

PLANNING COMMITTEE C

Date of Meeting: **THURSDAY, 1 MARCH 2012 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:**

**Paul Bell (Chair)
Madeliene Long (Vice-Chair)
Pauline Beck
Vincent Davis
Alexander Feakes
Joseph Folorunso
Michael Harris
Ami Ibitson
Marion Nisbet
John 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, 21 February 2012**

**For further information please contact:
Lesley Humphreys Committee Co-ordinator
5th Floor Laurence House
Catford Road SE6 4RU**

**Telephone No: 020 8314 8701
Email: planning@lewisham.gov.uk**



Order Of Business			
Item No	Title of Report	Ward	Page No.
1.	Declarations of Interests		1 - 2
2.	Minutes		3 - 4
3.	SR House Childers Street SE8 5JT	Evelyn	5 - 46
4.	26 Loampit Hill SE13 7SW	Ladywell	47 - 54

Committee	PLANNING COMMITTEE (C)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 1 MARCH 2012

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 1 MARCH 2012

MINUTES

To approve the minutes of the meeting of Planning Committee (C) held on the 1 December 2011.

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	SR HOUSE, CHILDERS STREET SE8 5JT	
Ward	Evelyn	
Contributors	Jennifer Lee	
Class	PART 1	Date 1 MARCH 2012

<u>Reg. No.</u>	DC/10/74526 as revised
<u>Application dated</u>	18.11.2010
<u>Applicant</u>	JB Planning Associates on behalf of Aitch Group and Childer Street Properties Ltd
<u>Proposal</u>	The construction of additional floors and conversion of SR House to accommodate 1,429m ² of flexible commercial floorspace (within Use Class B1/ D1) and 84 residential units, including cycle storage, communal amenity roof space, living roof and infrastructure works
<u>Applicant's Plan Nos.</u>	501-PL-00(P2), 501_PL_01(P2), 501_PL_02(P2), 501_PL_03(P2), 501_PL_04(P2), 501_PL_05(P2), 501_PL_06(P2), 501_PL_07(P2), 501_PL_08(P2), 501_PL_09(P2), 501_EX_01, 501_EX_02, 501_EX_03, 501_EX_04 Supporting Planning Statement – (JB Planning Associates, June 2010, Supporting Planning Statement Addendum (Dec 2011) Transport Assessment (Hyder, June 2010), Flood Risk Assessment Rev A June 2010 (Water Environment), Archaeological Assessment, (Hyder, April 2008), Ambient Noise and Vibration Assessment, (Hyder, June 2010), Air Quality, (Hyder, June 2010), Daylight and Sunlight Assessment (April 2010), Code for Sustainable Homes, (Hyder, June 2010) BREAAAM Pre-Assessment (Hyder, June 2010), Structural Review Report Rev 03, (Hilson Moran, June 2010), Energy, Water and Renewables Strategy (Hyder, Nov, 2010), Desk Study & Stage 1 Risk Assessment Geotechnical report, (MRH, Feb 2008), 10.066/01B Landscape Strategy, (Robin Lines Landscape, Nov 2010) Marketing Approach, (Nov 2010) Revised Energy, Water & Renewables Strategy (Nov 2010) Supplementary Design and Access Statement (Jan 2011), Transport and Highways Addendum Letter (Jan 2011), Streetcar Proposal, (Jan 2011) Energy, Water and Renewables addendum letter (Jan 2011)

Background Papers

- 1) Case File – DE/135/A/TP
- 2) Adopted Core Strategy (June 2011)
- 3) Adopted Unitary Development Plan (July 2004) Saved Policies
- 4) The London Plan (July 2011)
- 5) PPS 1: Delivering Sustainable Development (2005)
- 6) Planning and Climate Change – Supplement to PPS 1 (2007)
- 7) PPS 3: Housing (2011)
- 8) PPS 4: Planning for Sustainable Economic Growth (2009)
- 9) PPS 10: Planning for Sustainable Waste Management (2005)
- 10) PPS12: Local Spatial Planning (June 2008)
- 11) PPG 13: Transport (2001)
- 12) PPS 22: Renewable Energy (2004)
- 13) PPS 23: Planning and Pollution Control(2004)
- 14) PPG 24: Planning and Noise (1994)
- 15) The Code for Sustainable Homes – Setting the Standard in Sustainability for New Homes (2008)
- 16) Planning and Access for Disabled People – A Good Practice Guide (2003)
- 17) Circular 11/1995 – The Use of Conditions in Planning Permissions
- 18) Circular 02/1999 – Environmental Impact Assessment
- 19) Circular 05/2005 – Planning Obligations & Community Infrastructure Levy Regulations 2010
- 21) Mayor of London’s Transport Strategy (2010)
- 22) Mayor of London’s Housing Strategy (2010)
- 23) Mayor of London’s Climate Change Mitigation and Energy Strategy (2011)
- 24) Interim Housing Design Guide (2009)
Mayor of London’s Draft Housing SPG (2010)
- 25) Mayor of London’s Sustainable Design and Construction SPG (2006)
- 26) Living Roofs and Walls – Technical Report Supporting London Plan Policy (2008)
- 27) Mayor of London’s Wheelchair Accessible Housing BPG (2007)
- 28) South East London Housing Partnership’s Wheelchair Homes Design Guidelines (2009)

Designation

Core Strategy Mixed Use Employment Location (CSP4)
Area of Archaeological Priority

1.0 Property/Site Description

- 1.1 SR House, which is almost 100m long and almost 21 metres deep, is a narrow part two, part three storey industrial building which was formerly in commercial use. The site is approximately 0.2ha. The building forms part of a block on the south west side of Childers Street adjoined to the north west by a similar building known as Donovan House and attached to the south east is a three storey public house (The Lord Palmerston). The rear of SR House faces the railway viaduct, which is statutorily Listed Grade II from Abinger Grove to Rolt Street.
- 1.2 In between the building and the arches is a private access road owned by Spacia (Part of Network Rail). The access road is currently used by tenants of the Parkside Business Estate and Network Rail when maintaining the viaduct.
- 1.3 To the north east of the site are Rolt Street, Etta Street and Gosterwood Street which contain mainly two storey terraced properties, with infills. The properties on the other side of Childers Street consist of four storey flats (Teal Court) which back onto the street but are set back with rear gardens from the footpath. Further up the road and adjacent to Donovan House to the north west is a recently built development on the site of the former William House which comprises 70 residential units and 1,300m² B1 use floor space. The ground floor commercial units are now occupied. Opposite, a new development has recently been completed at the end of Childers Street on the corner of Gosterwood Street which comprises part two/three and part five/part six storey residential blocks with a ground floor commercial unit. On the south side of the railway viaduct on Arklow Road is an industrial trading estate with a variety of buildings of differing ages and sizes.
- 1.4 The existing south eastern part of the building is 2 storeys high and is constructed from London Stock Bricks. It is fenestrated with large windows with blue painted Crittall frames and white stone lintels, which were part of the original industrial building. The pitch of the roof on this building is steep and very prominent. The rear of the building does not contain as many original features as the front. There are a variety of mismatched window sizes and no real pattern of fenestration.
- 1.5 The existing north western part of the building (separated by the main entrance) is 3 storeys high and has some smaller replacement windows to the originals on the second and third floors. In addition, the whole of SR House has red painted bricks surrounding the windows. The roof of this section of building is also pitched but set behind a parapet so is less visible from the street frontage.
- 1.6 There are two large vehicular entrances from Childers Street to the building that are used for loading and covered by roller shutters. Two smaller pedestrian entrances are covered by shutters.
- 1.7 The building was owned for many years by SR communications for printing and distribution. The building is currently occupied in part as a church. The building has now been closed by the fire brigade due to concerns about its safety, partly arising from the alleged subletting to other churches.

2.0 Planning History

2.1 In 1998, a Certificate of Lawfulness was issued which stated that the use of light industrial purposes with ancillary offices was permitted. A year later another Certificate was issued which stated that the proposed use of an extension was lawful, (DC/99/45871). It is understood that SR House has been marketed since July 2007 and was vacant since the beginning of 2008 until part of the building was recently occupied by a church group.

2.2 On 17 February 2011 Planning Committee (A) considered a planning application for the construction of additional floors and conversion of SR House to accommodate 1,429m² of flexible commercial floorspace (within Use Class B1/ D1) and 84 residential units, including cycle storage, communal amenity roof space, living roof and infrastructure works. Members resolved to grant permission subject to the completion of a S106 Agreement in respect of the following Heads of Terms:

1. Affordable Housing (Including with and without grant scenarios and an obligation to apply for grant)
2. Wheelchair Housing.
3. Public Realm/transport/open space improvements (£320,000)
4. Education - primary and nursery (£100,000)
5. Local Labour and Employment (£60,000)
6. I.T Fit out of commercial units and delivery of commercial units prior to residential occupation.
7. Community Facilities (£10,000)
8. Car Club.
9. Lifetimes Homes.
10. Implementation and demonstration of sustainability and renewable energy measures.
11. Meeting the Council's legal, professional, consultant and monitoring costs.

3.0 Current Planning Applications

3.1 The Proposals

3.1.1 The current application is for the same physical development as that considered by Planning Committee (A) in February 2011.

3.1.2 In the scheme as originally considered, it was envisaged that 16 of the new dwellings would be provided as intermediate affordable housing.

- 3.1.3 As a result of recent government changes to funding of affordable housing, grant funding is no longer available, and so the Council entered into negotiations with the applicant to secure an alternative acceptable affordable housing solution.

Scheme description

- 3.1.4 The development would retain the existing building (SR House), demolishing and rebuilding the rear elevation and providing a substantial extension involving the provision of additional floors above the original building. It is proposed to extend the western part of the building by four storeys and the eastern part by three storeys, so the resulting building would be six storeys throughout. The new fourth floor would be set back by 1.3m from the main street façade and the top (fifth) floor would be set back approximately 12 metres. A central atrium would be created. The extended building would be converted, comprising commercial units on the ground floor. These would have a flexible use of either B1 – Business (Offices, research and development and light industry, or D1 – Non Residential Institutions: including, health centres, day nurseries and art galleries, libraries, non residential education and training centres). The D1 use would exclude schools and churches.
- 3.1.5 Residential units would be provided on the upper floors to either side of the central atrium. There would be one row of dwellings on the 5th floor. A landscaped shared amenity space and a living roof are proposed on the 5th floor. Plant, refuse and cycle storage would be provided at ground level.
- 3.1.6 As much as possible of the original frontage would be salvaged and ‘made good’ and bricks from the rear demolition would be used to replace those damaged in the frontage. The red paint surrounding will be removed and all windows will be replaced with replicas or as similar to as existing as possible.
- 3.1.7 The ground floor would accommodate the commercial uses, which would be electronically fitted out with Wi-Fi to make it easier for businesses to establish themselves. The total commercial floor space would comprise 1429m². The plan shows the ground floor to be split into four different sized units ranging between 270m² and 430m² but this would be flexible depending on the demands of the new occupiers. There is potential to accommodate wc’s and shower rooms but they have not been specified at this stage.
- 3.1.8 24 internal cycle spaces have been proposed for the commercial units and four separate refuse stores which can be accessed directly from the units from Childers Street. Four separate commercial entrances have been proposed from Childers Street.
- 3.1.9 There would be no access onto the Network Rail controlled rear service road. However, the design is such that the large windows which were once there could be reinstated.
- 3.1.10 It is proposed that this would be a car-free development. Two disabled parking spaces would be designated on-street in Childers Street.
- 3.1.11 In all, 84 flats would be provided. The mix would comprise 8 x 3 bed units, 49 x 2 bed units and 27 x 1 bed units. The residential density would be 1,155 habitable rooms per hectare.

- 3.1.12 The main entrance to the residential units would be from the centre of the building where two lifts and a staircase would be located. There are two further entrances and cores at the end of each building. Each core would provide some cycle parking and an area for recycling and refuse which would have both internal access for residents and external access for collectors. 84 secure cycle parking spaces are proposed for residential use, in total 108 spaces.
- 3.1.13 Each unit would on one side face either Childers Street or the railway viaduct, and on the other face in towards an internal “street” The “street” would be a communal/circulation zone which would utilise the substantial width of the building. The “street” would essentially be a void which would run through the middle of the building, letting natural light in from a flat glass roof above. Suspended walkways would offer the dwellings some defensible space from the main route and a private separate access to each property.
- 3.1.14 Duplex units would be included on floors 1-4, with bedrooms located on the lower floors and living rooms located on the upper floors. All units would have living spaces with large windows, most of which were a feature of the original industrial building.
- 3.1.15 The top floor (5th) would comprise one row of units located on the railway side. There would also be 618m² amenity space on this floor and 117m² of photovoltaic panels on the roof of the 5th floor.
- 3.1.16 The existing windows would be replaced and the existing brickwork “made good” The existing brick from the rear façade which would be removed would be re-used for localised repairs to the front façade in order to match the existing brickwork. A new brick has been proposed for the extension which will be inset from the existing and lighter in colour to provide a slight contrast between old and new. The 2 top storeys which would be stepped back would be made from a lightweight framed material including glazing.

3.2 Supporting Documents

The application is accompanied by a number of supporting documents as follows:

Design and Access Statement

- 3.2.1 The statement sets out the site context explaining the decisions behind the current proposal. It describes how the proposal sits within the wider context and within the site’s immediate context. It identifies the opportunities that the site presents and sets out the key principles and rationale behind the design.

Planning Statement

- 3.2.2 The statement describes the site and surrounding area, the site’s planning history and a description of the details of the proposal. National, regional and local planning policies are considered. The statement discusses the main planning issues and then continues to explain how the proposal mitigates any problems which have arisen. The statement is supplemented by the Planning Obligations Statement, which assesses the scheme against the Planning Obligations SPD and provides a justification of the contributions proposed. A Supporting Planning Statement Addendum was submitted in December 2012.

Transport Statement

- 3.2.3 The report describes the site and surrounding area, outlines the policy framework relevant to the development. It reviews the accessibility of the site to non car modes and describes the development proposals and access arrangements. The report goes on to discuss the trip generation potential of the current use against the proposed use and finally discusses the parking strategy. The report argues that there is no need for any car parking because of the nature of the footprint of the site and that both Deptford and New Cross train stations and a number of bus stops are within walking distance. It states the PTAL rating which is level 3.

Energy Water and Renewables Strategy

- 3.2.4 This report explains how the proposed development responds to the Mayor of London's energy hierarchy, and explores options for reducing CO₂ emissions through energy efficiency measures, the use of heat and power generation, and renewable technologies. The report calculates the energy consumption and carbon emissions, analyses the potential for energy efficient design above and beyond that required for compliance with Part L of the Building Regulations. The report also assesses the feasibility of Combined Heat and Power (CHP)

Archaeology Assessment

- 3.2.5 This report describes the findings of a desk based assessment, required because the site is in an Archaeological Priority Area. The report concludes that although the site lies in an Archaeological Priority Area there is no direct evidence for archaeological remains from a prehistoric period on the site itself. It is likely that any remains would have been disturbed by the construction of the current building.

Daylight and Sunlight Report

- 3.2.6 This assessment has undertaken a full computer generated assessment of the proposal and its implications on the surrounding properties in relation to daylight and sunlight. It concludes that there is no significant impact on the residential properties which adjoin and face the proposed site. The daylight results show that the vast majority of the surrounding properties will meet the BRE Guidelines' suggested daylight criteria.

Noise Survey and Assessment

- 3.2.7 A detailed noise measurement study was carried out at the site in order to determine whether there are any constraints on developing the land for residential purposes as a result of transport noise from the nearby railway. The study concluded that the proposed development falls into the NEC B for rail noise. It recommends that acoustically treated window systems and acoustically treated ventilation is installed in all habitable rooms facing the railway. Such systems should have a required sound insulation of 40dB.

Structural Review

- 3.2.8 The report considers the feasibility of converting and extending the existing building. It states that although the building is structurally sound it has exceeded

its design life and some deterioration has occurred. The report concludes that some alterations will be required to convert and extend the existing building. The report lists the components needing to be replaced.

Air Quality Report

- 3.2.9 The report notes that the site is located within the London Borough of Lewisham Air Quality Management Area. This has been designated for the two main traffic pollutants, nitrogen dioxide and particle matter <10 microns. It concludes that the impacts of transport associated with the proposed development is classified as negligible in line with the Transport Assessment.

Geotechnical Report

- 3.2.10 The report determines whether contaminative uses are/have potentially been present on or near to the site. It also identifies potential receptors and determines if any significant pollutant linkages exist. It concludes that the site is regarded as being of high risk in terms of contamination being present and is underlain by deposits which are likely to form a migration pathway for contamination. Uncertainties exist as to the actual presence of contamination on the site. The report highlights the potential for contamination to be present, based on the data available at the time of research. It recommends that contamination testing and the preparation of a Stage II Risk Assessment are secured by condition.

Flood Risk Assessment

- 3.2.11 The report identifies the site is located in Flood Zone 3 of the defended River Thames floodplain as shown on the latest Environment Agency Map. A flood Risk Assessment has been carried out in accordance with the requirements of PPS25. The report concludes that the site is unlikely to flood by virtue of the existing well-maintained defences and that the social, economic and environmental consequences of flooding resulting from a breach of the defences, are expected to be minimal following development. It also acknowledges that due to the small size of the site and urban nature of surrounding area, traditional SUDS are not feasible.

Viability Report

- 3.2.12 A confidential report analyses the amount of commercial floor space proposed and sets out the acquisition and remediation costs, build costs and the value of the completed scheme. An addendum to this report was written in August 2011 which updates the viability of the scheme to incorporate an off site contribution to affordable housing.

Commercial Strategy

- 3.2.13 The report sets out further detail on the proposed commercial floor space and how it is likely to be occupied in the future and the approach the applicant / owner will take to marketing the site. The report considers the site's location, the existing commercial market situation and the programme for the marketing campaign.

Amended documents

- 3.2.14 Since the application was submitted, a number of documents have been added to update the proposal. These include a document to update the travel assessment which proposes the following mitigation measures:
- Improvements to the Public Realm including paving on the site frontage;
 - Kerb build-outs and landscaping on Childers Street to direct drivers to park in specified areas on-street and to slow traffic speed;
 - A traffic Regulation Order to provide disabled and car club spaces, and a loading / unloading bay;
 - Monitoring of potential for implementation of a Controlled Parking Zone in the vicinity;
 - Wider public realm improvements to improve pedestrian / cycle links along key routes and to contribute to pooled funding for LINKS works;
 - A proposal has been received from the Car Club operator in the vicinity (Streetcar) and a commitment is given for the two year option.
- 3.2.1 Other amended documents include an updated Energy and Renewables Statement which confirms the sustainable measures to be included in the development. In addition, updated plans have been submitted to introduce more windows into the 'internal street' and to show further sections and more detailed elevations.
- 3.2.2 A Supporting Planning Statement Addendum has been added which addresses the policy changes which have taken place since the resolution to grant planning permission was made by Planning Committee (A) on Feb 17th 2011. The addendum includes a summary of all the discussions with officers since the original committee resolution.
- 3.2.3 An Addendum to the viability report was submitted in November 2011 which sets out how the proposed changes with respect to the provision of affordable housing would affect the viability of the scheme.

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 residents and business in the surrounding area and the relevant ward Councillors. English Heritage/TfL/Environment Agency were also consulted.

Pre-Application Consultation

English Heritage

4.3 English Heritage does not wish to offer any comments.

Environment Agency

4.4 The Environment Agency requested confirmation that the sequential test and exceptions has been passed for the development. The Environment Agency confirmed that the applicant's submissions are acceptable provided that the planning permission is subject to suggested planning conditions.

Network Rail

4.5 Network Rail objects to the application highlighting concern over the Design and Access Statement's reference to the potential link to a cycle superhighway. Network Rail notes that they own the access road immediately south of SR House and objects to any proposed link that would create another access point to this road aside from the access points that currently exist on Rolt Street and Abinger Grove. They state their concern that the access road is currently used by tenants of the Parkside Business Estate and Network Rail when maintaining the viaduct.

Metropolitan Police Crime Prevention Unit

4.6 No reply.

Government Office for London

4.7 No reply

Greater London Authority

4.8 No reply

Neighbours & Local Amenity Societies etc

4.9 The following properties were consulted: 1-28 Guillemot Court, Abinger Grove; 1-24 Scoter Court, Abinger Grove; 1-22 Teal Court; 1-62 Marine Tower; 1-12 Brambling Court; 1-18 Kerry Path, Arklow Road; Units A-J Arklow Trading Estate; 1-20 Cormorant Court, Pilot Close; 1-64 Lapwing Tower, Taylor Close; 1-22 Grebe Court Dorking Close, 1-85 3A-B, 5A-B, 41A-B 47A-B, 49A-B, 51A-B, 53A-B, 61-77A-B, 85A-B, 38-88 38A-B 72-82A-B and Flats 1-16 Plane Tree House, Etta Street. 1-57, 20-96, 26A-B, 64A-B, 78A-B, 82A-B, 92A-B, 96A-B, Rolt Street. The local MP and ward Councillors were also consulted:

Written Responses received from Local Residents and Organisations

4.10 Three letters objection have been received from: Studio 1A, ACME Studios, 165 Childers Street; Acme Studios, 4 Copperfield Road E3 4RR and 88 Cumberland Mills Square E14 3BJ, raising the following issues:-

- Object to the proposed extension to SR House on the grounds that the proposal would overshadow Donovan House and reduce light to the building which is used by artists;

- Applicant's vagueness in its commitment to supporting art, craft and design in the area. The letter questions why Aitch Group have not approached Acme (who occupy Donovan House) to be a partner.

4.11 Comments made in response to the proposals are referred to, where appropriate, in various sections of this report and have been addressed by officers as an integral part of considering the merits of the proposals and in considering the appropriateness of the scheme. They have been taken into account in the recommendations and conditions.

4.12 In response to the objection which questions the applicants' lack of commitment to creative industries, it might well be that the premises could be occupied by businesses from creative industries sector but there is a need for a flexible approach to provide the best chance of securing an end user. The Planning Statement indicates that this has been extensively tested by liaising with local business organisations such as South London Business and Creative Processes

(Letters are available to Members)

Written Responses received from Statutory Agencies

4.13 In response to the objection raised by Network Rail, this point has been noted and it should be understood that the submission is not proposing any access point to the access road behind the site. All access to the site would be from Childers Street. To add to this, the cycle superhighway, adjoining the viaduct is at present an aspiration and there are no immediate plans to progress this.

Lewisham Design Panel

4.14 The Panel raised concern regarding the quality of accommodation provided, in particular the lack of adequate light, ventilation and potential overlooking from corridors above and questioned if the applicant was not trying to cram too many units into the building. In summary, while they considered the elevations to be appealing, they were concerned that they disguised some poor quality accommodation behind them.

Highways and Transportation

4.15 The Council's Highways Development Manager is supportive of the measures provided in the updated revisions to the travel plan which provide mitigation for potential adverse effects on the surrounding network by way of a Section 106 contribution which will improve the immediate and surrounding public realm, create 2 car club spaces and monitor for the potential of a CPZ in the vicinity as a consequence of the car free development.:

Strategic Housing

4.16 Strategic Housing Officers were concerned that, although the affordable housing proposed would be less costly than comparable market housing, the two bedroomed units in particular (of which 13 were proposed) could not be considered affordable. As it was not possible, due to constraints of the building, to redesign the proposed affordable units, it was suggested that an off site contribution to affordable housing, in this case, could be acceptable. This would

ensure that the contribution went towards producing homes in the borough that meet the Council's affordability criteria.

Sustainability Manager

- 4.17 The Council's Sustainability Manager concluded that provided both Photovoltaics and solar is provided and the proposed 24% reduction from renewables is met then carbon reduction and renewable energy targets would be achieved.

Environmental Health

- 4.18 The Council's Environmental Health Officer is satisfied with the recommendations in the noise report subject to receiving details of the glazing and confirmation that it will meet the criteria given.

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/residential/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 3: Housing (2010)
Planning Policy Statement 4: Planning for Sustainable Economic Growth (2009)
Planning Policy Statement 12: Local Spatial Planning (2008)
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)

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 2.9 Inner London

Policy 2.13 Opportunity Areas and Intensification Areas

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 3.8 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 3.15 Co-ordination of housing development and investment

Policy 3.16 Protection and enhancement of social infrastructure

Policy 4.1 Developing London's economy

Policy 4.3 Mixed use development and offices

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 5.7 Renewable energy

Policy 5.8 Innovative energy technologies

Policy 5.11 Green roofs and development site environs.

Policy 6.1 Strategic approach.
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
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 8.1 Implementation
Policy 8.2 Planning obligations
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)
Planning for Equality and Diversity in London (2007)

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)
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 4 Mixed use 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 14 Sustainable movement and transport
Core Strategy Policy 15 High Quality design for Lewisham; Core Strategy
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

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

STR URB 1 The Built Environment
STR ENV PRO 3 Energy and Natural Resource Conservation
URB 1 Development Sites and Key Development Sites
URB 3 Urban Design
URB 6 Alterations and Extensions
HSG 1 Prevention of Loss of Housing
HSG 4 Residential Amenity
HSG 5 Layout and Design of New Residential Development
HSG 10 Conversion of Office and other Commercial Space to Residential Accommodation

Residential Standards Supplementary Planning Document (August 2006)

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

Planning Obligations Supplementary Planning Document (January 2011)

- 5.11 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
- b) Employment and Mixed use
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Planning Obligations

6.2 Principle of Development

- 6.2.1 The main planning considerations are whether the proposal will complement the existing scale and massing of the adjacent adjoining buildings; whether the design is of sufficient architectural design merit and if it complements the existing building; if the effect on residential amenity is satisfactory; whether the scheme can be delivered viably, whether the off site affordable housing contribution is considered acceptable. If the proposal is acceptable in terms of transportation and whether the approach to energy efficiency and sustainability is appropriate.

- 6.2.2 The following policy analysis will assess the scheme firstly against national policies, and regional policies then against the Core Strategy policies and saved UDP policies.
- 6.2.3 Given that the proposed development has not physically changed since the decision taken by Planning Committee (A) in February 2011, that resolution is a material planning consideration, however the proposed development needs to be assessed in the light of the adoption of the Core Strategy and the latest version of the London Plan.
- 6.3 Employment and Mixed Use
- 6.3.1 It is worthy of note that the site was previously included in a Strategic Industrial Location (SIL). With the adoption of the Core Strategy, the subject site, together with a number of other larger employment sites in the north of the borough, has been redesignated and these sites are now no longer allocated as such.
- 6.3.2 The proposal is in line with London Plan policy 3.7 (Large Residential Developments) which encourages proposals for large residential developments including complementary non-residential uses in areas of high public transport accessibility. It is also in line with 7.1 (Building London's neighbourhoods and communities) which encourages a mix of uses. If the scheme were implemented, it would enhance the locality and add to its vitality. The mix of uses, the physical form of the building and the treatment of its frontages, would enhance the public domain.
- 6.3.3 At the time of original consideration of the proposal, the scheme was in a location protected by Employment Policies, EMP 1 (Land and Premises for Employment Purposes); EMP 2 Promotion and Retention of Creative Industries and EMP 3 Defined Employment Areas in the (then) UDP which conflicted with the (then) Draft Core Strategy Policy 4 which proposed to allocate the site as part of a Mixed Use Employment Location (MEL)
- 6.3.4 Core Strategy Policy 4 (Mixed Use Employment Locations) identifies four larger Mixed Use Employment Locations (MELs) in the Deptford and New Cross Area (Convoys Wharf, Plough Way, Surrey Canal Triangle and Oxestalls Road). It also identifies smaller MELs such as the Childers Street and Arklow Road MEL site of which SR House forms part.
- 6.3.5 The Core Strategy designates the smaller MELs but specific development considerations are promoted in the Draft LDF Site Allocations DPD rather than through site specific policies in the Core Strategy. The Site Allocations Further Options 2010 report states that some MELs are considered to present opportunities for regeneration that far outweigh retention as existing industrial uses. It is considered that conversion and extension could increase the employment appeal of the sites as well as increase the contribution the sites would make to the boroughs overall regeneration aims.
- 6.3.6 The application site is identified as site SA8 in the Draft Site Allocations DPD, being appropriate for mixed use, providing Use Class B1 light industrial and offices with housing. The smaller MELs are the subject of CSP 4 and have a role to play in delivering the land use and environmental objectives set out in the Core Strategy.

- 6.3.7 Core Strategy Policy 4 provides guiding principles which are appraised against the proposed development. CSP 4 requires employment uses within the B use class on the site to be at least 20% of the built floor space 'as appropriate to the site and its wider context'. The application proposes a total of 1,429m² commercial floor space, which covers the entire ground floor of the development. This equates to 18% of the total built floor space which is marginally less than the policy requirements. Converting the first two floors of the proposal to commercial has been explored in the accompanying viability appraisal which analyses the amount of commercial floor space proposed and sets out the acquisition and remediation costs, build costs and the value of the completed scheme. The conclusion of the viability report states that the inclusion of additional employment floor space would be unviable due to the build costs and that any further level of employment floor space would be to the detriment of the schemes profitability (which is already below an accepted 'normal' profit as defined in the GLA Toolkit and the HCA EAT.) It is also important to note that there are other similar commercial uses nearby which remained vacant for a lengthy period and that ground floor units are more likely to be let quickly. Officers can therefore conclude that the employment floor space on the site has been maximised and the amount proposed of 1,429m² on the ground floor is acceptable.
- 6.3.8 Policy CSP 4 also requires that the design of the employment uses and design of the development as a whole should enable the continuing employment functioning of the area. As the scheme has been marketed for approximately 4 years it is fair to say that it has not been successfully functioning as an employment use. Therefore, the conversion of the building to accommodate some employment use along with the improvement and maintenance of the existing building and surrounding area should increase the vitality of the area and its surrounds, contributing to the wider regeneration of the area.
- 6.3.9 Policy CSP 4 also requires a comprehensive approach to development of each MEL including the submission of a masterplan. SR House only forms part of the MEL of Childers Street and Arklow Road. Although a masterplan has not been submitted, it has been noted that the railway viaduct does provide a distinct break in the context of the area. It was considered that a masterplan was not required in this case as SR House is not a new development, but a conversion of an existing building. The retention of the building is a positive element and it is felt that it would not preclude successful redevelopment of the rest of the area.
- 6.3.10 The applicants have stated that they have attempted to contact the owners of the surrounding sites but with no success so a comprehensive redevelopment would not be possible. The scheme has therefore been flexibly designed to take into consideration any possible future development. Specifically, the ground floor of the rear of the building does not at present include any windows, to respect the arches and access road owned by Network Rail (Spacia). This could be adapted in the future should circumstances change. The scheme also does not, at present, include any access to the development via this rear road. The building could be adapted should the nature of the service road and the use of the arches change.
- 6.3.11 The applicants were also advised to take into consideration the surrounding area and to consider how the emerging schemes link together, taking into account access to transport links including open space routes, health and education

facilities. They were advised to consider the Council's North Lewisham Links Strategy document and other documents produced by the Council which seek to ensure that development proposals secure potential improvements to access to existing transport infrastructure and links.

- 6.3.12 In conclusion, whilst the proposed development falls marginally short of the floor space requirements for MELs (as detailed in the adopted Core Strategy (June 2011)), it is considered that the scheme provides an acceptable element of employment floor space, maximising the non-residential floor space appropriate for the site, within the context of the scheme's viability and will make an important contribution to the vision and objectives to the Core Strategy. However, because of the difficulties in letting similar commercial properties in the vicinity and the lack of an identified end user, fitting out measures are proposed in the s106 Heads of Terms to help try to avoid vacant ground floor units.

6.4 Design

- 6.4.1 The overarching aim of PPS1 (Delivering Sustainable Communities) is the achievement of sustainable development, including the delivery of high quality development through good and inclusive design. PPS1 emphasises that design that is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.
- 6.4.2 The proposal is in line with London Plan Policies 7.2 (An inclusive Environment) which requires all new development in London should achieve the highest standards of accessible and inclusive design. It adheres to Policy 7.3 (Designing out Crime) which requires Boroughs to create safe, secure and appropriately accessible environments where crime and disorder do not undermine quality of life or community cohesion. Policy 7.4 (Local Character) requires that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It also requires that development should improve an area's visual or physical connection with natural features. It also states that development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.5 (Public Realm) states that development should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to the local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces. Policy 7.6 (Architecture) requires that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.
- 6.4.3 Core Strategy Policy 15 (High quality design for Lewisham) seeks to ensure that any new development protects and enhances the historic and natural environment creating sustainable and accessible buildings, optimising the potential of the site. The policy also states that the site should be sensitive to the local context and respond to local character. Saved UDP Policies HSG 4 and HSG 5 seek to improve and safeguard the character and amenities of residential areas in the borough and to ensure that new housing is of high quality design.
- 6.4.4 Saved UDP Policy URB 3 Urban Design states that the Council will expect a high standard of design in extensions and alterations to existing buildings whilst

ensuring that schemes are compatible with, or complement the scale and character of existing development, and its setting. The policy lists a number of factors that need to be taken into consideration, including scale and mass, layout and access, context, delineation of public and private domain (including public routes) and quality of materials. Of particular relevance, it states that developments on the ground floor level should provide visual interest for the public including the pedestrian environment, with the incorporation of doors and windows to provide physical links between buildings and the public domain.

- 6.4.5 The retention of the existing industrial building is a positive aspect of the scheme due to the limited number of older buildings in this part of the Borough and the locally rare design of this particular industrial building. Although the building is not listed (although currently proposed to be locally listed), its exceptional length and large crissall windows are unique to the area and should be celebrated as should all noteworthy industrial buildings from this era. Therefore, the proposed conversion and extension which seeks to preserve and enhance the existing historic building, building upon its robust qualities is a very positive feature of the scheme and is welcomed.
- 6.4.6 Officers support the proposal of the conversion and retention of the existing building as it is considered that it would deliver some interesting accommodation which would be new to the area and the Borough. The units would have large windows meaning they would benefit from good levels of natural light. They would be spacious apartments providing a high quality living space and by virtue of the specifics of the conversion, would retain some of the original building's industrial feel.
- 6.4.7 The extension involving the additional extra storeys has been assessed by structural engineers who have confirmed that the existing structure would be able to support the additional weight. The proposed materials are intended to be lightweight and unobtrusive.
- 6.4.8 The prominence of the extra storeys would be mitigated by the set back of the 4th storey and the fact that the 5th storey would only have one row of units which would be on the side of the railway (so would not be noticeable from most of Childers Street.)
- 6.4.9 The rear elevation of the building would be completely demolished and a new elevation erected which would echo the generous proportions of the windows on the frontage in a contemporary manner which would enable the upper two floors to include balconies. This was preferable than the original 'patchwork' proposal which was overly complicated compared with the front due to previous alterations which had been made over the years to the rear.
- 6.4.10 The noise measurement study recommended that acoustically treated windows and acoustically treated ventilation are installed in all habitable rooms facing the railway. It was decided that not only would the rear elevation benefit from a contemporary design, it would also be easier to rebuild and therefore easier to incorporate acoustic measures.
- 6.4.11 It is proposed that the existing brick is retained as much as possible with 'patch ups' on the frontage using some of the bricks from the demolished rear elevation. The extension would use a new brick (Ibstock Ivanhoe Cream) which was selected to provide a contrast between the old existing brick creating a clear

line between old and new yet to simultaneously compliment it. The new bricks have a rich texture with other shades of browns and reds running through to provide warmth and depth and to sit well with the existing.

- 6.4.12 All windows would be replaced and matched as closely with the originals. They would be made from powder coated grey aluminium to match those on the neighbouring Donovan Building. The rear elevation windows and those on the new build parts of the development are proposed to be high quality glazed units with sleek frames. There would also be window 'fins' integrated into the mullions system of the window which will add a sense of animation across the façade. It is proposed that fine line aluminium window systems are used across the development.
- 6.4.13 The internal windows facing onto the 'internal street' would be fixed shut and include obscured/opaque glazing. The intention is to let light into the units whilst also maintaining privacy. There were some concerns about the first floor units which feature a dressing room. These rooms would have no windows. The applicants were advised to consider adding a window to these rooms and class them as bedrooms. However, after consideration, it was decided that due to the rooms being on the first floor, and due to the internal configuration, they would receive insufficient light to be considered a habitable room, but that the additional space could be useful to occupants.
- 6.4.14 The rear of the conversion and extension would be visible above the listed railway viaduct whose setting would be enhanced by a building of architectural merit. Its presence would also act as a marker for regeneration when viewed by passengers on trains to and from Deptford or New Cross.
- 6.4.15 Two lifts would be installed to offer flexible and adaptable living and units have been designed with provisions for suitable storage and many of the flats have suitable space for future home office set up.
- 6.4.16 In conclusion. It is considered that the proposal meets or exceeds most of the policies on design and that officers consider that as a whole, this is an innovative conversion and extension which will help to both preserve a historic building while providing a significant number of new dwellings.

6.5 Housing

- 6.5.1 At national level, PPS 1 and PPS 3 recognise the need to develop socially inclusive communities, creating a suitable mix of housing. PPS 3 requires the Council to set a plan-wide target for affordable housing, and targets relating to the mix in terms of social and intermediate housing, size and type. In addition, PPS 3 requires the Council to set a threshold above which developments would be expected to achieve such targets and an approach for seeking developer contributions towards the provision of affordable housing.
- 6.5.2 London Plan Policy 3.3 Increasing Housing Supply outlines that the Mayor recognises the pressing need for more homes in London in order to promote opportunities and provide real choice for all Londoners. Policy 4.4 Optimising Housing potential requires development to optimise housing output subject to site constraints and local context. Policy 3.8 seeks to provide Londoners with a genuine choice of homes that they can afford and meet the requirements for different sizes and types of dwellings. The application meets the requirements of

this policy by providing a range of housing types including family and a different kind of unique accommodation which is new to the Borough.

- 6.5.3 Spatial Policy 2 of the Core Strategy requires that the Deptford, Deptford Creekside, New Cross/New Cross Gate area accommodates up to 2,300 additional new homes by 2016 and a further additional 8,325 new homes by 2026. The Core Strategy envisages that the majority of this housing supply will be met by the Strategic Sites, however, the development of this building is expected to provide an element of this housing supply commensurate with its supporting role as smaller MEL, namely higher density housing with a proportion of affordable housing.

a) Housing Mix

- 6.5.4 Core Strategy 1 (CSP 1) seeks 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. The provision of family housing is to be provided as part of any new development with 10 or more dwellings. This is confirmed at the London-wide scale in the Draft Revised Interim SPG (2009) and Housing Strategy (2010) which also note the same need.

b) Affordable Housing and Viability

- 6.5.5 London Plan Policy 3.11 Affordable Housing Targets seeks to maximise affordable housing provision. Section F of the policy emphasises the importance of viability of developments. Policy 3.12 Negotiating Affordable Housing on individual private residential and mixed use schemes states that the 'maximum reasonable amount of affordable housing' should be sought when negotiating on mixed use schemes, ensuring that development is encouraged rather than restrained.
- 6.5.6 Core Strategy policy 1 (CSP 1) states that the Council will seek the maximum provision of affordable housing. Contributions to affordable housing will be sought on sites capable of providing 10 or more dwellings. The starting point for negotiations will be a contribution of 50% affordable housing on qualifying sites across the borough, This would be subject to a financial viability report.
- 6.5.7 To ensure a mixed tenure and promote mixed and balanced communities, the Core Strategy states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing.
- 6.5.8 The original submission was accompanied by a financial appraisal that considered the viability of the scheme on a comprehensive basis taking account of site acquisition and remediation costs, and the build costs and value of the proposed quantum and mix of uses
- 6.5.9 When the development was originally considered, two scenarios for the provision of affordable housing were tested by an independent viability consultant. One scenario assumed the scheme would secure Homes and Community Agency (HCA) Grant under the new grant regime from April 2011 and a second scenario assumed the scheme would not receive any grant funding. In relation to the second scenario (without HCA Grant) Members had

resolved that the Agreement should contain a formula/mechanism to secure the proportional relationship of earnings to affordability, in the event that property prices rise, to ensure that the identified units remain affordable, proportional to the income ranges set out in the report

- 6.5.10 The addendum includes a summary of all the discussions carried out. However, since the application was considered last February, the government has made changes to the affordable housing regime which has meant that grant funding is no longer available for Section 106 affordable housing.
- 6.5.11 During the past year, the Council has worked with a viability consultant and the applicants to produce a scheme which would deliver an amount of affordable housing which would be viable so that there would be certainty that the scheme will be deliverable. A different type of affordable housing, which the Council had not previously considered, was proposed by the applicant. This proposal was for a type of equity share housing, whereby the purchasers would purchase around 64% of the open market value of the flats. 3 x 1 bed units and 13 x 2 bed units were proposed for this arrangement. This would be an acceptable solution if the units would be affordable to households on incomes of around £28,000 for a one bed unit or £33,000 for a two bed unit (in line with Affordable Housing Annex of the Council's Planning Obligations Document). However, while the income levels needed to purchase a one-bedroomed property on the shared equity basis was close to the Council's requirements (at £31,646), the income needed to purchase a two-bedroomed property was £47,100. This was not considered to provide a satisfactory affordable offer.
- 6.5.12 The applicants explained that the affordable homes in the planning submission were larger than the current new build standards, for example the 2 bed unit was 84 sm when a new build 2 bedroom flat could be as small as 61 sm. This was because the constraints on retaining the existing front façade limited the number of windows and width of the homes. As the 2 bedroom homes were larger than the comparable new build homes the value was therefore higher than other 2 bedroom homes in the area, consequently the equity share was comparable to the mortgage on full ownership of some of the surrounding 2 bedroom flats.
- 6.5.13 As the constraints of the building (i.e. the set footprint and retention of the façade dictating the floor to ceiling heights and widths of rooms) meant that it was not possible to re-design the accommodation to produce a more affordable offer, Officers suggested an alternative option of providing an off site affordable housing contribution with the contribution being used to fund the provision of affordable homes elsewhere in the borough that meet the Council's affordability requirements.
- 6.5.14 The viability appraisal was reviewed and an offer of £320,000 was made for offsite contributions. After further negotiations with the applicant, the off site contribution has been increased to £360,000 which is equivalent to £22,500 per dwelling (based on the 16 affordable units envisaged). The independent viability consultant confirmed that the viability assessment, was sound and reflects the maximum contribution that could reasonably be expected. On this basis the off-site contribution for provision of affordable housing is considered to be acceptable.

6.5.15 In summary, the applicant's new financial appraisal is considered sound and it is considered that the applicants have demonstrated that there is a reasonable prospect that the scheme will be implemented and deliver the associated regenerative benefits.

c) Standard of Accommodation

6.5.16 Saved UDP Policy HSG 10 Conversion of Office and other Commercial Space to Residential Accommodation is supportive of conversions to residential use if there is a satisfactory living environment and standard of accommodation is provided with adequate access, environmental, parking and safety standards achieved.

6.5.17 Saved UDP policies HSG 4 and HSG 5 seek to improve and safeguard the character and amenities of residential areas in the Borough and to ensure that new housing is of high quality design. Officers consider that the application fulfils the aspirations of these policies by providing an interesting form of accommodation and is an imaginative and creative response which preserves the original building. Materials of the highest quality for the conversion and extension would be secured by condition.

6.5.18 Consideration has been given to the GLA Housing design guide which emphasises the importance of providing high quality living accommodation. Across the development, most units exceed GLA space requirements and all units within the new build section meet the new GLA space standards. In the converted part of the development there would be four units which would fall 1sqm short of the GLA space requirements. Due to the constraints of working with an existing building, this is considered acceptable.

6.5.19 All proposed residential units are designed to meet most Lifetime Homes standards in accordance with Core Strategy Policy 1 (CSP 1) Housing Provision, mix and affordability. There are however, four units which have no windows in the kitchens. A window could not be incorporated due to the stair core being on the other side of the wall. 10% of the proposal would be Disability Discrimination Act (DDA) compliant and compliant with London Plan Policy 7.2 An Inclusive Environment which states that all developments are required to achieve the highest standards of accessible and inclusive design. Due to many of the units being large in footprint, there would be a varied selection of units spread across the development that would be available to disabled occupants.

6.5.20 Due to the constraints of the existing building footprint being the same as the site boundary it is difficult to provide a large amount of amenity space. However, as many units as is feasible, due to the constraints of converting an existing building, would have balconies and all units have access to the shared amenity space on the roof, it is considered that this is acceptable.

6.5.21 The section 106 contributions towards transport and the public realm would help improve conditions for walking and cycling in the surrounding area and also improve links to important facilities such as open spaces. The links to the nearby Folkestone Gardens would be improved which is particularly important considering the lack of amenity space provided.

6.5.22 In summary, the scheme does not reach the starting point for negotiations of 50% as mentioned in Core Strategy Policy 1 (CSP1) but the policy states that this

figure would be subject to a viability assessment. Officers are now satisfied that the option of providing off site affordable housing is, in this case, due to the constraints of converting an existing building, the best alternative. It is also worthy of note that the area does already have a large proportion of social rented accommodation and that the scheme will bring forward a unique type of accommodation within the area which currently does not exist and that the redevelopment of the site should act as a catalyst for wider generation the the Childers Street and Arklow Road MEL.

6.6 Highways and Traffic Issues

- 6.6.1 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards. The aim of the policy is to bring about a significant increase in cycling in London, so that it accounts for at least 5% of modal share by 2026.
- 6.6.2 Core Strategy Strategic Objective 9 Transport and Accessibility is an important consideration which highlights the importance of ensuring an accessible, safe, convenient and sustainable transport system for Lewisham that meets peoples access needs while reducing the need to travel and reliance on the private car. Core Strategy Policy 14 Sustainable movement and transport is also an important consideration which amongst other things promotes the maintenance and improvement of a network of high quality, connected and accessible walking and cycling routes across the Borough.
- 6.6.3 Spatial Policy 2 identifies the MELs of which this site forms part of the designated Childers Street and Arklow Road MEL. The policy highlights the redevelopment objective aimed at addressing the problem many of the MELs have with severe severance caused by the number of railway viaducts which cross this part of the Borough. With particular relevance to this application, the viaducts at Rolt Street and Gosterwood Street cause issues in terms of connectivity to Folkestone Gardens. Parts of the policy relevant to this application seek to promote walking and cycling routes with strong links to public open space. It seeks to improve accessibility in the Evelyn ward.
- 6.6.4 It was decided that due to the constraints of the site and considering that parking could only be provided at the expense of commercial space, that the development would be a car free development.
- 6.6.5 In addition to the Transport Assessment, an amendment was made which specifically explains how the proposal would aim to address these issues. This amendment raises the difficulty of making physical improvements in terms of connectivity within the site as the application site consists entirely of the existing building. However, it is considered that financial contributions by way of a section 106 package would contribute towards improving the public realm and connectivity within the wider area.
- 6.6.6 The proposal would provide 24 bicycle spaces for the commercial space and 84 spaces for residential. This is compliant with the Core Strategy and London Plan standards. As Childers Street is identified as a cycle route it was felt important to encourage cycling.
- 6.6.7 The applicants have agreed to provide mitigation for potential adverse effects on the surrounding network as a consequence of development. The applicants are

offering a Section 106 package which would improve the public realm on Childers Street and the immediate surrounds, encouraging walking and cycling and helping to improve connections and links to nearby open spaces such as Folkestone Gardens and to transport hubs. Contributions would also go towards providing 2 car club spaces and would also help to mitigate concerns about the cumulative impacts of a car free development by monitoring the potential for implementation of a Controlled Parking Zone in the vicinity.

6.6.8 Given these measures of improvements combined with the 'car free' development, it is considered that the proposed development promotes sustainable travel patterns and a consequent reduction in demand / desire for car travel and an increased desire to cycle or walk

6.6.9 Core Strategy Policy 14 requires provision to be made for car and cycle spaces within new developments. Car free residential developments are acceptable in locations with good public transport accessibility. Officers consider that parking on this site is not feasible as the retention of the building and maximising the amount of residential and commercial space are more desirable outcomes.

6.7 Impact on Adjoining Properties

6.7.1 The extended part of SR House would be visible from the railway. It would also be visible from behind the railway. The whole of the extension would be of an interesting contemporary design which will be highly glazed and would complement the adjoining Donovan House and not protrude intrusively. There were concerns with the original proposal about the flank wall of the extension which would abut the Lord Palmerston Pub. The flank elevation would extend quite substantially 3 storeys above the pub and there were concerns that it would dwarf the pub. Measures have since been taken to mitigate this issue by setting back the fourth and fifth floor by 600mm on the flank. In addition, more visual interest to break up the flank has been proposed which Officers believe are acceptable measures to mitigate the issue.

6.7.2 The daylight and sunlight report concludes that the Computer Generated images indicate that there would be no significant impact on the residential properties which neighbour and face the proposed site and this is accepted.

6.7.3 The daylight results indicate that many of the surrounding properties meet the Building Research Establishment (BRE) guidelines suggested daylight criteria with a number of rooms and windows experiencing no or little impact. There are, however a number of windows / rooms which do not meet the Vertical Sky Component (VSC) and No Sky Contours (NSL) criteria. These shortfalls relate to 1-22 Teal Court., the block of flats which back onto Childers Street. The VSC daylight assessment reveals that 11 out of 55 windows would experience reductions in existing VSC levels beyond the suggested 20% in the BRE guidelines. The report does mention that in every situation, these windows are below the BRE ideal due to being positioned under the overhanging balcony structure located at the first floor level. The report suggests that the balconies limit the available view of the sky dome and thus any further change in massing opposite will disproportionately affect the retained levels of light. On closer inspection, the 11 windows which fall short would appear to serve bedrooms which are of lesser importance than living rooms for receiving adequate levels of

sunlight. The remaining 44 windows within this building would meet the BRE Guidelines.

- 6.7.4 An additional letter was provided to support the report in response to an objection raised regarding the impact of the development on the artist studios in the neighbouring building (Donovan House). This correspondence states that the scheme proposal would not result in a material reduction in light to the studios by virtue of the successful implementation of the scheme and that the light for which these studios currently enjoy would not be impeded by virtue of the building or a higher structure located on the site. The view of the sky dome from the roof is open to the heavens for which only an over sailing element would affect the light to these buildings. The correspondence continues to state that the extent to which a transient shadow may be received is minimal and would relate specifically to the early mornings when the sun is in the east and positioned relatively low from the horizon.
- 6.7.5 Perhaps more importantly, regardless of the outcome, it should be noted that as the buildings were designed and built for industrial use and not converted to residential therefore, the effect of lack of light on an artist studio can not carry much weight in the overall decision of the appropriateness of the development.

6.8 Sustainability and Energy

- 6.8.1 London Plan policy 5.1 Climate change mitigation emphasises the commitment to reducing carbon emissions; 5.2 Minimising Carbon Emissions requires developments to make the fullest contribution to the mitigation of and adaptation to climate change and meeting CO² emission targets through a combination of using less energy (be lean) the efficient supply of energy (be clean) and using renewable energy sources (be green). 5.3 Sustainable design and construction sets out the mayor's intentions to provide the highest standards of sustainable design and construction to improve the environmental performance of new developments; 5.4 Retrofitting acknowledges the benefits of reuse of existing buildings; 5.7 Renewable energy seeks to increase the proportion of energy generated from renewable sources; 5.11 Green Roofs and development site environs seeks to ensure that major development proposals should be designed to include roof, wall and site planting.
- 6.8.2 Core Strategy Policy 7 (CSP7) Climate change and adapting to the effects states that the Council will adopt a partnership approach to implement the principles of 'avoidance mitigation and adaption' to reduce Lewisham's CO² emissions. Core Strategy Policy 8 (CSP8) Sustainable design and construction and energy efficiency, sets out the Council's commitment to prioritising the reduction of the environmental impact of all new developments. Of particular relevance is the stipulation that all new major developments (with a floor space of 1,000sq.m or 10 or more residential dwellings) will be required to (amongst other things) submit a Sustainability Statement and Energy Statement that show how the requirements in government and local guidance are met, maximise energy and water efficiency measures in buildings, integrate on site renewable energy generation into the design of a building to ensure CO² emission reductions are maximised and to make a financial contribution to an offset fund if this cannot be adequately achieved on site. CSP8 also states that the Council will expect all new development to reduce CO² emissions through a combination of measures

including maximising the opportunity of supplying energy efficiently by prioritising decentralised energy generation for any existing or new developments and meet at least 20% of the total energy demand through on-site renewable energy. Further, Core Strategy Policy 8 states that all new residential development (including mixed use) will be required to achieve a minimum of Level 4 standard in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent. CSP 8 also states that all minor and major non- residential development will be required to achieve a minimum of Building Research Establishment Environmental Assessment Method 'Excellent' standard, or any future national equivalent.

- 6.8.3 The retention and conversion of the building itself and the reuse of some of the discarded bricks to repair the front elevation are sustainable and welcomed. In addition, an amendment to the Energy, Water and Renewables Strategy Report stated that the annual CO² emissions savings for this development would be 25% and that at least 20% of carbon emissions would be off-set using on-site generation of renewable energy. These savings would be achieved by the use of communal on-site gas CHP for general heating, hot water and electricity, Communal solar thermal for hot water demand backed up by gas CHP, communal photovoltaic arrays, and rain water harvesting and distribution for toilet flushing. Living roofs are also proposed on the roof of the 4th storey.
- 6.8.4 The Scheme proposes to reach Code for Sustainable Homes Level 3, which falls below Level 4 as specified in the adopted Core Strategy. There are various reasons for the short fall in reaching Level 4. The following reasons were given:
- The new build element is restricted by the fact its building footprint / floor plates are very rigid as they are set by the existing building;
 - The design approach taken is to deliver a "warehouse style development" which involves retaining and providing large glazing, which in turn significantly effects thermal insulation performance;
 - The pressure on the roof space for communal space, providing a living roof and maintenance all limits the space available for PVs; and
 - Private amenity space (i.e. balconies) is restricted to the apartments located to the rear of the building i.e. to preserve the front façade.

The applicants have committed to delivering a scheme which meets Code Level 3 and will make reasonable endeavours to achieve Code 4.

- 6.8.5 Despite the policy requiring Level 3, when the original scheme was considered last February, the changes to the Core Strategy with regards to this policy were advanced. Therefore, Officers consider there is no reason to change the position, despite the adoption of the Core Strategy (CSP8) which states that all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes. Officers opinion in the previous report still remains the same, that on balance, the proposals are acceptable. Conditions are proposed to ensure the energy strategy is implemented
- 6.8.6 In addition, the Development is required by CSP8 to meet a minimum of BREEAM 'Excellent' Standard. The development proposes to meet a 'Very Good' score. For similar reasons to those listed above, Officers consider that a score of Very Good in this circumstance is acceptable a) *Renewable Energy*

6.9 Planning Obligations

- 6.9.1 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.
- 6.9.2 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
- 6.9.3 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.9.4 Core Strategy Policy 21 and London Plan Policy 8.2 Planning Obligations set out the basis for the Council's approach to planning obligations. Obligations should reflect strategic and local needs and it will be a material consideration whether a development makes appropriate provision for, or contribution towards requirements that are made necessary by and are related to, the proposed development. 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.
- 6.9.5 Given the nature of and material impacts arising from the proposed development, and taking account of those matters that could reasonably be controlled by way of conditions, the following planning obligations are considered appropriate, should the proposals be otherwise found to be acceptable, in order to secure policy objectives, prescribe the nature of the development, compensate for or offset likely adverse impacts of the development and to mitigate the development's impact. Officers consider that the proposed obligations satisfy the policy and legal tests in Circular 05/05 and the CIL Regulations and are proportionate in response to the weight to be given to ensuring delivery of the proposals in a timely fashion having regard to scheme viability. The proposed topics and principal elements of the Heads of Terms for the legal agreement are as follows:
1. Affordable Housing: Payment of £360,000 towards off-site Affordable Housing provision within the borough. In addition, the provision of a financial review mechanism to enable additional funds to be applied to affordable housing
 - 2 Accessible Housing: 10% of units to be wheelchair accessible or easily adaptable to the SELHP Standard (August 2009); all homes (except 4) to meet Lifetime Homes Standards.
 3. Open Space, public realm and transport: - £320,000.

4. Educational provision. (nursery and primary school contribution) – £100,000.
5. Local Labour and Employment. Contribution: -£60,000.
6. Community facilities – £10,000
7. fit out of commercial units to agreed specification.
8. Car Club: (a) provision of 2 on-street car club spaces within the vicinity of the site including payment of the Council's costs in relation to the associated traffic order(s), signs and road markings and in the event that the 2 car club spaces are not required to pay the Council £3,000 towards sustainable transport initiatives in the borough prior to first occupation; and (b) Provision of 2 years free membership for each unit within the development and a minimum of £25 driving credit prior to first occupation.
9. Meeting the legal, professional and monitoring costs associated with the negotiation, drafting, finalising and monitoring of the Section 106 agreement.

6.9.6 Affordable Housing as defined in paragraph 6.4.5 would be provided as an off site contribution of £360,000 which is equivalent to £22,500 per home. A financial review mechanism will be provided to enable additional funds to be applied to affordable housing

6.9.7 A contribution of £320,000 is sought for the upgrade of the public realm in the surrounding area. The money will contribute to improving walking and cycling links and ensuring the surroundings feel safe. Childers Street is an identified cycle route and the proposal will assist in the development of the North Lewisham Links programme in conjunction with other schemes, including providing a safer and more attractive route to Folkestone Gardens.

6.9.8 A contribution of £100,000 is sought for education as new residential development places further demands on existing facilities and services, therefore a contribution is required towards the provision, enlargement or improvement of existing educational facilities and services in the Borough. It is acknowledged that the contribution is slightly short of the full amount set out in the Council's adopted Planning Obligations SPD however the amount proposed is considered adequate to offset the impact of this development.

6.9.9 A contribution of £60,000 is sought for local labour and construction and should be paid upon commencement of works. Although this figure is slightly below the amount set out in the Council's adopted Planning Obligations SPD, it is considered acceptable as in this case the scheme will also provide employment floorspace as part of the development.

6.9.10 A contribution of £10,000 is sought for community facilities. New residential development places a demand on existing facilities and services therefore a contribution is required towards the provision, enlargement or improvement of existing community facilities and services in the Borough. The proposed amount is considered adequate.

6.9.11 It is intended that the development would achieve carbon emissions reduction of 25% over Part L of the Building Regulations which would include the provision of measures to achieve 20% of on-site renewable energy. A strategy should be submitted to and approved by the Local Planning Authority detailing (1) a revised energy strategy, (2) monitoring of the proposed energy strategy measures, (3)

provisions for reporting of the monitoring results and (4) approval and implementation of alternative energy strategy elements should the implemented strategy fail to yield estimated results.

- 6.9.12 The Section 106 would require provision of 2 car club parking spaces on Childers Street (including markings and signage), in a location to be agreed with the Local Planning Authority and implemented prior to first occupation of the development. Option 2 in the StreetCar marketing Package has been proposed which entitles each occupier to 2 years' free membership and £25 driving credit. Further details are defined in the Street Car Proposal, Jan 2011, forming part of the application package. These will be secured in the Section 106 Agreement.
- 6.9.13 The Section 106 agreement would also secure that all the units (apart from 4, where no windows are provided in the kitchens) are constructed to Lifetime Homes Standard
- 6.8.14 The Section 106 would also secure provision for wheelchair housing, in that 8 of the units would be designed so as to be easily adaptable to accord with the required SELHP (August 2009) standard including all communal doors and corridors.
- 6.9.15 The Section 106 would secure the payment of the Council's professional, legal and monitoring fees, associated with the drafting, negotiating, finalising and monitoring the agreement, on signing of the legal agreement. These costs include the costs of the external advice sought in relation to the financial appraisal submitted.
- 6.9.16 Officers consider that the obligations and financial contributions 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 This report describes the proposed development and considers the scope for it to deliver the conversion and extension of a Victorian factory last occupied commercially by SR Communications. The proposal is a major, mixed – use conversion and extension, providing 84 new homes and 1429m² commercial space.
- 7.2 In February 2011 a report for the conversion and extension of SR House, Childers Street was presented to Planning Committee (A). Following the presentation, the Committee Members resolved to grant approval. Since this Committee meeting, Officers have been in negotiations with the applicants over the details of the Section 106 Agreement and specifically the Affordable Housing Contributions. During this time, the London Plan has been updated, the Core Strategy adopted and significant changes have been made to the affordable housing regime. This report sets out the changes made between the last submission and this report and how they relate to the original scheme.
- 7.3 Officers consider that the application contains a number of elements that address the regeneration objectives of Core Strategy Policy 4 and also UDP saved

Policies HSG 4, HSG 5. Officers consider that the proposed development will deliver an improved public realm and help to deliver a suitable, maximised element of employment space appropriate for this site as an identified Mixed Use Employment Location (MEL) Officers consider the proposal will deliver a high standard of design whilst complementing the scale and character of the existing development and its setting. It is considered that the proposal would deliver a different type of accommodation which is new to the area whilst maintaining and preserving an attractive historic building.

- 7.4 Officers consider that due to the changes made in light of the Government's approach to affordable housing, the proposal of providing affordable housing off-site, to fund the provision of affordable homes elsewhere in the Borough, is an acceptable solution, given the constraints of the footprint of the existing building making it difficult to re-design the accommodation to provide flats that might be more affordable. In addition, CSP1 of the Core Strategy states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing to be provided in a way which provides a more balanced mix. Given the high proportion of existing social rented housing in the area, Officers consider that it is acceptable to locate the affordable housing provision elsewhere.
- 7.5 The employment floor space amounts to 18% of the total occupied floor area, which is marginally below the 20% aspiration set out by Core Strategy Policy 4. However, officers consider that the best chance of letting the units would be on the ground floor (of which the whole area is proposed to be an employment use) and that this would contribute to the success of the public realm. Officers have also taken into consideration the prolonged vacancy of the employment units of the nearby former William House combined with the build costs and consider that the inclusion of additional floorspace could render a scheme unviable.
- 7.6 Following the viability review, an offer of a contribution of £360,000 (equivalent to £22,500 per home) was proposed. Officers consider that the revised viability appraisal is sound and that the maximum contribution towards affordable housing has been provided. The financial appraisal demonstrates that, given the building costs and values as well as the Section 106 package necessary to mitigate the impacts of the proposed development, the scheme optimises the amount of affordable housing and employment floorspace.
- 7.7 Most units exceed GLA space requirements and all units within the new build section meet the GLA Space standards, which is welcomed. In the converted part of the development there are four units that just fall short of the GLA space requirements. Due to the constraints of converting an existing building, this is considered acceptable. It is also welcomed that many units, despite the constraints of converting an existing building have private amenity space in the form of a balcony and all would have access to the proposed amenity space on the roof.
- 7.8 The majority of the proposed residential units are designed to meet all Lifetime Homes standards with 10% to be Disability Discrimination Act (DDA) compliant. In addition, officers do not consider that there would be adverse impacts in terms of transport, noise, air quality, flooding or archaeology that cannot be mitigated by Section 106 or by condition.

- 7.9 The approach to urban design and the approach to the extension and conversion are considered by officers to be appropriate to the specifics of the site and its context. The retention of the existing industrial building is a positive aspect of the scheme as is the rebuilding of the rear elevation which would provide a further contemporary element to the scheme to complement the extensions and would be an improvement on the much altered existing. Officers welcome the unusual proposed units which would benefit from large windows and high floor to ceiling heights spaces. It is considered that the conversion and extension, along with the 'making good' of the exterior of the existing front elevation will give this location a greater sense of place and help to improve the immediate public realm.
- 7.10 The approach towards sustainability and renewable energy is considered by Officers to be appropriate. However, the the proposal does not comply with Core Strategy Policy 8 which states that new developments should achieve a minimum of Level 4 standards in Code for Sustainable Homes and a minimum of BREEAM 'Excellent Standard. The proposal falls short by proposing Code for Sustainable Homes 3 and BREEAM 'Very Good' Officers are, however, satisfied that due to the constraints of the fixed footprint of the site and the retention of the frontage, meaning that heights and widths of rooms are fixed, it would be difficult to achieve any higher than is proposed. It is also considered that, on balance, the procurement of a new type of accommodation in this area of the Borough mitigates the fact that the scheme falls short of fully meeting the requirements of this policy.
- 7.11 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.
- 7.12 On balance, officers consider that with the recommended planning conditions and obligations in place, the proposals are considered acceptable.

8.0 Summary of Reasons for Grant of Planning Permission

- 8.1 The decision to recommend that planning permission be granted has had regard to the policies and proposals in the London Plan (July 2011), the Core Strategy Development Plan Document (June 2011) and the saved policies in the Unitary Development Plan (July 2004) as set out below, and all relevant material considerations, including comments received in response to third party consultation.
- 8.2 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 Development Plan Document and saved policies in the 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 Residential Standards Supplementary Planning Document (August 2006), Government Planning Policy Guidance and Statements, and all other material considerations, 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 considers that:

- (1) The flexible mixed use development of the site for B1or D1 (with exception of Church Hall or School) in accordance with London Plan policy 3.7 in respect of large scale residential developments and policy 4.4 which notes the potential for surplus industrial land to help meet strategic and local requirements for a mix of other uses such as housing and social infrastructure, The objectives, in respect of mixed use development for the Childers Street and Arklow Road MEL (of which SR House forms part) set out in Core Strategy policy 4 have been satisfactorily addressed within the context of financial viability.
- (2) The site is an appropriate location for a development of the density proposed in accordance with London Plan policy 3.4, 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.
- (3) The provision of residential accommodation at the density proposed at this site is in accordance with London Plan policy 2.13 which states that development proposals should seek to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses, and with Core Strategy Policy 4 which identifies the site as suitable for higher density development.
- (4) The design of the conversion and extension, and the provision of housing is in accordance with London Plan policy 3.8 which seeks to achieve a range of of housing choice, and with Lewisham Saved 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 3.12 regarding the provision of affordable housing, and with Core Strategy policy 1 regarding housing provision, mix and affordability.
- (6) The provision of an improvement to the public realm, and mitigation secured through planning obligations, is appropriate and complies with London Plan policy 7.5 which seeks the provision of high quality, accessible and well maintained public realm. Improved public realm, with improvements to walking and cycling conditions and improved links through to Folkestone Gardens addresses one of the key urban design principles of Core Strategy Policy 4
- (7) The energy demand of the proposed development has been assessed in accordance with London Plan Policy 5.2 and Core Strategy policy 8 regarding energy and carbon dioxide savings through a lean, clean and green strategy. The CO2 saving achieved is considered acceptable.
- (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 proposed mitigation measures secured by planning conditions and obligations

- (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 a 'car free' development (with the exception of 2 on street disabled parking spaces) and to provide 2 'car club' spaces are proposed to be secured by planning obligations agreed as part of the permission and by conditions.
- (10) The regeneration benefits inherent in the scheme and the financial contributions towards achieving other planning policy objectives are in accordance with Core Strategy policy 21 regarding planning obligations which seeks the inclusion of community benefits as part of development proposals, with London Plan policy 8.2
- (11) Consideration has also been given to the objections made to the proposed development, as set out in the report. It is considered that none of the material objections outweigh the reasons for granting planning permission

9.0 RECOMMENDATIONS

9.1 RECOMMENDATION (A)

Authorise officers to negotiate and complete a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters (as set out in more detail in part 6.9 of this report), including such other amendments as considered appropriate to ensure the acceptable implementation of the development:

1. Affordable Housing contribution (£360,000) due on or prior to first occupation of the development In addition, the provision of a financial review mechanism to enable additional funds to be applied to affordable housing
2. 80 units to meet the Lifetime Homes Standard and 8 Units (including communal corridors and doors) to meet the South East London Housing Partnership Wheelchair Homes Design Guidelines (August 2009).
3. Public Realm /transport /open space improvements contribution (£320,000) due on commencement of development
4. Education – primary and nursery contribution (£100,000) due on commencement of development
5. Local Labour and Employment contribution (£60,000) due on commencement of development
6. I.T Fit out of commercial units and delivery of commercial units prior to first occupation of the residential units
7. Community Facilities contribution (£10,000) due on commencement of development
8. Car Club – (a) provision of 2 on-street car club spaces within the vicinity of the site including payment of the Council's costs in relation to the associated traffic order(s), signs and road markings and in the event that the 2 car club spaces are not required to pay the Council £3,000 towards sustainable transport initiatives in the borough prior to first occupation; and

- (b) Provision of 2 years free membership for each unit within the development and a minimum of £25 driving credit prior to first occupation.
9. Meeting the Council's legal, professional and monitoring costs on signing of the Deed

9.2 **RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106, authorise the Head of Planning to **GRANT PERMISSION** subject to the following conditions:-

- (1) The development must be begun not later than three years from the date of the grant of this permission
- (2) The ground floor of the premises shall only be used for Use Classes B1 or D1 with the exception of schools (age 6 and over), church or church hall.
- (3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 or any statutory instrument revoking and re-enacting that Order any part of the premises used for business purposes (Class B1) shall be maintained in that use and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) unless with the prior written approval of the local planning authority.
- (4) Unless minor variations are otherwise approved in writing by the local planning authority, the Development shall be carried out strictly in accordance with the following application plans, drawings and documents hereby approved:

Drawings 501-PL-00(P2), amended by 501-PL-01(P2), 501-PL-02(P2), 501-PL-03(P2), 501-PL-04(P2), 501-PL-05(P2), 501-PL-06(P2), 501-PL-07(P2), 501-PL-08(P2), 501-PL-09(P2), 501-EX-01, 501-EX-02, 501-EX-03, 501-EX-04
- (5) No development shall commence until details of all facing materials, exterior doors to be used on the building and windows including those that face out onto the "internal street" and roof lights have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance to the approved details, unless the local planning authority agrees in writing to any variation.
- (6) Details indicating the positions, appearance, design, materials and type of balcony and roof terrace enclosure to be used on the building shall be submitted and approved by the local planning authority. The development shall be carried out in accordance with the approved details, unless the local authority agrees in writing to any variation.
- (7) Notwithstanding information shown on the submitted drawings no development shall commence until detailed drawings and sections of the

buildings at a scale of not less than 1:20 have been submitted to and approved in writing by the local authority

- (8) No new brickwork to the existing front elevation, including works of making good, shall be carried out other than in bricks reused from the rear elevation after it has been demolished. Bonding and pointing is to match the existing facing work, unless the local planning authority agrees in writing to any variation.
- (9) The commercial units shall have a level or ramped access (maximum gradient:1 in 12) and the entrance door shall be a minimum 900mm clear opening width and such features shall be retained permanently. The said frontages shall be installed in accordance with the approved details.
- (10) No work shall commence on site until drawings (1:20 scale) for each dwelling type to demonstrate compliance with the Lifetime Homes Standard and drawings (1:20 scale) for each of the 8 wheelchair units to demonstrate compliance with the South East London Housing Partnership Wheelchair Homes Design Guidelines (August 2009) have been submitted and approved in writing by the local planning authority. The conversion and extension will be constructed in accordance with the approved drawings.
- (11) No dwelling hereby approved shall be occupied until a Code for Sustainable Homes Level 3 post-construction certificate and verified Code for Sustainable Homes report for that dwelling has been submitted to and approved in writing by the local planning authority.
- (12) The non-residential floor space hereby approved shall not be occupied until a BREEAM 2008 'Very good' design and procurement certificate and report has been submitted to and approved in writing by the local planning authority. A post construction certificate to demonstrate compliance with the design and procurement assessment shall be submitted to the local planning authority within 3 months of the occupation of the non-residential floorspace.
- (13) Details of the living roof which shall cover an area no less than 800m² and the on-going maintenance of the living roof 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 may vary between 80-150mm but shall average at least 133mm);
 - b) laid out in accordance with plan Drawing no 10.066/01 hereby approved; and
 - c) planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works.
 - d) 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.

- e) 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.
 - f) Evidence that the roof has been installed in accordance with sub-points a) to c) above shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved.
- (14)
- (i) The rebuilt rear elevation and rear upper floor extension shall be constructed so as to provide sound insulation against external noise, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (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.
- (15) A minimum of 108 cycle parking spaces shall be provided for the residential and commercial units. None of the units shall be occupied 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.
- (16) Notwithstanding details shown on submitted drawings, no building works shall commence on site until detailed drawings, at a scale of 1:20, showing hard and soft landscaping of the rooftop amenity space which will include details of planting, ground treatment, boundary treatments and details of the management and maintenance of the landscaping have been submitted and approved in writing by the local planning authority. Such details shall be in accordance with the materials and specifications included within the planning application and landscape strategy. The development shall not be occupied until the rooftop amenity space has been constructed in accordance with the approved drawings.
- (17) No development shall take place on the site until the applicant, or any successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, observation and recording which has been submitted to and approved in writing by the local planning authority.
- (18)
- (i) No works (including demolition and construction) shall commence until a Construction Management Plan, including details of hours of works, wheel washing, dust minimisation, noise mitigation relating to on-site crushing, and deliveries, details of compliance with the relevant Code of Construction Practice, and incorporating a Construction Traffic Management Plan, Construction Logistics Plan

and Construction Environmental Management Plan, and location of the site accesses has been submitted to and approved in writing by the local planning authority.

- (ii) No works (including demolition and construction) shall be carried out other than in accordance with the approved Construction Management Plan.
- (19) Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the local planning authority:
- 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.
 - A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that might be affected, including those off site.
 - 2) The site investigation results and the detailed risk assessment (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.
 - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reasons

- (1) To comply with Section 91 of the Town and Country Planning Act
- (2) To ensure that any other use of the building would be suitable in this predominantly residential area and to protect the amenities of the occupiers of adjoining premises and the area generally 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.
- (3) To help ensure that the commercial units hereby permitted have an active use and support appropriate levels of employment in accordance with Saved Policy URB 3 Urban Design, in the adopted Unitary Development Plan (July 2004).
- (4) .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 Core Strategy Policy 15 High quality design for Lewisham), Saved Policy URB 3 Urban Design in the adopted Unitary

Development Plan (July 2004) and Policy 7.6 Architecture in the London Plan (July 2011).

- (5) To ensure that the proposed conversion and extension is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Policy URB 3 Urban Design in the adopted Unitary Development Plan and to avoid the direct overlooking of opposite properties (and from people walking by) and consequent loss of privacy. To comply with Saved UDP Policies URB 3 Urban Design and HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004).
- (6) To ensure the conversion and extension achieves the quality proposed in the application documents and is carried out in accordance with the documents hereby approved and that it makes a positive contribution to the appearance of the locality and to comply with Saved Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (7) To ensure the local planning authority is satisfied as to the external appearance of the buildings and to comply with Saved Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (8) To ensure that the proposed conversion and extension is in keeping with the existing building and does not prejudice the appearance of the locality and to comply with Saved Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).
- (9) In order to ensure an acceptable external appearance and that the design provides adequate access for everyone, particularly people with disabilities and to comply with Saved Policy URB 8 Shopfronts in the adopted Unitary Development Plan (July 2004).
- (10) In order to comply with the requirements of Section 76 of the Town and Country Planning Act 1990 which relates to the provision of satisfactory access to buildings for people with disabilities and to comply with Core Strategy Policy 1 Housing mix, provision and affordability and Saved Policy HSG 5 Layout and Design of New Residential Development in the adopted Unitary Development Plan (July 2004) and London Plan Policy 3.8 Housing choice.
- (11) To ensure the use of sustainably-sourced and recycled materials and aggregates and the sustainable use of water, and to meet the requirements of Core Strategy Policy 8 Sustainable design and construction and energy efficiency and London Plan Policy 5.2 Minimising Carbon Dioxide Emissions.
- (12) To meet the requirements of Core Strategy Policy 8 Sustainable design and construction and energy efficiency.
- (13) To ensure the conversion and extension provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with Core Strategy Policies 12 Open space and environmental assets, and Policy 5.11 Green roofs and development site environs in the London Plan (July 2011) and Planning Policy Statement 9: Biodiversity and Geological Conservation (2005).

- (14) To ensure a satisfactory environment for the residential occupiers of the development and so as to comply with Policy ENV.PRO 11 Noise Generating Development in the adopted Unitary Development Plan (July 2004).
- (15) In order to ensure adequate provision for cycle parking and to comply with Core Strategy Policy 14 Sustainable movement and transport.
- (16) In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies URB 3 Urban Design and URB 12 Landscape and Development in the adopted Unitary Development Plan (July 2004).
- (17) To ensure adequate access for archaeological investigations and to comply with Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment).
- (18) To ensure that the demolition and construction processes are carried out in a manner which will minimise noise, vibration, dust and mud pollution and minimise disturbance from road traffic and safeguards road safety and the amenities of adjacent occupants 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 6.14 Freight in the London Plan (July 2011).
- (19) To ensure that the local planning authority may be satisfied that potential site contamination is identified and to comply with Policy ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004).



Reproduced from the Ordnance Survey map with the permission of the Controller of HMSO
 Crown Copyright Reserved
 Licence No:100017710

Scale 1:1250

This page is intentionally left blank

Committee	PLANNING COMMITTEE (C)	
Report Title	26 LOAMPIT HILL SE13 7SW	
Ward	Ladywell	
Contributors	Richard Lockett	
Class	Part 1	Date: 1 MARCH 2012

REQUEST FOR ENFORCEMENT ACTION

Background Papers

- (1) Case File LE/113/26/TP
- (2) Adopted Unitary Development Plan (July 2004)
- (3) Adopted Core Strategy (June 2011)
- (4) The London Plan (July 2011)
- (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 26 Loampit Hill SE13 regarding the construction of a timber framed conservatory at second floor level to the rear of the building and whether it is expedient for the Council to instigate formal enforcement action in order to rectify the breach.

2.0 Property/Site Description

- 2.1 The application site is a three storey mid terrace property on the northern side of Loampit Hill, close to the junction with Elswick Road. At ground floor level the premises is set forward from the main front elevation of the building and is used as a retail shop with the floors above being used for residential purposes.
- 2.2 The property does not form part of a conservation area and is not a listed building.

3.0 Planning History

- 3.1 In 1991, Planning consent was granted for the change of use of 26 Loampit Hill SE13 to an insurance brokers office.
- 3.2 In April 2011, planning consent was refused under delegated powers for the retention of a conservatory at second floor level to the rear of 26 Loampit Hill for the following reason:
 - (1) The conservatory is considered to be out of keeping with its surroundings due to its elevated position and design. It is over bearing and out of keeping with neighbouring properties which results in loss of amenity by reason of overlooking and visual intrusion, contrary to Policies URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 12 Residential Extensions in the adopted Unitary Development Plan (July 2004). Application Ref. DC/10/75988).
- 3.3 An appeal was made to the Planning Inspectorate regarding the Council's decision to refuse this application and on 10 January 2012 the Planning Inspectorate dismissed the appeal.

4.0 Planning Enforcement History

- 4.1 In August 2010 the Council received complaints regarding the construction of a timber framed conservatory at second floor level to the rear of 26 Loampit Hill. Following an investigation, an application was made for its retention, which was subsequently refused. The following appeal was dismissed by the inspector and the conservatory still remains in situ.

5.0 Breach of Planning Control

- 5.1 Without the benefit of planning consent, the construction of a timber framed conservatory at second floor level to the rear of 26 Loampit Hill. The extension is to an existing flat and is used incidental to this unit, for storage and additional amenity space.

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

7.0 Consideration of Enforcement Action

- 7.1 Retrospective planning permission has already been sought in regard to this second floor rear conservatory. Having considered the relevant Council Policies, Planning

permission was refused for the retention of the structure, which had been built without the necessary planning permission, a decision subsequently upheld by the Planning Inspectorate.

- 7.2 The main planning considerations in this case are the impact of the structure on the character and appearance of the existing building, the street scene and any impact upon the amenities of neighbouring occupiers.
- 7.3 In terms of the design of the conservatory, it is considered to be totally out of keeping with the surrounding area. This part of Loampit Hill forms part of a local shopping parade and to the rear there is little or no garden space for the residential properties above. A conservatory is considered to be an acceptable addition to a residential property, within a garden setting, however, at an elevated level the structure appears obtrusive and out of keeping. Such structures are not a traditional feature to upper floors and the eye is drawn to it.
- 7.4 The height of the structure means that it dominates the views along the rear of the terrace, and it is made even more incongruous due to the choice of materials. The surrounding buildings are constructed from traditional brickwork, so the addition of a timber framed conservatory, with polycarbonate panels appears particularly out of character.
- 7.5 The use of the flat roof raises issues with regards to the privacy of neighbouring occupiers, as the conservatory is at a level with the first floor flats next door. Unlike in the case of a ground level conservatory, there is no boundary fencing to protect the amenities of neighbouring properties, in terms of overlooking. The conservatory also features a side door which gives access onto the flat roof area outside of 28B. Although the issue of access is not a planning concern in this case, it is considered that this area may, as a result, become an outdoor amenity space, which in turn is likely to lead to a demand for safety balustrading, which is also likely to be of intrusive appearance.
- 7.6 An objection was received from the resident of 28A Loampit Hill who stated that as well as the design and siting of the structure being out of keeping with the surroundings, there is also a privacy issue regarding the bedroom at 28B, which is directly visible from the conservatory. Issues have also been raised with regard to the access to the flat roof next door as well as concerns over fire safety. These issues were largely dealt with in the delegated report, however these objections were considered to be legitimate concerns, shared by the Council. The conservatory is inappropriate on this site and its design and siting are considered unacceptable.
- 7.7 Despite having translucent panels, the structure is highly visible. The conservatory is of generous proportions and is situated at second floor level and is therefore particularly visually obtrusive and overbearing.
- 7.8 There are a range of varying extensions and buildings to the rear of this parade, however, a conservatory is generally constructed to the rear of a dwellinghouse, within a garden environment. The fact that this conservatory is at 2nd floor level makes it particularly obtrusive. In considering the appeal, the Planning Inspector opined that “the structure would be a large and visually dominant addition, particularly when viewed from Elswick Road, which gives a clear view of the rear of the terrace. There are no other structures of this type in the area, and the

introduction of the proposed development would introduce a large and ungainly element into the street scene.”

- 7.9 The conservatory is considered to be out of character with the existing building and its surroundings, to the extent that it actually draws the eye and therefore could not be considered subordinate.
- 7.10 The conservatory has a negative impact in terms of overlooking, particularly at 28B, where a bedroom is overlooked. There is also the potential for further use of neighbouring flat roof areas as amenity space. The Inspector also considered that the conservatory results in a loss of privacy affecting windows at the rear of the adjoining properties at 24 and 28 Loampit Hill. In addition overlooking of nearby residential gardens in Elswick Road would be increased. The Inspector also noted that while the appellant had indicated that he would be prepared to build the side walls of the structure in obscured glazing to reduce the loss of privacy to adjoining properties, this would be likely to increase the visual intrusion of the development when viewed from those properties.
- 7.11 For these reasons, it is considered appropriate to take enforcement action to secure removal of the unauthorised timber conservatory.

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 construction of this conservatory. 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 conservatory is unacceptable as it is considered harmful to the character and appearance of the street scene and the host building. Accordingly, it is considered expedient to serve an Enforcement Notice to remedy this breach of planning control.

11.2 The conservatory is considered to be out of keeping with its surroundings due to its elevated position and design. It is overbearing and out of keeping with neighbouring properties which results in loss of amenity by reason of overlooking and visual intrusion, contrary to 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) and Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011).

12.0 Requirements of Enforcement Notice

12.1 To secure the removal of the timber framed conservatory at second floor level to the rear of the property.

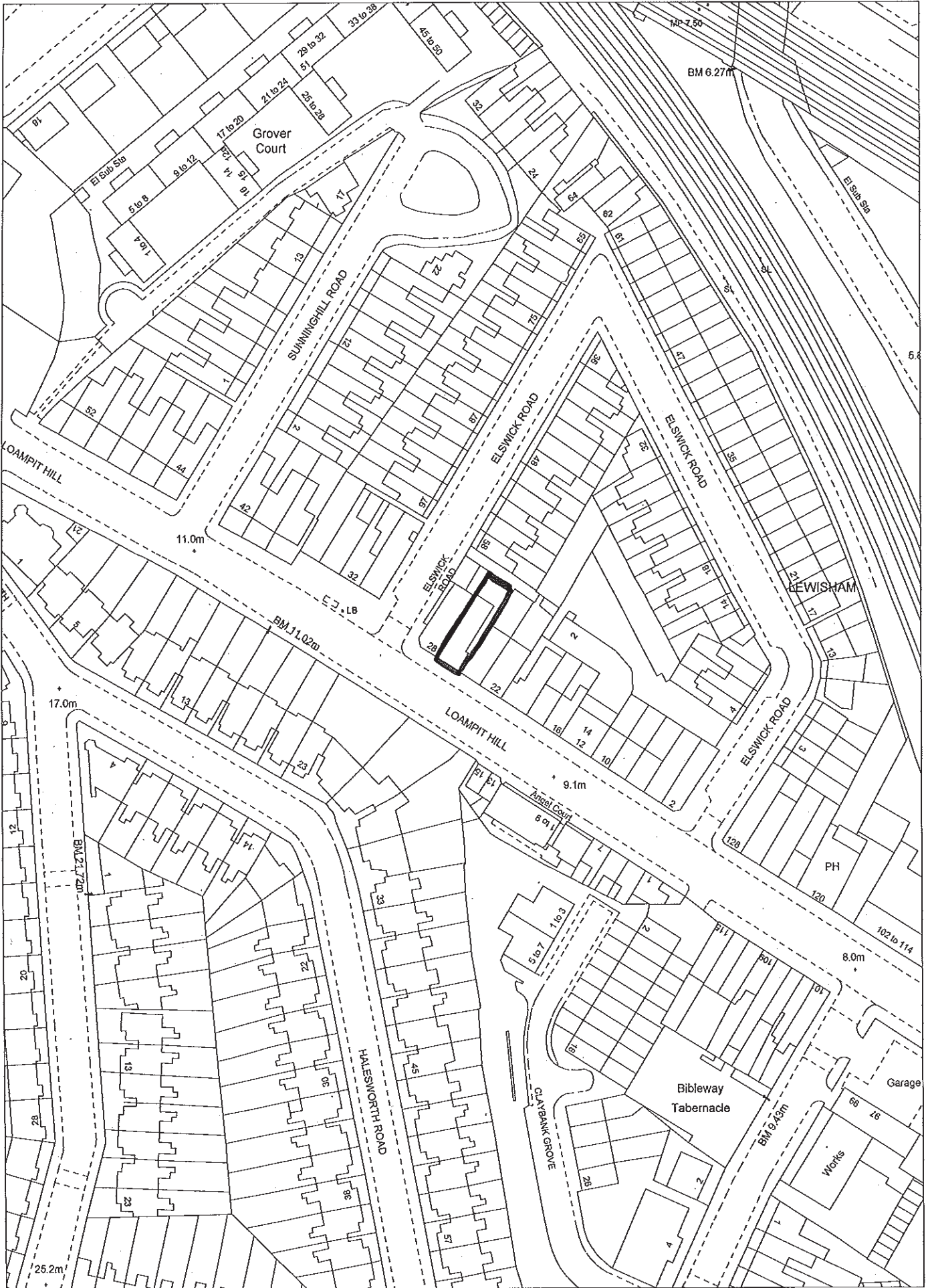
13.0 RECOMMENDATION

13.1 Authorise the Head of Law to take all necessary action to secure the removal of the conservatory at second floor level to the rear of 26 Loampit Hill for the following reason:-

The conservatory is considered to be out of keeping with its surroundings due to its elevated position and design. It is overbearing and out of keeping with neighbouring properties and has resulted in loss of amenity by reason of overlooking and visual intrusion, contrary to 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) and Policy 15 High quality design for Lewisham of the adopted Core Strategy (June 2011).

Period of Compliance:

Three months.



This page is intentionally left blank