing thresholds
Policy 3.14 Existing housing
Policy 3.15 Co-ordination of housing development and investment
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and social care facilities
Policy 3.18 Education facilities
Policy 3.19 Sports facilities
Policy 4.1 Developing London's economy
Policy 4.2 Offices
Policy 4.3 Mixed use development and offices
Policy 4.4 Managing industrial land and premises
Policy 4.5 London's visitor infrastructure
Policy 4.6 Support for and enhancement of arts, culture, sport and entertainment provision
Policy 4.7 Retail and town centre development
Policy 4.8 Supporting a successful and diverse retail sector
Policy 4.9 Small shops
Policy 4.10 New and emerging economic sectors
Policy 4.11 Encouraging a connected economy
Policy 4.12 Improving opportunities for all
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.4 Retrofitting
Policy 5.5 Decentralised energy networks
Policy 5.6 Decentralised energy in development proposals
Policy 5.7 Renewable energy
Policy 5.8 Innovative energy technologies
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 5.19 Hazardous waste
Policy 5.20 Aggregates
Policy 5.21 Contaminated land
Policy 5.22 Hazardous substances and installations
Policy 6.1 Strategic approach
Policy 6.2 Providing public transport capacity and safeguarding land for transport
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.4 Enhancing London's transport connectivity
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.6 Aviation
Policy 6.7 Better streets and surface transport
Policy 6.8 Coaches
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.11 Smoothing traffic flow and tackling congestion
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 6.14 Freight
Policy 6.15 Strategic rail freight interchanges
Policy 7.1 Building London's neighbourhoods and communities
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.7 Location and design of tall and large buildings
Policy 7.8 Heritage assets and archaeology
Policy 7.9 Heritage-led regeneration
Policy 7.10 World Heritage Sites
Policy 7.11 London View Management Framework
Policy 7.12 Implementing the London View Management Framework
Policy 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.16 Green Belt
Policy 7.17 Metropolitan Open Land
Policy 7.18 Protecting local open space and addressing local deficiency
Policy 7.19 Biodiversity and access to nature
Policy 7.20 Geological conservation
Policy 7.21 Trees and woodlands
Policy 7.22 Land for food
Policy 7.23 Burial spaces
Policy 7.24 Blue Ribbon Network
Policy 7.25 Increasing the use of the Blue Ribbon Network for passengers and tourism
Policy 7.26 Increasing the use of the Blue Ribbon Network for freight transport
Policy 7.27 Blue Ribbon Network: supporting infrastructure and recreational use
Policy 7.28 Restoration of the Blue Ribbon Network
Policy 7.29 The River Thames

Policy 7.30 London's canals and other rivers and waterspaces
Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Housing (2005)
Sustainable Design and Construction (2006)
Providing for Children and Young People's Play and Informal Recreation (2008)
Interim Housing (2010)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)
Wheelchair Accessible Housing (2007)
Health Issues in Planning (2007)
Managing the Night Time Economy (2007)
London Housing Design Guide (Interim Edition, 2010)

Core Strategy

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

Spatial Policy 1 Lewisham spatial strategy
Spatial Policy 2 Regeneration and growth areas
Core Strategy Policy 1 Housing Provision, mix and affordability

Core Strategy Policy 5 Other employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 11 River and waterways network
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 18 The location and design of tall buildings
Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

The saved policies of the UDP relevant to this application are:

URB 3 Urban Design
URB 8 Shopfronts
URB 9 Signs and Hoardings
URB 12 Landscape and Development
URB 13 Trees
URB 14 Street Furniture and Paving
URB 29 Art in Public Places
ENV.PRO 9 Potentially Polluting Uses
ENV.PRO 10 Contaminated Land
ENV.PRO 11 Noise Generating Development
ENV.PRO 12 Light Generating Development
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 7 Gardens
TRN 28 Motorcycle Parking
STC 11 Town Centre Regeneration

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (January 2011)

- 5.10 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

Shopfront Design Guide Supplementary Planning Document (March 2006)

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

6.0 Planning Considerations

- 6.1 The main issues to be considered in respect of this application are:
- a) Principle of Development, including the loss of the existing employment location
 - b) Relationship with other town centre developments

- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Flooding
- k) Planning Obligations

Principle of Development and Loss of Existing Employment Use

- 6.2 The site is currently in use as a car wash, having previously been in use as a car breaker's yard for a number of years. The Core Strategy identifies Lewisham Town Centre as being within an area of Regeneration and Growth where high density mixed use development would be encouraged. In this regard, the current proposal is considered to be acceptable in principle, being an improvement on the current use and help to improve Thurston Road, being an important secondary route into the town centre.
- 6.3 The site comprises a temporary building with the remainder of the site being a hardstanding. A previous permission in 2005 accepted the loss of employment use on this site.
- 6.4 Core Strategy Policy 5 (other employment locations) makes clear that:
- (1) The Council will protect the scattering of employment locations throughout the borough outside Strategic Industrial Locations, Local Employment Locations and Mixed Use Employment Locations.
 - (2) Employment land within town centres, which has the potential to contribute to a Major Town Centre, District Hub, a Local Hub, or other cluster of commercial and business uses, should be recommended for retention in employment use.
 - (3) Other uses including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.5 London Plan Policy 4.1 (Developing London's economy) promotes, amongst other things, the continued development of a strong and increasingly diverse economy across all parts of London, ensuring the availability of sufficient and suitable workspaces in terms of type, size and cost, supporting infrastructure and suitable environments for both larger employers and small and medium sized enterprises. London Plan Policy 4.4 (Managing industrial land and premises) calls for Boroughs to identify strategic and local criteria to manage industrial land (which the Core Strategy does).
- 6.6 The site continues to have no specific employment designation and officers do not consider that the existing use contribute to a useful cluster of commercial uses in this part of the town centre. Core Strategy Policy 5 therefore allows for the loss of existing employment uses in certain circumstances. The mixed use nature of the

proposals require the loss of the existing business units and officers consider that this is acceptable to facilitate a viable mixed-use development that incorporates employment generating uses in the form of business floorspace.

- 6.7 As the scheme proposes to retain employment uses on the ground floor of the scheme and states that the spaces would provide a net increase in job numbers on the site it is considered to justify the loss of the existing employment site for mixed use redevelopment. The commercial units would deliver the necessary replacement employment space and help to support jobs in the town centre. In order to secure their use, it is considered advisable to require the submission of a marketing plan for the units and to ensure that their fit out is provided as part of the scheme (which the confidential viability report allows for in the suggested build costs for these units). It will also be necessary to provide the platform lifts required to make those units accessible as part of the commercial unit 'package'. It is proposed to secure this through via planning obligation to ensure that the commercial units are realistically 'lettable' and affordable as their provision is a fundamental requirement to support the principle of the development.

Relationship with other town centre developments

- 6.8 The proposed development forms a key part of the aspiration to regenerate Lewisham Town Centre and is part of the wider Loampit Vale Character Area in the Council's Further Options Report into the Area Action Plan (AAP). As such, in addition to being acceptable in its own right, the proposals also need to fit within the wider emerging context of the Town Centre and deliver the strategic objectives for the area. The following paragraphs provide a brief overview of the relationship of the proposed development with the town centre. Detailed consideration of the topics concerned is set out under relevant headings in the remainder of section 6 of this report.

Accessibility/routes

- 6.9 Thurston Road provides an important link into the town centre. The use of this area has been employment for some time but with the resolution to approve the Thurston Road Industrial Estate redevelopment to the southeast of the site, the work that it going on to enhance Loampit Vale. The introduction of housing on the upper floors of the application site should improve the environment of Thurston Road, the perception of the town centre from the railway line and make this currently hostile route more attractive walking/cycling route.

Urban Design and Open Space

- 6.10 The site sits within the western boundary of Lewisham Town Centre, forming a small but prominent gateway into the town centre. There have been recent approvals at nearby sites on Loampit Vale south (buildings ranging from 5-24 storeys increasing towards the east), Lewisham Gateway which would have three zones of different building heights with three taller buildings (from 54m up to a maximum of 77m in height – approximately 18-22 storeys), a mid-zone of development (34m up to 47m – approximately 10-16 storeys) and a third zone (14m to 28m – approximately ground plus 3-7 storeys) provides the lower part of the blocks and defines the pedestrian routes and the extension of time limit for Thurston Road Industrial Estate which would have a frontage of 10 storeys . The area is currently within the process of major change and redevelopment and the

context is being remade. The site sits within a contained environment between a railway viaduct and Thurston Road and has an important role to play in forming an appropriate entrance into the town centre and upgrading the quality of this area. It is considered that the development would sit well with the scale of Thurston Road and although taller than developments in this area currently, it is felt that the scale would be acceptable within the emerging context.

- 6.11 The proposed landscaped space along the front of the site would provide a very important respite to alleviate what could be perceived as a notable step in scale from surrounding residential areas. It would help to establish a building line that would help to reduce any perception of a canyon type affect along this road as a result of this, adjacent and future developments. The scheme is also accompanied by plans detailing a landscaping approach to Thurston Road to form part of a wider enhancement using good quality materials. It is proposed to secure this via a s278 agreement which would be subject to highways approval of the detailing but is acceptable to them in principle.
- 6.12 The London Plan identifies central Lewisham (as well as Catford and New Cross) as an opportunity area where development will be expected to optimise residential and non residential densities (Policy 5D.2). In the overall area there is an expectation to deliver at least 8,000 homes until 2026. It goes on to state that the necessary social and other infrastructure to sustain growth should be provided in these areas along with public transport accessibility improvements.

Development Opportunities for Neighbouring Sites

- 6.13 The Further Options Report of the AAP includes emerging guidance for the mixed-use development of land to the Railway Strip to the east of this site and land east of Jerrard Street. The recommended planning obligation (discussed under the Environmental Sustainability heading below) should help ensure that this scheme is future-proofed to allow for a larger scale decentralised energy cluster to be developed in the future by linking up with development to the south and east (as encouraged by the Further Options Report into the AAP) and as proposed for the Thurston Road Industrial Estate.

Housing

- 6.14 The proposed 62 homes in combination with the 406 for Thurston Road Industrial Estate, 788 homes being built as part of the permitted Loampit Vale South scheme would together potentially deliver 76% of the 1,650 dwellings indicative capacity for the Loampit Character Area identified in the Further Options Report into the AAP. The affordable housing offer across the permitted schemes varies, with the proposed Social Rent housing as part of the Thurston Road and the permitted Loampit Vale South schemes being complemented by the Intermediate housing that is proposed as part of this scheme and the permitted Lewisham Gateway scheme. Overall it is felt that the delivery of this tenure would support the provision of a mixed and balanced community in the town centre as a whole, even if mixes aren't being achieved on a site by site basis.

Non-residential uses

- 6.15 The proposed business space would help to support local jobs within the town centre and complement the business and retail uses secured on the ground floor of other sites.

Construction

- 6.16 The construction of the Loampit Vale South scheme is likely to continue until November 2015 and the construction of Prendergast Vale is due to continue until about the end of 2012 with demolition work hoped to start on Thurston Road Industrial Estate within the next few months and construction taking about 27 months. There could be an 18 month period therefore when construction works could be going on at these three sites and a 27 month period when construction is continuing on Loampit Vale South and Thurston Road (albeit that some of the later phases of Loampit Vale would be at the opposite end of Loampit Vale). There are no firm proposals for the implementation of the Lewisham Gateway Scheme, although it is unlikely that works would start here before 2013 at the earliest. The proposed Environmental management Plan and Construction Logistics Plans, which are recommended to be secured by condition would be necessary to control working practices at the site and help to mitigate traffic impacts, help keep traffic onto main roads wherever possible and control cumulative impacts arising from the development proposals.

Design

- 6.17 Policy CS 15 High quality design for Lewisham states that new developments in Lewisham town centre should result in a radical upgrading of the social and physical environment and, in order to be successful, will need to allow for tall buildings of the highest design quality where they improve and add coherence to the skyline, and do not cause harm to the surrounding environment, including the significance of heritage assets. The London Plan states in Policy 3.5 that the design of all new housing developments should enhance the quality of local places, taking into account physical context, local character, density, tenure and land use mix, and relationships with, and provision of public, communal and open spaces, taking particular account of the needs of children and older people.
- 6.18 The scheme has been designed as a direct response to the opportunities and constraints of the site. The scheme, although higher than the existing buildings along Thurston Road is considered to be acceptable given the changing character of the area. Following an earlier submission for an almost identical scheme, further details have been provided of the appearance of the building along Thurston Road, it's appearance from surrounding residential areas and conservation areas and the relationship with the approved scheme on the Thurston Road Industrial Estate. These are considered to show that the building would relate well to surrounding developments and would not result in a canyon like appearance to Thurston Road. While the site is considered to be an important and prominent location on a route into the town centre, it is not a main route which justifies the height of other developments such as those fronting Loampit Vale. It is felt that the 9 to 10 storeys is acceptable recognising the hierarchy of this road.
- 6.19 The applicant has stated that the density of the scheme would be 1400 habitable rooms per hectare. Thus the site would fall outside the upper end of the highest "central" density range in the density/transport matrix included in the London Plan i.e. 650 to 1100 habitable rooms per hectare. Core Strategy Policy 1 Housing provision, mix and affordability states that developments across the borough will generally be in accordance with the Spatial Policies which seek to secure sustainable growth and development where it can be accommodated. Lewisham Town Centre is identified as part of a Regeneration and Growth Area which will be

a focus for significant change (Spatial Policy 1 – Lewisham Spatial Strategy). CS policy 1 states that development should result in no net loss of housing and housing densities will be in accordance with Core Strategy Policy 15, achieving 'central' densities as defined in the London Plan. While the development would exceed the upper range, the supporting text to Policy 3.4 in the London Plan explains that the figures should not be applied mechanistically and that other factors relevant to optimising potential should be taken into account. In this case, the development is considered to be an acceptable approach to scale and massing in a highly sustainable area where high density development is encouraged. It is therefore felt that the density that would be achieved on this site would be acceptable.

- 6.20 The materials proposed are considered to be acceptable and would deliver the clean lines and simplicity envisaged by the architect. The precedent images provided in addition to the 'team philosophy' outlined in the design and access statement are felt to demonstrate that a high quality scheme could be delivered based on the current designs. In order to achieve this, it will be vital that the scheme is delivered as presented and not watered down during the build phase. It is therefore considered advisable to secure the detailed plans and materials proposed at this stage by condition to ensure that the design quality is delivered and the high quality design safeguarded. This will also need to be secured to reflect the build costs presented in the confidential viability report.
- 6.21 The access deck design helps to provide some barrier between the units and the railway line to provide some additional protection from noise. It does however give rise to potentially awkward relationships between bedrooms and communal access spaces. Rather than rely on individual units providing privacy, it is considered necessary to include this as an inherent part of the design. It is therefore considered advisable to impose a condition requiring further details of windows to the rear elevation for all units and proposals to design in privacy to these unit and their bedrooms.
- 6.22 Following pre-application discussions, the applicant has proposed to provide a public art approach that is inherent within the scheme. They have submitted more detailed plans about the front elevation and landscaping scheme incorporating a number of trees, enhanced streetscape materials, lighting and indicative signage that could provide a element of art that would go beyond the usual function of such features. It is considered that this approach would be of benefit to the scheme and this area generally in principle and that the details should be secured by condition in lieu of a financial obligation.

Housing

- 6.23 At the national level, support for new housing as part of sustainable communities is provided in PPS1 and PPS3 including the principle of securing new housing.
- 6.24 The Lewisham Housing Market Assessment 2007-8 (HMA) published in December 2009 states (paragraph 35) that a net 6,777 dwellings should be provided over the current 5-year period to meet current identified need. This is equivalent to the provision of 1,345 dwellings per annum. Table 3A.1 of the London Plan sets out a target of 9,750 additional homes to be built in Lewisham in the 10 years from 2007/8 to 2016/17, which is reflected in a monitoring target of 975 additional homes per year. As part of the overall need for housing in

Lewisham, there is a specific need for affordable housing. The HMA states (paragraph 36) that over 80% of all new housing built would need to be affordable in order to meet identified need.

6.25 *a) Size and Tenure of Residential Accommodation*

6.26 The London Plan states in Policy 3.13 (Negotiating affordable housing on individual private residential and mixed use schemes) that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to matters including current and future requirements for affordable housing at local and regional levels, adopted affordable housing targets, the need to encourage rather than restrain residential development and promote mixed and balanced communities, the size and type of affordable housing needed in particular locations and the specific circumstances of individual sites. It makes clear that negotiations on sites should take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including 'overage' provisions and other scheme requirements. The supporting text for this policy notes that the Mayor wishes to encourage, not restrain overall residential development and Boroughs should therefore take a flexible approach to securing affordable housing on a site by site basis. Furthermore, the London Plan Interim Housing SPG (April 2010) which updates the 2005 SPG provides guidance about how affordable targets should be applied.

6.27 At the local level Core Strategy Policy 1 Housing provision, mix and affordability has replaced previous policies regarding affordable housing and mix in the UDP. This states that developments across the borough will generally be in accordance with the Spatial Policies, which seek to secure sustainable growth and development where it can be accommodated. Lewisham Town Centre is identified as part of a Regeneration and Growth Area which will be a focus for significant change (Spatial Policy 1 – Lewisham Spatial Strategy). CS policy 1 states that development should result in no net loss of housing and housing densities will be in accordance with Core Strategy Policy 15 (achieving 'central' densities as defined in the London Plan. The Council will seek the maximum provision of affordable housing with a strategic target for 50% affordable housing from all sources with a contribution of 50% affordable housing being the starting point for discussion although this would be subject to a financial viability assessment. 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 and family housing (three+ bedrooms) will be expected as part of any new development with 10 or more dwellings.

6.28 All new housing is to be built to Lifetime Homes standards and 10% of all housing are to be wheelchair accessible or easily adapted for those using a wheelchair in accordance with London Plan policy. This reflects London Plan policies.

6.29 The Council will seek an appropriate mix of dwellings within a development, having regard to criteria including the physical character of the site, the previous or existing use of the site, access to private gardens or communal garden areas, the likely effect on demand for car parking within the area, the surrounding housing mix and density of population and the location of schools, shops, open space and other infrastructure requirements.

6.30 In line with policy requirements, the scheme proposes to provide an element affordable housing. Further details of this housing are set out in the following paragraphs.

6.31

Table [1]: Residential Tenure and Size Mix*

	1 Bed	2 Bed	3 Bed	4 Bed +	Total
Private	24	17 (5)	9	0	50 (5)
Shared Ownership	4	7 (1)	1	0	12 (1)
Total	28	24 (6)	10	0	62 (6)

*Wheelchair accessible units shown in ()

6.32 The scheme would help to deliver housing targets for the Borough and locate new high density residential development in the most accessible and therefore sustainable locations.

6.33 The overall provision of affordable housing on site falls significantly below the 50% target within the Core Strategy. London Plan policy has removed the previous policy requirements to achieve 50% on each . However, both plans make clear that this target is to be applied flexibly and is subject to viability. To assist the Council, the applicant has provided a confidential viability report in order to demonstrate that the amount of affordable housing being proposed is the maximum viable. The Council have had this report independently reviewed. This has noted that the applicant is anticipating a lower level of profit return than would normally meet market expectation (in this case 13% on GDV). The applicant has confirmed that in this exceptional case, they would be willing to proceed on this basis. The Council's viability consultant has stated that the build costs anticipated are at the upper end of the BCIS range for this type of development. It is therefore suggested that the build quality of the scheme is tightly captured and should the applicant seek to alter materials or the specification in the future, the Council would expect that to be accompanied by an open book appraisal to determine whether any savings in build costs could be put towards additional affordable housing. Officers have suggested the imposition of conditions to secure the materials, quality and design aspirations of the scheme. It is also noted that the commercial costs anticipated assume a full fit out of units as opposed to shell and core and that this should be captured to justify the build costs in the appraisal which is one of the reasons for lower level of affordable housing provision.

6.34 Subject to securing the build quality, the review concluded that the proposed 20% by habitable room is the maximum reasonable amount that could be secured. It is suggested that an overage mechanism is used within the Section 106 to ensure that any uplift in value is used to secure additional affordable housing which could increase on site housing if the timing allowed but would most likely be through a contribution for off-site housing. In order to ensure that the intermediate housing is truly affordable for Lewisham residents, it would also be necessary to put a equity sales cap of 50% on the units and this would reflect the cost assumptions in the applicant's financial appraisal.

- 6.35 Given the dense nature and size of the scheme, it is considered that in this case it would be appropriate to limit any on site affordable housing to 50% of the overall units as a maximum. This is in order to ensure that an appropriate balance is struck within the scheme to provide a mixed and balanced community, thereby ensuring that there would not be an overconcentration of affordable housing within this scheme or the area.
- 6.36 The Core Strategy has a target of 42% of affordable units being 3+ bedroom family units (CS Policy 1). Given the location of the site within the town centre, on a busy road and close to two elevated railways it is considered that the site does not readily lend itself to family units, it is considered that 16% of the units as 3 beds is acceptable. The scheme proposes to deliver all of the affordable units as shared ownership rather than providing a 70:30 split with social rented. Given the number of units proposed, housing officers have confirmed that a split between tenures would be unlikely to be welcomed by a Registered Landlord who would normally want different tenures to be accessed by separate cores to aid with management. Considering this development as part of the wider context of the town centre, it is felt that the proposed single tenure would be acceptable and would complement the 100% social rented delivered by Loampit Vale and the slight increase in social rented units at the Thurston Road Industrial site and would correspond with the approach to other sites in the town centre.
- 6.37 The private housing comprises 48% one-bedroom flats, 34% of flats of two bedrooms and 18% three bedroom flats. This mix is considered to be acceptable. The mix of affordable, with the focus on 1 and 2 bed units in a shared ownership tenure and delivering 9% of family units is also considered to be acceptable and meets the needs for this size in this tenure.

Lifetime Homes and Wheelchair Accessible Housing

b) Standard of Residential Accommodation

- 6.38 The London Plan (2011) includes minimum space standards for flats based on the number of bedrooms and people. The scheme meets this minimum size for many of the units but there are some that fall below the minimum area. The size of the units has been measured from the submitted plans and it should be noted that the specified floor areas on plans and in the design and access statement do not always correspond with the areas measured from the plans by officers both in terms of underestimating and overestimating sizes. Of the 62 units proposed, 40 would meet the minimum space standards in the London Plan. An additional 10 could meet the minimum floor areas if the units proposed to accommodate fewer persons (i.e. some of the 2beds are proposed to house 4 people whereas the London Plan states that they are only large enough to accommodate 3). The remaining 12 units fall below the minimum floor areas specified when measured, despite statements that they are 50 sq.m in the submitted schedules. All the units are one bedroom flats and fall approximately 1.5 sq.m below the minimum floor area. These units do not have access to any private outside space.

Dwelling type (bedroom/persons)	GIA (sq m)
1b2p	50
2b3p	61

2b4p	70
3b4p	74
3b5p	86
3b6p	95

Table 3.3 in the London Plan 2011

- 6.39 The planning system can control the number of bedrooms that is permitted within a unit and the size of such a unit but could not control the number of people that might choose to occupy it. In this case, many of the units that fall below the minimum space standards do so because of the proposed level of occupation by the applicant as opposed to the overall area for a units with that number of bedrooms. Should the scheme be permitted and the units sold, the Council could not control whether such a unit was under or over occupied. In this case, given that the units appear to be relatively generous in size, it is felt that should members be minded to approve the scheme, an informative should be included to note the specific units which are not considered to meet the minimum space standards for the number of occupants proposed. If a decision notice was requested as part of a land search, this informative would appear to formally notify potential purchasers. The one bedroom, 2 person units fall below the minimum space standards in the London Plan but are within 1.5 sq.m. Given this and the fact that all the units exceed the Council's space standards within the Residential Development Standards SPD, it is felt that on balance, this is acceptable.
- 6.40 All of the units would be dual aspect. While the access deck allows for dual aspect units in addition to protection from railway noise, it gives rise to a corridor access. However, a maximum of 5 units would be served from each core which is considered to be reasonable. Design issues with this arrangement have been discussed elsewhere in this report.
- 6.41 The London Plan, Core Strategy and Planning Obligations SPD make clear that all units should be designed to meet Lifetime Homes criteria and that wheelchair housing should be secured across all tenures.
- 6.42 The scheme proposes that all units would meet Lifetime Homes Standards and that 9% of those units would be wheelchair housing. This would need to be secured to meet the South East London Housing Partnership (SELHP) Standard. The Standard required features such as having access to two lifts. In this case, the applicant proposes that the occupants of any wheelchair units would have access to both cores, thereby securing access to two lifts. It is notable however, that the roof top communal space and play area could only be accessed by one lift meaning that it would not meet the standard in this regard although options such as a stair lift or a warning system should the lift break be installed at this level to make it more suitable. The applicant has submitted plans of a typical 2 bed wheelchair unit for approval. On assessing the details, it became clear that the wheelchair units as designed, would not be capable of meeting the required SELHP standard because of the width of corridors along with other aspects. In order to overcome this it is suggested that an obligation is imposed to require the developer to use all reasonable endeavours to design the units to meet the SELHP standard which may involve moving internal walls. Should they be unable to meet the required standard, it is recommended that the developer is required to meet the cost of upgrading 6 existing units in the existing housing stock within the

Borough to the SELHP wheelchair standard. While this would not be ideal, this approach would ensure that the development would meet the requirement to provide wheelchair housing whether that is on site or elsewhere to meet demand.

- 6.43 The majority of units would have access to private balcony spaces apart from the one bedroom units. An amenity space at roof level would be provided for play that could be accessed by all residents. This would measure approximately 115sq.m. In addition, the applicant is proposing a contribution of over £77,000 to be put towards open space, sports and leisure which could be used to enhance existing local spaces and routes to them. The roof area would meet the necessary space requirements for under 5s on site and would need to be subject to a condition detailing the play equipment. Given the recommendations of the wind assessment, it would also need to be subject to an obligation to maintain and manage the space including to control the use of ball games at this high roof level. Given that the applicant proposes to make a financial contribution to open space which could be used to provide play facilities for older children, enhance existing facilities and/or improve routes to the spaces, it is considered that the provision of play space and ability of any future residents to have access to a small area of open space at roof top level supplemented by local parks with the contribution towards those, would be adequate.

Socio-Economic Impacts

- 6.44 As outlined in earlier sections of the report, the Core Strategy (Spatial Policy 2) promotes growth in the Lewisham Town Centre Regeneration and Growth Area. Core Strategy Policy 19 (Provision and maintenance of community and recreational facilities) makes clear that the Council will work in partnership with others to ensure a range of community and recreational facilities and services are provided – guided by the Infrastructure Delivery Plan (IDP). It goes on to state that the Council will apply London Plan policies to ensure (amongst other things) that the needs of current and future populations arising from development are sufficiently provided for.
- 6.45 The Further Options Report for Lewisham Town Centre AAP includes New Policy 2 (Social Infrastructure) which makes clear that the Council working with public, voluntary, community and private sector partners will ensure that social infrastructure provision in and around the Town Centre is sufficient to support the growth promoted by the AAP and that it is delivered in a timely manner that keeps pace with the delivery of additional homes.
- 6.46 London Plan Policy 3.17 (Protection and enhancement of social infrastructure) makes clear (amongst other things) that development proposals should support the provision of additional social infrastructure in light of local and strategic needs assessments.
- 6.47 The development gives rise to an estimated child yield of 7.1 children. The applicant proposes to provide a financial contribution of £205,199 to meet the anticipated demand for additional school places as a result of the units within this scheme. This would meet the calculated need for nursery, primary, secondary and post-16 places derived from the Planning Obligations calculator and would therefore mitigate the impacts of the scheme. This is an identified need within this area and a high priority that it is important to secure.

- 6.48 Core Strategy Policy 20 (Delivering educational achievements, healthcare provision and promoting healthy lifestyles) state that the Council will work in partnership with health providers to improve health and promote healthy lifestyles by (amongst other things) ensuring that the potential health impacts of development are identified and addressed at an early stage in the planning process and supporting health centres and GP surgeries.
- 6.49 In addition to school places, the development of this site would also place additional demands on healthcare. The applicant proposes a sum of £80,600 to be put towards healthcare provision to mitigate against the impact of additional demands as a result future occupiers of this scheme. This would meet the sum deemed necessary by the planning obligations calculator to enable local services to meet the demands of occupiers of these units.

Employment and Town Centre Management

- 6.50 Core Strategy Objective 4 (Economic activity and local businesses) seeks to secure investment in new and existing business and retail space to result in an increase in the size of the borough's economy, including by protecting and developing a range of employment and training opportunities. The scheme proposes the inclusion of commercial spaces which support additional jobs within the town centre as well as there being the potential for temporary work during the construction and procurement period.
- 6.51 According to assumptions and formulae in the SPD which take account of the number of proposed homes, the applicant should make a financial contribution towards employment and training and town centre management. The sums proposed by the applicant are £29,031 and £12,425 respectively which are in accordance with sums advised by the calculator and would support the commercial spaces, promote local jobs and integration with the wider town centre.
- 6.52 It is also recommended that a management and marketing plan for the commercial units is secured should permission be approved for this application, as should the specification for those units and subsidy for future occupiers to support the economic sustainability of the scheme. It is notable that the submitted viability report for the scheme provides a build cost for the commercial spaces that assumes a full fit out. While the officers consider that it may be acceptable to agree to fit the units out to meet the needs of an identified occupier, if required, who may want to consolidate units, it is entirely reasonable to secure their fit out and particularly the lift access to the units given the assumed costs and this is necessary in order to ensure that they are viable units.

Demand for Other Facilities

- 6.53 The Planning Obligations SPD also includes assumptions and formulae that calculate the need for financial contributions towards other services, including leisure (£50,740), community centres/halls (£7,475) and libraries (£11,997). It is noted that the draft heads of terms include a sum of £77,311 for open space and leisure, but this figure would meet the open space requirements proposed by the calculator only. The applicant has not included a contribution towards leisure provision in the draft heads of terms but has allowed for it in the financial appraisal. Officers therefore consider that to meet the addition demand on leisure provision from the scheme, the sum should be secured as it has been factored

into the appraisal. The other costs are also proposed to be met by the applicant and it is therefore considered that the scheme would meet the necessary mitigation required to support the delivery of these additional units and people who would be reliant on the town centre and its facilities.

Highways and Traffic Issues

a) Accessibility

- 6.54 The site is within Lewisham Town Centre, close to bus services along Loampit Vale and train and Docklands Light Railway (DLR) services from Lewisham Station. It has a Public Transport Accessibility Level (PTAL) 6, where '1' is rated as Poor and '6' is rated as Excellent. The Council's Core Strategy Policy 15 (High quality design for London) and London Plan Policy 3A.3 (maximising the potential of sites) and London Plan Policy 3.4 (Optimising housing potential) encourage relatively dense residential development to be located in areas where the PTAL is Good or Excellent.
- 6.55 Vehicular access into the site would be from Thurston Road via an undercroft. The submission includes diagrams to show visibility splays. Highways officers have raised no objections to the proposal in this regard.
- 6.56 The proposals include 5 residential car parking spaces at the rear of the site. This amounts to a ratio of 0.08 space per unit, 1 of which would be 'blue' badge' size car parking spaces for disabled people.
- 6.57 Core Strategy Policy 14 (Sustainable movement and transport) seeks to manage and restrain car parking in accordance with London Plan Policy.

b) Servicing

- 6.58 Provision has been made to accommodate servicing from Thurston Road. TfL and Highways have been consulted and have raised no objections subject to, amongst other things, requesting that a servicing and delivery management plan is secured by condition.

c) Cycle Parking

- 6.59 66 cycle parking spaces are proposed which would meet the London Plan requirement to provide 1 space per unit for every 1 and 2 bed, and 2 spaces for every 3 bed unit and over. The cycle storage would be dry and secure on the ground floor of the development.

d) Car Parking

- 6.60 The low level of car parking proposed is considered to be acceptable given the high PTAL of the site and the location of Lewisham train station and bus stops. Subject to the future occupiers being restricted from applying for parking permits in the CPZ including any future extensions or adjacent CPZs, the car parking numbers are considered to be acceptable. This would need to be supported by a travel plan in order to ensure it's success, which could be secured by condition.

e) Refuse

- 6.61 Refuse storage is located on the ground floor that could be directly accessed from Thurston Road. No concerns have been raised about the size and location of the refuse stores by highways officers.

f) Effects of the proposed development

- 6.62 Based on the trip generation the transport assessment predicts that the majority of residents would be reliant on public transport. Given the relatively low numbers of journeys expected from the site because of the size of the scheme, it is considered that the existing transport infrastructure has the necessary capacity to accommodate these trips. It is noted that the submitted trip generation is based on the affordable units being in a social rent tenure, which is likely to be less car reliant than a shared ownership occupier. However, given the controls that are proposed to restrict people's right to a parking permit, the submission of a green travel plan, the low level of car parking on site and the requested membership to a car club for occupiers for a minimum of one year, it is felt that sufficient controls would be in place, should the scheme be approved, to control the effects of the proposed development.

g) Construction

- 6.63 TfL and Highways officers have recommended that a Construction Logistics plan (CLP) be secured by way of planning condition, in line with London Plan Policy 6.14 (Freight) which encourages the uptake of such plans. Officers agree and it is recommended that a CLP is secured by way of a planning condition. This would control the impact of construction activity on the highway and would also ensure that the construction takes into account the cumulative impact with other developments that could be on site at that time, should planning permission be granted.

Environmental Issues

a) Wind

- 6.64 Core Strategy Policy 18 (The location and design of tall buildings) makes clear that tall buildings will be considered inappropriate where they would cause harm to (amongst other things) existing residential environments and their amenity. The policy goes on to state (6) that an assessment will be made on the potential micro-climatic problems at street level.
- 6.65 Saved UDP Policies HSG 4 (Residential Amenity) and HSG 5 (Layout and design of New Residential Development) seek to ensure that new developments are designed so that the amenities of existing residential properties are not unacceptably harmed. The Council's Residential Standards SPD (2.13) makes clear that developers will be expected to demonstrate how the form and layout will provide residents with a high quality living environment.
- 6.66 Following concerns raised by the Design Panel, the scheme has been accompanied by a statement regarding the potential impact from wind. This is a desk based assessment and concludes that the spaces around the development would be suitable for their intended activities as a result of the development and would not give rise to any adverse effects.

b) Noise

- 6.67 The submitted noise assessment demonstrates that the proposed window system could provide the necessary noise attenuation for future occupiers to meet Council requirements to be 5dB below background noise levels. Subject to the imposition of a condition requiring the necessary noise levels to be met, it is conserved that the proposal is acceptable in this regard.
- 6.68 In terms of construction noise it is proposed that an Environmental Management Plan is secured which would be able to control working hours and practices on site, including considering the impact of construction works and noise generally cumulatively with other sites. Subject to the appropriate control mechanisms being secured through a EMP, it is considered that noise levels could be adequately controlled.

c) Air quality

- 6.69 The submitted Air Quality Assessment has been reviewed by Environmental Health officers who have confirmed that the conclusions are reasonable. Given the low level of car parking proposed and the suggested measures to control dust which are consistent with a Medium Risk site as set out in the London Council's Best Practice Guidance which would need to be secured by condition for a Environmental Management Plan, the scheme is considered to be acceptable. A condition is also recommended requiring the installation of an electric vehicle charging point to further minimise any negative air quality impacts by promoting
- 6.70 With regard to the proposed CHP system, the air quality report does not assess the level of emissions that would be likely from this source. However, given the small size of the boilers it is not considered likely to give rise to any significant impact and it is considered that this could be controlled through an appropriately worded condition securing the size and type of boilers as specified and requiring the details to be submitted for approval including detailing measures such as catalytic converters to control any harmful emissions.

d) Land contamination

- 6.71 The submitted report identifies the potential contamination at the site and the need to remediate. It is therefore considered that a condition is required to ensure that the necessary site investigations are carried out and remediation in order to ensure that the site is made suitable for residential occupation. Issues of contamination relate to land as well as controlled waters and the Environment Agency have requested that a number of conditions are imposed to control this aspect.

e) Impact on Adjoining Properties

- 6.72 Existing residential properties are located some distance from the site with the closest being approximately 40m away from the site with raised railway embankments located between. It is therefore considered that the impact of the building would be limited on those properties
- 6.73 The site is adjacent to the Thurston Road Industrial Estate, which sits to the southeast of the site on the opposite side of Thurston Road. While the relationship of scale along Thurston Road is relevant and has been discussed above, it is not

considered that there would be any amenity issues raised from the relationship for the sites. No windows have been located on the southeast elevation and the development of this site is not considered to prejudice the development of the neighbouring site.

Sustainability and Energy

a) *Renewable Energy*

6.74 The scheme includes various passive measures and a high specification of building materials to reduce energy loss. It proposes to rely on a combined heat and power (CHP) unit to power the development, supplemented by PV cells and solar collectors positioned on the roof of the building to achieve a 47% reduction in carbon.

Table [2]: Renewable Energy Provision

	Energy Demand (kWh/yr)	Energy Consumption Savings (%)	CO₂ emissions (kg/yr)	CO₂ emission savings (%)
1 Proposed baseline scheme with gas fired boilers & Building Regs compliant u-values	294,946	-	96,166	
2 Proposed scheme after energy efficiency improvements	227,234	23	71,276	26
3 Proposed scheme savings from air source heat pump, solar thermal and PV	147,756	50	54,305	44
4 Proposed scheme savings from gas fired CHP, solar thermal and PV	247,711	16	51,477	47

Fig 1 from Sustainability Statement report (September 2011)

6.75 The proposed system is anticipated to reduce carbon by 47% using a combination of gas fired CHP and 170 sq.m of solar thermal collectors and photovoltaic panels. It has been confirmed that the CHP would comprise of 4 10kw boilers and that it has been designed to allow future connection with a local energy network. The renewable energy system should be captured as a planning obligation to ensure that it is implemented and that it is used to power the building in perpetuity. Officers have also been in discussions with neighbouring sites to extend pipework and infrastructure to the edge of sites to facilitate future energy networks. A similar obligation is proposed for this site along with reasonable endeavours to secure a connection with neighbouring sites and would be necessary in order to deliver a local decentralised energy network in line with Policy 5.5 within the London Plan and Core Strategy Policy 8. This requires major developments to safeguard potential network routes and make provision to allow future connection to a network or contribute to it's development where possible within the Regeneration and Growth Areas.

6.76 The scheme would meet Code Level 4 in the Code for Sustainable Homes for which a pre-assessment has been submitted demonstrating that this is

achievable. The commercial spaces would be BREEAM excellent. Along with the renewable energy provision, it is proposed that these are secured by planning obligation.

b) Living Roofs

- 6.77 The scheme has proposed to provide a living roof based on a sedum mat system. The plans show that the living roof would be to both blocks, as confirmed in the design and access statement with an overall area that would measure approximately 287sq.m. A sedum mat in biodiversity terms, has limited biodiversity value and would not be welcomed. The Council's ecological regeneration manager has raised concerns about the system proposed and it's biodiversity value as well as querying the size and extent of the roof. As the applicant has designed in a sedum mat roof system which a substrate base and also proposes that parts of the roof will accommodate not only play space but also plant enclosure and PV and solar thermal cells, there should be sufficient loading capacity to incorporate a more ecologically valuable form of roof, which is particularly important given the close proximity of the site to the railway embankment. It is therefore proposed that a condition is imposed on a 'notwithstanding' base so that a living roof based on a plug planted sedum system can be incorporated. Subject to the inclusion of this condition, officers are satisfied that the living roof would provide the necessary biodiversity value which would be maximised in size and that the scheme would therefore be acceptable in this regard.

c) Sustainable Urban Drainage Systems

- 6.78 In addition to the provision of a living roof, the scheme proposes to use porous surface materials reducing run-off and incorporates a flood storage void to provide flood water storage. Subject to the conditions stipulated by the Environment Agency, the scheme is considered to be acceptable in this regard.

d) Ecology and Landscaping

- 6.79 Bird and bat boxes are proposed, the position of which need to be secured. The landscaping proposals rely on mostly hard landscaping but tree planting would be incorporated throughout the site as would raised planters. Subject to a condition to secure the exact detailing of the landscaping and the inclusion of a more biodiverse roof system, it is conserved that the scheme would be acceptable in this regard. Details will also be required of the lighting scheme which would need to avoid light spillage onto the railway corridor which could disturb wildlife, including bats.
- 6.80 The applicant proposed to secure in kind works to provide green roofs, bird and bat boxes, SUDs and 'additional public greenery' through planning obligations. In this case conditions as outlined are felt to be more suitable.

Flood Risk

- 6.81 The site sits within Flood Zone 3a, which places it at high risk of flooding. Recent modelling shows that in a 1 in 100 year flood event with allowance for climate change, flood waters would be reach the site and be at levels that would be classified as 'danger for some' for approximately 6 hours. The scheme has been designed to raise the level of the building out of the at risk area and to provide

flood storage voids to store flood waters, thereby not displacing flood waters onto neighbouring sites.

- 6.82 Lengthy discussions have taken place with the Environment Agency and Lewisham's Emergency Planner to look at solutions. In addition to a flood void, the scheme has been designed with areas for safe refuge so that in the event of a flood, residents could be safely accommodated in the building. A site specific Flood Warning Plan has been prepared which would provide advice to occupiers of how to deal with such an event. This approach has been agreed in principle with the Environment Agency and the Council's Emergency Planning team have confirmed that they are satisfied with the approach for this site. In order to ensure that the flood voids are appropriately maintained and that the flood plan is kept up to date and made available to all occupier (including commercial occupiers) it is proposed that these details are secured through a legal agreement with requirements to maintain flood voids in perpetuity and confirm that they have been kept clear via an annual report which would need to be undertaken in perpetuity.

Planning Obligations

- 6.83 Circular 05/05 states that in dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.
- 6.84 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010). sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (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
- 6.85 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development. The need for these obligations and others have been discussed throughout this report and the necessary obligations, required to mitigate the impacts of this development and secure the benefits of the scheme which are needed to make it acceptable and deliver the required quality of scheme are set out in the following paragraphs:
- 6.86 Affordable housing – 4x1 bed, 7x2 bed and 1x3 bed units provided on a shared ownership basis equating to 33 habitable rooms (20%). The need for affordable housing is vital to ensure the acceptability of the scheme overall and to meet the necessary policy requirements. As the scheme would fail to meet the Council's target of 50%, which is subject to viability, it would be necessary to enter into a overage mechanism to secure any uplift in values is used to invest in affordable housing by means of a financial payment to the Council. In addition, officers consider it appropriate to ensure that should the development not commence

within 12 months from the grant of planning permission, that the viability appraisal is re-run to determine whether additional affordable housing could be delivered.

- 6.87 Highways Improvements - S278 agreement to undertake improvements to Thurston Road based on submitted plans. The applicant has proposed this as part of a scheme to enhance Thurston Road which the Council considers to be vital in order to support the regeneration of this area and important route. The works are considered to be a vital part of the high quality setting to the building and would support walking and cycling in this area to justify the scale of development and impact from this site which would have reduced levels of parking.
- 6.88 Renewable energy – Code for Sustainable Homes level 4 to be achieved and CO2 reductions of 47% along with BREEAM excellent. The proposed approach to renewable energy and sustainability would need to be secured to make sure that the development meets the London Plan and Core Strategy policies. This would need to include requirements to achieve at least a 47% reduction in carbon through the use of gas-fired CHP and 170 sq.m array of photovoltaics and solar thermal panels. To meet policy requirement relating to decentralised energy it would also be necessary to secure that sufficient pipework infrastructure is put in place to connect with other developments sites to the south and east of the site, with reasonable endeavours to facilitate this link.
- 6.89 Flood Risk/management – development and maintenance of a site specific flood alleviation plan will need to be delivered to maintain the safety of the site in perpetuity. Flood risk will also have to be secured by the management of flood voids with the responsibility of the developer, owner or any other managing agent to carry out regular inspections and monitoring to keep under floor voids clear, unobstructed and fit for purpose in perpetuity.
- 6.90 Wheelchair housing – 6 easily adaptable units are proposed as part of the development which would need to meet SELHP standards. Having assessed the proposal, it is clear that as designed, the units would not meet this standard. It would therefore be necessary to require the developer to use all reasonable endeavours to meet the SELHP standard for 6 units on the site and to ensure that a suitable secondary accessible access to the roof top amenity space is put in place, such as a stair lift to ensure that the space could be accessed or people in wheelchairs could return to their units, if the one lift serving the space was not in working order. Should this not be achievable, the developer would be required to meet the cost of upgrading 6 units off-site to wheelchair standards. For two bedroom units, this would equate to approximately £25,000 for each unit, a total of £150,000 should the units not be accommodated on site. This position would need to be secured to ensure that wheelchair housing was delivered as part of the scheme, in line with policy requirements.
- 6.91 Lifetime Homes compliance – all units required to comply with London Plan policy and the Core Strategy.
- 6.92 CPZ Restriction – Restriction of future occupiers applying for permits for CPZ in order to support a car free development and reduce the risk of future residents parking in surrounding streets, the right for occupiers to apply for permits to park within the Lewisham Town Centre CPZ, including future extensions would be necessary. This should also be extended to restrict the right to park in any future adjacent CPZs.

- 6.93 Green Travel Plan – The preparation and management of a Green Travel Plan for both residential and commercial occupiers – this is required to support the low level of parking proposed. It is also considered necessary for the provision of Car Club membership for all occupants of the development, for a minimum of a year to promote sustainable modes of transport.
- 6.94 Commercial spaces – full fit out, including the provision of lifts to access the units. Management and marketing plan submitted for approval including details of subsidised rents to support the economic viability of the scheme.
- 6.95 Play space management plan – detailing the maintenance of the space and signage to restrict the use of the roof space for ball games.
- 6.96 Financial Contributions – Education - £205,199, employment and training - £29,031, health services and facilities - £80,600, open space - £77,311, leisure - £50,732, community facilities - £19,472, town Centre management/schemes, £12,425 – required to meet the demands that the additional occupiers will place on local services and facilities, as well as support jobs.
- 6.97 Monitoring and costs – Meeting the Council's costs in assessing the application including implementation and monitoring costs
- 6.98 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Conclusion

- 7.1 The scheme would play an important part in the regeneration of this area, providing what is considered to be a well designed building with enhanced employment/business space to the lower levels. Subject to the imposition of conditions and obligations, all of which are necessary in order to overcome issues highlighted throughout the report as well to capture those elements that are vital for delivery to the standard envisaged in the application in order to justify the development, the scheme is considered to be acceptable.
- 7.2 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the Core Strategy.
- 7.3 On balance, officers consider that the with the necessary conditions and obligations in place, the proposal would be a high quality development that would support the regeneration and growth of Lewisham Town Centre and the scheme is therefore considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in The London Plan (2011), The Core Strategy (2011) and saved policies in the Council's adopted Unitary Development Plan (2004). The Local Planning Authority has further had regard to the Mayor of London's Supplementary Planning Guidance and Best Practice

Guidance, as well as the Local Planning Authority's Adopted Residential Standards Supplementary Planning Document (August 2006) and Planning Obligations Supplementary Planning Document (January 2011), Government Planning Policy Guidance and Statements, and all other material considerations including policies in the Core Strategy, and the obligations that are to be entered into in the planning agreement in connection with the development and the conditions to be imposed on the permission. The Local Planning Authority has also taken account of the information set out in the Environmental Statement, the identified impacts and proposed mitigation. The Local Planning Authority considers that:

1. The mixed use development of the site for B1 and C3 use is in accordance with Core Strategy Policy 5 national allowing the redevelopment of employment locations in certain circumstances.
2. The site is an appropriate location for a development of the density proposed in accordance with London Plan policy 3A.3, which seeks to ensure that development proposals achieve the highest possible intensity of use compatible with local context, identified design principles and public transport capacity and policy 5D.2.
3. The provision of residential accommodation at the density proposed at this site is in accordance with London Plan policy 3A.3 which seeks to maximise the potential of sites, and with Core Strategy Spatial policy 2 and Core Strategy Policy 15 which identifies the site as suitable for higher density development.
4. On balance, the layout of the site, the design of the development, and the provision of housing is in accordance with London Plan policy 3A.5 which seeks to achieve a range of housing choice, and with Lewisham UDP policy HSG 5, which requires that all new residential development is attractive, neighbourly and meets the functional requirements of its future inhabitants.
5. The proposed dwelling mix and provision of affordable housing, which is controlled by planning obligations agreed as part of the permission, is considered to be the maximum reasonable that can be achieved on this site taking account of targets and scheme viability and the need to encourage rather than restrain residential development in accordance with London Plan policy 3A.10 regarding the provision of affordable housing, with Core Strategy policy 1 regarding housing provision, mix and affordability and also seeks a mix of dwelling sizes determined by reference to the housing needs of the area, the nature of the development and its proposed relationship to the surrounding area.
6. The provision of new public realm secured through planning obligations, is appropriate and complies with London Plan policy 4B.3 which seeks high quality and accessible public realm, with London Plan policy 3D.13 and with Lewisham UDP policy URB 12 which requires the inclusion of landscape proposals for all areas not occupied by buildings.
7. The energy demand of the proposed development has been assessed in accordance with London Plan policies 4A.1, 4A.4 and 4A.6 and Core Strategy policy 8 regarding energy and carbon dioxide savings.

8. The proposed highway works including provisions for pedestrians, cyclists and other road users and the overall traffic impact of the development have been assessed in accordance with Core Strategy Policy 14, and the identified highway impacts and proposed mitigation measures secured by planning conditions and obligations, are considered acceptable in accordance with Lewisham Core Strategy policy 14 and London Plan policies regarding public transport as well improvements to facilities for cyclists and pedestrians.
9. The proposed level of cycle parking and associated measures to reduce car use are in accordance with Core Strategy policy 14 regarding sustainable movement and transport. Measures to reduce car use, provide off-street parking, and to submit a Travel Plan are proposed to be secured by planning obligations agreed as part of the permission and by conditions.
10. On balance, the benefits inherent in the scheme and the financial contributions towards achieving other planning policy objectives are in accordance with London Plan policies 6A.4 and 6A.5 and Core Strategy policy 21 regarding planning obligations.

9.0 RECOMMENDATIONS

9.1 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:-

- Affordable housing: the provision of on site affordable housing at 20% by habitable room (4x1 bed, 7x2 bed and 1x3 bed units) provided on a shared ownership basis; the restriction of sale equity values at 50%; mechanism to secure contribution to additional affordable housing within the London Borough of Lewisham should scheme finances allow; Affordable Housing units to be built to appropriate standards with no discernible difference in the quality of their external appearance; the reappraisal of viability to determine whether additional affordable housing could be delivered if development not commenced within a year.
- Transport: S278 agreement to undertake improvements to Thurston Road based on submitted plans; restriction of future occupiers applying for permits within the CPZ including any future extensions would; the preparation and management of a Green Travel Plan for both residential and commercial occupiers; the provision of Car Club membership for all occupants of the development, for a minimum of a year to promote sustainable modes of transport.
- Public realm: public rights of pass and re-pass across the Thurston Road frontage.
- Sustainable design and construction: achievement of Code for Sustainable Homes level 4 and BREEAM excellent prior to occupation; achievement of at least a 47% reduction in carbon through the use of gas-fired CHP and 170

sq.m array of photovoltaics and solar thermal panels; sufficient pipework to enable the development to connect with other development sites; reasonable endeavours to connect with neighbouring sites to form a heat network.

- Flood Risk/management: the development and maintenance of a site specific flood alleviation plan; the management of flood voids with the responsibility of the developer, owner or any other managing agent to carry out regular inspections and monitoring to keep under floor voids clear, unobstructed and fit for purpose in perpetuity.
- Wheelchair housing: the developer to use all reasonable endeavours to meet the SELHP standard for 6 units on the site, ensuring that a suitable secondary accessible access to the roof top amenity space is put in place; if the SELHP standard cannot be achieved on site, a requirement to meet the cost of upgrading 6 units off-site to the SELHP wheelchair standards (£25,000 for each unit).
- Lifetime Homes: compliance for all units
- Commercial units: provision to a fully fitted out standard, including the incorporation of lifts to access the units; management and marketing plan for approval including details of any subsidised rents to support the economic viability of the units.
- Children's play space: the submission and approval of a management plan detailing the maintenance of the space and signage to restrict the use of the roof space for ball games.
- Education: contribution of £205,199 for additional school places;
- Local labour and employment: the payment of £29,031 for employment and training on commencement of the scheme; the submission of a Local Employment Strategy to be approved by the Council; the approved strategy to be implemented
- Health services and facilities: contribution of £80,600 towards.
- Open space: contribution of £77,311 to be put towards open space, including the enhancement of routes to areas of open space.
- Leisure: contribution of £50,732 to be put towards leisure services, including the enhancement of routes to leisure services.
- Community facilities: contribution of £19,472 towards community facilities.
- Town Centre management/schemes: contribution of £12,425 towards improvements to the town centre.
- Meeting the Council's costs in assessing the application including implementation and monitoring costs

9.2 RECOMMENDATION (B)

Upon the completion of a satisfactory Section 106 Agreement, **by the 25 October 2011**, in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:

(1) Ground Floor Treatment

Notwithstanding the details hereby approved, full details of the ground floor treatment of the front elevation, including samples of railings and their finishes, the detail of the aluminium clad 'hoods' to entrance points and full details of platform lifts to the commercial units and stairs, shall be submitted to and approved in writing prior to the commencement of any above ground works. The details shall be in general conformity with plans A025 050 and 051 and pages 25-27 of the design and access statement hereby approved and shall demonstrate how they accord with the team philosophy outlined in pages 4 and 5 of the design and access statement.

Reason

To ensure that the design is of the necessary high standard, delivers the design aspirations of the scheme and would provide an attractive and active frontage to Thurston Road and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

(2) Design Quality

The development shall be constructed in those materials as submitted namely Marley Eternit Natura Pro and details shall be provided of the 'light Eternit' colour. Detailing the fixing of the Eternit panelling at a scale of 1:5, the detailing and edge treatment to the access deck, all windows, doors and railings including any recesses and details of how windows facing onto the access deck will be treated. The details shall demonstrate how they accord with the team philosophy outlined in pages 4 and 5 of the design and access statement. The scheme shall be carried out in full accordance with those details, as approved.

Reason

To ensure that the design is of the necessary high standard and detailing and delivers the standard of architecture detailed in the plans and design and access statement in accordance with Policies 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and to protect the privacy of rooms facing onto the access deck as an inherent part of the design.

(3) Landscaping

Notwithstanding the details hereby approved, full details including any walls, planters, bollards and schedules of planting to the front of the site and to the rear shall be submitted to and approved in writing by the local

planning authority prior to the commencement of any above ground works. The details shall be general conformity with plan A025)12 K and page 28 of the design and access statement hereby approved. Any trees or plants which within a period of 5 years from the completion of 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, unless the local planning authority has given written consent to any variation.

Reason

L01R

(4) External lighting

Details of any external lighting to be installed at the site, including measures to prevent light spillage onto the railway embankment, shall be submitted to and approved in writing by the local planning authority before any works on site are commenced. Any such external lighting shall be installed in accordance with the approved drawings and such directional hoods shall be retained permanently. 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 neighbouring properties and the railway corridor and to comply with Policies ENV.PRO 12 Light Generating Development; HSG 4 Residential Amenity and OS17 Protected Species in the adopted Unitary Development Plan (July 2004) .

(5) Amenity and Playspace

Notwithstanding the details hereby approved, plans showing the treatment and layout of the roof top amenity space including full details of play equipment shall be submitted to and approved in writing by the local planning within 3 months of the commencement of the above ground works. This shall include details of the size and location of the plant enclosure. The approved details shall be implemented in full prior to the occupation of any residential units.

Reason

In order that the local planning authority may be satisfied as to the details of the proposal and the provision of play equipment and to comply with Policy 12 within the Core Strategy (June 2011).

(6) Land Contamination and Controlled Waters

No development (or demolition of existing buildings and structures) shall commence until each of the following have been complied with:

- a) (i) A desk top study and site assessment has been carried out to survey and characterise the nature and extent of contamination, and its effect (whether on, or off-site) to the Council for approval.
- (ii) A site investigation report to characterise and risk assess the site, 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. No development shall commence until the gas, hydrological and contamination status has been characterised and risk assessed; and the required remediation scheme implemented.
- 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 thereof; then the terms of paragraph (a) above, shall apply to the new contamination; and no further works shall take place on that part of the site and 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 which 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 and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action

Reason

To ensure that the Council 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 Policy ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004) and to meet the requirements of PPS23 and the Environment Agency GP3 policy on protecting groundwater as the site is in an Inner Source Protection Zone (SPZ1) and over a principle aquifer.

(7) Land contamination - monitoring

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan for contamination on site shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason

To meet the requirements of PPS23 and the Environment Agency GP3 policy on protecting groundwater as the site is in an Inner Source Protection Zone (SPZ1) and over a principle aquifer.

- (8) External Noise protection
 - (i) The building shall be 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 windows shut and other means of ventilation provided.
 - (ii) Development shall not commence until details of a sound insulation scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
 - (iii) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.

Reason

To safeguard the amenities of residents and to comply with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004), and to ensure any impacts arising from the proposed development (and any measures required to mitigate those impacts) are consistent with the PPG 24 Noise Assessment accompanying the application.

- (9) Fixed Plant
 - (i) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.
 - (ii) Development shall not commence until details of a scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
 - (iii) The development shall not be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the scheme shall be maintained in perpetuity

Reason

N07 R

(10) Plumbing and Pipes

B09 Plumbing or Pipes

Reason

B09 R

(11) N05 No Process Detrimental To R.A.

Reason

N05 R

(12) The B1 units hereby approved shall be maintained in perpetuity unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the employment uses are retained on the site in compliance with Policy 5 Other employment locations of the adopted Core Strategy (June 2011) and any other future use of the units would be suitable.

(13) Living Roofs

Notwithstanding the details hereby approved, full details and plans of the living roof which shall cover an area no less than 285 sqm shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The living roof shall be:

- a) biodiversity based with extensive substrate base (depth shall vary between 80-150mm with peaks and troughs but shall average at least 133mm);
- b) plug planted & seeded with the London living roof mix of species within the first planting season following the practical completion of the building works.

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

The development shall be carried out strictly in accordance with the details so approved, shall be maintained as such thereafter and no change there from shall take place without the prior written consent of the Local Planning Authority.

- c) Evidence that the roof has been installed in accordance with sub-points a) to b) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.

Reason

To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Core Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011) and Policies 7.19: Biodiversity and access to nature; 5.3 Sustainable design and construction, 5.1 Climate change mitigation 5.10: Urban greening and 5.11: Green roofs and development sites environs of the London Plan (July 2011).

(14) Bird and Bat Boxes

No occupation of development hereby approved shall take place until bat boxes have been placed in various locations on the site, details of which shall be submitted to and approved in writing by the local planning authority. Once in place, the bat boxes shall be permanently maintained.

Reason

To ensure that the development provides opportunities to increase biodiversity in and around the site in accordance with Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011).

(15) Environmental Management Plan

No development shall commence on site (including site clearance) until such time as an Environmental Management Plan has been submitted to and approved in writing by the local planning authority, which shall include, but is not limited to the following items: -

- Dust mitigation measures in accordance with section 6 of the Air Quality Assessment (March 2010) hereby approved.
- Measures to mitigate against noise and air quality impacts associated with site preparation, demolition, earthworks, materials, handling and storage, haul routes, vehicles and plant, construction and fabrication and waste.
- Methods of monitoring construction impacts (noise and air quality).
- Training of Site Operatives and ensuring the chosen contractor subscribes to the 'Considerate Contractors' scheme.
- The location of plant and wheel washing facilities and the operation of such facilities.
- Details of measures to be employed to mitigate against noise and vibration arising out of the construction process.
- Construction traffic details (volume of vehicle movements likely to be generated during the construction phase including routes and times).
- A risk management assessment of any flood events that might occur during the construction phase, registered with the Environment Agency's "Floodline Warning Direct" service.
- Security Management (to minimise risks to unauthorised personnel).
- Hours of working

Works on site shall only take place in accordance with the approved Environment and 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 that recognises the locational characteristics of the site and minimises nuisance to neighbouring residential occupiers, and to comply with Policies ENV.PRO 10 Contaminated Land and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

(16) Delivery and Construction Hours

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

Reason

C11 R

(17) Combined Heat and Power

- (i) Full details including the technical specification and emission levels of the Combined Heat and Power (CHP) plant hereby approved, which shall comprise of 4 x 10kW boilers, shall be submitted to and approved in writing by the local planning authority prior to the commencement of any works.
- (ii) Details of measures to reduce emissions from the approved CHP plant, such as but not limited to a catalytic convertor, shall be submitted to and approved in writing by the local planning authority before the CHP plant is first brought into use.
- (iii) The details approved for part (i) and (ii) shall be installed and brought into operation at the same time as the CHP plant is first brought into use and shall be retained in operation and in accordance with the manufacturer's instructions thereafter for as long as the CHP plant is operational, unless minor variations are otherwise approved in writing by the local planning authority

Reason

To reduce pollution emissions in an Air Quality Management Area in accordance with Policy 7.14 in the London Plan (July 2011). and Policy 9 Improving local air quality of the adopted Core Strategy (June 2011).

(18) Delivery and Service Plan

- (i) The building shall not be occupied until a Delivery and Servicing Plan (DSP) has been submitted to and approved in writing by the local planning authority.

- (ii) The uses in the building shall be carried out in accordance with the approved DSP.

Reason

To ensure that the operation of the site after construction is undertaken efficiently and sustainably in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiency by reducing Co2 emissions, congestion and collisions in accordance with Policy 14 Sustainable movement and transport and Policy 21 Planning obligations of the adopted Core Strategy (June 2011) and Policy 6.14 Freight in the London Plan (July 2011).

(19) Construction Logistics Plan

- (i) No works (including demolition and construction) shall commence until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the local planning authority. The CLP shall be in accordance with the Environment and Construction Management Plan required by Condition (16).
- (ii) No works shall be carried out other than in accordance with the relevant approved CLP.

Reason

To ensure that the demolition and construction processes are carried out in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiency by reducing Co2 emissions, congestion and collisions in accordance with Policy 14 Sustainable movement and transport and Policy 21 Planning obligations of the adopted Core Strategy (June 2011). and Policy 3C.25 Freight Strategy in the London Plan (February 2008) Consolidated with Alterations since 2004.

- (20) Notwithstanding what is shown on approved drawing A025 012K, at least one electric vehicle charging point (EVCP) shall be fitted to serve the car parking spaces hereby approved and retained permanently thereafter.

Reason

To reduce pollution emissions in an Air Quality Management Area in accordance with Policy 4A.19 in the London Plan (February 2008) Consolidated with Alterations since 2004 and Policy 9 Improving local air quality of the adopted Core Strategy (June 2011).

(21) Flood Risk

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 21643/002 rev B August 2010 and the necessary mitigation measures detailed within the FRA. The finished floor levels shall be set no lower than 6.98 m above Ordnance Datum (AOD). Prior to the commencement of the development, full construction details of voids under the buildings and any perimeter walls, grilles or other form of enclosure to those voids shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in full compliance with the approved details.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

(22) Flood Risk – building footprint

The development permitted by this planning permission shall only be carried out in accordance with drawing 21643/002/007 Rev A so that the design of the building shall ensure that the solid footprint does not exceed 10% of the building footprint and that this should be as small as practicable given the essential design requirements of the building.

Reason

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

(23) Piling

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

To meet the requirements of PPS23 and the Environment Agency GP3 policy on protecting groundwater as the site is in an Inner Source Protection Zone (SPZ1) and over a principle aquifer.

(24) Surface Water Drainage

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which

may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

To meet the requirements of PPS23 and the Environment Agency GP3 policy on protecting groundwater as the site is in an Inner Source Protection Zone (SPZ1) and over a principle aquifer.

Informatives

- (1) The applicant be advised to read 'Contaminated Land Guide for Developers' (London Borough's Publication 2003), on the Lewisham web page, prior to submitting information pursuant to Condition (15). The Applicant should also be aware of their responsibilities under Part IIA of the Environmental Protection Act 1990 to ensure that human health, controlled waters and ecological systems are protected from significant harm arising from contaminated land. Guidance therefore relating to their activities on site, should be obtained primarily by reference to DEFRA (and its successor bodies) and EA publications.
- (2) The applicant is advised that units 2-2 are considered to be suitable for the occupation of 4 persons only and not the 5 as proposed and units 2-4 are considered to be suitable for the occupation of 3 persons only and not the 4 as proposed.
- (3) In preparing the Environmental and Construction Management Plan, the applicant will be expected to carry out a Risk Assessment including the following: -
 - The description of the site layout and access routes;
 - A summary of the work to be carried out on site;
 - An inventory of all dust generating activities;
 - An inventory of all non-road mobile machinery to be used on site and the location of such machinery;
 - Details of all dust and emission control methods to be used;
 - Summary of the monitoring protocol and agreed procedure of notification to the Council and;
 - Identification of sensitive receptors in the locality.

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Committee	PLANNING COMMITTEE (C)	
Report Title	LAND TO REAR OF 97 HONOR OAK PARK SE23 3LB	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART	Date: 20 OCTOBER 2011

<u>Reg. No.</u>	DC/08/68743 as revised
<u>Application dated</u>	19.4.08, completed 6.5.08, revised/consolidated 5.11.10
<u>Applicant</u>	Mr I Greig, Axial Design on behalf of Mr & Mrs Rzadkiewicz
<u>Proposal</u>	The construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23, together with associated landscaping, provision for refuse and cycle storage and two car-parking spaces.
<u>Applicant's Plan Nos.</u>	P1249.21A, 120E, 122C, 123C, 124D, 125 & Design and Access Statement
<u>Background Papers</u>	(1) Case File - LE/340/97/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) The London Plan (2011) (4) PPS 1: Delivering Sustainable Development (5) PPS 3: Housing (6) Lifetime Homes Standards (7) Residential Development Standards: SPD adopted August 2006 (8) Unitary Development Plan (2004) (9) London Housing Supplementary Planning Guidance (2010) (10) PPG 13: Transport (2001)
<u>Zoning</u>	Adopted UDP – Housing/Existing Use

1.0 Background

- 1.1 The current application proposes the construction of 2, two-storey dwelling-houses within the rear garden of 97 Honor Oak Park, SE23.
- 1.2 The application was considered by Planning Committee (B) on 14 July 2011, where Members were advised of concerns regarding the Council's consultation procedures. The merits of the actual proposal were not discussed during the meeting.

- 1.3 Neighbours were initially re-consulted in April 2011 of the proposed development due to the length of time that had passed since the original submission. Members were advised a letter sent to a neighbour during this time referred to the name of the previous occupier, thereby failing to afford the current occupier an opportunity to comment upon the proposal. The Committee resolved unanimously to defer consideration of the application until a further 21 day re-consultation period.
- 1.4 Letters were sent to neighbours on 8 August 2011, addressed to 'the occupier' rather than by name. Subsequently, a further 6 letters were received from the occupiers of 21 Boveney Road, 93 Honor Oak Park, and 253, 255, 257, & 263 Devonshire Road, objecting to the proposal on the following grounds:-
- (1) Parking concerns;
 - (2) Over-development;
 - (3) Overlooking;
 - (4) The proposal would set an undesirable precedent of backland development should permission be granted;
 - (5) Loss of mature trees;
 - (6) Contrary to Council policies;
 - (7) Privacy and Security;
 - (8) Access concerns, including refuse collection point;
 - (9) Removal of trees and replanting may result in subsidence to neighbouring properties;
 - (10) Environmental impact – development will have a destructive effect on local green space and biodiversity;
 - (11) Out of character with local Victorian and Edwardian houses;
 - (12) Increased noise from garden area.
- 1.5 A petition signed by 34 residents was received on 5 August 2011, objecting to the development on similar grounds to the above.

Honor Oak Park Residents' Association

- 1.6 The Association has objected to the proposal on grounds including:-
- (1) The backland development is contrary to Council policies, representing a 'garden grab';
 - (2) Additional strain upon existing services;
 - (3) Sets an undesirable precedent;

(4) Flooding and ecology concerns.

2.0 Policy Context

The London Plan (2011)

2.1 Members are advised that since the current application was last presented to Committee (B), a new London Plan document was adopted on 22 July 2011. Whilst policy numbers and descriptions are different to the 2008 version, their content are in a similar spirit to the original policies. The new policies relevant to this application include:-

3.3 Increasing housing supply; 3.4 Optimising housing potential; 3.5 Quality and design of housing developments; 3.8 Housing choice; 3.16 Protection and enhancement of social infrastructure; 5.2 Minimising carbon dioxide emissions; Sustainable design and construction; 5.7 Renewable energy; 5.12 Flood risk management; 5.13 Sustainable drainage; 6.9 Cycling; 6.13 Parking; 7.3 Designing out crime; 7.4 Local character; 7.5 Public realm, 7.6 Architecture & Policy 7.19 Biodiversity and Nature Conservation in the London Plan.

3.0 Considerations

- 3.1 The majority of objections received during the recent consultation period reiterate concerns previously raised, including the design, scale and siting of the two dwellings.
- 3.2 Officers remain satisfied that the scale of the proposed development is acceptable, appropriately sized for a site of this nature. The design of the building is simple and traditional, and would not appear over-dominant or obtrusive. Officers consider the dwellings would relate well with surrounding Edwardian and Victorian buildings, contrary to the views of an objection received. It must be acknowledged that the two dwellings would not impact upon the streetscene as they would be sited approximately 50 metres away from the nearest highway, Boveney Road.
- 3.3 Ecology matters were previously addressed, whereby the applicant declared informally there were no stag beetles or bats roosting within the application garden, however a neighbour has claimed otherwise by providing photographs of stag beetles upon the site. This has been brought to the attention of the applicants, who have acknowledged the need to undertake measures to mitigate the impact of the development.
- 3.4 As stated in the original committee report, the Council's Ecology Officer has suggested a planning condition be included seeking the submission of details regarding stag beetles, and how they would be protected during works should they inhabit the site. The applicants have proposed to implement biodiversity measures including the provision of log piles, which over time will rot and may encourage species to habitat on the site, such as stag beetles and other insects.
- 3.5 Officers accept the point raised by an objector that paragraph 6.5 of the committee report, which addressed UDP policy HSG 8: Backland and In-Fill Development,

should have included point (f) regarding no appreciable loss of wildlife habitat, however as demonstrated within the report, ecology has formed a material consideration of the planning recommendation.

- 3.6 Another objection states concern that a density assessment did not form part of the officer's considerations. Policy HSG 16 Density was deleted in 2009, therefore the Council now addresses the London Plan density matrix. For a suburban area with a PTAL of 2 to 3, the density range expected is 150-250 habitable rooms per hectare. The proposed dwellings would amount to 120 habitable rooms per hectare, falling below the density range, and therefore supporting officer opinion that the proposal would not result in an overdevelopment of the site.

4.0 Conclusion

- 4.1 Notwithstanding the above, officers have considered the further objections raised by the neighbouring occupiers, and found the proposal still to be acceptable in its current form, therefore the application is recommended for planning permission.
- 4.2 No additional conditions are recommended.

5.0 Summary of Reasons for the Grant of Planning Permission

- 5.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with saved UDP policies URB 3 Urban Design and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004), and Policy 15 High Quality Design for Lewisham of the Local Development Framework: Core Document (2011).
- 5.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby, in accordance with saved UDP Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and Infill Development, HSG 7 Gardens, and Policies 15 High Quality Design for Lewisham of the Local Development Framework: Core Document (2011).

6.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) B01 Facing Materials - New Buildings
- (2) B06 Reveals (1) - New Buildings
- (3) H09 Parking – Residential
- (4) L01 Planting, Paving, Walls Etc
- (5) N13 External Lighting - Residential
- (6) RF1 Refuse Storage

- (7) Details shall be submitted to and approved in writing by the local planning authority prior to the commencement of building work on site confirming the permitted building would be in compliance with Lifetimes Home Standards.
- (8) No extensions or alterations to the permitted buildings, whether or not permitted under Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2008 or any subsequent re-enactment thereof, shall be carried out without the prior written permission of the local planning authority.
- (9) The whole of the cycle parking accommodation shown on the drawings shall be provided and retained permanently and the dwellings hereby permitted shall not be occupied until such parking accommodation has been provided. Details of cycle stands shall be submitted to and approved in writing by the local planning authority and shall be provided prior to first occupation of the dwellings hereby approved and shall thereafter be maintained.
- (10) N13 External Lighting - Residential
- (11) L08 Trees – Protection During Works
- (12) Before the development hereby approved commences a report detailing methods for recognition, management and translocation of stag beetles and their larvae shall be submitted to and approved in writing by the local planning authority. Construction on site and translocation measures shall be undertaken in accordance with the approved details of the report

Reasons

- (7) To ensure that the development meets the Lifetime Home Standards and to ensure compliance with London Plan Policy 3.8 Housing choice.
- (8) In order that the local planning authority may have the opportunity of assessing the impact of any further development.
- (9) H12R Provision For Cyclists
- (12) To ensure that the development enhances biodiversity and complies with Policy 7.19 Biodiversity and Nature Conservation in the London Plan.

Informative

Construction Sites Code of Practice or any other such codes applicable at the time of construction.

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APPENDIX TO ITEM 4

Committee	PLANNING COMMITTEE (B)	
Report Title	LAND TO REAR OF 97 HONOR OAK PARK SE23 3LB	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART	Date: 14 JULY 2011

<u>Reg. No.</u>	DC/08/68743 as revised
<u>Application dated</u>	19.4.08, completed 6.5.08, revised/consolidated 5.11.10
<u>Applicant</u>	Mr I Greig, Axial Design on behalf of Mr & Mrs Rzadkiewicz
<u>Proposal</u>	The construction of 2, two-storey, two bedroom houses at the rear of 97 Honor Oak Park, SE23, together with associated landscaping, provision for refuse and cycle storage and two car-parking spaces.
<u>Applicant's Plan Nos.</u>	P1249.21A, 120E, 122C, 123C, 124D, 125 & Design and Access Statement
<u>Background Papers</u>	(1) Case File - LE/340/97/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) The London Plan (February 2008) Consolidated with Alterations since 2004 (4) PPS 1: Delivering Sustainable Development (5) PPS 3: Housing (6) Lifetime Homes Standards (7) Residential Development Standards: SPD adopted August 2006
<u>Zoning</u>	Adopted UDP – Housing/Existing Use

1.0 Property/Site Description

- 1.1 The application site is comprised of the garden of a large 2-storey plus roof-space detached dwelling located on the south side of Honor Oak Park. The garden measures 38 metres deep, comprising an initial grassed area, with a range of trees and planting to the lower end.
- 1.2 The surrounding area is mostly residential in character, comprised of two storey dwellings on Honor Oak Park and Devonshire Road, and 3-storey blocks of flatted accommodation to the south of the site on Boveney Road. To the immediate west of the site are large dwellings that have rear gardens equal in length to no.97. The rear gardens of five dwellings on Devonshire Road abut the application site, whilst at the rear is a parking area that serves the Boveney Road flats. Camberwell New Cemetery and allotment gardens lie opposite to the north of the site.

APPENDIX TO ITEM 4

- 1.3 The area is relatively well served by public transport, with bus routes operating locally, and Honor Oak Train Station located within a short walking distance. The PTAL for this area is 3.

2.0 Planning History

- 2.1 At the time of writing this report, a separate application relating to this site was being considered, proposing the conversion of the existing dwelling-house to provide 6 self contained flats.

3.0 Present Application

- 3.1 The application proposes the construction of two, 2-storey dwelling-houses located within the rear garden of the application property, each accommodating two bedrooms. Both houses would measure 9.3 metres length and a width of 5.2 metres, incorporating pitched roofs with small traditional style dormers. The dwellings would be arranged to face into a shared communal space, located approximately 19 metres from the rear wall of the existing building.
- 3.2 Facing materials to be used would include brickwork, slating to the roof, and timber windows and doors.
- 3.3 Extensive planting, including new trees around the perimeter of the garden would be undertaken to assist in screening the development from view, whilst a hedge spanning across the plot would provide a natural division between the existing and proposed buildings.
- 3.4 Access to the dwellings would be from the accessway located at the rear that leads through to Boveney Road. Two car-parking spaces would be provided adjacent to the rear boundary, together with secure cycle parking within the site.

4.0 Consultations and Replies

Neighbours & Local Amenity Societies etc;

- 4.1 Letters of consultation were sent to 66 properties in the surrounding area and Ward Councillors, together with the display of notices on site.
- 4.2 Subsequently, 8 letters were received from the occupiers of 93, 95, 101 & 101C Honor Oak Park, 253, 255, 259B & 263 Devonshire Road, 6 Gabriel Street and 10 Walters Way, objecting to the proposal on the following grounds:-
- (1) Parking concerns;
 - (2) Over-development;
 - (3) Overlooking;
 - (4) The proposal would set an undesirable precedence of backland development should permission be granted;
 - (5) Loss of mature trees;

- (6) Contrary to Council policies;
- (7) Privacy and Security;
- (8) Access concerns.

Honor Oak Park Residents' Association

4.3 The Association has objected to the proposal on grounds including:-

- (1) The backland development is contrary to Council policies;
- (2) Already a high density of housing within the area – additional strain upon existing services;
- (3) Loss of mature trees;
- (4) Sets an undesirable precedence;
- (5) Flooding and ecology concerns;
- (6) Additional car use.

4.4 In light of the number of objections, a local meeting was held at the Civic Suite on 11 April 2011. Nine residents attended the meeting, with a panel comprised of Cllr Feakes (Chair), Les Rzakiewicz (applicant), Ian Greig (agent) and Geoff Whittington (planning officer).

4.5 Neighbour concerns that were discussed during the meeting included the impact the proposed dwellings would have upon ecology within the immediate area, loss of existing trees upon the site, lack of off-street parking afforded to future occupiers and potential for increased parking to neighbouring streets, the density of the proposal, out of character with the surrounding area whilst setting an undesirable precedence, and drainage matters.

4.6 It was agreed during the meeting that as the application had originally been submitted in 2008, a re-consultation period would be undertaken to notify those who may have moved into the area during that time.

4.7 Subsequently, a further three letters were received from the occupiers of 95 Honor Oak Park, and 255 & 263 Devonshire Road, and The Honor Oak Park Residents' Association, who have all reiterated their concerns to the proposal.

(Letters are available to Members)

Highways and Transportation

4.8 Unobjectionable in principle.

Environmental Health

4.9 No objections raised.

Ecology Officer

- 4.10 The Ecology officer has requested the submission of a report to confirm whether stag beetles inhabit the existing garden, and how the applicant would propose to ensure their protection during construction works.

5.0 Policy Context

Local Development Framework - Core Strategy

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

- 5.2 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application;

- Objective 2: Housing provision and distribution
- Objective 3: Local housing needs
- Objective 5: Climate change
- Objective 6: Flood risk reduction and water management
- Objective 9: Transport and accessibility
- Objective 10: Protect and enhance Lewisham's character
- Objective 11: Community well-being
- 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 10: Managing and reducing the risk of flooding
- Policy 12: Open space and environmental assets
- Policy 15: High quality design for Lewisham

- 5.3 Relevant saved policies from the Unitary Development Plan include;

URB 3: Urban Design; HSG 4: Residential Amenity; HSG 5: Layout and Design of New Residential Development and HSG 8: Back-land and In-fill Development.

National Policy

- 5.4 Relevant national policy statements includes:

PPS 1: Delivering Sustainable Development (2005) and PPS 3: Housing (2010).

- 5.5 The London Plan (2008)

London Plan policies that are most relevant to the application includes:-

3A.1 Increasing London's Supply of Housing;
4B.3 Enhancing the Quality of the Public Realm;
4A.3: Sustainable Design and Construction;
4A.7 Renewable Energy.

6.0 Planning Considerations

6.1 The main issues to consider in this case include the nature of the site, principle of residential development, location, scale and appearance of the proposed dwelling, the level of impact upon the amenities of neighbouring occupiers and the streetscene generally, standard of accommodation, landscaping, access and parking issues.

Principle of Development

6.2 Central government issued a new PPS 3 "Housing" in June 2010, which includes a revised definition of "brownfield land", insofar as residential gardens have been removed from this classification. Previously, residential curtilage in its entirety constituted brownfield or Previously Developed Land.

6.3 The fact that 'brownfield land' now excludes residential garden land does not mean per se that the Council should refuse all developments affecting such land without considering their merits. As such, Officers consider that this application should be considered on its merits and not on principle.

6.4 In any case, the adopted Core Strategy Document and saved policies within the Unitary Development Plan can be used to refuse inappropriate backland and infill developments should the proposal be considered to cause demonstrable harm to neighbours or other 'interests of the acknowledged importance'.

6.5 Saved Policy HSG 8: Backland and Infill Development of the Unitary Development Plan states backland and in-fill development will be permitted provided:

- (a) sufficient garden depth and area shall be retained by existing dwellings;
- (b) the scheme must respect the character of the area;
- (c) the scheme must be particularly sensitively designed;
- (d) proper means of access;
- (e) no appreciable loss of privacy and amenity for adjoining houses.

6.6 There are no examples of similar forms of backland development within the immediate area, but having assessed the location of the plot, its relationship with existing dwellings and access into the site, it is considered that the proposal accords with HSG 8 guidelines. Officers are therefore satisfied that the principle of residential development is acceptable, which this report will seek to demonstrate.

Design and Impact Upon Amenities

6.7 Saved UDP policy URB 3 Urban Design states the Council will expect a high standard of design in new development, whilst ensuring that schemes are compatible with or complement the scale and character of the existing development and its setting.

6.8 Policy HSG 4 Residential Amenity expresses the desire to improve and safeguard the character and amenities of residential areas in a number of ways. These include

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the siting of new dwellings appropriately seeking higher standards of design and landscaping in all new development in residential areas.

- 6.9 The proposed new dwellings would be located to the rear garden of the existing detached house, which measures 38 metres long and 24 metres wide. Whilst it can often prove difficult with backland development to propose both an appropriate design and minimal impact upon neighbouring occupiers, it is considered in this case that both objectives have been achieved.
- 6.10 The proposed 2-storey buildings would measure a maximum height of 6.5 metres, sited 19 metres away from the existing dwelling (97 Honor Oak Park). The external appearance of the building would be Yellow Stock brickwork, clay roof tiles, and timber windows and doors.
- 6.11 Officers are satisfied that the scale of the proposed development is acceptable, appropriately sized for a site of this nature. The design of the building is simple and traditional, and would not appear over-dominant or obtrusive, aided by the first floor being sited within the roofspace, thereby keeping the overall height to a minimum.
- 6.12 Officers are satisfied that the proposed siting of the building would not result in significant visual impact upon the amenities of neighbouring occupiers. The location of the new builds would be a sufficient distance from Honor Oak Park and Devonshire Road dwellings, whilst the proposed single-storey with roof-space - as opposed to a conventional 2-storey with roof-space dwelling - would assist in avoiding any overshadowing or sense of enclosure.
- 6.13 The northern-most proposed dwelling would be positioned 4.6 metres from the shared boundary with 99 Honor Oak Park, and 17 metres from the dwelling which occupies that site.
- 6.14 The other new build would lie 4.2 metres from the eastern boundary, and approximately 18 metres to the nearest Devonshire Road dwelling. Coupled with existing and proposed trees close to the side boundaries, officers consider the proposed dwellings to be suitably positioned, with an acknowledgement of the proximity and visual amenities of neighbouring occupiers.
- 6.15 Both dwellings would be positioned so not to compromise the privacy of neighbouring residents. Ground floor windows would mostly look into the site, the exception being a living room opening to the proposed southern dwelling, however planting and existing fencing along the eastern boundary would mitigate overlooking. The proposed dormers would also be positioned so not to directly overlook neighbouring occupiers.
- 6.16 The proposed dwellings would be sited a sufficient distance away from the existing dwelling (no.97), which despite the reduction in garden depth, would retain a 16.5 metre deep space. Should the house be retained as a dwelling, or indeed converted into flatted accommodation (as proposed in outstanding application DC/08/68730), the remaining garden would be of a sufficient size. The visual amenities of the existing dwelling would not be impacted upon by the proposed development.
- 6.17 To prevent future extensions being built to the properties without planning permission, a condition is suggested as part of the recommendation that would remove normal permitted development rights. This would ensure that extensions,

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which may otherwise impact detrimentally upon neighbouring residents could not be built without the benefit of planning permission and a formal assessment by planning officers.

- 6.18 Officers maintain that the development would appear as acceptable additions to the surroundings, whilst proposed boundary treatment would assist in reducing visual impact upon the residential amenities of neighbouring occupiers.
- 6.19 It is considered that the siting of the proposed buildings are acceptable in principle and respectful of its surroundings, aided principally by the size of the existing garden allowing for such a development to be possible.

Standard of Accommodation

- 6.20 The layout and circulation of the proposed dwellings are considered to be acceptable and would provide a good standard of accommodation for future occupants, in accordance with the minimum standards set out within the Residential Development Standards SPD. Each habitable room would be afforded sufficient outlook and natural light intake.
- 6.21 The two dwellings would share a centrally placed communal garden space, with additional private external areas to the side and rear of each dwelling. It is considered that the garden setting would provide a suitable environment for future occupiers.

Access and Parking

- 6.22 London Plan Policies 3C.21 Improving Conditions for Walking, 3C.22 Improving Conditions for Cycling and 3C.23 Parking Strategy in the London Plan seek to develop walking and cycling in London while keeping car parking to a minimum. UDP Policy TRN 1 Location of Development requires that development proposals that generate a large volume of traffic or person movement must be located close to good public transport facilities.
- 6.23 Two off-street parking spaces would be provided to the western corner of the site, accessed via a service road off Boveney Road that leads through to a car-parking area adjacent to the application site. The road is gated at one end, with key-holders being occupiers within the flatted accommodation fronting Boveney Road. The applicant has, however confirmed he has a right of access, and the issue of key-holders and access for future occupiers of the proposed development will be addressed at a later stage.
- 6.24 There are some on-street parking opportunities within the immediate area, whilst secure cycle racks are shown within the rear garden. Highways officers have raised no objections to the proposal.
- 6.25 The area is particularly well served by public transport links, with Honor Oak Train Station located within a short walking distance, together with bus routes operating along Honor Oak and Brockley Road.

Landscaping

- 6.26 The applicant has confirmed the following landscaping measures within the rear garden:-
- Two established Pear trees would be retained;
 - Seek to minimise loss of existing trees, with the felling of an Oak tree and two smaller trees;
 - The formation of a new hedge across the site, comprised of holly, beech, hornbeam, dog wood, copper beech, rugeroua and whitebeam;
 - Retain the existing Sycamore, Fir and Cherry trees, and infill with new Victorian Plum and Holly trees;
 - To the southern boundary where existing sheds will be removed, infill with new Holly, Horse Chestnut and Ash trees;
 - Rebuild existing brick wall to eastern boundary, and plant and train a Wisteria against it;
 - Permeable treatment to accessway and car-parking bays.
- 6.27 It is considered highly important to this scheme that substantial tree screening is retained/ provided close to the boundaries of the site to protect neighbour amenity and visual amenities of the area. Saved Policy URB 13: Trees seeks the protection of trees which are of high amenity value and good health.
- 6.28 The Council's Tree officer has been involved in a series of discussions with the applicant in respect of the felling, retention and planting of trees upon the site. This has involved the two dwellings having to be repositioned to ensure the retention of some trees, whilst allowing for a sufficient area for new trees and plants to grow. The Tree officer is satisfied the proposed development would seek to enhance the natural environment of the garden, rather than result in any significant harm.

Ecology

- 6.29 The Council's backland policy, HSG 8, states that there should be no appreciable loss of wildlife habitat. PPS9 contains similar requirements to protect local species diversity. Although this site is not specifically designated as a site of nature conservation importance, the extent of natural foliage upon the site is sufficient to address ecology matters.
- 6.30 The Council's Ecology Officer has discussed this matter with the applicant, and he has confirmed a planning condition should be included that seeks the submission of details regarding stag beetles, and how they would be protected during works, should they inhabit the site. The applicant has declared informally there are no stag beetles or bats roosting on the site, however they acknowledge the need to undertake measures to mitigate the impact of the development.
- 6.31 The applicants have proposed to implement biodiversity measures including the provision of log piles, which over time will rot and may encourage species to habitat on the site, such as stag beetles and other insects.

7.0 Consultations

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedures. As addressed earlier in the report, the application was originally submitted in 2008, therefore it was considered appropriate to undertake a second consultation period.
- 7.2 Officers are satisfied that all statutory Council procedures have been followed.

8.0 Conclusion

- 8.1 It is considered that the design and massing of the proposed buildings are acceptable, and would respect the general character of the area, whilst the level of impact upon the visual amenities of neighbouring occupiers would not be significant.
- 8.2 Parking provision upon the site meets with Council policy, whilst the standard of proposed accommodation is acceptable. It is, therefore, recommended that permission be granted.

9.0 Summary of Reasons for the Grant of Planning Permission

- 9.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria and is in accordance with saved UDP policies URB 3 Urban Design and HSG 8 Backland and In-fill Development in the adopted Unitary Development Plan (July 2004), and Policy 15 High Quality Design for Lewisham of the Local Development Framework: Core Document (2011).
- 9.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby, in accordance with saved UDP Policies URB 3 Urban Design, HSG 4 Residential Amenity, HSG 5 Layout and Design of New Residential Development and HSG 8 Backland and Infill Development, HSG 7 Gardens, and Policies 15 High Quality Design for Lewisham of the Local Development Framework: Core Document (2011).

10.0 RECOMMENDATION **GRANT PERMISSION subject to the following conditions:-**

- (1) B01 Facing Materials - New Buildings
- (2) B06 Reveals (1) - New Buildings
- (3) H09 Parking – Residential
- (4) L01 Planting, Paving, Walls Etc
- (5) N13 External Lighting - Residential
- (6) RF1 Refuse Storage
- (7) Details shall be submitted to and approved in writing by the local planning authority prior to the commencement of building work on site confirming the permitted building would be in compliance with Lifetimes Home Standards.

APPENDIX TO ITEM 4

- (8) No extensions or alterations to the permitted buildings, whether or not permitted under Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2008 or any subsequent re-enactment thereof, shall be carried out without the prior written permission of the local planning authority.
- (9) The whole of the cycle parking accommodation shown on the drawings shall be provided and retained permanently and the dwellings hereby permitted shall not be occupied until such parking accommodation has been provided. Details of cycle stands shall be submitted to and approved in writing by the local planning authority and shall be provided prior to first occupation of the dwellings hereby approved and shall thereafter be maintained.
- (10) N13 External Lighting - Residential
- (11) L08 Trees – Protection During Works
- (12) Before the development hereby approved commences a report detailing methods for recognition, management and translocation of stag beetles and their larvae shall be submitted to and approved in writing by the local planning authority. Construction on site and translocation measures shall be undertaken in accordance with the approved details of the report

Reasons

- (7) To ensure that the development meets the Lifetime Home Standards and to ensure compliance with London Plan Policy 3A.5 Housing choice.
- (8) In order that the local planning authority may have the opportunity of assessing the impact of any further development.
- (9) H12R Provision For Cyclists
- (12) To ensure that the development enhances biodiversity and complies with Policy 3D.14 Biodiversity and Nature Conservation in the London Plan (February 2008 Consolidated with Alterations since 2004).

Informative

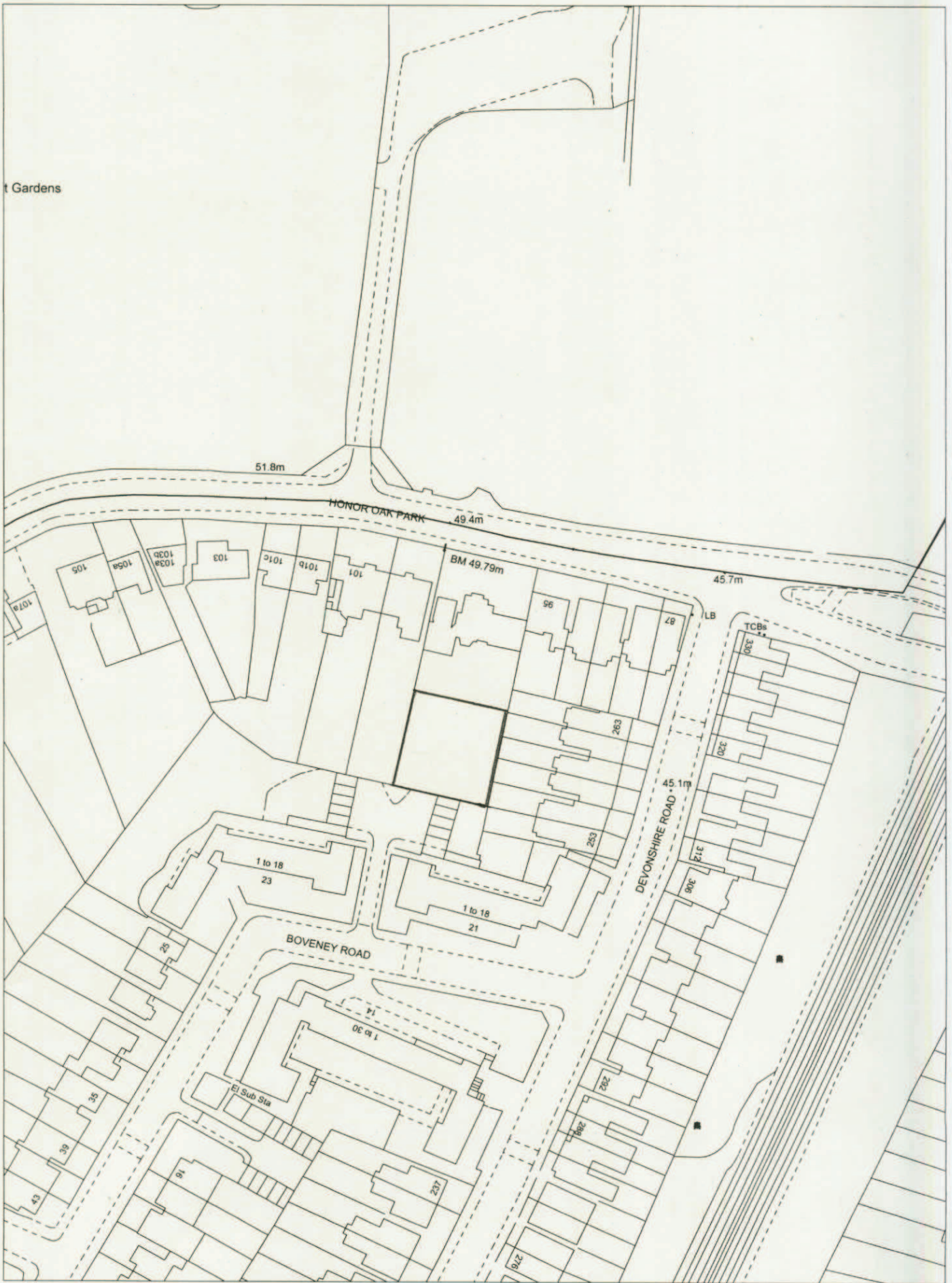
Construction Sites Code of Practice or any other such codes applicable at the time of construction.

MINUTES

Councillor Muldoon moved a Motion to defer consideration of the item until the next available Planning Committee meeting, following a further 21 day re-consultation of local residents, which was seconded by Councillor Clarke. Members voted unanimously in favour of the motion.

RESOLVED that consideration of Application No. DC/08/68743 be deferred in order for re-consultation of residents to be carried out.

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Committee	PLANNING COMMITTEE (C)	
Report Title	97 HONOR OAK PARK SE23 3LB	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	Date: 20 OCTOBER 2011

<u>Reg. No.</u>	DC/09/68730 as revised
<u>Application dated</u>	18.4.08, revised/consolidated 5.11.10
<u>Applicant</u>	Mr I Greig, Axial Design on behalf of Mr and Ms Rzakiewicz
<u>Proposal</u>	The alteration and conversion of 97 Honor Oak Park SE23 and construction of a part single/ part two storey side extension, first floor side extension and single storey extension to the rear, to provide 1, three bedroom and 5, two bedroom self-contained flats, together with associated landscaping, provision of refuse and cycle stores and 6 car-parking spaces.
<u>Applicant's Plan Nos.</u>	P1249.03, 04, 06, 07, 12B, 13C, 14C, 15F, 16F, 17G, 18K, 19J, 20C & Design and Access Statement
<u>Background Papers</u>	<ul style="list-style-type: none"> (1) Case File - LE/340/97/TP (2) Local Development Framework: Core Strategy (2011) (3) The London Plan (2011) (4) Supplementary Planning Document: Residential Standards (2006) (5) PPS 1: Delivering Sustainable Development (2005) (6) PPS 3: Housing (2010) (7) PPG 13: Transport
<u>Zoning</u>	UDP – Housing/Existing Use

1.0 Background

- 1.1 The current application proposes the alteration and conversion of the single-dwelling at 97 Honor Oak Park SE23, to provide 1, three bedroom and 5, two bedroom self-contained flats.
- 1.2 The application was presented to Planning Committee (B) on 14 July 2011, where Members were advised of concerns regarding the Council's consultation procedures. The actual merits of the proposal were not discussed during the meeting.

- 1.3 Neighbours were initially re-consulted in April 2011 of the proposed development due to the length of time that had passed since the original submission. Members were advised a letter sent to a neighbour during this time referred to the name of the previous occupier, thereby failing to allow the current occupier an opportunity to comment upon the proposal. The Committee resolved unanimously to defer consideration of the application until a further 21 day re-consultation period.
- 1.4 Letters were sent to neighbours on 8 August 2011, addressed to 'the occupier' rather than by name. Subsequently, a further 5 letters were received from the occupiers of 93 Honor Oak Park, and 253, 255, 257 & 263 Devonshire Road, objecting to the proposal on the following grounds:-
- (1) Privacy and security concerns;
 - (2) Impact upon local green space;
 - (3) Area is already densely populated by flats;
 - (4) Insufficient provision of off-street parking;
 - (5) Too many units;
 - (6) Noise and disturbance to neighbouring occupiers.

Honor Oak Park Residents' Association

- 1.5 The Association has objected to the proposal on the following grounds:-
- (1) Overdevelopment;
 - (2) Should be retained as a single-dwelling;
 - (3) Too many units;
 - (4) Insufficient parking.
- (Letters are available to Members)

2.0 Policy Context

2.1 The London Plan (2011)

- 2.2 Members are advised that since the current application was last presented to Committee (B), a new London Plan document was adopted on 22 July 2011. Whilst policy numbers and descriptions are different to the 2008 version, their content are in a similar spirit to the original policies. The new policies relevant to this application include:-

3.3 Increasing housing supply; 3.4 Optimising housing potential; 3.5 Quality and design of housing developments; 3.8 Housing choice; 3.16 Protection and enhancement of social infrastructure; 5.2 Minimising carbon dioxide emissions; Sustainable design and construction; 5.7 Renewable energy; 5.12 Flood risk management; 5.13 Sustainable drainage; 6.9 Cycling; 6.13 Parking; 7.3 Designing out crime; 7.4 Local character; 7.5 Public realm, 7.6 Architecture & Policy 7.19 Biodiversity and Nature Conservation in the London Plan.

3.0 Considerations

- 3.1 The objections received during the recent consultation period reiterate concerns previously raised, including the principle of converting the property into self-contained flats, the number of units and off-street parking provision. Such matters have been addressed in detail in the main report.
- 3.2 Officers have considered the further objections raised by neighbouring occupiers, and subsequently found the proposed conversion of the property to be appropriate, and in compliance with Council policies, therefore it is recommended permission be granted.
- 3.3 No additional conditions are recommended.

4.0 Summary of Reasons for Grant of Planning Permission

- 4.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with saved UDP Policies URB 3 Urban Design, HSG 4 Residential Amenities, HSG 7 Gardens and HSG 9 Conversion of Residential Property, and Policies 1: Housing Provision, Mix and Affordability and 15: High Quality Design for Lewisham of the Local Development Framework: Core Strategy (2011).
- 4.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with saved UDP policies URB 3 Urban Design, HSG 4 Residential Amenities and HSG 9 Conversion of Residential Property, and Policies 1: Housing Provision, Mix and Affordability, 10: Managing and Reducing the Risk of Flooding and 15 High Quality Design for Lewisham of the Local Development Framework: Core Strategy (2011).

5.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) B02 Materials to Match Existing
- (2) L01 Planting, Paving, Walls etc.
- (3) B09 Plumbing or Pipes.
- (4) B07 Reveals
- (5) H12 Provision For Cyclists
- (6) Notwithstanding the information submitted, details of the design of refuse/ recycling and bicycle storage facilities shall be submitted to the local planning authority and approved in writing. The works shall be carried out in accordance with the approved details and the provision for refuse and bicycle storage shall be provided prior to the first occupation of the development permitted and retained permanently.
- (7) H09 Parking - Residential

- (8) All extensions hereby permitted shall be constructed prior to first occupation.
- (9) The rear facing window to the proposed extension on the southern side shall be unopenable and fitted and maintained permanently in obscured glazing, prior to first occupation of the units hereby permitted.
- (10) Proposed landscaping works to the front driveway shall be completed in full prior to first occupation of the residential units hereby permitted.
- (11) The use of the flat roof extensions shall be as set out in the application and no development or the formation of any door providing access to the roof of the extensions shall be carried out, nor shall the roof area of the extensions be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.

Reasons

- (6) In order that the local planning authority may be satisfied with the provisions for bicycle and refuse/ recyclables storage and collection in the scheme and to comply with saved Policy URB 3 Urban Design and Policy 15 High Quality Design for Lewisham of the Local Development Framework: Core Strategy (2011).
- (8) IM2R Completion (2) Building/Full
- (9) B05R Windows – Obscured Glazing
- (10) L01R Planting, Paving, Walls Etc
- (11) B11R Flat-Roofed Extensions

Informative

The applicant should be informed that if Planning Consent is granted the implementation of the proposal will require approval by the Council of a Street Naming & Numbering application. Application forms are available on the Council's web site.

APPENDIX TO ITEM 5

Committee	PLANNING COMMITTEE (B)	
Report Title	97 HONOR OAK PARK SE23 3LB	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	Date: 14 JULY 2011

<u>Reg. No.</u>	DC/09/68730 as revised
<u>Application dated</u>	18.4.08, revised/consolidated 5.11.10
<u>Applicant</u>	Mr I Greig, Axial Design on behalf of Mr and Ms Rzadkiewicz
<u>Proposal</u>	The alteration and conversion of 97 Honor Oak Park SE23 and construction of a part single/ part two storey side extension, first floor side extension and single storey extension to the rear, to provide 1, three bedroom and 5, two bedroom self-contained flats, together with associated landscaping, provision of refuse and cycle stores and 6 car-parking spaces.
<u>Applicant's Plan Nos.</u>	P1249.03, 04, 06, 07, 12B, 13C, 14C, 15F, 16F, 17G, 18K, 19J, 20C & Design and Access Statement
<u>Background Papers</u>	(1) Case File - LE/340/97/TP (2) Local Development Framework: Core Strategy (2011) (3) The London Plan (February 2008) (4) Supplementary Planning Document: Residential Standards (2006) (5) PPS 1: Delivering Sustainable Development (2005) (6) PPS 3: Housing (2010) (7) PPG 13: Transport
<u>Zoning</u>	UDP – Housing/Existing Use

1.0 Property/Site Description

- 1.1 The application site is comprised of a large, vacant 2-storey plus roof-space detached dwelling located on the south side of Honor Oak Park. The property has a 38 metre deep garden at the rear, whilst to the front is a 9 metre deep driveway that can accommodate a number of parked vehicles.
- 1.2 The surrounding area is mostly residential in character, comprised of two storey dwellings on Honor Oak Park and Devonshire Road, and 3-storey blocks of flatted accommodation to the south of the site on Boveney Road. To the immediate west of the site are large dwellings that have rear gardens equal in length to no.97. The rear gardens of five dwellings on Devonshire Road abut the application site, whilst at the rear is a parking area that serves the Boveney Road

flats. Camberwell New Cemetery and allotment gardens lie opposite to the north of the site.

- 1.3 The area is relatively well served by public transport, with bus routes operating locally, and Honor Oak Train Station located within a short walking distance. The PTAL for this area is 3.

2.0 Planning History

- 2.1 In 1967, permission was refused for the erection of 2, three-storey linked blocks comprising a total of 9 three-roomed flats together with 9 garages and an access road.
- 2.2 At the time of writing this report, a separate application relating to this site was being considered, proposing the construction of two dwelling-houses to the rear garden of the property.

3.0 Current Planning Applications

- 3.1 The planning application proposes the alteration and conversion of the single-dwelling at 97 Honor Oak Park SE23, to provide 1, three bedroom and 5, two bedroom self-contained flats.
- 3.2 External alterations include the construction of extensions to either side of the property. The largest of the extensions would be a single-storey flat roof element located to the western side, measuring 13.8 metres in length and 7 metres wide, with the rear section projecting no further than the existing double garage structure.
- 3.3 All occupiers of the units would have access to the rear garden via a shared ground floor entrance located at the rear. Two of the proposed ground floor flats would also have their own accesses to the garden.
- 3.4 Landscaping measures to the frontage include the laying of permeable interlocking block paving, together with various forms of planting.
- 3.5 Six parking bays would be provided to the front driveway, whilst a secure cycle store would be located within the rear garden.

4.0 Consultation & Replies

Neighbours and Local Amenity Societies.

- 4.1 Letters of consultation were sent to 30 properties and a notice was displayed on site and in the local press. Ward Councillors were also consulted.
- 4.2 Letters were received from the occupiers of 253, 255, 257, 259b & 263 Devonshire Road, 33 Dunoon Road, 93 & 95 Honor Oak Park and 10 Walters Way, objecting to the proposal on the following grounds:-
- (1) Over-development – too many units;
 - (2) Privacy concerns;

- (3) Insufficient off-street parking;
- (4) The proposed 2-storey side extensions are unacceptable.

Honor Oak Park Residents' Association

- 4.3 The Association has objected to the proposal on similar grounds to residents, stating the changes to the existing building would be out of character, with the provision of too many units. The development would result in noticeable loss of amenity for neighbours in terms of potential noise and overlooking, and would create additional strain on the water supply and drainage.
- 4.4 In light of the number of objections, a local meeting was held at the Civic Suite on 11 April 2011. Nine residents attended the meeting, with a panel comprised of Cllr Feakes (Chair), Les Rzakiewicz (applicant), Ian Greig (agent) and Geoff Whittington (planning officer).
- 4.5 Neighbour concerns that were discussed during the meeting included lack of off-street parking afforded to future occupiers, the density of the proposal, why the house could not be retained as a single family dwelling, impact upon the neighbouring area, and drainage matters.
- 4.6 It was agreed during the meeting that as the application had originally been submitted in 2008, a re-consultation period would be undertaken to notify those who may have moved into the area during that time.
- 4.7 Subsequently, a further five letters were received from the occupiers of 93, 95 & 101C Honor Oak Park, and 255 & 263 Devonshire Road, objecting to the proposal on the following grounds:
 - (1) Over-development, with a high density of housing already in the area;
 - (2) The property should be retained as a single dwelling;
 - (3) Insensitive to the architectural style of the house;
 - (4) Insufficient parking;
 - (5) Privacy concerns;
 - (6) Biodiversity.
- 4.8 The Honor Oak Residents' Association have also reiterated their concerns to the proposal.

(Letters are available to Members)

Highways and Transportation

- 4.9 No objections raised to the proposed off-street car-parking provision. Cycle parking would be considered acceptable subject to the provision of a dry and secure storage facility.

Environmental Health

- 4.10 No objections raised.

Ecology Officer

- 4.11 No objections raised to the proposal.

5.0 Policy Context

National Policy

- 5.1 Planning Policy Statement 3, 'Housing' (June 2010).

The London plan

- 5.2 The London Plan includes general policies in favour of the provision of new housing, including 3A.1 Increasing London's Supply of Housing, 3A.2 Borough Housing Targets, 3A.3 Efficient Use of Stock and 3A.4 Housing Choice. Although, inevitably the London Plan policies are very broad, there is a general encouragement for increased housing provision throughout the London area.
- 5.3 The London Plan sees high-quality design as central to its objectives and emphasises that high standards of design have a strong role in making London a better city to live in (Policy 4B.1 and 4B.2)

Local Development Framework - Core Strategy

- 5.4 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan.
- 5.5 The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application;
- Objective 2: Housing provision and distribution
 - Objective 3: Local housing needs
 - Objective 5: Climate change
 - Objective 6: Flood risk reduction and water management
 - Objective 9: Transport and accessibility
 - Objective 10: Protect and enhance Lewisham's character
 - Objective 11: Community well-being
 - 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 10: Managing and reducing the risk of flooding
 - Policy 14: Sustainable movement and transport
 - Policy 15: High quality design for Lewisham
- 5.6 Relevant saved Unitary Development Plan policies include URB 3 Urban Design, HSG 4 Residential Amenity, HSG 7 Gardens and HSG 9 Conversion of Residential Property.

Supplementary Planning Documents: Residential Development Standards (August 2006).

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

6.0 Planning Considerations

- 6.1 The main issues in the assessment of this application include the principle of the proposed development, the design and appearance of proposed external alterations, the level of impact upon neighbouring occupiers and the streetscene generally, standard of accommodation and parking related matters.

Principle of the proposed Development.

- 6.2 Saved UDP Policy HSG 9 Conversion of Residential Property states the permanent conversion of larger dwelling houses into two or more self-contained units will be permitted provided that the scheme results in the provision of an increase in suitable accommodation.

- 6.3 The Council will normally require at least one family unit to be provided in every conversion scheme unless it is satisfied that the dwelling is unsuited for family occupation because of its location or character. However, not all dwellings will be suitable for conversion. The conversion of dwellings will not be permitted where:

(a) the net floor space is less than 130m² as originally constructed and the dwelling is still suitable for family accommodation;

(b) the character of the buildings or neighbourhood or the amenities of neighbouring properties would be adversely affected;

(e) it is not possible to retain sufficient area of the original garden to provide an adequate setting for the converted building and enough private open space for the use of the intended occupant.

- 6.4 The Council, in increasing housing supply and choice, must also assess the quality of the units being provided for future occupiers against the loss of existing family dwellings. In this respect, the intention of Policy HSG 9 is to encourage the conversion of larger housing accommodation to meet the housing need for smaller residential units, whilst safeguarding smaller family accommodation suitable for family use in order to provide a balance and range of housing provision in the Borough.

- 6.5 In this case the application property is currently a single family dwelling house and the original floor-space of the premises is in excess of 300 square metres, and therefore comfortably meets the Council's threshold of 130 sq metres for conversions.

- 6.6 The site is located in a predominantly residential area, therefore the proposed conversion would complement its surroundings. Some neighbouring properties in Honor Oak Park and Devonshire Road have been converted into flatted accommodation.
- 6.7 Beyond its fine exterior, the internal condition of the property is poor, attributed to its derelict state for a number of years. Coupled with the scale of the property, the applicant considers it unlikely that it will be used as a single family dwelling in the future.
- 6.8 Officers agree with residents that the building is a valuable asset in the street scene, however it is also acknowledged that it is in a state of rapid decline, and needs extensive work to restore it to a habitable state.
- 6.9 The applicants have confirmed that whilst the option of demolition has been considered, their preference is to retain the building because of its character, and as it was their family home. Whilst officers acknowledge the objections toward the principle of conversion, this represents an opportunity to retain the building for habitable purposes, whilst preserving the character of the immediate area. To ensure against any possible demolition of the property by other developers, the applicants have stated their intention to oversee and complete the conversion works should permission be granted.

Design and Residential Amenity

- 6.10 Saved policies URB 3, URB 6 and HSG 12 require extensions and alterations to be of high quality and to use materials that are in keeping with the main house.
- 6.11 The main alteration to the property includes the demolition of an existing double garage and billiard room to the western side of the property, and the construction of a part single/ two-storey extension to the side. The ground floor flat roof element would be set-back 1.8 metres from the existing frontage, measuring a width of 7 metres and 13.8 metres in length. The first floor section would be set-back 3 metres, measuring 3 metres wide and 4.5 metres in length.
- 6.12 As such it is considered that the proposed extension would have minimal impact upon the visual amenities of the nearest occupiers at no.99 due to its siting a sufficient distance away from the side boundary, neither would it impact upon the character of the dwelling and appearance of the streetscene generally. Proposed facing materials would match the existing.
- 6.13 To the opposite side, a first floor extension would be built, set-back 400mm from the frontage and 1 metre away from the side boundary.
- 6.14 Whilst the extension would project beyond the rear elevation of no.95, in respect of residential amenity, it would not result in significant visual harm. The plans demonstrate that the extension would not impair their existing outlook, and due to its siting away from the boundary, would avoid a sense of unacceptable enclosure or overshadowing. The rear facing window would be frosted and unopenable to avoid overlooking into the garden of no.95.

- 6.15 A small single-storey extension to that side of the property, measuring 1.7 metres deep would be built. It is not considered that it would impact detrimentally upon the residential amenities of no.95.
- 6.16 The size and appearance of the proposed extensions are considered to be acceptable, in accordance with saved policy URB 3 and Core Strategy Policy 15: High Quality Design for Lewisham. The scale of the extensions have been significantly reduced since the original submission, in light of officer concerns raised toward their initial bulk and poor relationship with the existing building.

Standard of living accommodation

- 6.17 Six self-contained units are proposed, including 1, three bedroom and 2, two bedroom self-contained flats on the ground floor, 2, two bedroom flats on the first floor and a 2 bedroom unit in the roofspace.
- 6.18 The provision of a three bedroom family unit with direct access to the rear garden is in accordance with saved policy HSG 9 Conversion of Residential Property.
- 6.19 All units would comply with the requirements of Residential Development Standards SPD (2006), based on potential occupancy. It is considered that all habitable rooms would be provided with adequate levels of natural light, ventilation and outlook. All proposed rooms would be in compliance with minimum room sizes, providing a good standard of living accommodation.

Parking

- 6.20 Six off-street parking spaces for occupiers of the proposed units would be provided to the front driveway of the property. (Plan P1249.12B shows eight spaces, with two located within the rear garden, however this is incorrect.) A number of unrestricted parking bays are located along this section of Honor Oak Park and nearby Devonshire Road, however it is acknowledged that parking pressures in this area is high, attributed to lack of off-street parking along nearby Devonshire Road, and commuters parking near the train station.
- 6.21 The area is particularly well served by public transport links, with Honor Oak Train Station located within a short walking distance, including bus routes operating along Honor Oak and Brockley Road. In light of this, coupled with on-street parking opportunities, Highways have raised no objections to the proposed number of off-street parking spaces.
- 6.22 Cycle parking is generally required to be 1:1 for residential development. In this case a single storage area has been shown to the rear of the garden, accommodating six bicycles. In this respect, provision is considered to be in accordance with Core Strategy Policy 14: Sustainable Movement and Transport, however, should permission be granted for the other planning application relating to this site proposing the construction of two dwellings in the rear garden, the intended siting of the cycle store would not be possible. For this reason, a condition should be included that requests the submission of siting details, together with elevational and facing material details of the store.

Refuse

- 6.23 The applicant has provided locational details of refuse and recycling within the front curtilage of the property adjacent to the boundary with no.99. The proposed location of the bin store is considered acceptable, however further elevational details of the enclosure and confirmation of the number of bins it can accommodate are requested by way of condition.

Landscaping

- 6.24 Landscaping to the front of the property would include measures that would seek to ensure against rainwater run-off and potential flooding, in compliance with Core Strategy Policy 10: Managing and Reducing the Risk of Flooding.
- 6.25 Permeable interlocking block paving would be laid to the access and parking bays, with planting areas maintained to the front and side boundaries. Officers are satisfied with this aspect of the application.

7.0 Consultations

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedures. As addressed earlier in the report, the application was originally submitted in 2008, therefore it was considered appropriate to undertake a second consultation period.
- 7.2 Officers are satisfied that all statutory Council procedures have been followed.

8.0 Conclusion

- 8.1 The proposed development complies with the requirements of adopted policies, and would provide a good standard of living accommodation. Through the provision of a three bedroom unit, the proposal would not result in the loss of family housing.
- 8.2 The proposed extensions are considered to be appropriately designed, complementing the existing building, whilst avoiding any significant visual impact upon the amenities of neighbouring occupiers.
- 8.3 Off-street parking would be provided, whilst there are good public transport links within close proximity. For these reasons, it is therefore recommended planning permission be granted.

9.0 Summary of Reasons for Grant of Planning Permission

- 9.1 On balance, it is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with saved UDP Policies URB 3 Urban Design, HSG 4 Residential Amenities, HSG 7 Gardens and HSG 9 Conversion of Residential Property, and Policies 1: Housing Provision, Mix and Affordability and 15: High Quality Design for Lewisham of the Local Development Framework: Core Strategy (2011).
- 9.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is

thereby in accordance with saved UDP policies URB 3 Urban Design, HSG 4 Residential Amenities and HSG 9 Conversion of Residential Property, and Policies 1: Housing Provision, Mix and Affordability, 10: Managing and Reducing the Risk of Flooding and 15 High Quality Design for Lewisham of the Local Development Framework: Core Strategy (2011).

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:-

- (1) B02 Materials to Match Existing
- (2) L01 Planting, Paving, Walls etc.
- (3) B09 Plumbing or Pipes.
- (4) B07 Reveals
- (5) H12 Provision For Cyclists
- (6) Notwithstanding the information submitted, details of the design of refuse/ recycling and bicycle storage facilities shall be submitted to the local planning authority and approved in writing. The works shall be carried out in accordance with the approved details and the provision for refuse and bicycle storage shall be provided prior to the first occupation of the development permitted and retained permanently.
- (7) H09 Parking - Residential
- (8) All extensions hereby permitted shall be constructed prior to first occupation.
- (9) The rear facing window to the proposed extension on the southern side shall be unopenable and fitted and maintained permanently in obscured glazing, prior to first occupation of the units hereby permitted.
- (10) Proposed landscaping works to the front driveway shall be completed in full prior to first occupation of the residential units hereby permitted.
- (11) The use of the flat roof extensions shall be as set out in the application and no development or the formation of any door providing access to the roof of the extensions shall be carried out, nor shall the roof area of the extensions be used as a balcony, roof garden or similar amenity area, without the prior written permission of the local planning authority.

Reasons

- (6) In order that the local planning authority may be satisfied with the provisions for bicycle and refuse/ recyclables storage and collection in the scheme and to comply with saved Policy URB 3 Urban Design and Policy 15 High Quality Design for Lewisham of the Local Development Framework: Core Strategy (2011).
- (8) IM2R Completion (2) Building/Full

(9) B05R Windows – Obscured Glazing

(10) L01R Planting, Paving, Walls Etc

(11) B11R Flat-Roofed Extensions

Informative

The applicant should be informed that if Planning Consent is granted the implementation of the proposal will require approval by the Council of a Street Naming & Numbering application. Application forms are available on the Council's web site.

MINUTES

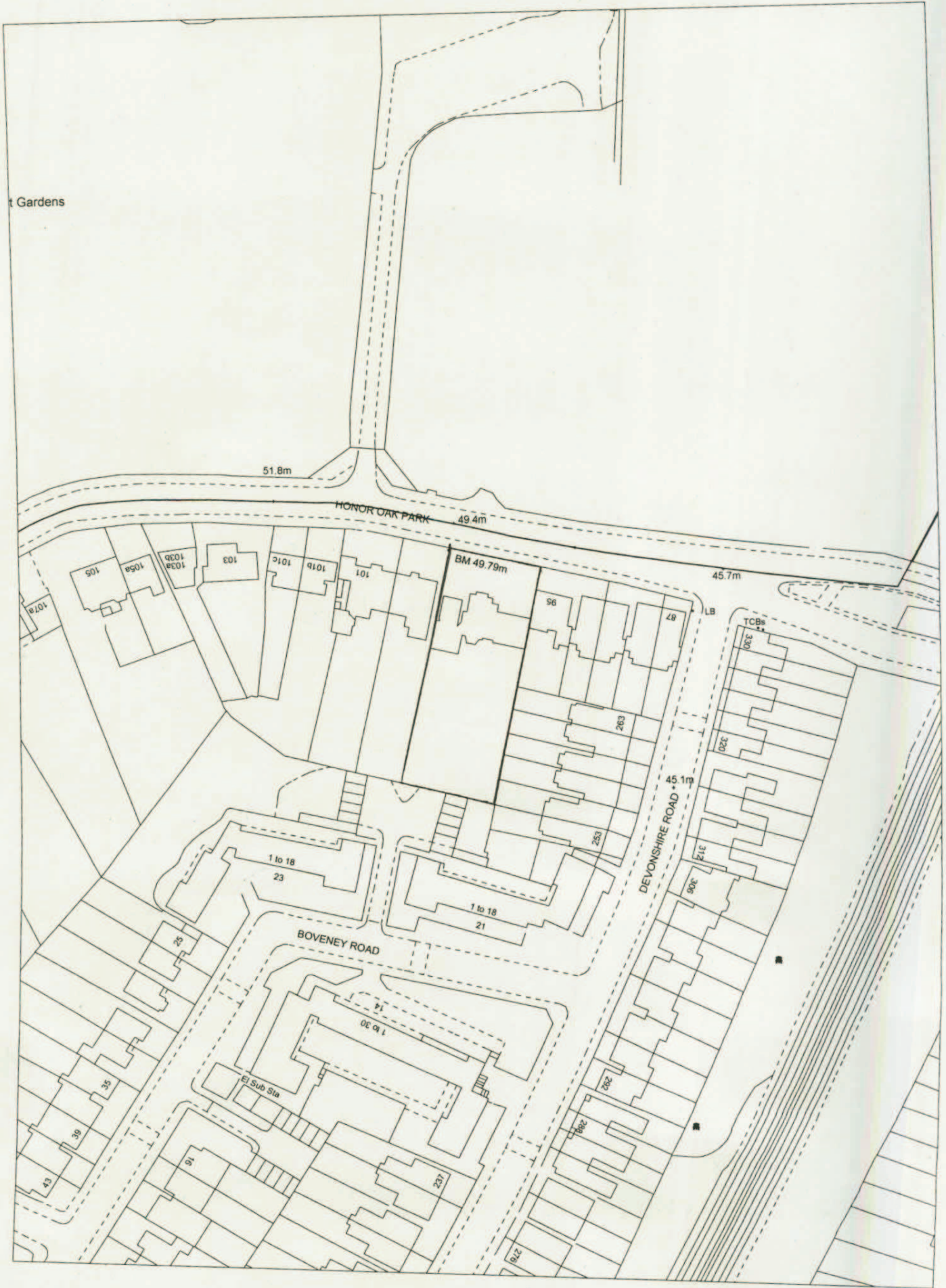
The Planning Officer outlined the details of the proposal.

The Committee received verbal representations from Ian Grieg of Axial Design on behalf of the applicants and from residents of 257 and 263 Devonshire Road, objecting to the proposal.

Councillor Muldoon moved a Motion to defer consideration of the item until the next available Planning Committee meeting, following a further 21 day re-consultation of local residents, which was seconded by Councillor Clarke. Members voted unanimously in favour of the motion.

RESOLVED that consideration of Application No. DC/08/68730 be deferred in order for re-consultation of residents to be carried out.

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This plan forms no part of a planning application Page 95

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Committee	PLANNING COMMITTEE (C)	
Report Title	FORMER TELECOM DEPOT, 27 FORDMILL ROAD SE6 3JH	
Ward	Catford	
Contributors	Gemma Barnes	
Class	PART 1	Date: 20 th OCTOBER 2011

<u>Reg. No.</u>	DC/11/77936 as revised
<u>Application dated</u>	20 th July 2011 revised on 13 th September 2011 and 26 th September 2011
<u>Applicant</u>	Mr P Patel PPML Consulting on behalf of Mr S Sheth, Empire Partners
<u>Proposal</u>	Demolition of the warehouse unit at Former Telecom Depot, 27 Fordmill Road SE6 and its replacement with a new Use Class B8 warehouse unit of some 6715 sqm for storage and distribution of wholesale foods, together with car and cycle parking, landscaping and minor modifications to the two existing access points.
<u>Applicant's Plan Nos.</u>	110420-01, 11_017_D002_A, 11_017_D003, 027/PL/100, 11008B-01, 02, 03, 04, 05, 06, 027/PL/001, 002, 003, 004, 005, 006, 200, 201, 202, 203, 250, 300, 301, 027/SK/001 and 002, 000/WD/001 REV. C, Air Quality Statement, Screening Opinion, Planning Statement, Planning Obligations Template, Flood Risk Assessment (as revised), Transport Statement, Energy Statement, Design & Access Statement, Contractors Proposal, Delivery and Servicing Plan, BREEAM 2008 Pre-Assessment, Archaeological Assessment and Ground Investigation Report
<u>Background Papers</u>	<ol style="list-style-type: none"> (1) Case File - LE/720/H-K/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents – specifically the Core Strategy (June 2011) (4) Employment Land Study (2008) (5) The London Plan (July 2011)
<u>Designation</u>	Area of Archaeological Priority, PTAL 2/3, Flood Risk Zone 2/3, Local Open Space Deficiency, Strategic Industrial Location, Adjacent to Culverley Green Conservation Area
<u>Screening</u>	Negative Screening Opinion issued on 8 th August 2011.

1.0 Property/Site Description

- 1.1 This application relates to a fairly large Industrial Site (1.41ha) located within the Bromley Road Strategic Industrial Location (SIL). The site is located on the southern side of Fordmill Road sandwiched between the railway line and Ravensbourne River. The site currently comprises a large warehouse which is situated centrally within the plot with hard standing for parking around the perimeter of the site and two small ancillary buildings along the western edge. The site has a double access from Fordmill Road. The northeast boundary of the site comprises dense planting, the other rear/side boundaries are secured by 1.8 – 2.0m palisade fencing and planting, the front boundary comprises railings and planting.
- 1.2 The site was formerly used by British Telecom as a service depot. Following cessation of the use by British Telecom small ad-hoc business have occupied parts of the site including a coach company, skip storage company, scaffolding company and MOT centre. The lawful use of the site falls within a Business Use class.
- 1.3 The sites lies in an area of mixed use and character. There are residential properties to the east (as well as commercial use at 25 Fordmill Road) and on the other side of the railway line. To the south of the site lies Barmeston Road and the former Police Depot. Further to the south/southeast lies the Ravensbourne Retail Park, Catford Bus Depot and Bellingham Trading Estate.
- 1.4 Topography of the site is sloping east to west. The railway line creates a high buffer to the site on the western side which means the site is barely visible from Tibbenham Place or Knapmill Road. The dense planting on the northeast boundary means the site is barely visible from 23/25 Fordmill Road. The site can be viewed from the rear windows and gardens of properties in Barmeston Road.
- 1.5 This site lies within the northern section of the Bromley Road SIL. The Employment Land Study (2008) describes the Bromley Road SIL as a large employment site of strategic importance partly because of its location but also because of its scale. The SIL has the potential to accommodate a large proportion of employment land. This SIL should rank high on any list of sites to benefit from protection as employment land in the Borough.

2.0 Planning History

- 2.1 **1971:** The demolition of the existing buildings and the erection of a Telephone Service Centre including offices, workshops and stores, open storage van and car parking on the land at the rear of the former Golden Shred Works, Bromley Road fronting onto Fordmill Road. Granted.
- 2.2 The erection of a Telephone Maintenance and Service Centre on the land at the rear of the former Golden Shred Works, Bromley Road fronting onto Fordmill Road including a two storey administrative block linked to a single storey store and workshop, together with two open storage areas, car wash and petrol pump facilities and the provision of 169 parking spaces for various vehicles. Granted.
- 2.3 **1978:** The erection of a single storey Telephone Maintenance and Service Centre on land at the rear of the former Golden Shred Works, Bromley Road fronting onto

Fordmill Road, together with open storage areas, vehicle wash and petrol pump facilities and the provision of 165 parking spaces. Granted.

2.4 **DC/02/52952:** Certificate of Lawfulness in respect of the use of BT Engineering Offices & Workshops, 27 Fordmill Road SE6, as a motor transport workshop (Use Class B2). Granted.

2.5 **DC/04/57163:** The change of use of the existing factory and yard at 25 Fordmill Road SE6, for the parking and storage of funeral/wedding cars (Use Class B8), together with ancillary offices.

3.0 Current Planning Applications

The Proposals

3.1 Permission is sought for demolition of the existing vacant B8 warehouse unit and erection of a new B8 warehouse unit (6715 sqm) for storage and distribution of wholesale foods. The cash and carry style operation will be used by members only who will use it to stock their own grocery and retail outlets and to provide catering supplies to restaurants, hotels etc... The proposed use is a wholesale warehouse not a general retail unit so will not be open to the general public. As such the proposal falls within a B8 Use Class. General retail (A1) is not permitted and would be restricted by condition.

3.2 The new building would occupy a large portion of the site being set in 6.8 – 8.6m from the western boundary, 5-25m from the north (front) boundary, 14m from the eastern boundary adjacent to 23/25 Fordmill Road, 8.0 - 22m from the eastern boundary adjacent to properties in Barmeston Road and 7-10m from the southeast boundary adjacent to the police station.

3.3 The building is of simple warehouse design constructed of red brickwork (2.2m high) and Cream colour Kingspan Composite Cladding. There are no windows proposed in the elevations. The roof material would be Grey colour Kingspan roofing panels with polycarbonate raised rooflights. The dimensions of the building would be 150m x 52m (at its largest points), the height of the pitched roof building would range 8-11m compared to the existing building which is 6-8m high.

3.4 The double height building would comprise ground floor accommodation only save for a small staff seating area on the first floor towards the southern end of the building. The large floor to ceiling height is required for storage of bulk materials on palettes. The building has been designed so that it steps in on the north and south sides, consequently the front (east) elevation is 86m wide compared to the rear (west) elevation which is 147m wide. A polycarbonate canopy would be erected along the eastern facade to provide covered access into the building. The canopy would project 8.0m from the face of the building and would be 5.9m high.

3.5 The building has been designed with the staggered end towards the rear of the site in response to the need to maintain an appropriate distance between the building and the River Ravensbourne which runs along the north and east boundaries. It is at this point the building would be closest to neighbouring residential dwellings. Those properties most likely to be affected by the proposal would be 54-58 Barmeston Road where a distance of 8-10m would be retained

between the building and the boundary. The Ravensbourne River then separates the application site from the adjacent residential curtilage.

- 3.6 An external staff seating area would be located towards the front of the site between the proposed building and the front boundary. This area would also accommodate a substation (if required). The seating area would comprise three picnic tables capable of accommodating 18 people at any one time. The area would be well screened from the road by virtue of the proposed landscaping scheme.
- 3.7 Delivery access would be located to the west of the building with delivery vehicle turning circle provided at the southern end of the site. A separate customer access and parking would be provided to the east of the building.
- 3.8 The east of the site would be hard landscaped to accommodate 68 car parking spaces. The perimeter of the site would be soft landscaped. It is proposed to provide two cycle stands capable of accommodating 32 cycle parking spaces.
- 3.9 Minor modifications to the two existing junctions are required to improve kerbing and sight-lines.

Supporting Documents

Design and Access Statement
Planning Statement
Preliminary Geo Environmental and Geotechnical Ground Investigation Report
Revised Flood Risk Assessment
Transport Statement
Delivery and Servicing Plan
Air Quality Statement
Vascroft Contractors Proposal
BREEAM Pre Assessment
Energy Statement
Archaeological Desk Based Assessment

4.0 Consultation

- 4.1 This section outlines the consultation carried out by Patel PPML Consulting prior to submission and 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 on 10th August 2011. Letters were sent to 319 local residents on 4th August 2011 and relevant ward Councillors were notified of the application. The Environment Agency, English Heritage, Thames Water, Highways, Environmental Health and Environmental Sustainability were also consulted.
- 4.3 Given the low number of third party letters received in response to the Council's consultation a local meeting has not been held.

Pre-Application Consultation

- 4.4 It is stated in the Design and Access Statement that prior to submission of this application the applicant undertook a consultation exercise. A pamphlet describing the development proposal was sent to local residents on 20th July 2011.
- 4.5 A copy of the pamphlet was submitted with the application.
- 4.6 The applicant received no responses as a result of the consultation exercise.

Written Responses received from Local Residents and Organisations

- 4.7 At the time of writing, 6 letters of objection had been received from occupiers of 13, 18 (x2 letters), 21 Fordmill Road, 64 Barmeston Road, 137 Brookdale Road and 6 Vernham Road. The following objections were raised:-
- Fordmill Road has become a 'rat run' with vehicles breaking the speed limit;
 - There is a blind bend 50m from the junction with Canadian Avenue which causes major problems for any large vehicles as pavement parking exists on both sides of the road;
 - This is a bus route where TfL only allow smaller, narrower buses than normal to pass through, even two narrow buses cannot pass each other;
 - There is a blind bend in the road looking from the railway bridge;
 - At busy times an articulated lorry caught in Fordmill Road will cause major problems as buses are not allowed to reverse with passengers on and if there is traffic behind a lorry it will have to try to negotiate the situation;
 - The operating times are 7 days per week so fresh produce will need to be available 7 days per week;
 - Fresh produce will need to be delivered before the store opens (ie: before 08:00) so it is unlikely that stated delivery times will be adhered to;
 - There will be an increase in traffic to the site which means an increase in danger to children and elderly pedestrians;
 - The loading and unloading of pallets will be noisy;
 - There is no necessity for a cash and carry in this residential area as there is already a cash and carry less than 1 mile from the site in Brownhill Road;
 - The trip analysis has been carried out for a cash and carry of 3000 sqm so the results should be doubled at least;
 - A larger store will stock a wider range of goods thus attracting more customers than a store of 3000 sqm;
 - Articulated 17.5 tonne lorries are not allowed in Canadian Avenue. There is a height restriction to 16.5 tonnes. If this restriction were removed other articulated vehicles would use this route;
 - Reference to ease of access to the site by train and bus is disingenuous as most people will arrive by car;
 - The existing car parking spaces onsite are not in use, there is no large volume of vehicles using the site as there would be if the proposal was given the go ahead;
 - The daylight/sunlight assessment show the impact of the existing building, this should show the impact of the proposed building;

- The traffic survey was undertaken on the day before the school summer holidays started. This one day survey is not enough to determine traffic impact;
- The proposed entry and exit require in-bound delivery vehicles to be driving north along the A205 South Circular to turn right into Canadian Avenue. A vehicle travelling south down the A205 or in either direction along the A21 would have to perform a large detour increasing carbon footprint and giving rise for potential in illegal manoeuvres by time-pressed delivery drivers;
- It is naive to assume that vehicles using this site will be low-emission vehicles;
- The proposed building is too big for the site;
- There are other Brownfield sites along Bromley Road which could accommodate this development;
- This site could be put to better community use;
- There will be a lot of noise and dust during construction;
- What assurances are that that operational jobs will be sourced from the local market;
- The stated job creation is 'merely positive' not 'very positive';
- What provisions are in place to ameliorate the impact of demolition and construction of the proposed development on local residents?
- Are there restrictions in place to limit the delivery of plant and machinery to office hours or similar on Monday to Friday only?
- Are there restrictions in place to limit works to reasonable (office hours or similar) hours Monday – Friday?
- Are there limitations and levels set for the amount of noise/dust created during construction?
- What impact will this have on existing on-street parking provision outside and adjacent to the site?
- What impact will site traffic have on overall traffic levels from Canadian Avenue into Fordmill Road and from Brookhowse Road into Fordmill Road?
- Note from plans at appendix A that final development will require the restriction of existing on-street parking across the length of the site in Fordmill Road. Parking in this area is currently in heavy use during Monday – Friday and the impact that loss of space here will have on residents either side of the site, towards Canadian Avenue to the North and further down Fordmill Road beyond the rail bridge to the South could be great. We currently do not have designated parking zones for residents in any part of Fordmill Road.
- Further below in the Service & Delivery Plan – the frequency of heavy goods (16.5 ton articulated lorry delivery) is identified as averaging one per day during Monday – Friday. This is in addition to other delivery traffic of lower designation.
- What assurance is there that articulated Lorries of 16.5 tonnes in weight will be restricted to one delivery per day on week days? What measures are in place to restrict this type of vehicle to this frequency?
- Is there sufficient and adequate turning space at the junction of Canadian Avenue and Fordmill Road to accommodate this size of vehicle?
- What impact will this weight of traffic have on the canal bridge and road leading up to the site entrance in Fordmill Road?

- What assurances and restrictions are in place to direct articulated vehicles via the suggested routes up Canadian Avenue and Bromley Road instead of via Brookhowse and Fordmill Road?
- Bearing in mind the information about the anticipated frequency of articulated (16.5 tonnes) delivery vehicles, in addition it is stated that 12-17 deliveries per day are anticipated between Mondays – Fridays. These are expected to range in size from 7.5 – 17.5 tonnes in weight and measure up to 36 metres in length. This equates to an additional 60-85 heavy goods vehicles using the roads between Monday and Friday. This also equates to a rate of one delivery every 45 minutes to an hour throughout the day. We believe this is an excessive amount of additional heavy goods traffic which will have a negative impact on the infrastructure and environment and on local residents.
- What assurances are there that heavy goods vehicles will be restricted to Monday – Friday use?
- What restrictions are in place to ensure that levels of delivery by heavy goods vehicles will not also occur outside these times and beyond these levels?
- The route Canadian Avenue through to Fordmill Road towards Brookhowse Road is a recommended route for cyclists, and in addition a 20 mile per hour speed restriction has been in place in order to calm traffic in the area. I do not believe it is therefore suitable as a route for heavy goods. I note from recent traffic surveys done in Bellingham that the number of injuries specifically to cyclists has increased since 2003, and the addition of heavy goods traffic along this route cannot be beneficial in reducing accident rates amongst this road user group;
- Noted that the surveys undertaken to ascertain existing traffic density on the routes to and from the site were conducted on one single day, at times identified by the surveyors as peak traffic times. (07:00 – 09:00 and 16:00 – 19:00 on a single Thursday).
- Bearing in mind that site opening hours are planned to be 08:00 – 20:00 Monday – Friday and until 16:00 on Saturdays and 15:00 on Sunday – we do not consider these surveys to have adequately assessed current traffic volumes and density, nor the impact that anticipated traffic volumes will have on the surrounding area and residents.
- We know that more longitudinal traffic census's have recently been undertaken both in Fordmill Road j/o Knapmill Road and in Canadian Avenue en route to Fordmill Road, and would expect that more accurate data could be derived from these or other sources held by the Local Authority.
- It is also noted from the planning application that the anticipated peak time for customers to visit the site is between the hours of 11:00 – 12:00, so we would challenge the validity of merely selecting early morning “rush hour” and evening “rush hour” times to undertake the survey.
- Even if the figures taken from the planning application were valid, this would equate to an average of an additional 109 arrivals and departures per hour at peak times. (11:00 – 12:00). The impact of this on local residents in terms of increased noise and pollution would therefore be considerable, particularly at the weekends.
- The streets on the Bellingham estate which form the suggested route for customer traffic to the proposed Cash and Carry are narrow, and the impact of increased customer traffic (likely to include light vans as well as

cars) will therefore be more considerable. As stated previously, a range of traffic calming measures, including speed patches and 20 miles per hour speed restrictions are currently in place along this route in recognition of the need to address accident and safety issues. Increased traffic along this route would therefore be counter-productive.

- 4.8 Additional representations will be reported verbally. All representations received are available to view in full upon request.

Written Responses received from Statutory Agencies

Environment Agency

- 4.9 We have reviewed the revised Flood Risk Assessment (FRA) prepared by AAH Planning, referenced ENV/0705/11FRA, dated June 2011. It doesn't meet the normal standard we expect in terms of the drainage strategy, however, we believe that a workable solution is achievable and we are therefore requesting a specific planning condition for the detailed design of the surface water drainage.

The revised FRA states that the landscaping areas where open sustainable drainage features were proposed is not in fact within the site / ownership extent.

The revised FRA includes calculations for surface water flow balancing. These calculations assume that the increased rainfall intensity due to climate change are applied to the existing situation as well as the proposed development. However, we expect the climate change factor to only be applied to the proposed scheme because almost all the projected climate change is in the future. The method of calculation for sizing the storm water tank therefore underestimates the volume required to some extent.

In the FRA paragraph 6.16, it sets out that the allowable discharge rates will be in line with the Institute of Hydrology Report 124 greenfield run-off rates. These rates and the storage volumes are tabulated for the site in paragraph 6.17. However, each of the "Masterdrain" calculations in the Appendixes are based on a single discharge rate rather than a variable allowable discharge rate. Again the effect is to underestimate the storage volume required.

The FRA lacks a plan showing where the surface water storage is to be located and where the surface water will be discharged, which is a normal requirement. We believe that a workable solution is achievable and in this instance are therefore requesting a specific planning condition for the detailed design of the surface water drainage.

Groundwater protection and contaminated land: The Preliminary Geo-Environmental and Geotechnical Ground Investigation Report (Jomas Ltd, August 2011) has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

The relevant planning condition should not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the LPA. Any construction on site should not commence until this approval has been

granted.

The proposal is acceptable subject to the recommended conditions.

English Heritage

4.10 Thank you for the e-consultation in respect of the above planning application. It is noted that an archaeological desk-based assessment report prepared by Mr Meager of CgMS Consulting Ltd and dated August 2011 has been submitted as part of the application. Having considered the submitted report I am happy to recommend its approval.

4.11 Further, on balance it does not appear likely that this development scheme would affect archaeology. Any requirement for pre- or post-determination archaeological assessment/ evaluation of the above site can therefore be waived.

Thames Water

4.12 No objection subject to recommended conditions and informative.

Highways

4.13 Unobjectionable in Principle subject to:-

- Submission of a Construction Vehicle & Logistics Management Plan for approval by the Council prior to the commencement of works on site which should specify how the impacts of construction activities and associated traffic will be managed and mitigated;
- Preparation, adoption and maintenance of a workplace travel plan to minimise car use by employees.
- Lodging a commuted sum (£3,500.00) with the Council to pay for amendments to waiting restrictions in Fordmill Road and Canadian Avenue. This sum may be required to facilitate large vehicle accessibility to the site. If within 3 years following occupation of the new building the amendments are not required the commuted sum may be returned to the applicant.

4.14 Narrative:-

- **The Transport Statement** submitted in support of this application has been prepared in accordance with accepted practice and uses nationally accepted traffic data sets such as TRAVL and TRICS in order to predict traffic generation. It also uses industry standard computer generated vehicle tracking in order to assess manoeuvring capacity and capability at local road junctions and at the site access.
- **Traffic Impact.** The Transport Statement compares peak hour traffic generated by the proposed use of the site with the possible generation from the established use and demonstrates that the increase is modest. Significantly though, previous occupiers of the site generated relatively low levels of traffic during the remainder of the day whereas the proposed user is predicted to generate consistent flows of traffic during those periods outside of the traffic peak hours. However background traffic flows during the remainder of the day are low and the traffic

generated by the application site will have minimal impact on nearby road junctions.

- **Large vehicle access and egress.** Access to the site for the largest delivery vehicles is physically restricted in the immediate vicinity either by width restrictions, traffic calming or tight turning radii so that the only practical route to the site for the largest vehicles is from the A205 West via the Northern section of Canadian Avenue. Egress is easier because large vehicles are able to use the Southern section of Canadian Avenue in order to gain access to the A21 North or South and A205 Eastbound. The London Wide Area Lorry Ban also prohibits vehicles over 16.5 tons from using all roads in Lewisham other than the A205, unless they are granted permits so to do. Such permits will specify the routes that can be exceptionally used and can therefore be formulated to prevent such vehicles accessing or leaving the site through the residential areas immediately to the South of the site.
- **Car Parking.** The amount of car parking provided does not accord with the Council's standards for B8 warehouse use. However given the "Cash and Carry" nature of the proposal, the level of car parking demand is likely to approach low level retail levels. Therefore it is considered that the car parking provision is appropriate and will avoid overspill onto local streets.

Environmental Health

- 4.16 **Pollution Control:** No objection subject to recommended conditions regarding hours of operation and noise control. The submitted document 'Contractors Proposal' is acceptable. Therefore there is no need to attach standards condition N10.
- 4.17 **Land Contamination:** The standard condition should be attached requiring further investigations and remediation if necessary.
- 4.19 **Air Quality:** The Air Quality Statement confirms that the reduction in car parking spaces will not result in an overspill into the local area. I am satisfied with the content. The standard condition should be attached regarding control of dust. *NB: Control of dust has been addressed in the submitted 'Contractors Proposal'.*

Environmental Sustainability

- 4.20 This seems like an acceptable proposal. The development is compliant with BREEAM and CO2 reduction standards. The only comment is that, given their proximity to Catford Town Centre developments such as this should give more thought to the potential for decentralised energy. The area is identified as one which has the potential for a wider network, eg through the redevelopment of the shopping centre, corporate complex etc. In this instance it's fine because CHP wouldn't be appropriate but for other developments it may well be, in which case we would want to protect the potential for a future connection to a wider network.

Landscape/Tree Officer

- 4.21 The amended landscaping details are acceptable.

Ecologist

- 4.22 Approximately 15 birds boxes could be accommodated on this site. This should be a mix of House Sparrow terraces 28mm x 32mm, entrance hole boxes and open fronted bird boxes. I would also recommend that 5 bat boxes or bricks should be provided, sited towards a tree line or linear feature.

5.0 Policy Context

Introduction

- 5.1 In considering and determining applications for planning permission the local planning authority must "have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations" (Section 70 (2) of the Town and Country Planning Act 1990). Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This approach is reflected in PPS 1, where, at paragraph 8 (and again at paragraphs 28 and 31), it is confirmed that, where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise. The development plan for Lewisham comprises the Core Strategy Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011).

Planning Policy Statements (PPS) and Planning Policy Guidance (PPG)

- 5.2 A commercial development on a site such as this has a wide-ranging policy context covering many national policy statements. Those of particular significance are:

Planning Policy Statement 1: Delivering Sustainable Development (2005)
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (2007)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Statement 5: Planning for the Historic Environment (2010)
Planning Policy Statement 9: Biodiversity and Geological Conservation (2005)
Planning Policy Guidance 13: Transport (2011)
Planning Policy Statement 22: Renewable Energy (2004)
Planning Policy Statement 23: Planning and Pollution Control (2004)
Planning Policy Guidance 24: Planning and Noise (1994)
Planning Policy Statement 25: Development and Flood Risk (2010)

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.3 The statement sets out that the planning system has a key role to play in rebuilding Britain's economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government's expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Other National Guidance

5.4 The other relevant national guidance is:

By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)

Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)

Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

London Plan (July 2011)

5.5 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London

Policy 2.1 London in its global, European and United Kingdom context

Policy 2.2 London and the wider metropolitan area

Policy 2.5 Sub-regions

Policy 2.6 Outer London: vision and strategy

Policy 2.7 Outer London: Economy

Policy 2.8 Outer London: transport

Policy 2.13 Opportunity Areas and Intensification Areas

Policy 2.14 Areas for regeneration

Policy 2.15 Town Centres

Policy 2.17 Strategic industrial locations

Policy 4.1 Developing London's economy

Policy 4.4 Managing industrial land and premises

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.5 Decentralised energy networks

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and waste water Infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.21 Contaminated land

Policy 6.1 Strategic approach

Policy 6.2 Providing public transport capacity and safeguarding land for transport

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.9 Cycling

Policy 6.10 Walking

Policy 6.13 Parking

Policy 6.14 Freight

Policy 7.1 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 7.19 Biodiversity and access to nature
Policy 7.21 Trees and woodlands
Policy 7.24 Blue Ribbon Network
Policy 7.28 Restoration of the Blue Ribbon Network
Policy 7.29 The River Thames
Policy 7.30 London's canals and other rivers and waterspaces
Policy 8.1 Implementation
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy
Policy 8.4 Monitoring and review

London Plan Supplementary Planning Guidance (SPG)

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

Accessible London: Achieving an Inclusive Environment (2004)
Industrial Capacity (2008)
Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

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

Development Plan Policies for Biodiversity (2005)
Control of dust and emissions from construction and demolition (2006)

Core Strategy

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

Spatial Policy 1 Lewisham spatial strategy
Spatial Policy 5 Areas of stability and managed change
Core Strategy Policy 3 Strategic industrial locations and local employment locations
Core Strategy Policy 7 Climate change and adapting to the effects
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 10 Managing and reducing the risk of flooding
Core Strategy Policy 11 River and waterways network
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham

Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment

Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

5.9 The saved policies of the UDP relevant to this application are:

URB 1 Development Sites and Key Development Sites

URB 3 Urban Design

URB 12 Landscape and Development

URB 13 Trees

ENV.PRO 9 Potentially Polluting Uses

ENV.PRO 10 Contaminated Land

ENV.PRO 11 Noise Generating Development

ENV PRO 17 Management of the Water Supply

HSG 4 Residential Amenity

TRN 28 Motorcycle Parking

Planning Obligations Supplementary Planning Document (January 2011)

5.10 This document sets out guidance and standards relating to the provision of affordable housing within the Borough and provides detailed guidance on the likely type and quantum of financial obligations necessary to mitigate the impacts of different types of development.

6.0 Planning Considerations

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

- a) Principle of Development/Land Use
- b) Design
- c) Highways and Traffic Issues
- e) Noise
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Land Contamination
- k) Flood Risk
- l) Archaeology
- m) Planning Obligations

Principle of Development

6.2 This site is an allocated SIL in the Local Development Framework. Core Strategy Policy 3 seeks to retain such locations for uses within the B Use Class (B1c, B8 and where appropriate B2). This application proposes redevelopment as a B8 warehouse in accordance with the policy designation. The proposal would generate 50-60 jobs (35 full time equivalent) when the business is open and operational. Redevelopment of this site for industrial purposes is supported in principle in accordance with CS Policy 3 and Policy 2.17 Strategic industrial locations.

- 6.3 The proposed cash and carry warehouse is for wholesale only (B8 Use Class) and as such the proposal would not affect the vitality or viability of Catford Centre. If in the future the applicant wished to extend the use to general retail, open to non members this would require a change of use in planning terms to A1. Such an application would need to be considered against relevant national and development plan retail policies. However, in this instance there is no requirement to address retail policies given the designated B8 Use Class. The type of sales will be restricted to wholesale only by way of a planning condition.

Design

- 6.4 National and local planning policies place considerable emphasis on the importance of achieving high quality design that complements existing development, established townscape and character. LPA's should seek to secure high quality design for all new development but when forming a judgement on design LPA's must consider the extent of development proposed and context, and should not be unduly onerous particularly when dealing with development in an industrial context.
- 6.5 The proposed building will occupy the majority of the site save for the necessary parking, access and vehicle turning areas and an allocated staff seating area. Although of large footprint the proposed building can be adequately accommodated on the site whilst still allowing for the necessary vehicle access arrangements and a pedestrian footpath around the perimeter of the building. It is not unusual for industrial sites to be occupied in this way in order to maximise space and efficiency.
- 6.6 The proposed building is of typical design for its industrial purpose. The design is simple and functional. The height is appropriate given the use of the building and the materials palette is acceptable. The materials will be controlled by condition.
- 6.7 A detailed landscaping proposal has been submitted which will significantly enhance the appearance of the site. Landscaping is discussed in detail in paragraphs 6.32 to 6.38 below.
- 6.8 The building will be visible in the street scene of Fordmill Road and will clearly stand out when read against the backdrop of residential dwellings to the east and west. However, this is to be expected of an industrial building. The site is a designated industrial site and therefore the design approach is acceptable.

Highways and Traffic Issues

a) Access and Traffic Generation

- 6.9 The only access into the site is via Fordmill Road. At its northern end Fordmill Road has a junction with Canadian Avenue which offers a link between the A205 and the A21. At its southern end Fordmill Road provides access to a number of routes serving the Bellingham Estate which provide further links to the A21 and A2210 Southend Lane.
- 6.10 The site has a PTAL Rating of 3. There are a number of bus stops within walking distance to the north and south of the site. Catford Bridge and Catford railway stations are within 1km walking distance. The site also lies within a TfL recommended cycle route which provides a direct link for cyclists parallel to the

A212 Catford Hill and A21 Bromley Road offering access to two key highway links; the A2218 Southend Lane and A205 Catford Road. Consequently whilst the PTAL rating is not particularly high there are a number of sustainable transport options available for future employees.

- 6.11 Given the nature of the proposed commercial use customers will arrive by car and van to enable bulk quantities of goods to be purchased. However, it is important for sustainable transport modes to be maximised for staff. In this respect it is appropriate to attach a condition requiring the applicant to prepare a Green Travel Plan which will be subject to review and approval by the Council.
- 6.12 There are two existing access points which will be retained and enhanced to provide a dedicated two way access/egress point for customers and a separate two way access/egress point for delivery vehicles. The Council's Highways Manager has raised no objection to the access improvement works.
- 6.13 This application was accompanied by a Transport Assessment which included a traffic survey undertaken between the hours of 7:30 - 9:30 and 16:00 – 19:00 at the junctions of Fordmill Road/Canadian Avenue and Randlesdown Road/Brookehouse Road. The traffic data shows that the morning peak hour occurred between 08:00 – 09:00 hours and the evening peak between 17:00 – 18:00 hours. The Fordmill Road/Canadian Avenue survey provides a very close approximation of the vehicles flow on the section of Fordmill Road as it passes the site.
- 6.14 There is an existing coach company operating from the site as well as other small businesses. The Transport Assessment submitted seeks to demonstrate the effect of the development using the TRICS database. There are no trip attraction figures for coach companies within TRICS therefore the applicant has used a B8 distribution centre similar in size to the existing unit as a basis for their calculations.
- 6.15 Four similar B8 sites were observed with similar gross floor area to the existing building on this site. the figures were then multiplied to take account of the increase in footprint for the proposed building. In respect of vehicular trip attraction, it is expected that the development will attract approximately 57 two-way car trips in the morning peak hour (which equates to an additional 6 movements in comparison to the potential use of the existing building) and 56 two-way trips in the evening peak hour (a reduction of 4 movements in comparison to the potential use of the existing building). The assessment concludes that the effect of the development during peak hours is therefore considered to be negligible.
- 6.16 The Council's Highway Manager is satisfied with the method used for assessing potential trip generation. It is noted that the Transport Statement compares peak hour traffic generated by the proposed use of the site with the possible generation from the established use and demonstrates that the increase is modest. Significantly though, previous occupiers of the site generated relatively low levels of traffic during the remainder of the day whereas the proposed user is predicted to generate consistent flows of traffic during those periods outside of the traffic peak hours. However background traffic flows during the remainder of the day are low and the traffic generated by the application site will have minimal impact on nearby road junctions.

6.17 Third party concerns have been raised in respect of traffic generation, the suitability of the site to accommodate deliveries by large vehicles and the impact of the development on traffic congestion. The concerns have been duly considered . However, the Councils Highways Manager has confirmed that the proposal is acceptable from a traffic and highway perspective.

b) Servicing

6.18 This application was accompanied by a Delivery and Servicing Plan which states that the two existing access points onto Fordmill Road will be widened to provide safe access into the site. All delivery and service vehicles will be able to enter the site for the purpose of parking and/or unloading. As such there is no requirement for vehicles to load/unload on the public highway. Furthermore there is sufficient spaces within the internal access road and yard for delivery vehicles to wait should more than one goods vehicle be on site at once. The layout of the service yard has been designed to accommodate 16.5m long articulated vehicles although such vehicles are not anticipated to visit the site frequently.

6.19 The applicant has stated that there would be an average of 12-17 deliveries per day. The earliest delivery commencing at 8:00 and latest delivery at 18:00 Monday to Friday. The average duration of a delivery is 30-45 minutes depending on the size of the stock. Deliveries will be scheduled with suppliers to either an AM or PM slot to manage distribution and to prevent multiple vehicles being on site any one time. Delivery vehicles will vary in size with a mixture of 12m, 17.5 tonne and 7.5 tonne rigid vehicles being used to supply stock. In addition articulated vehicles and light panel vans will be used on occasions.

6.20 Given the residential nature of Fordmill Road the applicant proposes that all large vehicles will be directed to and from the site via Canadian Avenue. Directions will be provided to suppliers at the time of order. For articulated vehicles the approach route will be via a right turn at the A205 Catford Road/Canadian Avenue junction and vehicles will be encouraged to follow the exit route via Canadian Avenue/A21 Bromley Road.

6.21 The Council's Highway Manager has confirmed that the Delivery and Servicing Plan is acceptable. A Construction and Logistics Management Plan will be secured by condition.

c) Cycle Parking

6.22 London Plan Policy 6.9 (and table 6.3) sets out minimum standards for cycle parking provision. For a development of this nature and scale a minimum of 14 spaces should be provided. It is proposed to provide 32 cycle parking spaces within the site. This is acceptable provision which will be secured by a condition to ensure the facilities are secure and covered. It is noted that the application drawings identify 16 spaces that will not be covered. However, the applicant has confirmed (by email) that all spaces will be covered as per the requirements of the condition.

d) Car Parking

6.23 It is proposed to provide 68 car parking spaces equivalent to a ratio of 1 space per 99 sqm. Given that the primary function of the proposed building is to allow small business owners to buy stock and supplies there is an operational need for the

proposed level of parking in order to support this distribution function. The peak period for parking at the cash and carry unit has been identified , as 11:00 – 12:00. The assessment shows that there will be 53 arrivals and 56 departures during this time with the average time of a customer trip being approximately 45-60 minutes. The proposed 68 car parking spaces is therefore capable of accommodating the peak demand. The Council's Highway Manager has confirmed that the level of parking is acceptable.

f) Refuse

- 6.24 Refuse and recycling storage will take place internally and collections will be managed by a licensed refuse company. A condition will be attached requiring further details of this arrangement.

Impact on Adjoining Properties

- 6.25 Given the dense screening of the site created by the railway embankment to the west it is not considered that the proposed building would have any affect upon properties to the west by way of overshadowing, overbearing impact, loss of light or loss of privacy.
- 6.26 The properties most likely to be affected by the proposal would be 23 Fordmill Road and those properties backing onto the site in Barmeston Road (Nos. 42-58). However, for the reasons demonstrated in this report it is not considered that the proposed development would give rise to unacceptable harm to neighbouring amenity.
- 6.27 It is recognised that the proposed building would be constructed closer to the north-eastern boundary than the existing building thus creating a new relationship to the residential dwellings to the west of the site but this relationship would not be detrimental.
- 6.28 Given the orientation of the proposed building in relation to 23 Fordmill Road, the fact that there is only one window in the flank elevation of the dwelling and taking account of the proposed dense landscaped buffer it is not considered that the occupier of No.23 would experience any significant loss of amenity.
- 6.29 Given the height of the proposed building and the fact that a minimum distance of 20m would be retained between the proposed building and nearest residential façade in Barmeston Road it is not considered that that unacceptable harm would occur. Sufficient distance would be retained to prevent a sense of enclosure or overbearing impact for those properties in Barmeston Road particularly given that the Ravensbourne culvert separates the two sites and a dense landscape buffer is proposed which will help to screen the building. Furthermore it is considered that the proposal would not result in unacceptable overshadowing or loss of light.
- 6.30 Occupiers of properties in Barmeston Road would be able to view the site from their gardens and upper floor windows. However, this would not adversely affect the enjoyment of their property and would be no worse than the excising situation whereby occupiers overlook the ad-hoc businesses operating from the site.
- 6.31 Third party concerns have been raised with regard to noise from the site once operational particularly as the redevelopment of the site is likely to generate more activity than the current businesses that are operating. This site is a long

established and designated industrial site and therefore some level of noise and activity it is to expected and tolerated. However, it is necessary for the LPA to ensure that unacceptable noise and disturbance does not arise.

- 6.32 The applicant has stated proposed opening hours for the business. It is not proposed to open before 08:00 on any day or after 20:00 on weekdays and 16:00 at weekends. Deliveries would also be restricted to within the opening hours. The stated opening hours and delivery times will be controlled by condition. Whilst it is recognised that there will be a lot of activity within the site associated with the comings and goings of customers, unloading deliveries and general operation of the business it is not considered that this would generate an excessive level of noise or disturbance. The stated openings are reasonable and the level of activity would not exceed that of any industrial business operating from this designated site.
- 6.33 The Council's Environmental Health Team has recommend a condition in respect of noise mitigation for plant and equipment.
- 6.34 Third party concerns have been raised in respect of deliveries. It has been suggested that deliveries will need to occur before 08:00 to ensure that there is fresh produce available for when the store opens to customers. This suggestion is unfounded as the applicant has clearly stated their requirements in terms of deliveries. This will be controlled by condition and therefore any breach of that condition would be subject to enforcement action. If in the future deliveries were required before 08:00 a planning application would need to be submitted to vary the condition.
- 6.35 Third party concerns have been raised in respect of noise and disturbance during construction. In this respect, this application was accompanied by a document titled 'Contractors Proposal'. This document identifies the contractors responsible for construction of the proposed building. It is stated that construction hours would be 08:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday. No construction will take place on Sundays or Public Holidays. In addition a 30 minute start up period will be permitted 07:30 – 08:00 to allow contractors staff to arrive at the site and prepare for construction works. The stated hours of construction are reasonable and can be controlled by condition.
- 6.36 A certain level of noise and disturbance is to be anticipated during any period of construction. However, such disturbance is for a limited period only and should therefore be tolerated. Subject to the control of hours of construction as set out above it is not considered that redevelopment of the site would cause unacceptable noise or disturbance to neighbouring properties in the long term.
- 6.37 The document also identified general housekeeping rules for construction covering issues such as storage arrangements for materials, refuse storage arrangements, fencing and hoarding, lighting, access and loading, site security, clearance of site on completion, emergency contacts and procedures, health and safety, measures to prevent traffic congestion, measures to control dust and mud, site access and vehicle movements, disposal of waste and contaminated material, measures to control air pollution and protection of drainage. This document has been reviewed by the Environmental Health Team and is deemed to be acceptable with no further information required in this respect by way of conditions.

- 6.38 Overall it is not considered that the proposal would cause significant harm to neighbouring amenity. The proposal therefore complies with Policy HSG4 of the UDP.

Sustainability and Energy

- 6.39 In accordance with London Plan Policy 5.2 this application was accompanied by an Energy Statement. The energy strategy for the site has been developed in accordance with the Mayors Energy Strategy/Hierarchy in order to meet where possible; and exceed policy requirements for mitigating the impacts of climate change.
- 6.40 The statement identifies service requirements for heating, hot water and lighting. Consideration was given to the feasibility of a CHP based heating system but this was not considered appropriate as there is not enough constant annual heating demand to match the electricity demand for economical and carbon efficient use of the system. Furthermore, at this time there are no available district heating systems that can serve the development for heating. Consequently a gas water heating system has been selected. An energy efficient extract only ventilation system is proposed for the office area, the remainder of the building will be naturally ventilated. Low energy light fittings will be installed, the lighting will be controlled using presence-detecting controls, with daylight cut-off controls where appropriate. It is intended to use the natural daylight through skylights and use light sensors to activate and deactivate artificial lighting. The building will be highly insulated and low u-value fenestration will be installed.
- 6.41 The Energy Statement shows that energy efficiency measures will provide a 38% reduction in CO² emissions over the baseline figure (Part L of 2010 Building Regulations). Further reduction of CO² emissions up to 52% is obtained via addition of renewable energy measures, namely photovoltaic's which will be positioned on the roof of the proposed building (proposed area of 642 sqm).
- 6.42 This application was accompanied by a BREEAM Pre Assessment document which demonstrates that the building would be capable of meeting an 'Excellent' BREEAM Rating.
- 6.43 The Council's Sustainability Officer has confirmed that the proposal is acceptable as it meets London Plan and Core Strategy Policy objectives.

b) Living Roofs

- 6.44 The proposed building will not incorporate a living roof as a large area of the roof will be utilised for skylights as the principal form of natural light and ventilation into the building. For a building of this purpose it is not practical to have large areas of fenestration in the elevations and therefore it is a necessity for a large area of the roof to incorporate skylights. Clearly this would conflict with the provision of a living roof system. Given the nature of the proposed use and the fact that the development would meet an 'Excellent' BREEAM rating and reduce carbon emissions by 52% over Building Regulations (with the use of renewable energy) the lack of living roof provision is considered to be acceptable in this instance.

c) Sustainable Urban Drainage Systems

- 6.45 This application was accompanied by a revised Flood Risk Assessment setting out measures to deal with surface water drainage. The stated measures were not considered to be fully acceptable by the Environment Agency. However, it is felt that this matter could be satisfactorily resolved by way of the conditions recommend by the Environment Agency.
- 6.46 Overall the proposal satisfactorily addresses London Plan and Core Strategy Policies which seek to mitigate the impacts of climate change.

Ecology and Landscaping

- 6.47 The existing site comprises large areas of hard standing, soft landscaping is scarce and restricted to the perimeters of the site. The northeast boundary of the site comprises an existing mature, landscape buffer. This buffer is overgrown and poorly maintained. There is evidence of Japanese Knotweed and other perennial weeds. Planting on other boundaries of the site are also poorly maintained.
- 6.48 The railway embankment to the west of the site is completely awash with Japanese Knotweed. This embankment creates a physical and visual buffer to the site which prevents the site being visible from Tibbenham Place.
- 6.49 As part of the development proposal it is intended to remove the Japanese Knotweed, create a new landscaped front boundary and enhance the existing landscape buffer along the northeast boundary of the site. Additional tree planting will be introduced internally within the site with the aim of bisecting the car park and adding a further buffer between the proposed building and residential development to the east.
- 6.50 A detailed landscape proposal has been submitted. The following landscaping is proposed:-
- Retain the existing Willow trees along the eastern boundary.
 - Plant additional Pine trees and Evergreen shrubs within the eastern landscape buffer. This will ensure year round colour and interest and will help to screen the new building when viewed from properties in Barmeston and Fordmill Road.
 - Low level ornamental shrubs will be planted around the car parking bays.
 - New London Plane trees will be planted internally within the car park.
 - Beech and Birch trees will be planted along the northern boundary together with ornamental shrub planting which will provide an attractive entrance into the site and a landscape buffer between the road and the staff seating area.
 - Species and numbers of plants and bulbs have been identified.
 - Hard landscaping materials have been identified.
- 6.51 The landscape proposal has been subject to discussion with the Council's Landscape Officer. The original proposal was amended to incorporate more tree planting, a greater variety of plants and bulbs and to ensure an appropriate management plan for the eradication of Japanese Knotweed. The Council's Landscape Officer has confirmed that the proposals are acceptable for this site.

- 6.52 Opportunities for biodiversity on the site will be enhanced by virtue of the proposed landscaping particularly as it is proposed to provide 15 bird boxes and 5 bat boxes within trees along the north-eastern boundary.
- 6.53 The proposed landscaping will significantly enhance the appearance of the site whilst helping to further screen the proposed building from adjacent residential dwellings. The new trees will make a valuable contribution to amenity as well as providing opportunities for biodiversity adjacent to the River Ravensbourne. Overall the landscaping proposals are deemed to be acceptable. Conditions will be attached to control implementation and maintenance of the landscaping and ecology features.

Land Contamination

- 6.54 This Application was accompanied by a Preliminary Ground Investigation Report prepared by a suitably qualified consultant. The assessment outlines the investigative work undertaken so far and makes various recommendations for future investigation and if necessary remediation of the site. The Council's Land Contamination Officer has confirmed that that report submitted at this stage is acceptable to enable approval of the scheme but further contamination investigation/remediation is required. This can be controlled by way of the recommended condition.
- 6.56 The Environment Agency has also requested further ground investigation work by way of a recommended condition.

Flood Risk

- 6.57 This site lies within a Flood Zone 2 and is bounded by the River Ravensbourne on its north and eastern boundaries. This application was accompanied by a Flood Risk Assessment. The initial assessment sets out historical flooding incidents, predicted flood modelling for the site, proposed drainage techniques and mitigation measures. The Environment Agency reviewed the assessment and advised that it was not fit for purpose. The assessment failed to fully demonstrate the aim to utilise sustainable urban drainage systems (SUDS) and manage surface water run-off as close to its source as possible. It failed to fully demonstrate the aim to achieve Greenfield run-off rates and fully demonstrate no increase in run off volumes resulting from the development.
- 6.58 In response to the comments raised by the Environment Agency the applicant submitted a further Flood Risk Assessment. The revised FRA was still found to be insufficient to fully address surface water drainage. However, the Environment Agency has recommended an appropriate pre commencement condition to address issues associated with flood risk.

Archaeology

- 6.59 This site is located within an Area of Archaeological Priority. This application was accompanied by a Desk Based Assessment which concludes that the site has a moderate potential for Mesolithic, Neolithic, Bronze and Iron Age periods of human activity. However, past post-depositional impacts have been severe with several phases of construction occurring at the site during the twentieth century. With this in mind the assessment confirms that no further archaeological mitigation measures are recommended.

- 6.60 English Heritage has reviewed the assessment and agree that no further archaeological work is required.

Planning Obligations

- 6.61 Circular 05/05 states that in dealing with planning applications, local planning authorities consider each on its merits and reach a decision based on whether the application accords with the relevant development plan, unless material considerations indicate otherwise. Where applications do not meet these requirements, they may be refused. However, in some instances, it may be possible to make acceptable development proposals which might otherwise be unacceptable, through the use of planning conditions or, where this is not possible, through planning obligations.
- 6.62 Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010), sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is –
- (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
- 6.63 London Plan policy 8.2 (Planning Obligations) and Core Strategy Policy CS21 (Planning Obligations) together with the Council's Adopted Planning Obligations SPD set out the policy context for considering planning obligations. Whether a development makes appropriate provision for, or contribution towards, requirements that are made necessary by, and are related to, the proposed development will be a material consideration relevant to the planning application being considered. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should reflect strategic and local needs.
- 6.64 In accordance with the statutory and policy context, S106 matters were negotiated with the applicant as part of the pre application discussions. The applicant has provided a planning obligations statement with this application outlining the obligations that they consider are necessary to mitigate the impacts of the development taking account of the pre application advice given by Officer's.
- 6.65 For this particular development the following obligations are considered necessary to mitigate the impact of the development:-

Transport, Environmental Protection and Public Realm - As part of the development proposal the applicant is intending to undertake physical improvements to the existing access points from Fordmill Road. Having considered the submitted Transport Assessment the Highways Manager considers the only additional measure required to mitigate the impact of the development in highway terms would be a commuted sum of £3,500.00 to be lodged with the Council to pay for amendments to waiting restrictions in Fordmill Road and Canadian Avenue. This sum may be required to facilitate large vehicle accessibility to the site. If within 3 years following the occupation of the new

building the amendments are not required the commuted sum may be returned to the applicant.

A commuted sum of £3,500.00 will be secured by way of a S106 legal agreement. The sum should be paid on commencement of development.

Employment Training – When calculating an appropriate contribution towards employment training, the starting point for the LPA is to calculate the overall increase in floor space being created by the development (3692 sqm). The LPA use an employment ratio from the English Partnerships Employment Density Calculation to calculate the number of employees that would usually operate within the specified floor area. This document identifies employment density for wholesale retail distribution, at a ratio of 90 sqm per job. Consequently the increased floor area of 3692sqm would amount to 41 jobs which would generate an employment contribution of £20,500. This is a starting figure for negotiation with the applicant.

In this instance the applicant has advised that the equivalent of 35 full time jobs would be created at Catford. Consequently basing the employment training calculation on actual jobs to be created locally this would amount to £17,500. This is considered to be an appropriate contribution to mitigate the impact of the proposed development.

A employment and training contribution of £17,500.00 will be secured by way of a S106 agreement. The sum will be paid on commencement of development.

Local Labour – In accordance with the Council's adopted SPD the applicant has agreed to utilise a minimum of 50% local labour during construction. This will be secured through a S106 legal agreement.

Open Space/Leisure – this site lies in an area of open space deficiency. In response to this, the application proposes provision of onsite facilities for staff to use during break times. An external seating area is proposed which will allow seating for 18 people at any one time. The seating area will be well landscaped and will provide a much needed staff facility negating the need for staff to be able to access offsite external amenity facilities during break times. With this in mind Officers do not consider it necessary for a contribution to be secured for improvements to open space or local leisure facilities. The onsite facility will be secured by condition.

Biodiversity – This application proposes to provide 15 bird boxes and 5 bat boxes as part of the detailed landscaping of the site. No further measures are required to mitigate the impact of the development in this respect.

Costs - Meeting the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement. This will be secured through the S106 agreement.

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

7.0 Conclusion

- 7.1 The proposal represents an efficient and effective use of this Brownfield site, resulting in the retention of an important employment site and making a valuable contribution to employment within the Borough, in accordance with London Plan Policies 2.17 Strategic industrial locations, 4.1 Developing London's economy, 4.4 Managing industrial land and premises and CS Policy 3 Strategic industrial locations and local employment locations.
- 7.2 The site is suitable for the type and amount of development proposed. The proposed building is fit for purpose and acceptable in design terms. The visual amenity of the site and character of the area will be enhanced as a result of the proposed landscaping scheme. Subject to conditions to control the development in detail, the proposal would not adversely affect the character or amenity of the area and would not harm neighbouring amenity. Consequently the proposal complies with London Plan Policies 7.1 Building London's neighbourhoods and communities, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, 7.6 Architecture, Core Strategy Spatial Policy 1 Lewisham spatial strategy, Spatial Policy 5 Areas of stability and managed change, Core Strategy Policy 15 High quality design for Lewisham, UDP Policies URB 3 Urban Design, URB 12 Landscape and Development , URB 13 Trees and HSG 4 Residential Amenity
- 7.3 The traffic impacts of the development have been satisfactorily addressed in the application, relevant recommended conditions and S106 Provision. Consequently the proposal complies with London Plan Policies 6.2 Providing public transport capacity and safeguarding land for transport, 6.3 Assessing effects of development on transport capacity, 6.9 Cycling, 6.10 Walking, 6.13 Parking, 6.14 Freight and Core Strategy Policy 14 Sustainable movement and transport.
- 7.4 Issues of sustainability, drainage and land contamination have been satisfactorily addressed within the application, relevant recommended conditions and S106 provision. Consequently the proposal complies with London Plan Policies 5.1 Climate change mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.5 Decentralised energy networks, 5.6 Decentralised energy in development proposals, 5.7 Renewable energy, 5.9 Overheating and cooling , 5.10 Urban greening, 5.12 Flood risk management, 5.13 Sustainable drainage, 5.14 Water quality and wastewater Infrastructure, 5.15 Water use and supplies, Waste self-sufficiency, 5.21 Contaminated land, Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency and Core Strategy Policy 10 Managing and reducing the risk of flooding, Core Strategy Policy 11 River and waterways network, UDP Policies ENV.PRO 10 Contaminated Land, ENV PRO 17 Management of the Water Supply and HSG 4 Residential Amenity

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The decision to recommend the grant of planning permission has been taken, having regard to the policies and proposals set out in the London Plan (July 2011), saved policies in the Council's adopted Unitary Development Plan (2004) and the adopted Local Development Framework (Core Strategy 2011). The Local Planning Authority has further had regard to the Local Planning Authority's

Adopted Planning Obligations Supplementary Planning Document (January 2011), Government Planning Policy Guidance and Statements, and all other material considerations, the obligations that are to be entered into in the planning agreement in connection with the development and the conditions to be imposed on the permission. The Local Planning Authority considers that:

- (1) The proposal represents an efficient and effective use of this Brownfield site, resulting in the retention of an important employment site and making a valuable contribution to employment within the Borough, in accordance with London Plan Policies 2.17 Strategic industrial locations, 4.1 Developing London's economy, 4.4 Managing industrial land and premises and CS Policy 3 Strategic industrial locations and local employment locations.
- (2) The site is suitable for the type and amount of development proposed. The proposed building is fit for purpose and acceptable in design terms. The visual amenity of the site and character of the area will be enhanced as a result of the proposed landscaping scheme. Subject to conditions to control the development in detail, the proposal would not adversely affect the character or amenity of the area and would not harm neighbouring amenity. Consequently the proposal complies with London Plan Policies 7.1 Building London's neighbourhoods and communities, 7.2 An inclusive environment, 7.3 Designing out crime, 7.4 Local character, 7.5 Public realm, 7.6 Architecture, Core Strategy Spatial Policy 1 Lewisham spatial strategy, Spatial Policy 5 Areas of stability and managed change, Core Strategy Policy 15 High quality design for Lewisham, UDP Policies URB 3 Urban Design, URB 12 Landscape and Development , URB 13 Trees and HSG 4 Residential Amenity
- (3) The traffic impacts of the development have been satisfactorily addressed in the application, relevant recommended conditions and S106 Provision. Consequently the proposal complies with London Plan Policies 6.2 Providing public transport capacity and safeguarding land for transport, 6.3 Assessing effects of development on transport capacity, 6.9 Cycling, 6.10 Walking, 6.13 Parking, 6.14 Freight and Core Strategy Policy 14 Sustainable movement and transport.
- (4) Issues of sustainability, drainage and land contamination have been satisfactorily addressed within the application, relevant recommended conditions and S106 provision. Consequently the proposal complies with London Plan Policies 5.1 Climate change mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.5 Decentralised energy networks, 5.6 Decentralised energy in development proposals, 5.7 Renewable energy, 5.9 Overheating and cooling , 5.10 Urban greening, 5.12 Flood risk management, 5.13 Sustainable drainage, 5.14 Water quality and wastewater Infrastructure, 5.15 Water use and supplies, Waste self-sufficiency, 5.21 Contaminated land, Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency and Core Strategy Policy 10 Managing and reducing the risk of flooding, Core Strategy Policy 11 River and waterways network, UDP Policies ENV.PRO 10 Contaminated Land and ENV PRO 17 Management of the Water Supply.

9.0 RECOMMENDATIONS

9.1 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:-

Transport, Environmental Protection and Public Realm - As part of the development proposal the applicant is intending to undertake physical improvements to the existing access points from Fordmill Road. Having considered the submitted Transport Assessment the Highways Manager considers the only additional measure required to mitigate the impact of the development in highway terms would be a commuted sum of £3,500.00 to be lodged with the Council to pay for amendments to waiting restrictions in Fordmill Road and Canadian Avenue. This sum may be required to facilitate large vehicle accessibility to the site. If within 3 years following the occupation of the new building the amendments are not required the commuted sum may be returned to the applicant.

A commuted sum of £3,500.00 will be secured by way of a S106 legal agreement. The sum should be paid on commencement of development.

Employment Training – When calculating an appropriate contribution towards employment training, the starting point for the LPA is to calculate the overall increase in floor space being created by the development (3692 sqm). The LPA use an employment ratio from the English Partnerships Employment Density Calculation to calculate the number of employees that would usually operate within the specified floor area. This document identifies employment density for wholesale retail distribution, at a ratio of 90 sqm per job. Consequently the increased floor area of 3692sqm would amount to 41 jobs which would generate an employment contribution of £20,500. This is a starting figure for negotiation with the applicant.

In this instance the applicant has advised that the equivalent of 35 full time jobs would be created at Catford. Consequently basing the employment training calculation on actual jobs to be created locally this would amount to £17,500. This is considered to be an appropriate contribution to mitigate the impact of the proposed development.

A employment and training contribution of £17,500.00 will be secured by way of a S106 agreement. The sum will be paid on commencement of development.

Local Labour – In accordance with the Council's adopted SPD the applicant has agreed to utilise a minimum of 50% local labour during construction. This will be secured through a S106 legal agreement.

Open Space/Leisure – this site lies in an area of open space deficiency. In response to this, the application proposes provision of onsite facilities for staff to use during break times. An external seating area is proposed which will allow seating for 18 people at any one time. The seating area will be well landscaped and will provide a much needed staff facility negating the need for staff to be able to access offsite external amenity facilities during break times. With this in mind Officers do not consider it necessary for a contribution to be secured for

improvements to open space or local leisure facilities. The onsite facility will be secured by condition.

Biodiversity – This application proposes to provide 15 bird boxes and 5 bat boxes as part of the detailed landscaping of the site. No further measures are required to mitigate the impact of the development in this respect.

Costs - Meeting the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement. This will be secured through the S106 agreement.

9.2 **RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106 Agreement, **by the 20th October 2011** in relation to the matters set out above, authorise the Head of Planning to Grant Permission subject to the following conditions:-

Standard Conditions 1 and 2

Additional Conditions

1. The premises hereby approved shall be used as a wholesale cash and carry warehouse only (Use Class B8) and not for any other purpose including cash and carry sales to the general public.

Reason

In order to ensure that the site remains in genuine industrial use and to protect the vitality and viability of designated shopping centres in the Borough in accordance with Core Strategy Policy 3: Strategic industrial locations and local employment locations and Core Strategy Policy 6: Retail hierarchy and location of retail development.

2. No goods, merchandise, material or thing of any description shall be stacked or stored on any part of the site not occupied by buildings.

Reason

In the interests of visual and residential amenity in accordance with Core Strategy Policy 15: High quality design in Lewisham and Policies URB3: Urban Design and HSG4: Residential Amenity in the adopted Unitary Development Plan (July 2004).

3. (i) Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out in strict accordance with the BREEAM Preliminary Assessment and the Energy Statement submitted and approved as part of this application. The building shall achieve carbon emissions reduction of 52% over Part L of the Building Regulations, which shall include the provision of photovoltaic panels to achieve 21% of onsite renewable energy. All of the sustainability measures as detailed the BREEAM Preliminary Assessment and Energy Statements shall be provided in full.

(ii) All measures agreed under part (i) shall be provided in full prior to occupation of the development hereby approved and shall be retained in perpetuity.

(iii) Within three months of the buildings being brought into use, evidence shall be submitted to demonstrate full compliance with the requirements of parts (i) and (ii), which shall include evidence of the carbon emission savings and renewable energy targets and photographic evidence of all sustainability features in situ.

Reason

To ensure the development achieves the maximum possible in respect of energy and carbon emissions and to comply with Policies 5.1 Climate change mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies, Waste self-sufficiency of the London Plan (July 2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy and Policy 8 Sustainable design and construction and energy efficiency (LDF 2011).

4. (i) The building hereby approved shall achieve a BREEAM rating of minimum 'Excellent'.

(ii) Prior to commencement of development a Design Stage certificate (prepared by a qualified assessor) shall be submitted to demonstrate compliance with (i)

(iii) Within three months of the building being brought into use, evidence shall be submitted to demonstrate full compliance with the requirements of this condition, which shall include a Post Construction BREEAM Certificate (prepared by a qualified assessor).

Reason

To ensure the development achieves the maximum possible in respect of energy and carbon emissions and to comply with Policies 5.1 Climate change mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies, Waste self-sufficiency of the London Plan (July 2011) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy and Policy 8 Sustainable design and construction and energy efficiency (LDF 2011).

5. (i) No occupation/use of the development hereby approved shall take place until such time as a workplace Travel Plan, in accordance with Transport for London's relevant Best Practice Guide for Travel Plans 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.

(ii) The Travel Plan shall specify initiatives to be adopted by the new development to encourage access to 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.

(iii) Within the timeframe specified by (i) and (ii), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (i) and (ii).

Reason

In order that both the local planning authority and highway authority may be satisfied as to the practicality, viability and sustainability of the Travel Plan for the

site and to comply with Core Strategy Policy 14 Sustainable movement and transport (LDF 2011).

6. The building hereby approved shall be finished in those materials identified on Drawing No. 027/PL/250 unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the development is of a satisfactorily high design standard to ensure that it makes a positive contribution to the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004) and Core Strategy Policy 15 High quality design for Lewisham (LDF 2011).

7. All soft landscaping, hard surfacing, treatment of Japanese Knotweed and installation of 15 Bird boxes and 5 Bat boxes shall be carried out in accordance with the details identified on drawing no. 11_017_D002_A hereby approved, unless otherwise agreed in writing by the local planning authority. All soft landscaping, hard surfacing, bird and bat boxes shall be provided prior to the buildings being brought into use. Any trees or plants which within a period of 5 years from the completion of the whole development die, are removed, are displaced or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written consent to any minor variation.

Reason

To ensure that the details of these arrangements are satisfactory and to comply with Policy URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004) and Policy 7.19 Biodiversity and access to nature of the London Plan (July 2011).

8. No development shall commence on site until adequate steps have been taken in accordance with Section 8 of BS 5837 Trees to safeguard all trees to be retained on site against damage prior to or during building works, including the erection of fencing. These fences shall be erected to the extent of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree and such protection shall be retained until the development has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of the trees.

Reason

To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

9. (i) Details of all proposed boundary treatments, means of enclosure and gates shall be submitted to and approved in writing by the local planning authority prior to commencement of development. This shall include detailed drawings at a scale of 1:5 or 1:10.

(ii) The approved boundary treatments, means of enclosure and gates shall be implemented before use of any part of the buildings is commenced.

Reason

To ensure that the development is of a satisfactorily high design standard to ensure that it makes a positive contribution to the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

10. A minimum of 32 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved. The full details shall be submitted to and approved in writing by the local planning authority prior to commencement of development. No part of the building shall be used until the cycle parking spaces have been provided and made available for use. Thereafter such spaces shall be retained and used only as cycle parking.

Reason

In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycling of the London Plan (July 2011) and Core Strategy Policy 14 Sustainable movement and transport (LDF 2011).

11. Details of refuse and recycling storage and collection shall be submitted to and approved in writing by the local planning authority and made available before any part of the building is occupied or brought into use.

Reason

In order that the local planning authority may be satisfied with the provisions for refuse collection in the scheme and to comply with Core Strategy Policy 14 Sustainable movement and transport (LDF 2011).

12. No development shall commence until a Construction Logistics Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the following:-

- (i) Rationalise routes to and from the site.
- (ii) Provide full details of the number and time of construction vehicle trips to the site, with the aim of reducing the impact of construction vehicle activity.

The measures specified in the approved details shall be implemented prior to commencement of development and shall be adhered to during the period of construction.

Reason

In order to ensure satisfactory vehicle management and to comply with Core Strategy Policy 14 Sustainable movement and transport (LDF 2011).

13. No deliveries in connection with construction works shall be taken at or despatched from the site and no work shall take place on the site other than between the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Public Holidays.

Reason

In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

14. The premises shall not be open for customer business and no deliveries shall be taken at or despatched from the site outside the hours of 08:00 and 20:00 on Mondays to Fridays, 09:00 and 16:00 on Saturdays or 09:00 and 15:00 on Sundays and Public Holidays.

Reason

In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

15. The staff seating area identified on drawing no. 11_017_D002_A including the provision of seating for 18 persons shall be made available prior to the building hereby approved being brought into use and shall be retained in perpetuity.

Reason

To ensure that adequate amenity provision is made for staff in this area of open space deficiency in accordance with the Lewisham Council's SPD: Planning Obligations, Policy 8.2 Planning obligations of the London Plan (July 2011) and Core Strategy Policy 21: Planning Obligations (LDF June 2011).

16. (i) The rating level of the noise emitted from fixed plant and machinery on the site shall be 5dB below the existing background level at any time, as measured at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:1997.

(ii) Development shall not commence until details of the scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority within three months of commencement of development.

(iii) The development shall be occupied until the scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

Reason

To ensure a satisfactory environment for the occupiers of the development and so as to comply with Policy ENV.PRO11 (Noise Generating Development) in the adopted Unitary Development Plan (July 2004).

17. C10 and C10 R

18. H02 and H02 R

19. H08 and H08R

20. H10 and H10R

21. N12 and N12R

22. No impact piling shall take place until a piling method statement (detailing the 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 water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker. 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 water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. Approval is required in accordance with Core Strategy Policy 10 Managing and reducing the risk of flooding (LDF June 2011).

23. (i) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

(ii) The scheme shall also include:

- Details of how the scheme shall be maintained and managed after completion;
- Calculations to demonstrate that the peak off-site discharge rate shall be limited during the critical duration storm events to 5 litres per second during the mean annual flood, 12 litres per second during the 1 in 30-year event, and 17 litres per second during the 1 in 100-year event factored to take account of a 20% increase in rainfall intensity due to climate change;
- Calculations to demonstrate that the surface water control works will prevent off-site overland flow or flooding affecting buildings during events up to the critical duration 1 in 100-year event factored to take account of climate change.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system, as the Flood Risk Assessment submitted has not provided a fully acceptable drainage strategy in accordance with Core Strategy Policy 10 Managing and reducing the risk of flooding (LDF June 2011).

24. Prior to the commencement of the development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority in conjunction with the Environment Agency:

1. A preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; a conceptual model of the site

indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure development is consistent with PPS 23: Planning and Pollution Control. The site is located in a highly sensitive area with regard to controlled waters, in that it is located within Source Protection Zone 1 for a public water supply.

Informatives

1. Construction

2. Assessment of the scheme for Condition 16 shall be undertaken by a suitably qualified acoustic consultant.

3. The applicant is advised that in respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

4. In respect of Condition 22 the applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

5. The applicant is advised that where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

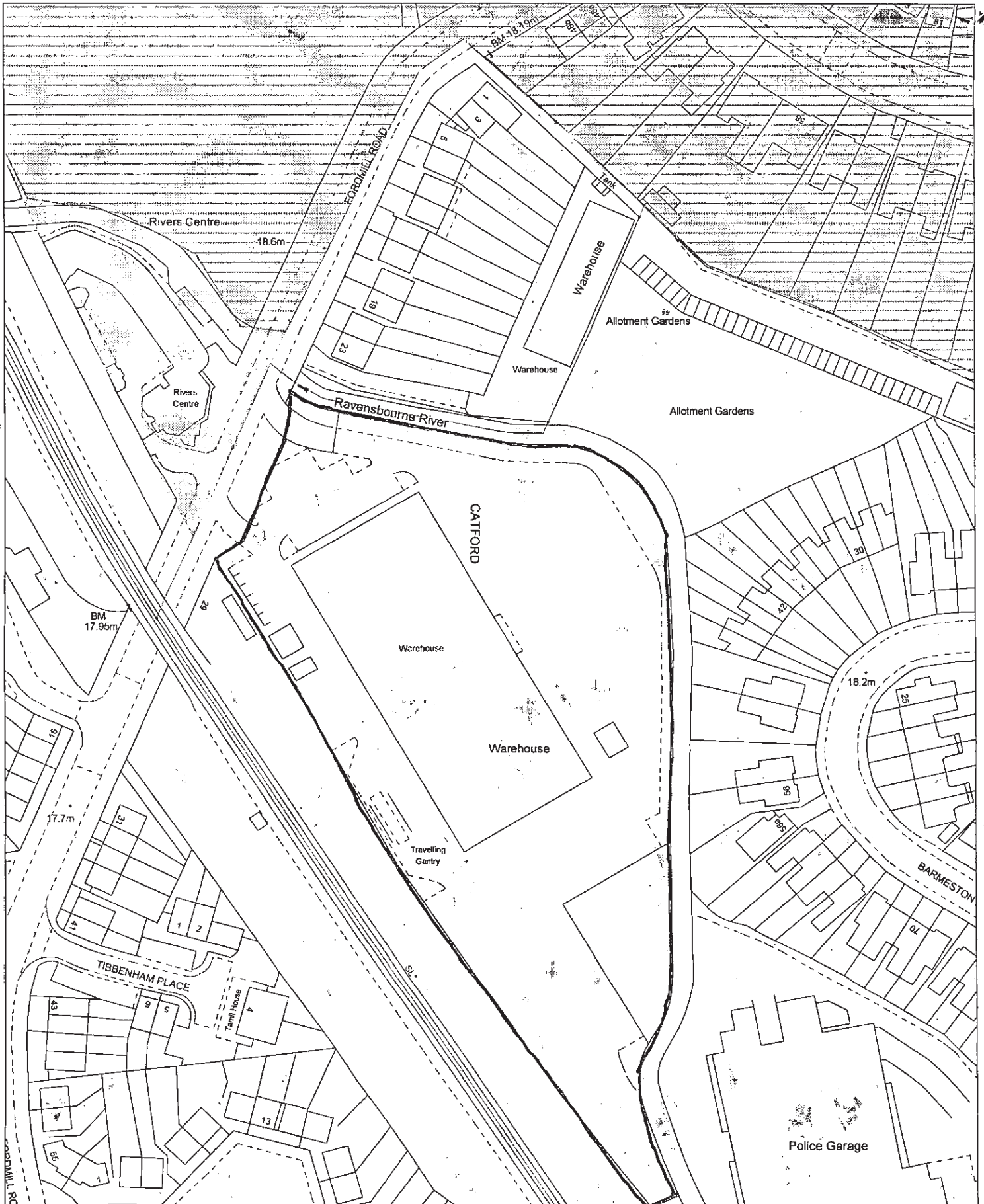
Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

6. The applicant is advised that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

7. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the River Ravensbourne main river. Contact Ian Blackburn on 0207 091 4013 for further details.

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Former BT Depot, 27 Fordmill Road



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Committee	PLANNING COMMITTEE (C)	
Report Title	11 HONLEY ROAD SE6 2HZ	
Ward	Rushey Green	
Contributors	Monique Wallace	
Class	PART 1	Date: 20 OCTOBER 2011

<u>Reg. Nos.</u>	DC/11/77732 & DC/11/77732A
<u>Application dated</u>	01.6.11 as revised on 14.09.11
<u>Applicant</u>	Ms D Drewitt, Supreme Animal Foods
<u>Proposal</u>	The construction of an outbuilding in the rear garden of Flat 1, 11 Honley Road SE6.
<u>Applicant's Plan Nos.</u>	001A, 002A & site location plan
<u>Background Papers</u>	(1) Case File - LE/920/11/TP (2) Local Development Framework Documents (3) The London Plan (4) Adopted Unitary Development Plan (July 2004)
<u>Designation</u>	Adopted UDP - Existing Use

1.0 Property/Site Description

- 1.1 The application site is the located to the rearmost part of the garden belonging to the recently converted ground floor flat at the application site.
- 1.2 The main building is a two-storey, detached house with an original three storey projection to the rear. The property also has a basement and roof space. The building has been extended by way of a two storey and single storey extensions to the rear and a roof extension.
- 1.3 The plot is bounded to the side and rear by the gardens of other residential dwellings.
- 1.4 The site is not within a Conservation Area, nor within the vicinity of any listed buildings and Honley Road is not a classified Road.

2.0 Planning History

- 2.1 Planning permission was granted in February 2011 for the alteration and conversion of the application site, together with the construction of single storey and two storey extensions to the rear including a roof extension, installation of light wells at basement level and alterations to the elevations to provide 5 one bedroom and 1 three bedroom self-contained flats.

3.0 Current Planning Applications

The Proposals

- 3.1 The proposal is for a full width shed to the rear to provide storage for the ground floor family unit as per the February 2011 approved scheme.
- 3.2 The shed would span the entire width of the application plot, measuring 11.5m in width, 4.2m in depth and 2.7m in height to the highest point fronting the application flat, but 2.2m in height abutting the rear boundary wall.

4.0 Consultation

- 4.1 Site notices were displayed and letters were sent to residents in the surrounding area and relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.2 Five letters of objection were received from residents of 13, 15, 15A & 15B Honley Road and 83 Newquay Road, with some neighbours reiterating their objections when the revised drawings were re-consulted. The summary of objections is listed below:-

- Loss of light into home and garden
- The plans are misleading showing separate access from the street, not from flat 3 as the Design and access statement purports.
- The alleyway leading to the 'shed' would create a security risk to the other dwellings in the immediate vicinity.
- The new shed looks like a bungalow with a house, which is confirmed by the labelling 'living' on the shed drawings.
- If the shed were to be a new home or business, then objections are raised as to loss of privacy and noise disturbance.
- The loss of the mature trees as per the last application has led to further loss of privacy.
- The shed is too high and would result in a loss of outlook to nearby dwellings
- The cumulative impacts of the of the developments would lead to claustrophobia.
- The proposed development is too large to be a shed
- The shed would create a sense of enclosure
- The shed will have its own garden, again confirming that it would not be used as a shed.
- Light wells were approved on the previous plans for the conversion. The drawings for the proposed shed do not show these light wells and instead replaces them with the footpath leading to the shed.

(Letters are available to Members)

5.0 Policy Context

5.1 Regional Policy

5.2 London Plan(July 2011)

5.3 The London Plan was published in July 2011. Together with the Core Strategy and saved policies in the adopted Lewisham UDP (July 2004), the London Plan comprises the development plan for Lewisham. The policies that are relevant to this applications are:

Policy 7.1 Building London's neighborhoods and communities
Policy 7.4 Local character

5.4 Local Policy

Core Strategy (June 2011)

5.5 The Core Strategy was adopted on 29th June 2011. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Objective 10: Protect and enhance Lewisham's character

Spatial Policy 1: Lewisham Spatial Policy

Spatial Policy 5: Areas of Stability and Managed Change

Policy 15: High quality design for Lewisham

Unitary Development Plan (2004)

5.6 The saved policies of the UDP relevant to this application are:

URB 3 Urban Design
URB 6 Alterations and Extensions
HSG 4 Residential Amenity
HSG 12 Residential Extensions

6.0 Planning Considerations

6.1 The main planning considerations for the proposed development are;

- The principle of development
- Scale, siting and design and the impact to neighbour amenity

The principle of development

6.2 A shed in the rear of the garden is an acceptable form of development in principle, however its size, design and location within the garden can render it un-neighbourly and incongruous. Single family dwelling houses can erect sheds of dimensions similar to the current application, utilising their permitted development rights. However, due to the conversion into flats, the application property no longer benefits from permitted development.

- 6.3 As planning permission is required, the development has to be considered against planning policies in respect of the scale, siting and design as well as the impact to neighbouring amenity. Saved UDP Policy URB 3 states that the Council will expect a high standard of design in extensions or alterations to existing buildings, whilst ensuring that schemes are compatible with, or complement the scale and character of, existing development and its setting.

Scale, design, and siting and the impact to neighbour amenity

Scale

- 6.4 In terms of scale, the applicant has stated that the shed is required to provide storage space for the 3 bed roomed family unit. The shed is proposed to span the entire width of the application plot, measuring 11.5m in width and a 4.2m in depth, creating a floor area of 48.3m². Neighbours have argued that the proposed floor area is more akin to a self contained house than a shed or an outbuilding. However, many properties do have large outbuildings to accommodate storage as well as hobby spaces, workshops or office space, all ancillary to the use of the main dwelling. In light of the latter, so long as the outbuilding is not a self contained unit, then the principle of a larger shed or outbuilding is again acceptable.
- 6.5 Given the size of the structure and the entrance to the side of the main building which could provide a separate access to the shed, officers deem it necessary to add a condition to the decision notice prohibiting any use of the shed other than for purposes incidental to the use of the ground floor residential unit.

Siting

- 6.6 The proposed structure is to be located to the rearmost part of the garden area, abutting the rear boundary wall and sides. Neighbours have objected to the size of the shed blocking out light and outlook to the neighbouring properties.
- 6.7 Of note, the application terrace comprising 5-13 Honley Road face westwards onto Rushey Green, whilst 15 Honley Road onwards (odds) face south. The result is that the rear of the application site abuts the (western) side boundary of 15 Honley Road. Subsequently, the proposed 11m wide shed would impact the westerly outlook from 15 Honley Road. To this regard consideration then turns whether the level of impact would be an acceptable level.
- 6.8 At present, the subject boundary treatment to the rear of the application plot and to the east of 15 Honley Road is a 2m high brick wall. This wall surrounds the entire garden of the application plot. The proposed shed would have a maximum height of 2.7m to the highest point fronting the application flat, but 2.2m in height abutting the rear boundary wall. The difference in height between the existing common boundary rear wall and the proposed shed would be 0.2m to the immediate view of 15 Honley Road and 0.4m farther away. Whilst this increased height would span 11m into the view of the occupiers of 15 Honley, the difference in height of the shed in comparison to the existing wall is considered to be marginal. Further, with regard to access to light, the northern orientation of 15 Honley Road means that the eastern side of the property does not receive sunlight in the mornings or mid afternoons due to overshadowing from its own two storey rear projection, and would have previously received light through the trees (trees within the application site now felled) during the late afternoons. As the

trees have now been removed, the access to light for 15 Honley Road is still of an acceptable level, notwithstanding the marginal increase in height resulting from the proposed shed.

- 6.9 With regard to the neighbouring occupiers at 13 and 9 Honley Road to the south and north respectively, the shed would only impact of the rearmost parts of their gardens. Again, due to the relatively low height of the proposed shed, against the existing brick wall, the loss of light and outlook would be marginal.

Design

- 6.10 The shed is to be constructed from the reclaimed bricks removed during the works to the main house during the conversion into flats. The proposed brick would be in keeping with the existing boundary treatment and therefore is considered to be acceptable.

Amenity

- 6.11 A small section of the garden has been severed to the north of the plot to provide private amenity space for the smaller one bed roomed ground floor flat. However, even with the proposed shed in place, there would still be a 9m deep and 11m wide (99m²) garden area for the ground floor family unit which is considered to be acceptable.

7.0 Conclusion

- 7.1 It is accepted that the proposed shed is larger than a typical out building which would store garden equipment. To address neighbours concerns that the shed could be used as a separate dwelling, conditions have been put in place to prohibit which is not ancillary to the use of the ground floor family unit.

- 7.2 This application has been considered in the light of policies set out in the development plan and other material considerations including policies in the adopted Core Strategy.

- 7.3 On balance, officers consider that the proposed shed to the rear of the ground floor family unit is acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria and is acceptable in principle, being in accordance with Policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011), and saved Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011), and saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004).

9.0 **RECOMMENDATION GRANT PERMISSION** subject to the following conditions:-

- (1) The shed hereby approved must only be used for purposes incidental to the enjoyment of the ground floor 3 bed-roomed family unit of 11 Honley Road and not as a separate residential unit or for any commercial activities.

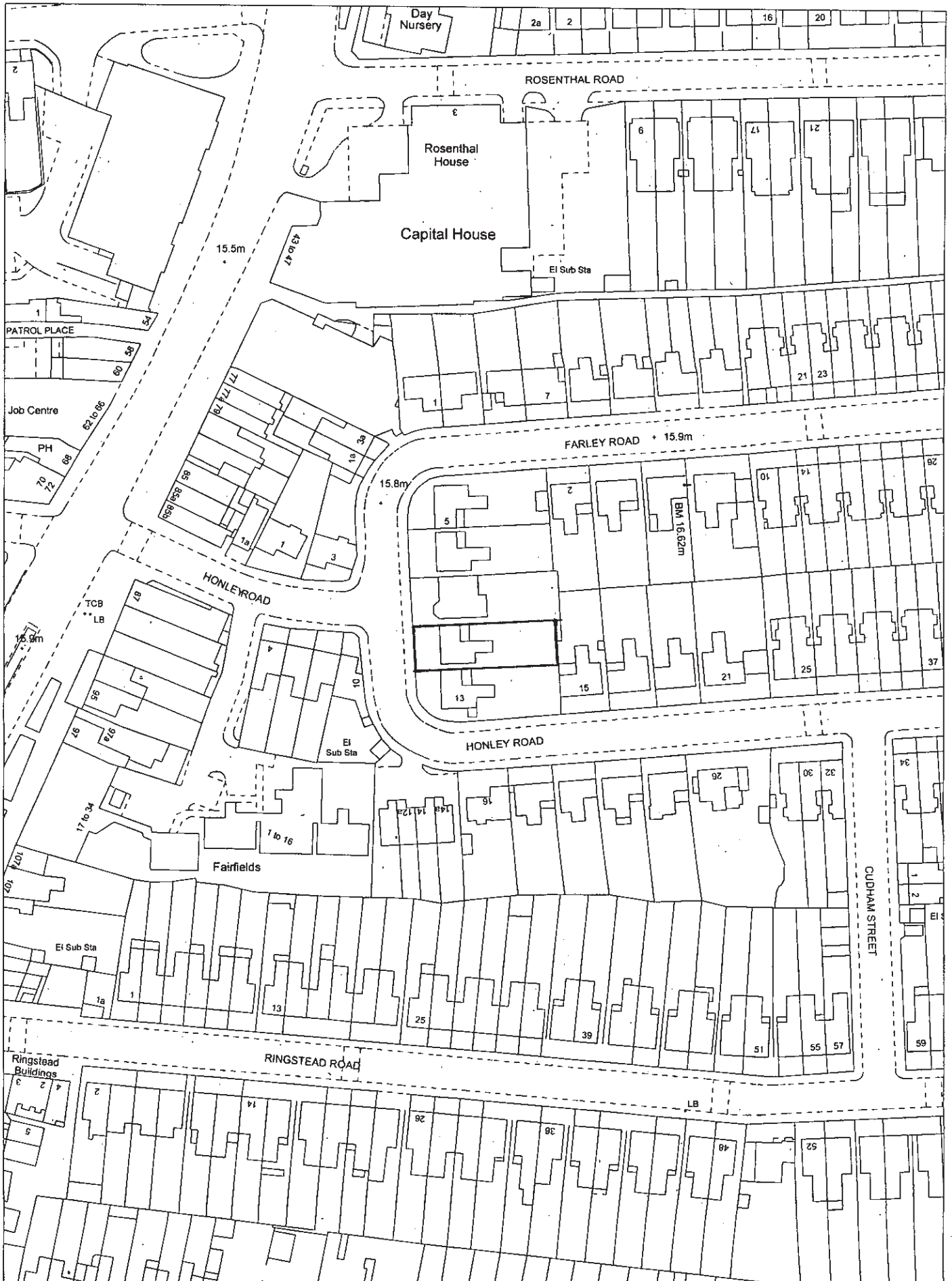
Reason

The use of the shed as a separate commercial or residential unit would not comply with the local planning authority's normal policies in respect of such schemes, with particular regard to the protection of residential amenity, in accordance with policy 15 High quality design for Lewisham in the adopted Core Strategy (June 2011) and saved policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity of the adopted Unitary Development Plan (July 2004).

- (2) No new brickwork, including works of making good, shall be carried out other than in materials, bonding and pointing to match the existing rear boundary wall of the application site, unless the local planning authority agrees in writing to any variation.

Reason

To ensure that the proposed development is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).



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Committee	PLANNING COMMITTEE (C)	
Report Title	THE RAILWAY TELEGRAPH, 112 STANSTED ROAD SE23 1BS	
Ward	Perry Vale	
Contributors	Chris Werren	
Class	PART 1	Date 20 OCTOBER 2011

<u>Reg. No.</u>	DC/10/76021
<u>Application dated</u>	23 November 2010
<u>Applicant</u>	Shepherd Neame Limited
<u>Proposal</u>	The construction of a shelter at the Railway Telegraph Public House, 112 Stanstead Road SE23, to create a smoking area for customers.
<u>Applicant's Plan Nos.</u>	1670 – 10, 1670 – 11 & site location plan
<u>Background Papers</u>	(1) Case File – LE/67/M/TP (2) Adopted Unitary Development Plan (July 2004) (3) Local Development Framework Documents (4) The London Plan
<u>Designation</u>	Core Strategy - Existing Use

1.0 Property/Site Description

- 1.1 The application site is located on the at the southern side of the junction between Stanstead, Sunderland and Rockbourne Roads and accommodates the Railway Telegraph, which is a large double storeyed public house of Victorian Construction. There is a large beer garden to the rear of the property adjacent to the property at 2 Sunderland Road. A small timber and slate roofed building, for which permission is now being sought, has recently been constructed in the beer garden, the purpose of this building is to provide shelter for smokers.
- 1.2 The public house faces across Standstead Road towards a storage building and the old Forest Hill Methodist Church. The terraces to the south of the property on Sunderland Road have commercial space on the ground floors and residential accommodation on the upper floors.
- 1.3 The property is not a listed building, neither is the site located within a Conservation Area.

2.0 Planning History

- 2.1 No relevant planning history.

3.0 Current Planning Applications

- 3.1 The application seeks permission for the retention of a smokers shelter in the beer garden of the Railway Telegraph. The structure is located adjacent to the western boundary of the site, that bordering Sunderland Road (this section comprises part

of the South Circular). The structure is approximately 8m from the sites southern boundary, that held in common with 2 Sunderland Road. The structure has a hexagonal footprint, having a maximum width of 4.8m. Its roof is steeply sloping, angling upwards to a maximum height of 2.9m.

3.2 The structure is of timber construction with a grey felt roof.

4.0 Consultation

4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.2 Site notices were displayed and letters were sent to residents and business in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

4.3 Three letters of objection were received from residents of Flats 1 & 3, 2 Sunderland Road and the owner of 2 Sunderland Road, raising the following issues:-

1. Large number of noise complaints against public house which have been great inconvenience to neighbouring properties.
2. Shelter should be better sound-proofed and limited as to hours when it can be used.

(Letters are available to Members)

5.0 Policy Context

Introduction

London Plan (July 2011)

5.1 The London Plan policies relevant to this application are:

Policy 7.15 Reducing noise and enhancing soundscapes

Core Strategy

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

Core Strategy Policy 15 High quality design for Lewisham

Unitary Development Plan (2004)

5.3 The saved policies of the UDP relevant to this application are:

STR URB 1 The Built Environment

URB 3 Urban Design
ENV.PRO 9 Potentially Polluting Uses
ENV.PRO 11 Noise Generating Development
HSG 4 Residential Amenity

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- e) Noise
- g) Impact on Adjoining Properties

Principle of Development

6.2 With the smoking ban, outdoor smoking shelters at pubs and restaurant have become an anticipated feature of these businesses. As such officers consider that, subject to all other planning considerations, the principle of the shelter is acceptable.

Design

6.3 The structure is timber framed with a grey felt roof and open onto an internal courtyard adjacent to the main entry of the pub, the outward facing sides of the structure are enclosed.

6.4 The Railway Telegraph has attached a reed screen to the fence enclosing the smoking area, this largely screens this area from view from the Stanstead and Sunderland Road. Although the top portion of the structure is visible from the highway, due to its size and design it does not have an adverse impact on the amenity of the streetscene and is therefore acceptable in this regard.

Noise

6.5 The structure has been situated in a long-established beer garden. The closest residential property, at 2 Sunderland Road, has a windowless flank wall approximately 8m from the structure. The only windows on this adjoining property face onto Sunderland Road or to the west over this property's rear yard. Since the changes to smoking legislation, smoking shelters, such as this, have become a common feature of public houses and restaurants.

6.6 The site is located on the South Circular, as such there is a high level of ambient noise levels in the area. The provision of a largely enclosed, small, smoking shelter within an existing beer garden will not have a material impact in terms of noise on any adjoining properties.

Impact on Adjoining Properties

6.7 There are no flank windows on the northern side of 2 Sunderland Way, as such the shelter is not visible from this adjoining property. The structure is visible, at a distance, from the properties on the opposite side of Sunderland Way however will not have impact on these properties.

7.0 Conclusion

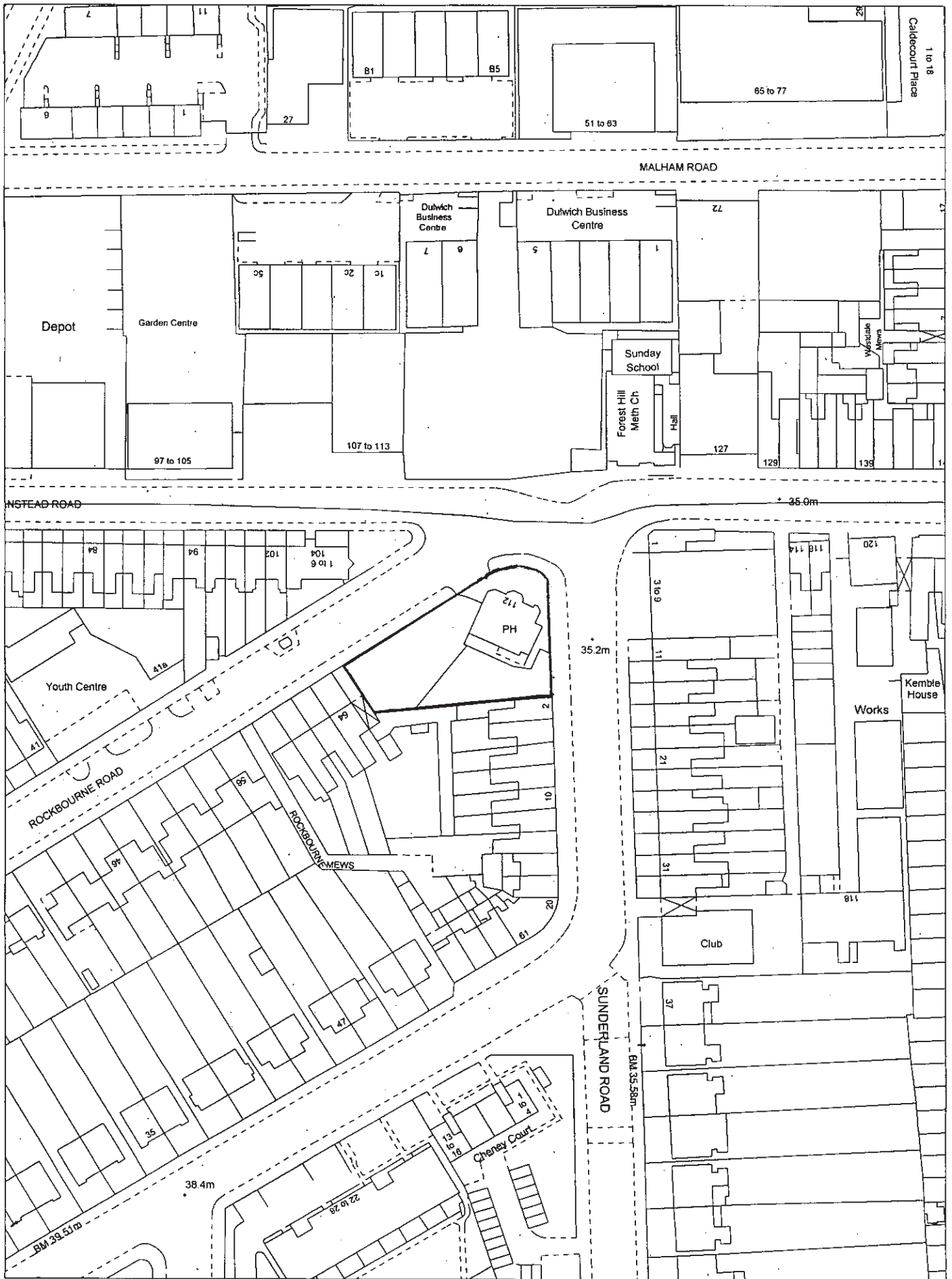
- 7.1 The proposed development is considered to preserve the character and amenities of the surrounding area and will not have any adverse impacts in terms of noise. It is therefore considered acceptable and approval is recommended.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 It is considered that the proposal satisfies the Council's Land Use and environmental criteria, and is in accordance with Core Strategy Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and saved Policies URB 3 Urban Design, ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development & HSG 4 Residential Amenity.
- 8.2 It is considered that the proposal is appropriate in terms of its form and design and would not result in material harm to the appearance or character of the surrounding area, or the amenities of neighbouring occupiers. The proposal is thereby in accordance with Core Strategy Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011) and saved Policies URB 3 Urban Design & HSG 4 Residential Amenity.

9.0 RECOMMENDATION

GRANT PERMISSION



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Committee	PLANNING COMMITTEE (C)	
Report Title	84 RAVENSBOURNE PARK SE6 4YA	
Ward	Rushey Green	
Contributors	Richard Lockett	
Class	PART 1	Date: 20 TH OCTOBER 2011

REQUEST FOR ENFORCEMENT ACTION

Background Papers

- (1) Case File
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Adopted Core Strategy (June 2011)
- (4) The London Plan
- (5) PPG 18 Enforcing Planning Control

Zoning

Adopted UDP - Existing Use

1.0 Introduction

- 1.1 This report deals with a breach of planning control at 84 Ravensbourne Park and whether it is expedient for the Council to instigate formal enforcement action in order to rectify the breach. A caravan has been placed in the front garden of the property and is used as self contained residential accommodation, independent of the main house on the site. It is considered by officers that the caravan represents unsatisfactory living accommodation and, due to its prominent location, has a detrimental impact on the street scene.

2.0 Property/Site Description

- 2.1 The application property is a two storey detached house, located on the eastern side of Ravensbourne Park, on the corner of Iona Close. The property is a former caretakers house and the immediate locality is predominantly residential. To the side and rear of the property is Ladywell Fields, an area of public open space.
- 2.2 The site contains the main dwelling house with an associated brick built store and timber porch area to the side. The property is currently in use as a House in Multiple occupancy, with six residents and to the front there is a large caravan which houses two further residents.
- 2.3 The property does not form part of a Conservation Area and is not a listed building.

3.0 Planning History

- 3.1 2002: Application **Refused** for the construction of a three storey plus roofspace building, comprising 8 one and two bed flats, together with the provision of 9 car parking spaces and bin enclosure.
- 3.2 2003: Application **Refused** for the construction of a three storey building including roofspace and semi basement, comprising 8 one and two bed flats, together with the provision of 9 car parking spaces and bin enclosure.

- 3.3 2005: Application **Refused** for the demolition of the existing building on the site of 84 Ravensbourne Park SE6 and the construction of a part four/part five storey building, including basement level and balconies, to provide 12 two bedroom self-contained flats, together with associated landscaping and provision of refuse stores, 12 off-street car parking spaces, 3 motor cycle and 8 bicycle parking spaces. An appeal was also dismissed.
- 3.4 2007: Application **Withdrawn** for the demolition of the existing building on the site of 84 Ravensbourne Park SE13, and the construction of a 1 - 3 storey building comprising balconies/terraces/green roofs to provide 2, one bedroom, 3, two bedroom and 2, three bedroom self-contained flats together with associated landscaping and provision of bin and bicycle stores, 4 car parking spaces and the formation of a vehicular crossover with access onto Ravensbourne Park.

4.0 Planning Enforcement History

- 4.1 According to the owner of the land, a caravan was placed on the front garden of the site in 2007. The caravan has subsequently been subdivided and become residential accommodation for two people. The static caravan sits alongside the northern boundary of the site, visible from the highway as well as Ladywell Fields. The question of whether the caravan had planning consent was raised by the Councils tree officer in 2010.

5.0 Breach of Planning Control

- 5.1 Without the benefit of planning consent, the use of a static caravan on the front garden of the site at 84 Ravensbourne Park as two residential units. A response was received to the Councils Planning Contravention Notice stating that the caravan has been in situ since September 2007, however, no supporting evidence has been forthcoming.

6.0 Policy Context

6.1 National Policy

PPG 18 Enforcing Planning Control provides guidance to local authorities on the use of enforcement powers.

Planning Policy Statement 1: Delivering Sustainable Development

- 6.2 Paragraph 18 under the heading of the Protection and Enhancement of the Environment states that 'the condition of our surroundings has a direct impact on the quality of life. Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality' The policy goes further to say that 'decisions should be based on: – up-to-date information on the environmental characteristics of the area; the potential impacts, positive as well as negative, on the environment of development proposals (whether direct, indirect, cumulative, long-term or short-term) and recognition of the limits of the environment to accept further development without irreversible damage.'

Lewisham Core Strategy

- 6.3 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following

strategic objectives, spatial policies and cross cutting policies of the Strategy are relevant to this case.

Objective 10: Protect and enhance Lewisham's character

Policy 15: High quality design for Lewisham

Unitary Development Plan (July 2004)

6.4 Policy IRM 5 states that in circumstances where it is considered necessary in the public interest, the Council will take enforcement action against those who undertake development or carry out works without planning permission. Other retained UDP policies that are relevant to the case are:

Policy URB 3: Urban Design

Policy URB 6: Alterations and Extensions

Policy HSG 4: Residential Amenity

7.0 Consideration of Enforcement Action

7.1 The main planning consideration is whether the retention of the caravan is causing demonstrable harm to the existing streetscene and whether the retention of the caravan accords with Council Policies.

7.2 The original use of this site was as residential accommodation for a caretaker. Planning consent to develop the site into a larger block of residential accommodation has not been successful therefore the established use of the site remains as a single dwellinghouse.

7.3 The caravan to the front of this property is not used incidental to the enjoyment of this dwellinghouse. The caravan has its own electricity supply, washing facilities, cooking facilities and living area and is therefore considered to be a change of use of the site from a single dwellinghouse.

7.4 Despite the fact that the front of the site is lined by mature trees, the caravan is visible from the street, but also from the confines of Ladywell Fields.

7.5 Policy URB 3 States that the Council will expect a high standard of design in new development and in alterations to existing buildings, whilst ensuring that schemes are compatible with, or compliment the scale and character of existing development, and its setting (including any open space). Factors such as the relationship of development to the existing townscape, alignment of the existing street, including building frontages and building materials are all considerations in this regard.

7.6 The existing caravan is not compatible with and does not compliment the scale and character of the existing development or its setting. The site contains a two storey, brick built dwellinghouse set back from the main road, with a large front yard. The caravan has been sited forward of the building frontage and by its very nature resembles a temporary container, rather than a residential building, which dominate the surroundings. The outer walls of the caravan are metal, and green and beige in colour, which is clearly at odds with the brick walls of the existing building.

7.7 The caravan also fails to provide adequate permanent accommodation for its residents. The size of the caravan is insufficient to provide a high level of living

space for two separate units of accommodation and on this basis, as well as its detrimental impact upon the streetscene and existing development, would not be granted planning consent retrospectively.

8.0 Proportionality

- 8.1 The Council has tried informally to resolve the breach of planning control through informal negotiations however this course of action has failed, therefore based on the information in this report it has been concluded that no action short of the proposed enforcement action described above can uphold Council policies and remove the harm caused by this breach of planning control. In these circumstances the service of an enforcement notice is considered both necessary and expedient and is considered to be a proportionate response to the breach of planning control in this case.
- 8.2 The works that have been undertaken do not constitute a criminal offence and therefore the owner cannot be prosecuted. The service of an enforcement notice is considered to be a more appropriate and swifter enforcement tool than applying for an injunction under Section 187B of the 1990 Act. It is also more cost effective for both the local planning authority and the recipient of the notice to appeal and otherwise deal with.
- 8.3 All other forms of action to secure compliance with planning control, uphold council policies and protect the amenities of local residents have been considered and cannot effectively be achieved by any lesser means than the action recommended. The Council consistently takes enforcement action against similar breaches of planning control and successfully defends the Council's decision in subsequent appeals.

9.0 Legal Implications

- 9.1 Government Policy advice to Local Planning Authorities on the use of their enforcement powers is set out in Planning Policy Guidance Note No 18. PPG 18 sets out the issues which local planning authorities should bear in mind when taking enforcement action as follows:-
- (1) They have been given primary responsibility for taking whatever enforcement action may be necessary in the public interest.
 - (2) The Local Government Ombudsman can make a finding of "maladministration" if a Council fails to take enforcement action when it is plainly necessary to do so.
 - (3) The decisive issue in every case is whether the breach of planning control would unacceptably affect public amenity or the existing use of land or buildings meriting protection in the public interest.
 - (4) Enforcement action should always be commensurate with the breach of planning control involved.
 - (5) Where attempts to persuade the site owner or occupier to voluntarily remedy the breach are unsuccessful, negotiation on that issue should not be allowed to

hamper the taking of whatever formal enforcement action, which may be required.

10.0 Equal Opportunities and Human Rights Implications

10.1 Implications in relation to the Human Rights Act 1998 (HRA) have been identified in regard to the unauthorised siting of a caravan on site for residential purposes. Action will therefore be relevant to the occupiers' Article 8 rights and potentially their Article 1 rights under the first protocol of the HRA, as set out below:

Schedule 1, Part I – The Convention:

Article 8 Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Schedule 1, Part II – The First Protocol

Article 1 Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Although enforcement action may impact upon these rights, action taken will be “in accordance with the law” and in pursuit of the aims set out in the HRA itself, namely:

For Article 8, in the interest of the economic well-being of the country, for the prevention of disorder or crime and for the protection of the rights and freedoms of others and;

For Article 1, to control the use of property in accordance with the general interest.

The HRA does not impair the right of the state to enforce such laws as it deems necessary in the public interest and it is therefore considered that the proposed action and its objectives of securing compliance with planning control, upholding its adopted and emerging policies and protecting the amenities of local residents, cannot be achieved by any lesser measures. The action to be taken is proportionate to the harm arising and outweighs the impact on Article 8 and Article 1.

11.0 Conclusion

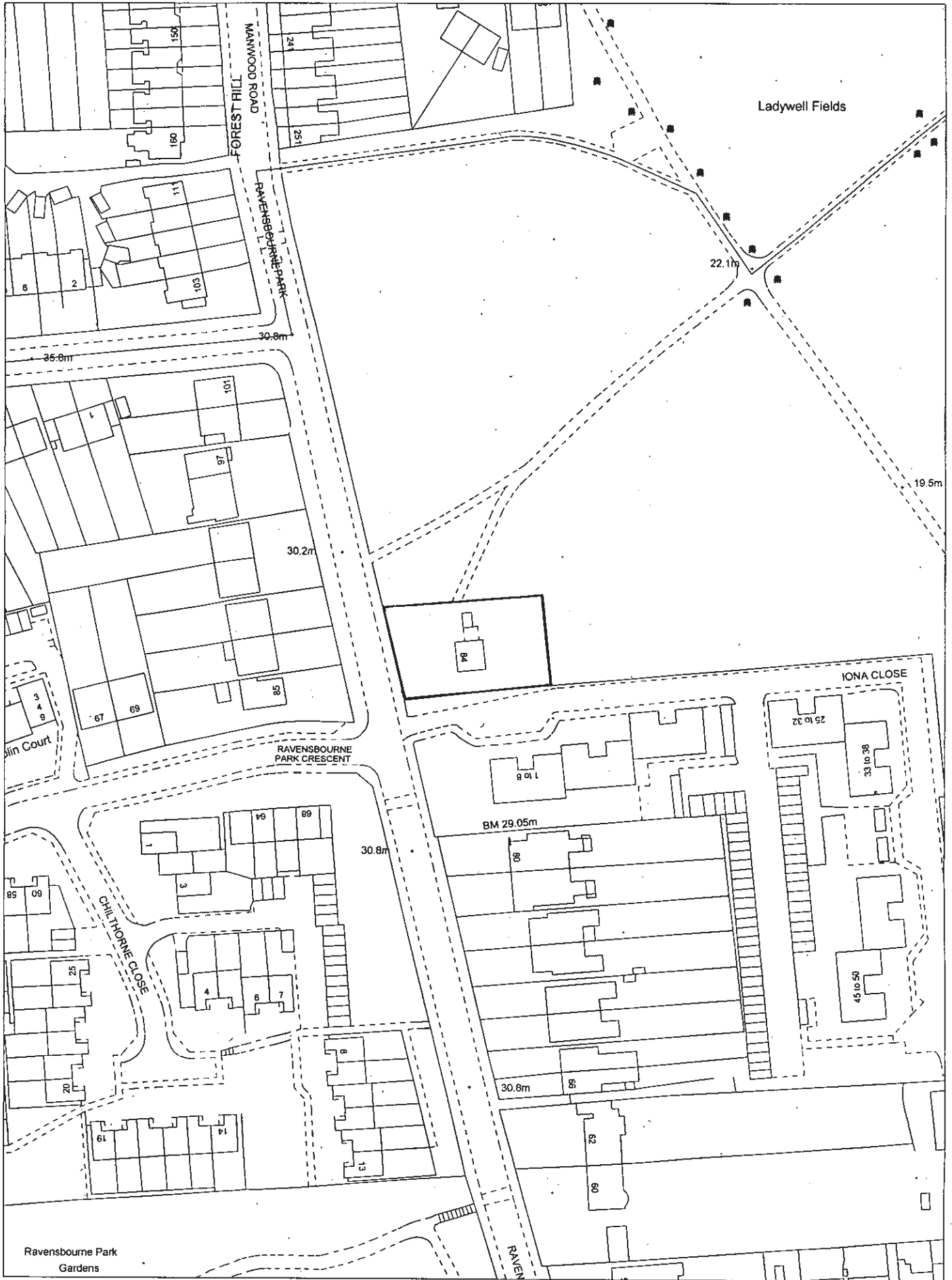
- 11.1 The unauthorised installation of, and use of the caravan as two self contained units fails to provide suitable living accommodation and is considered to be detrimental to the residential amenities for occupants and causes demonstrable harm to the character of the existing building and character of the surrounding streetscene contrary to Policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and the Residential Development Standards SPD (August 2006).

12.0 Requirements of Enforcement Notice

- 12.1 To secure the removal of the static caravan from the front garden of 84 Ravensbourne Park.

13.0 RECOMMENDATION

- 13.1 Authorise the Head of Law to take all necessary action to secure the removal of the static caravan from the front garden of 84 Ravensbourne Park for the following reason:-
- 13.2 The unauthorised installation of, and use of the caravan as two self contained units fails to provide suitable living accommodation and is considered to be detrimental to the residential amenities for occupants and causes demonstrable harm to the character of the existing building and character of the surrounding streetscene contrary to Policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and the Residential Development Standards SPD (August 2006).
- 13.3 Period of Compliance:
Three months.



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