

PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 15 MARCH 2018 TIME 7.30 PM**

PLACE: **COMMITTEE ROOMS 1 & 2 - CIVIC SUITE**

Members of the Committee are summoned to attend this meeting:

**Membership
Councillors:**

**Joan Reid (Chair)
Olurotimi Ogunbadewa (Vice-Chair)
Mark Ingleby
Jim Mallory
Hilary Moore
John Muldoon
Gareth Siddorn
Susan Wise
Sophie McGeevor
Maja Hilton**

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.

**Janet Senior
Acting Chief Executive
Lewisham Town Hall
London SE6 4RU
Date: Tuesday, 6 March 2018**

**For further information please contact:
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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 15 March 2018

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

(1) Personal interests

There are three types of personal interest referred to in the Council's Member Code of Conduct :-

- (a) Disclosable pecuniary interests
- (b) Other registerable interests
- (c) Non-registerable interests

(2) Disclosable pecuniary interests are defined by regulation as:-

- (a) Employment, trade, profession or vocation of a relevant person* for profit or gain.
- (b) Sponsorship –payment or provision of any other financial benefit (other than by the Council) within the 12 months prior to giving notice for inclusion in the register in respect of expenses incurred by you in carrying out duties as a member or towards your election expenses (including payment or financial benefit from a Trade Union).
- (c) Undischarged contracts between a relevant person* (or a firm in which they are a partner or a body corporate in which they are a director, or in the securities of which they have a beneficial interest) and the Council for goods, services or works.
- (d) Beneficial interests in land in the borough.
- (e) Licence to occupy land in the borough for one month or more.
- (f) Corporate tenancies – any tenancy, where to the member's knowledge, the Council is landlord and the tenant is a firm in which the relevant person* is a partner, a body corporate in which they are a director, or in the securities of which they have a beneficial interest.
- (g) Beneficial interest in securities of a body where:-
 - (a) that body to the member's knowledge has a place of business or land in the borough; and
 - (b) either
 - (i) the total nominal value of the securities exceeds £25,000 or 1/100 of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person* has a beneficial interest exceeds 1/100 of the total issued share capital of that class.

*A relevant person is the member, their spouse or civil partner, or a person with whom they live as spouse or civil partner.

(3) Other registerable interests

The Lewisham Member Code of Conduct requires members also to register the following interests:-

- (a) Membership or position of control or management in a body to which you were appointed or nominated by the Council;
- (b) Any body exercising functions of a public nature or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party;
- (c) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

(4) Non registerable interests

Occasions may arise when a matter under consideration would or would be likely to affect the wellbeing of a member, their family, friend or close associate more than it would affect the wellbeing of those in the local area generally, but which is not required to be registered in the Register of Members' Interests (for example a matter concerning the closure of a school at which a Member's child attends).

(5) Declaration and Impact of interest on member's participation

- (a) Where a member has any registerable interest in a matter and they are present at a meeting at which that matter is to be discussed, they must declare the nature of the interest at the earliest opportunity and in any event before the matter is considered. The declaration will be recorded in the minutes of the meeting. If the matter is a disclosable pecuniary interest the member must take no part in consideration of the matter and withdraw from the room before it is considered. They must not seek improperly to influence the decision in any way. **Failure to declare such an interest which has not already been entered in the Register of Members' Interests, or participation where such an interest exists, is liable to prosecution and on conviction carries a fine of up to £5000**
- (b) Where a member has a registerable interest which falls short of a disclosable pecuniary interest they must still declare the nature of the interest to the meeting at the earliest opportunity and in any event before the matter is considered, but they may stay in the room, participate in consideration of the matter and vote on it unless paragraph (c) below applies.

- (c) Where a member has a registerable interest which falls short of a disclosable pecuniary interest, the member must consider whether a reasonable member of the public in possession of the facts would think that their interest is so significant that it would be likely to impair the member's judgement of the public interest. If so, the member must withdraw and take no part in consideration of the matter nor seek to influence the outcome improperly.
- (d) If a non-registerable interest arises which affects the wellbeing of a member, their, family, friend or close associate more than it would affect those in the local area generally, then the provisions relating to the declarations of interest and withdrawal apply as if it were a registerable interest.
- (e) Decisions relating to declarations of interests are for the member's personal judgement, though in cases of doubt they may wish to seek the advice of the Monitoring Officer.

(6) Sensitive information

There are special provisions relating to sensitive interests. These are interests the disclosure of which would be likely to expose the member to risk of violence or intimidation where the Monitoring Officer has agreed that such interest need not be registered. Members with such an interest are referred to the Code and advised to seek advice from the Monitoring Officer in advance.

(7) Exempt categories

There are exemptions to these provisions allowing members to participate in decisions notwithstanding interests that would otherwise prevent them doing so. These include:-

- (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).

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Committee	PLANNING COMMITTEE (B)	
Report Title	MINUTES	
Ward		
Contributors		
Class	PART 1	Date: 15 MARCH 2018

MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 1st February 2018.

LONDON BOROUGH OF LEWISHAM

MINUTES of the PLANNING COMMITTEE (B) meeting held in Rooms 1 & 2, Civic Suite, CATFORD SE6 on Tuesday 1 February 2018 7:30pm.

Present

Councillors: Reid (Chair), Ogunbadewa (Vice Chair), Ingleby, Mallory, Moore, McGeevor, Muldoon & Hilton

Apologies: Councillors Wise & Siddorn

Officers: Richard McEllistrum – Planning Service, Paula Young - Legal Services, Alfie Williams - Planning Committee Co-ordinator.

1. DECLARATION OF INTERESTS

Councillors Reid (Chair), Ogunbadewa (Vice Chair), Ingleby, Mallory, Moore, McGeevor, Muldoon & Hilton declared interest as members of the Labour Party in regard to the application at 43 Sunderland Road

Councillor McGeevor spoke under standing orders in favour of the application at 70 Loampit Hill.

2. MINUTES

The Minutes of the Planning Committee (B) meeting held on 21 December 2017 were agreed by members.

3. 17 Brandram Road, SE13

The meeting began at 19:30. Councillor Ogunbadewa (Vice Chair) chaired the meeting for the application at 17 Brandram Road in the absence of Councillor Reid (Chair).

Planning Manager Richard McEllistrum outlined the details of the application to members and stated that the Section 106 Agreement would clarify details relating to the CPZ and parking. Councillor McGeevor asked for details of the materials and was directed to the correct page of the report. Richard McEllistrum then clarified some architectural terms for the committee. Councillor Ingleby asked a question regarding Japanese Knotweed in relation to

a previous application at the site. Richard McEllistrum noted that Japanese Knotweed wasn't a refusal reason for the previous application.

The committee then received a verbal representation from Mr Eralp Semi (agent). Mr Semi stated that this application had been informed by the planning inspectors comments in regard to an application previously refused at the site. It was also stated that a pre-application meeting had been undertaken with the Council and that neighbours were now satisfied with the proposal. Mr Semi also explained that any remaining detailed matters would be addressed by condition.

Councillor Ingleby ask a question in relation to the historic wall at the site and asked why the planning application had been submitted before a formal response to the pre-application meeting had been received. Councillor Hilton asked a question regarding the layout of the flat and asked which market the flats were aimed at. Mr Semi responded that the layout of the flats meet London Plan requirements and were informed by preferences within the local market. Councillor Muldoon asked for clarification regarding the pre-application meeting. Richard McEllistrum confirmed that officers were satisfied with the proposal.

The committee then received a verbal representation from Mrs Penny Aldred. She stated that she had lived in the area for over 30 years and had spoken against previous applications at the site. Mrs Aldred commented that she was pleased with the scale and design of the proposal and noted the historic character of the site including the wall of Dacre House. Mrs Aldred also raised the issue of Japanese Knotweed and Land Contamination at the site.

Councillor Hilton stated that the scheme was an improvement on previous proposals and also asked if a condition could be added to address the Japanese Knotweed. Richard McEllistrum confirmed that Japanese Knotweed was not a planning consideration and clarified some points raised in regard to the historic wall and archaeology. It was also confirmed that an archaeology condition was proposed.

Further deliberation between members took place. Councillor Muldoon moved a motion to accept officers recommendation for approval. The motion was seconded by Councillor Ingleby.

Members voted as follows

FOR APPROVAL: Councillors Ogunbadewa (Vice Chair), Ingleby, Mallory, Moore, McGeevor, Muldoon & Hilton

Resolved: That planning permission be approved in respect of application DC/17/103409 subject to the negotiation of the Section 106 Agreement.

4. 14 The Glebe, SE3

Planning Manager Richard McEllistrum outlined the details of the application and made reference to the Draft London Plan and limited weight it can be afforded, noting that it does have implications for infill developments. Richard McEllistrum noted that the building was locally listed and that three different proposals at the site have previously been refused, with appeals dismissed. It was also noted that the external materials and appearance would be secured via condition.

Councillor Reid (Chair) asked for background regarding the proposals that had previously been refused. It was explained that the most recent previous design had been considered unimaginative and uncomplimentary to the building and that the siting and height of both preceding schemes had made the proposed buildings more prominent than the current

scheme before members. Richard McEllistrum then emphasised that the principle of a contemporary design had been accepted at appeal.

Councillor Hilton raised concerns regarding outlook and the building's status as an annex. Richard McEllistrum replied that the outlook from the basement had been considered acceptable by the Planning Inspectorate. Paula Young then stated that the building should be treated as an annex and would be conditioned as ancillary to the dwelling house. A discussion then took place regarding the design of the annex and the quality of the information submitted. Councillor Moore stated that she wasn't convinced that the building responded well to its surroundings.

The committee then heard a verbal presentation from Mr David Graham (agent). He noted that the proposed building is located away from boundaries and neighbouring properties and that trees would provide screening. Mr Graham then stated that the proposed white limestone references the stucco of the surrounding buildings.

Councillor Reid (Chair) asked how the new design responds to previous refusals. Mr Graham replied that scale and massing had been reduced while maintaining a contemporary design approach. Councillor Hilton then stated that the modern design would not look subservient located amongst historic buildings. Councillor Reid (Chair) commented that a pastiche of the surrounding buildings should be avoided. Further discussion took place regarding the ancillary status of the building's proposed use. The Chair confirmed to the committee that any potential future severance of use of the annexe was not a relevant planning consideration for this proposal.

Councillor Hilton commented that the design was hard to visualise. Councillor Ingleby agreed that the design was not clear and that a design condition was not satisfactory. Councillor Mallory was opposed to the deferral of the application. Councillor McGeevor commented that the applicant had submitted sufficient design details with the application. Further deliberation between members took place, including on the matter of whether Officers should be able to undertake a final judgement on the detailed form of external materials, as is set out within the recommendation to be secured by condition.

Councillor Ingleby moved a motion to defer the application in order to receive greater design details. The motion was not seconded. Councillor Mallory moved a motion to approve the application in line with officer's recommendations. The motion was seconded by Councillor Ogunbadewa.

Members voted as follows:

FOR APPROVAL: Councillors Reid (Chair), Ogunbadewa (Vice Chair), Mallory, Moore, Muldoon, McGeevor

AGAINST: Councillor Ingleby

ABSTAINED: Councillor Hilton

Resolved: That planning permission be approved in respect of application DC/17/103412.

5. 70 Loampit Hill, SE13

Councillor McGeevor sat out the meeting and spoke under standing orders. Planning Manager Richard McEllistrum outlined the details of the application and confirmed that the Brockley Society had objected to the proposal.

Councillor Mallory asked a question regarding the hardstanding. Richard McEllistrum replied that permeable hardstanding would be secured by condition. Councillor Moore asked a question regarding the trees on the site and sought clarity over the practicality of relocating a

tree. Richard McEllistrum stated that relocating a tree may prove to be difficult but that replacement semi-mature trees can be secured by condition.

The committee then heard a verbal representation from Mr Ben Stagg (Agent). He documented the poor condition of the property and commented that the proposal would better respond to the housing needs of the local area. Mr Stagg also noted that the proposal followed pre-application guidance given by the Council.

Clare Cowen, representing the Brockley Society, then spoke in objection to the proposal. She stated the Brockley Society consider the proposal to be overdevelopment and contrary to DM Policy 3. Clare Cowen commented that the two smaller flats proposed on the top floor would be better suited as a single flat and that there is not a strong demand for one bedroom flats in the local area. Claire Cowen then stated that relocation of trees on the site had not been given sufficient consideration given that the trees would be viable for the next 20 years.

Councillor McGeevor then spoke under standing orders in favour of the proposal. Councillor McGeevor commented that it was right and proper that the subdivision of the property has been given thorough consideration and deliberation. Councillor McGeevor stated that in this case the subdivision would be beneficial to the local area providing good quality housing. She also stated that the relocation of trees could be conditioned and that the applicant had indicated that they would be supportive of doing so.

Councillor Moore asked whether the standard of accommodation within the flats was compliant with the London Plan. Richard McEllistrum replied that they would. A discussion then took place between members regarding the existing trees on the site. It was agreed by members and officers that the wording of the conditions relating to trees and landscaping should be amended.

Councillor Hilton moved a motion to accept officers recommendation for the approval. The motion was seconded by Councillor Ogunbadewa (Vice Chair).

Members Voted as follows:

For Approval: Councillors Reid (Chair), Ogunbadewa (Vice Chair), Ingleby, Mallory, Moore, Muldoon, Hilton.

Resolved: That planning permission be approved in respect to application DC/17/103790 with amendments made to the Soft Landscaping Condition in regard to existing trees on the site.

6. 43 Sunderland Road, SE23

Councillor Reid (Chair) moved a motion to allow officers to decide the application under delegated authority, in line with officer's recommendations.

Members voted as follows:

IN FAVOUR: Councillors Reid (Chair), Ogunbadewa (Vice Chair), Ingleby, Mallory, Moore, McGeevor, Muldoon & Hilton

Resolved: That application DC/17/104739 be decided by Council officers under delegated authority.

Meeting ended at 21:06

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Committee	PLANNING COMMITTEE (B)	
Report Title	Former Phoebes Garden Centre, Rear of 2 Penerley Road, SE6	
Ward	Catford	
Contributors	Geoff Whittington	
Class	PART 1	15 March 2018

Reg. Nos. DC/17/102292

Application dated August 2017

Applicant City and Metro Limited

Proposal Demolition of the existing buildings at Phoebe's Garden Centre, Penerley Road SE6 and the construction of a two storey building plus roofspace to provide 10, one bedroom, 10, two bedroom and 7, three bedroom self-contained flats, together with the provision of car parking spaces, cycle spaces and landscaped garden areas.

Applicant's Plan Nos. D-J-201 TO 204; D-J-301 TO 304; EX-E-01; EX-E-02; EX-E-03; EX-E-04; EX-P; EX-S-01; EX-S-02; EX-SP; GA-DE-01 P2; GA-DE02 P2; GA-E-01; GA-E-02; GA-P-FT01 P2; GA-P-FT02 P2; GA-P-FT03 P2; GA-P-FT04 P2; GA-P-FT05 P2; GA-P-FT06 P2; GA-P-FT07 P2; GA-P-FT08 P2; GA-P-FT09 P2; GA-P-L00 P7; GA-P-L00-01 P2; GA-P-L00-02 P2; GA-S-01; GA-S-02; GA-P-L01 P7; GA-P-L01-01 P2; GA-P-L01-02 P2; GA-P-L02-01 P2; GA-P-L02 P7; GA-P-L02-02 P2; GA-P-R03 P7; Appendix C-E; Design and Access Statement (June 2017); Energy Statement (Parts 1-4); External Lighting Report; Landscape Design and Details; Planning and Heritage Statement; Refuse and Recycling Review; Statement of Community Involvement; Transport Statement (June 2017 JT/11652 dha transport); Tree Survey Report (May 2017); Tree Protection Plan; Unit Details Summary Received 21 July 2017;

'Affordable Housing Provision' email Received 29 January 2018;

'Landscaping, Living Roof and Ecology' email Received 5 February 2018;

'Rent Levels' email Received 14 February 2018.

Background Papers

- (1) Case File LE/703/C/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016 as amended)
- (4) The NPPF

Designation Culverley Green Conservation Area
Culverley Green Article 4 Direction
Local Open Space Deficiency

1.0 Property/Site Description

- 1.1 The application site is the former Phoebe's Garden Centre, which is a backland site to the rear of 2-24 Penerley Road, rear of 1-29 Bargery Road and rear of 43-61 Bromley Road. The site measures 4,220 sqm (0.4ha) in area and contains buildings, greenhouses and offices ancillary to the former retail use of the site.
- 1.2 The site is located within the Culverley Green Conservation Area and is covered by an Article 4 Direction, however the buildings on site are neither considered as designated or undesignated heritage assets. The site has no other designation under the Local Plan Policies Map.
- 1.3 The surrounding area is primarily residential, with the exception of the Rushey Green Primary School opposite Penerley Road. The site is located 500m from Cufford Town Centre. The site has a PTAL value of 3-5, which is based on a scale of 0-6b, with 6b representing excellent access to public transport.

2.0 Relevant Planning History

- 2.1 Various planning permissions have been granted for alterations and extensions to the existing buildings used in connection to the garden centre.
- 2.2 In 2016, an application was submitted to the Council proposing the demolition of the existing buildings at Phoebe's Garden Centre, and the construction of a three storey building incorporating balconies to provide 5 one bedroom, 15 two bedroom, and 9 three bedroom self-contained flats, together with the provision of car parking spaces, cycle spaces and landscaped gardens areas. Permission was refused permission under delegated powers for the following reasons:
- 1) The proposed development, by reason of its scale, mass, bulk and articulation, is considered to be of poor design and inappropriate within its context, thereby failing to take the opportunities available for improving and enhancing the character of the area. Consequently the development would have an adverse impact on the special character of the Culverley Green Conservation Area and the visual amenities of residents, contrary to DM Policy 30 'Urban design and local character', DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' and DM Policy 36 'New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the Development Management Local Plan (November 2014); and Policy 15 'High quality design for Lewisham' of the Core Strategy (2011).
 - 2) The proposal fails to provide affordable housing with insufficient justification, contrary to DM Policy 7 'Affordable rented housing' of the Development Management Plan (November 2014); Lewisham's Planning Obligations Supplementary Planning Document (February 2015); and Objective 3 and Policy 1 'Housing provision, mix and affordability' of the Core Strategy (2011).
 - 3) The scheme fails to provide an acceptable level of private external amenity space to all proposed units and therefore the standard of amenity for future residents is considered to be unacceptable, contrary to DM Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014); Policy 3.5 'Quality and design of housing developments' of the London Plan (2016); and the London Plan Housing Supplementary Planning Guidance (2016).

- 2.3 The decision to refuse permission was subsequently appealed in 2017 at a Public Hearing. Reason 2 was resolved between the local planning authority and the appellant prior to the appeal, whereby an off-site payment in-lieu toward affordable housing in the Borough was agreed.
- 2.4 The Planning Inspector dismissed the appeal, stating; *'...I consider that the building would not be consistent with, or sympathetic to, the key characteristics which define the conservation area within which it is located. In failing to do this, even though the current site is one identified as where improvement is sought, it would be detrimental to the character and appearance of the area. Consequently, I consider that the proposed development would not preserve or enhance the character or appearance of Culverley Green Conservation Area.'*

3.0 Current Planning Application

- 3.1 The current application proposes the demolition of the existing buildings at the former Phoebes Garden Centre, and the construction of 5, two storey plus roofspace buildings (A-E) that would accommodate 10, one bedroom, 10, two bedroom and 7, three bedroom self-contained flats.
- 3.2 The proposed group of buildings would be orientated east to west, sited away from the north and south boundaries. Each building would incorporate gable ended pitched roofs similar to surrounding development. Two metre wide passageways would separate each building.
- 3.3 Each unit would be afforded private amenity space by way of rear gardens or terraces.
- 3.4 Four units would be affordable tenure, comprised of two Affordable Rent, and two Shared Ownership.
- | | | |
|------|--------------------------|---------------------------------|
| A1.1 | 3 bed 4 person flat (WC) | Affordable Rent |
| A1.2 | 1 bed 2 person flat (WC) | Affordable Rent |
| A2.1 | 2 bed 4 person flat | Intermediate (Shared Ownership) |
| A2.2 | 2 bed 4 person flat | Intermediate (Shared Ownership) |
- 3.5 16no. car parking spaces would be provided to the south-western corner of the site, together with dry and secure cycle spaces adjacent to the proposed rear gardens. The existing access road into the site from Penerley Road would provide a shared vehicular and pedestrian route.
- 3.6 Proposed landscaping measures would include a 'contemporary Edwardian Garden' to the east of the site, which would provide seating for future occupiers. Private rear gardens and open space to the south of the proposed buildings would be lawned with planting of trees, whilst a 'picnic' area and children's play area would be provided. The applicant has advised that contrary to plans submitted, no artificial lawn would be laid, whilst no existing trees would be felled.
- 3.7 A bio-diverse green living roof would be constructed to the flat roof of the proposed building to the furthest east of the site, and upon the bin refuse store adjacent to the car-park.

Supporting Documents

- 3.8 In addition to the proposed plans, elevations and sections, the following documents have been submitted in support of the application

a) *Design and Access Statement*

Prepared by Alan Camp Architects dated June 2017. It outlines the existing context and introduces the proposal, including the design process.

b) *Statement of Community Involvement*

Prepared by RPS CgMs dated June 2017, the report advises that a public consultation event was held at St Laurence Church on 20th April 2017, which was attended by 23 local residents.

c) *Energy Statement*

Prepared by BaseEnergy. It outlines the relevant standards and policies with respect to energy savings to be met and how the proposal would comply with them.

d) *Planning and Heritage Statement*

Prepared by RPS CgMs dated June 2017. It addresses the siting and scale of the development, and assesses the impact upon the character of the Culverley Green Conservation Area.

e) *Landscaping Report*

Prepared by Outerspace for Landhold dated June 2017.

f) *Tree Survey Report*

Prepared by Canopy Consultancy dated May 2017. It assesses the existing trees on site and includes protection measures during construction.

g) *External Lighting Report*

Prepared by BaileyGomm dated June 2017. It assesses the impact of the scheme in terms of light and is used to inform the lighting design.

h) *Financial Viability Assessment*

Various documents have been submitted in support of the development in relation to viability and affordable housing provision.

i) *Transport Statement*

Prepared by DHA Transport dated June 2017. It outlines the expected impact in terms of transport and includes parking management plan, draft travel plan and draft construction management plan.

4.0 Consultation

Neighbours and Local Amenity Societies

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

4.2 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors. The application was also advertised in the local newspaper.

Written Responses received from Local Residents

4.3 Eight letters have been received, objecting to the proposed development, on the following grounds:

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

4.4 The Culverley Green Residents' Association have objected to the planning application. Extracts of their response are as following:

'This application is an improvement on the previous proposal for this site, and we note:

- balconies and living rooms facing south rather than towards the nearest houses;
- the through aspect of the flats;
- recessed balconies;
- the increase in parking provision from 9 to 16 spaces;
- access to the building from the south side, which will go some way to reducing noise and light pollution;
- a somewhat more sympathetic architectural design both in term of creating separate blocks and in reflecting something of the local style.'

However, the Association object to the scale and proximity of the development, which they consider would result in harm to the privacy of the adjoining residents along the site boundary to the Penerley Road properties and to those residents in Bargery Road where the application site narrows considerably.

The potential for overlooking has also been raised as a concern, which they consider would be borne by the existing residents whose private rear gardens have been free of such intrusion from the rear. Neighbouring gardens would be completely overlooked and overshadowed due to the very close proximity of the new buildings to the shared boundary, whilst south facing balconies would result in overlooking.

Whilst the increased parking provision is acknowledged, the Association considers there would be a negative impact upon parking in the area, which they consider is at 'saturation point'.

Design quality

The proposed speckled facing bricks do not complement in either size or colour the red bricks used throughout the Conservation Area and mirrored in the Apex Apartments on Culverley Road and in Rushey Green Primary School. A single red colour brick would be favoured.

The paucity of tree planting proposed is regrettable: most of the visuals 'borrow' trees in adjoining gardens. There is no mutual benefit and so small trees should be included. Artificial turf would be unacceptable.

(Letters are available to Members)

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority shall have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

The London Plan (2016 as amended)

5.6 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies

of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

5.7 The London Plan policies relevant to this application are:

Policy 3.9 Mixed and balanced communities
Policy 3.16 Protection and enhancement of social infrastructure
Policy 6.3 Assessing effects of development on transport capacity
Policy 6.9 Cycling
Policy 6.10 Walking
Policy 6.12 Road network capacity
Policy 6.13 Parking
Policy 7.4 Local Character
Policy 7.5 Public Realm
Policy 7.6 Architecture

Nationally Described Space Standard

5.8 Technical housing standards – nationally described space standard (2015)

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Affordable Housing and Viability (2017)

Core Strategy

5.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the London Plan and the Development Management Local Plan (2014), is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1 Lewisham Spatial Strategy
Policy 1 Housing provision, mix and affordability
Policy 7 Climate change and adapting to the effects
Policy 8 Sustainable design and construction and energy efficiency
Policy 13 Addressing Lewisham's waste management requirements
Policy 14 Sustainable movement and transport
Policy 15 High quality design for Lewisham
Policy 16 Conservation areas, heritage assets and the historic environment

Development Management Local Plan

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

DM Policy 7	Affordable rented housing
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees

DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Culverley Green conservation area: Character Appraisal (25 October 2001)

6.0 Planning Considerations

6.1 The main planning considerations include:

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

Principle of Development

- 6.2 The site is currently occupied by Phoebe's Garden Centre, which until its closure operated as a retail centre for the sale of plants, garden tools and equipment. The majority of the site was open to visiting members of the public being retail floorspace, whilst there was also some ancillary office and storage space.
- 6.3 The site is not designated within the Local Plan Policies Map and there are no policies restricting the use to retail. Therefore, whilst the business provided some level of employment, there are no policies within the local plan or regional plan that restricts the current land use and prevents residential redevelopment of the site.
- 6.4 The London Plan recognises the need for housing over the whole of the city and therefore has allocated housing targets, with Lewisham targeted to provide 1,385 new dwellings per annum. In line with this, the Lewisham Local Plan aims to provide housing, primarily through strategic allocations and regeneration and growth areas. This is in accordance with the spatial strategies of Section 6 of the Core Strategy.
- 6.5 In addition to this, the re-use of previously used brownfield land is encouraged within the NPPF, provided it is not of high environmental value. Given the existing nature of the site within a predominantly residential area, the site is not considered to be of high environmental value and therefore the redevelopment for residential use is considered to be appropriate. This position was outlined in the previous application relating to the site in 2016, and was supported by the Planning Inspector in 2017.
- 6.6 Notwithstanding this, the need for housing must be balanced against the special character of the Culverley Green Conservation Area, appropriate scale of development, neighbouring amenity, and provision of excellent standard of accommodation for future occupiers.

Design

- 6.7 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.8 Paragraph 15 of the National Planning Policy Framework states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness.”
- 6.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.10 Core Strategy Policy 15 High quality design for Lewisham and Policy 32 of the Development Management Plan requires that all new residential development be attractive and neighbourly, and meet the functional requirements of future residents.
- 6.11 DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas advises that ‘If a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape.’
- 6.12 The applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the redundant site. It is considered that the existing vacant building and site appears unattractive, being incoherent with the general character of the immediate area, and no objections are therefore raised toward its demolition.

a) Scale, Appearance and Impact on Conservation Area

- 6.13 DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens requires new development to respect the character and appearance of conservation areas.
- 6.14 The site is located behind the terrace dwellings fronting Penerley Road, Bargery Road and Bromley Road, therefore it is considered to be a backland site according to DM Policy 33. Part 2 states that if development is suitable on the site, planning permission will not be granted unless the proposed development is of the highest design quality, whilst being sensitive to the setting of heritage assets.
- 6.15 The site lies within the Culverley Green Conservation Area. Part 4 of Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.16 The Culverley Green Conservation Area Character Appraisal was adopted in 2001, and it identifies the character areas - including Penerley Road and Bargery Road - as being the ‘heart’ of the Conservation Area. These streets are characterised by semi-detached villas

that are 2.5 storeys in height with consistent building lines and spacings. The building palettes are simple, being brick with stucco detailing and tile roofs, however there is a similar pattern of articulation and fenestration, which gives a repeated pattern and uniformity to the streetscene. Common elements include two storey bay windows, banding dividing the ground and first floors and mixed 'medieval' references such as colonettes to the bay windows and doors, with carved leaf capitals supporting stilted lintels, pediments or broken pediments.

- 6.17 The backland site lies to the rear of the existing terraces and therefore has a relatively limited view when compared to the properties along Penerley Road and Bargery Road. However, there are views of the site from the public realm, primarily from Penerley Road to the north-west of the site, along the access road between 1-7 and 11 Bargery Road and between 61 and 65 Bromley Road. It is also noted that there are views of the development site through the spaces between the semi-detached villas, however these views are much narrower. These restricted views have been given due weight in the assessment of the scheme.
- 6.18 The existing buildings on the site include greenhouses, sales buildings and ancillary offices and storage buildings that are all single storey in height with a pitched roof. The buildings are not considered to be of any architectural significance within the context of the Culverley Green Conservation Area, whilst Section 3 (Figure 17) of the appraisal identifies the Phoebe's Garden Centre as a site within the Conservation Area with particular potential for enhancement. The proposed removal of the buildings is therefore acceptable.
- 6.19 In terms of scale, it is considered that development of up to 3 storeys is acceptable on the site. In regard to the refused scheme, it was considered that the 3-storey flat roof building, over such a large footprint, with its unrelenting roofline and continuous frontages, would appear monolithic in this permeable, finely grained context and would fail to accord with design policies.
- 6.20 The current proposal would construct five separate 2-storey plus roofspace buildings, measuring a height of up to 11 metres, and an eaves height of 6 metres, in comparison with the 10 metre height of the 2016 refusal. The design is a significant departure from the original 2016 approach, incorporating a clear reference toward the existing gable ended dwellings that surround the application site. Rather than being a continuous block, each building would be separated by 2 metres, with hip-ended roofs that would allow for visual respite for neighbouring occupiers.
- 6.21 The development would be largely consistent in appearance, however the building to the far east of the site (Block E) would have only one gable end due to site constraints.
- 6.22 Officers are satisfied that the backland development would remain subordinate to adjacent buildings so that the traditional hierarchical pattern would be maintained. The proposed buildings would be comparable with the surrounding 2-storey plus roofspace semi-detached dwellings in terms of appearance and height. Officers acknowledge the proposal would occupy a larger proportion of the site than the existing main building, however, the building would be 37 metres from the rear of the semi-detached dwellings and 79 metres from the clearest view along Penerley Road. Therefore, due to the significant distance from the public realm and the perspective at street level, it is considered that the scale of the building would not be detrimentally over-dominant to the scale of the existing development from the public domain. As such, the principle of a 2-storey plus roofspace development upon the site would be acceptable. It is also acknowledged that the 'principle' of a 3-storey building, which formed part of the 2016 refusal, was considered acceptable.
- 6.23 The facing materials to be used are 'Red/ brown' brick; zinc hipped roofs; zinc walls to recessed balconies with glazed balustrades; and grey aluminium powder coated window frames.

6.24 The principle of the materials are considered to be acceptable within the context of the site, however, it is appropriate that further details are submitted and facing materials are presented on-site to officers to allow for a detailed assessment, to be secured by condition.

b) Density

6.25 Given the need for housing, Policy 3.4 of the London Plan states that, taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. This is also carried through in DM Policy 30.

6.26 The site has a PTAL value of between 3 and 5, which officers have averaged to 4. Whilst the site is within 500m from Catford Town Centre, given the residential character of the area and the relatively low density of the units, the most appropriate setting is urban.

6.27 In applying the density matrix of Table 3.2, the stated density range is between 200-700 hr/ha. The proposal would provide 27 units, being 78 habitable rooms over the 0.422ha site, therefore officers calculate the density to be 185 hr/ha.

6.28 Taking the above into account, the development is at the lower end of the density range. Given the setting of the site within the Culverley Green Conservation Area and the need for amenity space around the site, this is considered to be appropriate within London Plan Policy 3.4 and Lewisham's Local Plan.

6.29 However, it is worth noting the supporting text of the Policy 3.4, which highlights that a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanically.

6.30 In addition, Core Strategy Policy 15 Part 1(c) states that the Council will apply the housing densities as outlined in the London Plan, except where this is not appropriate to preserving or enhancing the characteristics of conservation areas.

6.31 In summary, officers are satisfied with the design approach of the development, and consider it to be a significant improvement upon the scheme that was refused in 2016.

Housing

a) Affordable Housing

6.32 In addition to the housing targets, new residential development must also meet the needs of potential residents. This is highlighted in Objective 3 of the Core Strategy which states that this will include provision of affordable housing and mix of dwelling size and types, including family housing.

6.33 Core Strategy Policy 1 has been adopted following the evidence base of the Lewisham and South-East London Strategic Housing Market Assessment (SHMA). This policy has been adopted in line with London Plan policy 3.8-3.13 and the NPPF.

6.34 With respect to affordable housing, CS Policy 1 outlines that the Council will seek the maximum provision of affordable housing with a strategic target of 50% affordable housing from all sources. To ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% social rented and 30% intermediate housing. This is also recognised in DM Policy 7.

6.35 In addition to this, the Council have adopted the Planning Obligations SPD which outlines the evidence behind the affordable housing targets, definitions of affordable housing and

where obligations will be sought. Contributions on affordable housing will be sought on sites that are capable of providing 10 residential units or more. The Council's preference is for affordable housing to be provided on-site and off-site provision will only be accepted in exceptional circumstances. This is to ensure the chance to provide mixed and balanced communities and has been adopted in line with Paragraph 50 of the NPPF.

- 6.36 However, the provision of affordable housing is subject to a financial viability assessment to ensure meeting this policy does not make development unviable. The applicant had originally proposed no affordable housing or off-site payment, which was supported in viability assessment studies completed by the applicant's consultants, Turner Morum LLP.
- 6.37 The financial information was assessed by independent consultants GeraldEve (GE) to provide assistance and advice to the Council on the matter of viability. In their report, they challenged the applicant's viability assumptions, including site value, profit return and professional fees, and concluded that the scheme would be able to provide on-site affordable units.
- 6.38 Following discussions, it was accepted that additional evidence forwarded by the applicant was sufficient to demonstrate an increase in the allowance in professional fees from that originally proposed and for the Site Value to increase. However, a developer profit of 17% on GDV market housing and 6% on affordable housing would be 'more reasonable in the current market', as opposed to the 20% GDV on market housing and 6% on affordable housing stated in the applicant's viability.
- 6.39 Following adjustment, GE estimated there remained sufficient surplus in the appraisal to deliver on site affordable housing beyond that proposed following a mix of Affordable Rent (2 units) and Shared Ownership (1 unit). GE estimate a total of 3 affordable housing units can be viably be justified on site, which would represent on-site affordable housing provision of 11% by units and 12% by habitable rooms overall.
- 6.40 Alternatively, the scheme was also considered on a 100% Shared Ownership basis, whereby a total of four Intermediate units would be viable, however GeraldEve were explicit in acknowledging this would not be policy compliant.
- 6.41 In response, the applicant has proposed the scheme would provide four affordable units, comprising two Affordable Rent (3 bed, 4 person and 1 bed, 2 person units), and two Shared Ownership units (two 2 bed, 4 person units). Whilst this would represent a 50/50 split between tenure types instead of the 70/30 mix stated in Core Strategy Policy 1, officers consider that, based on the evidence received from the applicant and the advice given by GeraldEve, the provision of four affordable units within the scheme, including two Affordable Rent would be acceptable in this case.
- 6.42 The Council's 'Affordable Rent Study: Market Research & Affordability Analysis', published February 2014' which looked at affordable rent levels across the borough advised that:

Appropriate Affordable Rent levels would be:

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

- 6.43 In this case, the applicant proposes the affordable units would be in compliance with the Planning Obligations SPD (2014). They have assumed London Affordable Rent (LAR) in accordance with the Mayor of London Affordable Homes programme 2016-2021, whereby the investment appraisal generates the rents based on social rents uprated in accordance with GLA requirements. The following charges would be applied on first let and would be exclusive of service charges;

1 bed £154.59 (LHA cap is £204.08)

3 bed £172.76 (LHA cap is £330.72)

6.44 Officers welcome the applicant's offer to go beyond what has been accepted by GeraldEve as the 'maximum reasonable amount' of three affordable units, and it is therefore recommended that this level and amount of affordable housing is secured in a S106 Agreement.

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

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

b) Unit Mix

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

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

6.48 Table 1 below shows the residential size and mix of the proposed units that comprise the scheme. The 'minimum' internal flat size requirements for each unit type derive from the Technical housing standards – nationally described space standard (2015).

6.49 As shown in the Table 1, 25% of the units proposed would be family units. Officers have considered the criteria outlined in Core Strategy Policy 1 and consider that the provision of 7 family units would be acceptable on the site.

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

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

Table [1]: Residential Units and Size

Tenure	1b2p <i>Min 50sqm</i>	2b3p <i>Min 61sqm</i>	2b4p <i>Min 70sqm</i>	3b4p <i>Min 74sqm</i>	3b5p <i>Min 86sqm</i>	Total
Ground floor	1 81sqm	1 97sqm	0 -	1 112sqm	6 97– 95.9sqm	9
1st Floor	0 -	0 -	9 77sqm	0 -	0 -	9
2nd Floor	9 53 – 55sqm	0 -	0 -	0 -	0 -	9
TOTAL	10	1	9	1	6	27

c) Standard of Accommodation

6.52 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.

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

6.54 In line with this, the Council’s adopted DM Policy 32 states that the standards in the London Plan Housing SPG will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meet the following criteria:

- a) meet the minimum space standards for new development which should conform with the standards in the London Plan;
- b) habitable rooms and kitchens and bathrooms are required to have a minimum floor height of 2.5 metres. between finished floor level and finished ceiling level. Space that

does not meet this standard will not count towards meeting the internal floor area standards;

- c) provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect. Any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved. North facing single aspect flats will not be supported; and,
- d) include sufficient space for storage and utility purposes in addition to the minimum space standards.

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

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

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

- *Internal and External Floor Area*

6.58 The proposed development would comply with the overall internal floor area of the technical housing standards, as advised in Table 1. In addition, having measured each habitable room, officers consider that the individual rooms would also meet the relevant standards, whilst floor to ceiling heights would be compliant. A sufficient provision of internal storage space would be afforded to occupiers. Therefore, in terms of internal amenity, the proposed units would be acceptable.

6.59 All habitable rooms would be provided with sufficient outlook, and would therefore be acceptable. In terms of natural light intake, the Council uses the BRE guide to good practice (2011) standards to assess the quality of daylight/sunlight into new development. The applicant has not submitted an assessment to address the standards. DM Policy 32 (4c) states that residential development should provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect. In this case, all proposed units would be dual aspect, with most being triple aspect, therefore no concerns are raised in respect of daylight.

6.60 The ground floor habitable rooms that front onto the communal access route would be separated by a 2.5 metre deep landscaped area of defensible space to allow adequate privacy and safety for the residents of those units.

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

d) External Amenity

6.62 DM Policy 32 'Housing design, layout and space standards' should be provided with a readily accessible, secure, private and usable external space and include space suitable

for children's play. The Council will apply the standards of the London Plan Supplementary Planning Guidance, 'Providing for Children and Young People's Play and Informal Recreation', which specifies 10 square metres of play space for each child.

- 6.63 The London Plan Housing SPG Standard 26 and 27 relates to external amenity and outlines that 5 sqm should be provided for one bedroom dwellings with an additional 1 sqm per additional occupant. This space should have a minimal depth of 1.5m.
- 6.64 In the supporting text of the Housing SPG, in exceptional circumstances where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA. This requirement is also reflected in Policy 3.5 of the London Plan (2016).
- 6.65 The proposed development would provide private external amenity in the form of south facing balconies and terraces to all upper floor units. Ground floor units would be afforded private gardens to the rear, which would also accommodate cycle stores.
- 6.66 In addition, communal amenity spaces would be provided to the east and south of the site, including seating and landscaped areas. During the pre-application discussions, officers outlined the importance of providing communal amenity space including a children's play area, and subsequently, the proposed areas are acceptable. Officers consider that the communal spaces and play space would have a satisfactory level of surveillance to ensure the areas would be afforded a sense of security.
- 6.67 In summary, officers are satisfied with the provision of proposed private and communal amenity spaces, in line with the Housing SPG standards.

Impact on Neighbouring Properties

- 6.68 DM Policy 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties.
- 6.69 Objections from residents at Penerley Road and Bargery Road that surround the application site have been received in relation to the level of harm upon their privacy, light and visual amenities as a result of the siting and scale of development.
- 6.70 The NPPF outlines as a core principle that planning should ensure quality amenity for existing residents. DM Policy 32 states that development should be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 6.71 Part B of DM Policy 33 relates to backland sites and states that new development in these sites will only be permitted where they provide no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens.
- 6.72 The Council will also use the guidance of the BRE 'Site layout planning for daylight and sunlight: a guide to good practice', where relevant, to assess the impact on existing properties in terms of daylight/ sunlight.
- 6.73 The site is located to the rear of residential dwelling-houses that have deep rear gardens; the property gardens on Penerley Road being 30-31 metres in depth, and the properties on Bargery Road ranging between 26 and 34 metres. It is acknowledged that the footprint of the proposed buildings would be deeper and closer to the northern and southern boundaries than the refused scheme, whilst the proposed 11 metre height would be one metre higher than the refused building. However in comparison, the overall massing of the proposal would be significantly reduced as the eaves height would be only 6 metres, whilst the development would comprise five separate buildings with 2 metre spacing in between, as opposed to the previous single block.

- 6.74 The rear elevations of the proposed buildings would be sited approximately 6 metres from the northern boundary with the Penerley Road gardens. In regard to the front elevations, due to the inclined nature of the southern boundary, the western building (A) would be sited approximately 35 metres away (to the rear of 1-7 Bargery Road), whilst the eastern building (E) would be sited 3.1 metres from the boundary (rear of 23 Bargery Road).
- 6.75 The proposal would be considerably higher than the existing single-storey building that currently occupies the site, and so it is accepted there would be a greater visual impact than at present. It is acknowledged however that unlike the existing, it would not be sited upon the northern boundary, with the provision of new fencing that would provide some screening. The design and appearance of the buildings are a substantial improvement upon the refused scheme - and indeed that of the existing building - and would have an appropriate relationship with the existing setting. The proposed height would be comparable with the existing villas, whilst there would be considerable distance between the buildings, therefore officers do not consider this would appear as an overbearing or dominant form of development.
- 6.76 In relation to privacy, officers measure the distance from habitable windows in the proposed building to the rear elevation of properties in Penerley Road at 38 metres. The nearest habitable windows in the rear elevation along Bargery Road is no 23, with a distance of approximately 36 metres.
- 6.77 Paragraph 2.3.36 of the London Plan Housing SPG states that a distance of 18-21 metres will generally be sought between existing and proposed habitable windows. However, it is considered that rigidly adhering to this distance can limit the variety of urban spaces and restrict density. Paragraph 2.250 of DM Policy 32 also references a distance of 21 metres, however it also outlines that this must be interpreted flexibly, taking into account the height of buildings.
- 6.78 Officers consider that the proposed buildings would be sited a sufficient distance from existing dwelling-houses, and therefore, there would be no significant level of overlooking between existing and proposed habitable rooms.
- 6.79 It is acknowledged that the level of overlooking into the rear gardens of the neighbouring properties would be greater than from the existing building, which does not currently overlook any properties. The proposed north facing elevations would provide no external balconies, with first and second floor openings serving only bedrooms, whilst most Penerley Road properties have existing mature trees in the rear gardens that would provide some screening.
- 6.80 Buildings D and E to the east of the application site would lie between 3.1 and 10 metres from the rear gardens of 17-23 Bargery Road. Building D would have south facing recessed balconies at first and second floor levels, which would be visible from nos 17-21, particularly from their gardens, however the recessed nature of the balconies would serve to restrict the extent of outlook.
- 6.81 Building E would also have recessed balconies at first and second floors, however these would be east facing and so would avoid looking directly toward the Bargery Road dwellings. Rear facing openings at first and second floors (south facing) would be secondary windows, therefore it would be appropriate for a planning condition to ensure these would be unopenable and frosted to reduce potential overlooking.
- 6.82 Officers have visited the nearest property at 23 Bargery Road, and viewed the site from their first floor bedroom window. Building E would be visible and its presence felt, however it would orientate away from the boundary, whilst existing boundary trees would provide some screening during spring and summer months. Considering the length of the existing garden, and planning conditions restricting outlook from the south facing openings, on balance, officers raise no objections toward the proposed siting, and are satisfied it would not result in significant visual harm that would warrant a refusal in this case.

- 6.83 As per paragraph 3.3.17 of the BRE guide, it is recommended that at least half of the garden or amenity area should receive at least 2 hours of sunlight on 21st March. Taking into account the height of the three storey property, there is likely to be some loss of light to the Penerley Road gardens. However given the distance of the building from the boundaries and depth of the adjoining gardens, the level of overshadowing is not expected to significantly reduce sunlight below 2 hours over 50% of the garden space, in line with the BREEAM standard.
- 6.84 In terms of loss of light to habitable windows, it is considered that the distance of the proposed building from the windows of the rear elevation would ensure there would be no impact. Therefore, the proposed development is not considered to result in a significant loss of sunlight or daylight to adjoining properties.
- 6.85 Objections were raised during the previous scheme to noise pollution from traffic using the proposed access road. The submitted Transport Statement includes a trip generation summary, which compares the existing use to the proposed residential use. It outlines that the existing garden centre resulted in 93 trips between the hours of 0700-1900. In comparison, the proposed development is likely to result in 33 trips during the same period, therefore officers are satisfied the level of noise and vehicular activity would likely be less than the long established retail use.
- 6.86 The application includes an External Lighting Report, which details the extent of proposed lighting around the site, including restrictive shades to prevent overspill towards neighbouring properties. Wall mounted lights and low-level lighting columns (3m maximum height) would be located to areas including the main route into the site, car-park and pedestrian pathways to achieve required safe access lighting.
- 6.87 The proposed lighting and measures would be appropriate in mitigating any adverse impact on the amenity of neighbours, which would be ensured by a planning condition.
- 6.88 Overall, there is not considered to be any significant adverse impacts on the amenities of neighbouring occupiers to warrant the refusal of the scheme.

Highways and Traffic Issues

a) Car Parking

- 6.89 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private parking provisions in order to promote sustainable modes of transport, where appropriate. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum to Chapter 6. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- 6.90 The London Plan also favours sustainable transport modes where it is reasonable to do decrease the need to travel by car. This is in order to reduce traffic congestion and environmental impacts of car use. This is achieved through promoting cycling through the provision of storage space, improve pedestrian routes where necessary, supporting the use of public transport through travel plans and preventing excessive parking through the maximum standards provided.
- 6.91 Core Strategy Policy 14 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The car parking standards contained within the London Plan will be used as a basis for assessment.
- 6.92 DM Policy 29: Car parking advises that car limited major residential development will only be considered where there is:

- a. PTAL level 4 or higher, or where this can be achieved through investment in transport infrastructure and services;
 - b. no detrimental impact on the provision of on-street parking in the vicinity;
 - c. no negative impact on the safety and suitability of access and servicing;
 - d. protection of required publicly accessible or business use car parking;
 - e. inclusion of car clubs, car pooling schemes, cycle clubs and cycle parking and storage;
 - f. as part of a package of measures mitigating the need for on-site car parking provision, an equitable split of parking provision between private and affordable residential development, and
 - g. on-site accessible priority parking for disabled drivers.
- 6.93 The existing development incorporates a former garden centre with access from an existing 4.5m wide road which exits onto Penerley Road. It is noted that the garden centre required customer and delivery vehicles to use this road to access the site, including larger vehicles to courier plants and landscaping equipment.
- 6.94 The proposed development would provide 27 units with a mix of sizes, including 7, three bedroom family units. 16no. parking spaces are proposed, including three disabled bays. Access into the site would remain from the existing route off Penerley Road, with alterations allowing for a shared vehicular and pedestrian surface.
- 6.95 A Transport Statement has been submitted in support of the application and used in the assessment of the impact.
- 6.96 The Parking Addendum to Chapter 6 of the London Plan includes maximum parking standards for new residential development under Table 6.2. The site has an average PTAL of 4 within an urban setting and, with regard to the habitable rooms per unit, the parking provision should be up to one space per unit.
- 6.97 It also states under the notes of the residential parking standards that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Given the PTAL of 4 and the good access to Catford Town Centre, the development is considered to fall within this category.
- 6.98 The proposed 16 on-site parking spaces would equate to one space per 1.6 units, in line with the London Plan maximum standards.
- 6.99 The application relies upon the findings of a parking survey that formed part of the submission for the 2016 refusal. This included a survey conducted between 18:00-04:30 on the 20th, 21st and 22nd of October (mid-week) of the evening and overnight parking stress, and it counted available parking spaces within 400m walking distance of the site.
- 6.100 The parking survey found that of the 72 spaces along Penerley Road, the highest parking stress was 45% (or 39 free spaces).
- 6.101 The statement then utilised the most recent car ownership data taken in the 2011 census to predict car ownership of future occupiers. It found that, given there are 0.793 cars per household, the then 29 units had the potential to result in 23 vehicles, based upon full occupancy. Therefore, taking away the proposed 11 parking spaces on-site, the amount of off-site parking required was expected to be 12.
- 6.102 Officers considered the parking provision and this approach to be acceptable to assess the parking demand. The 2016 parking survey remains applicable, and in using the same method for the current scheme, the proposal would generate a demand of approximately 21 spaces, therefore when deducting the proposed 16 on-site spaces, the overspill would be only 5 spaces. This would not be significant considering the availability of parking to neighbouring streets identified during the parking survey which could adequately absorb any potential over-spill from the site.

- 6.103 Highways officers have raised no objections to the proposal, however they consider it appropriate that given the existing parking stress during the day in the streets within the vicinity of the site (which will be exacerbated by visitors to the application site) a financial contribution would be required towards consultation/ implementation of a controlled parking zone (CPZ).
- 6.104 The sum sought would be £30,000, which is based upon:-
- Meeting with Local groups to discuss the attractors in the area, the timings of the zone and the area to be consulted;
 - Consult residents in the agreed area on the agreed options and proposed design of the zone;
 - Provide drop-in events and allow Local Assemblies and TRAs time to raise issues at their meetings if necessary. Also highlight the approach to disabled bays;
 - Publish the results of the consultation on the web, identifying which options were favoured for the timings and area of the zone to be implemented;
 - Statutory consultation.
- 6.105 The applicants have agreed to pay the sum, which will be secured in the S106.
- 6.106 The applicant will also be required to enter into an agreement with the Highway Authority to secure highways reinstatement/ improvement works on the public highway (Penerley Road) adjacent to the proposed site access (including waiting restrictions to enable large vehicles to access the site; dropped kerb; and tactile paving.) A Grampian condition would ensure the completion of works prior to first occupation of the proposed units.
- 6.107 A planning condition will require details relating to the installation of electric charging facilities within the car park, in accordance with London Plan standards.
- 6.108 In summary, the proposed development is not considered to adversely impact upon the level of parking in the area. In addition, through the appropriate management of parking, cycle parking provision and a Travel Plan, the scheme would meet the policies of the NPPF, The London Plan (2016) and DM Policy 29: Car parking in reducing private vehicle travel.

b) Access

- 6.109 DM Policy 33 requires development of backland sites to have a proper means of access and servicing which is convenient and safe both for drivers and pedestrians. Good access to development on backland sites is a key issue and will be an important factor when considering development applications. Emergency vehicles, refuse vehicles and delivery services need appropriate access. Pedestrian access needs to be safe for all users and avoid conflict with vehicles. If safe and convenient access cannot be achieved for all users then developments will be refused.
- 6.110 The road is accessed from an existing dropped kerb on Penerley Road. At its narrowest, it is 4.5 metres wide, 5m wide at the front and 6.7m wide further within the site. The existing road would be resurfaced to provide a shared space environment. Whilst the width of the route is narrow, vehicles would have sufficient opportunity to give way to oncoming vehicles without causing significant impact upon the adopted highway or pedestrians.
- 6.111 Swept path diagrams of large vehicles typical of refuse and emergency vehicles are provided, which show that the vehicles could enter and exit the access road onto Penerley Road as well as manoeuvring within the site to exit in a forward gear. Nevertheless, Highways officers advise a Servicing and Delivery condition be included considering the

swept path analysis within the Transport Statement illustrates there would be limited space within the site for large / service vehicles to manoeuvre.

- 6.112 Overall, the access is considered to be appropriate for safe pedestrian and vehicle access, including refuse and emergency vehicles.

c) Cycle Parking

- 6.113 Cycle parking standards are provided in Table 6.3 of the Parking Addendum to Chapter 6 of the London Plan. It states that residential dwellings should provide 1 space per one bedroom dwelling and 2 spaces per all other dwellings. Therefore the proposed development should provide 44 cycle parking spaces.

- 6.114 The Transport Statement outlines that 45 dry and secure locker spaces are proposed, thereby in accordance with the London Plan standards. The communal cycle parking spaces would be located adjacent to the northern boundary, whilst the ground floor units would be afforded spaces within their private gardens. Officers consider the location of the storage units to be acceptable.

- 6.115 A planning condition will be included which requires further details regarding the appearance of the cycle lockers, whilst ensuring they are provided prior to first occupation.

d) Refuse

- 6.116 Standard 22 and 23 of the London Plan Housing SPG highlights guidance on refuse for new residential development and references the British Standard BS5906:2005. The minimum refuse capacity required would be:

- Recycling Provision = 3no. x 1280l eurobins
- Residual Waste Provision = 3no. x 1100l eurobins

- 6.117 In this case, the proposal would provide two stores: Store 01 would be sited within the car-park area, serving Blocks A, B, C, whilst an internal bin store would serve Blocks D and E. The bins would comprise:

- 2no. 1100 litre for household waste
- 2no. 1280 litre for mixed dry recycling
- 1no. 1100 litre for household waste
- 1no. 1280 litre for mixed dry recycling

- 6.118 The applicant has advised that on-site servicing will be overseen by a third party management company, which will be charged with facilitating the safe and efficient movement of large vehicles, including ensuring that parking does not occur within the turning area, and that refuse is conveyed to the collection point.

- 6.119 The bin provision would be acceptable, however further elevation details of the enclosure are required.

e) Construction Impact

- 6.120 Objections have been submitted in relation to impacts from construction vehicles, together with noise, dust and other impacts to neighbours.

- 6.121 A draft Construction Management Plan has been submitted with the transport assessment outlining the principle of the traffic movement. Officers consider this is acceptable in principle to ensure no significant adverse impact on the highways from vehicles entering and exiting the site.

- 6.122 It is considered that the details such as number and type of vehicles, mitigation measures on dust and noise, safety implications and length of construction period (among other matters), would be detailed in the final Construction Management Plan, which will be secured by condition.

Sustainability and Energy

- 6.123 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be lean: use less energy;
 - Be clean: supply energy efficiently; and,
 - Be green: use renewable energy.
- 6.124 Major development should look to meet targets in reducing carbon dioxide emissions in new buildings. These targets are expressed as minimum improvements over the Target Emission Rate outlined in the national Building Regulations. For new residential buildings a 35% reduction target beyond Part L 2013 is sought. An energy assessment should be included to demonstrate how the targets for emissions reduction are to be met.
- 6.125 Proposals should outline details of decentralised energy where feasible, such as Combined Heat and Power (CHP), and on-site renewable energy. As outlined within Policy 5.6 and 5.7 of the London Plan, these options should be explored within the energy assessment.
- 6.126 Lewisham's Core Strategy Objective 5 states 'The Council will take action to ensure that climate change is adapted to and mitigated against, including measures necessary to reduce carbon emissions by maximising generation and use of renewable energy and locally distributed energy, particularly for major development sites.'
- 6.127 Core Strategy Policy 7 looks to apply the London Plan policies relevant to climate change including those related to: air quality, energy efficiency, sustainable design and construction, retrofitting, decentralised energy works, renewable energy, innovative energy technologies, overheating and cooling, urban greening, and living roofs and walls.
- 6.128 The application includes an Energy Assessment and Sustainability Statement, which considers that due to the scale of the development and constraints of the site, certain renewable energy options and CHP are not feasible. Officers raise no objections to this.
- 6.129 The assessment outlines that the development would achieve an overall average 51% reduction in CO2 emissions, thereby exceeding the required 35%. Energy efficiency measures would include the installation of PV panels; high efficiency heating system; advanced heating controls; and flue gas heat recovery. Officers therefore consider the development to be acceptable. In compliance with zero carbon targets, a financial contribution of £6300 to offset the emissions would be incurred by the applicant, and secured in the S106.

Living Roofs

- 6.130 In accordance with DM Policy 24 the borough requires all new development to take account, and minimise impacts on biodiversity, commonly in the form of a living roof or wall. Living roofs are required to be designed in accordance with DM Policy 24 and London Plan Policy 5.11 and are essential for sustainable design. London Plan Policy 7.19 states that, where possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity.

- 6.131 In this case, the provision of Biodiversity Green Roofs would be to the flat roof area at first floor level of Block E, and to the refuse store. No details have been submitted at this stage, therefore a planning condition will request further information.
- 6.132 Ecological Regeneration are supportive of the principle of a living roof, however they request a plug planted and over-seeded roof.

Landscaping and Sustainable Urban Drainage Systems

- 6.133 DM Policy 25 Landscaping and Trees aims to ensure applicants consider landscaping and trees as an integral part of the application and development process.
- 6.134 The site would provide a mix of soft and hard landscaping measures, including native shrub species; planting of trees; and planting beds. An Edwardian garden would be formed to the east of Block E, comprised of stone paving; retained hedging and tree; planting bed; and benches.
- 6.135 The communal space to the southern areas of the site would be mostly lawned, with planting of new trees and low level plants. An area to the south of the site would provide children's playspace, including timber play equipment and boulders for climbing. In addition, seating and picnic areas would be provided for all occupiers.
- 6.136 The submission details indicates the use of artificial lawns to the private rear gardens, however the applicant has since advised that only natural grass will be laid. The gardens would be low maintenance, with some hedging and concrete patios.
- 6.137 In principle the proposed landscaping measures would be acceptable, however a planning condition will require the submission of further detailed hard and soft landscaping information, in addition to the proposed children's playspace and equipment.
- 6.138 Sustainable Urban Drainage Systems aid in alleviating local flood risk, managing water quality and enhancing biodiversity. A condition will require further information regarding appropriate measures and permeable materials to ensure this would be achieved.

Ecology and Trees

- 6.139 An Ecological Appraisal was submitted with the refused application, and included a site survey to assess it's suitability to support protected species. The appraisal determined there are no plant species that provided significant habitat value. It was noted that some boundary trees provide nesting and habitat value as well as a mature Horse Chestnut which contained cavities for bat roosts, although no evidence of bat roosts were found.
- 6.140 It was considered that with the retention of the trees providing the moderate habitat value, as well as protection during construction, the proposed development would not have an adverse ecological impact. The appraisal also identified biodiversity enhancement opportunities, including bat and bird boxes, bee houses and native tree and shrub landscaping.
- 6.141 A Tree Survey Report, which includes an Arboricultural impact assessment, has been submitted with the current application. The survey identifies primarily boundary trees on the site - two of these trees, both horse chestnuts on the western and southern boundary, were considered to be of moderate value. It is noted that the tree on the southern boundary was identified as being the tree suitable for providing bat roosts. The remaining trees are of limited value. No trees would be felled as part of the proposal, whilst it advises that a Leyland Cypress would need to be pruned.
- 6.142 Overall, based on the findings and measures outlined within the appraisal and tree survey, no adverse impact on ecology or trees are likely as a result of the proposal. Conditions will

secure the biodiversity enhancements and tree protection during construction to ensure these measures are brought forward with the development.

Planning Obligations

6.143 The National Planning Policy Framework (NPPF) (para. 203) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF (para. 204) also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

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

6.145 The obligations sought are as follows:

Four affordable units, comprising;

A1.1	3 bed 4 person flat (WC)	London Affordable Rent
A1.2	1 bed 2 person flat (WC)	London Affordable Rent
A2.1	2 bed 4 person flat	Intermediate (Shared Ownership)
A2.2	2 bed 4 person flat	Intermediate (Shared Ownership)

- Financial contribution of £30,000 toward Controlled Parking Zone (CPZ); and Zero Carbon payment of £6,300;
- Review Mechanism;
- Monitoring, legal and professional costs.

6.146 As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010.

Prevention of crime and disorder

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

Human Rights Act

- 6.148 Officers consider that this application does not raise any Human Rights Act issues that need to be considered.

7.0 Community Infrastructure Levy

- 7.1 The above development is liable for Lewisham CIL.

8.0 Equalities Considerations

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

9.0 Conclusion

- 9.1 The proposal would include the demolition of existing non-designated buildings, which officers consider serve to detract from the character of the Culverley Green Conservation Area, and are not of sufficient architectural merit to warrant their retention.
- 9.2 The proposed development would provide a wholly residential scheme that has been significantly amended since the 2016 refusal. The design has been reconsidered to alleviate the overbearing nature of the refused scheme by providing 5 separate blocks, with hip roofs serving to minimise the extent of massing.
- 9.3 Officers consider the development to be acceptable in its siting, design and scale, and would be an appropriate addition to the townscape. Due to the length of neighbouring rear gardens, officers are satisfied the development would be sited a sufficient distance away from existing dwellings, whilst any sense of overlooking to gardens may be mitigated by appropriate conditions.
- 9.4 The standard of proposed residential accommodation would be acceptable, in accordance with policies, with each unit being afforded private amenity space. The provision of four affordable units has been tested by an independent viability consultant, who concludes the scheme would be unable to provide any additional tenure. The proposed mix of London Affordable Rent and Shared Ownership units is acceptable.
- 9.5 Officers are satisfied with the Highways impact of the proposal, subject to provision of a CPZ financial contribution and works to the highway.
- 9.6 For these reasons, it is recommended permission is granted.

10.0 **RECOMMENDATION (A)**

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

- Four affordable units, comprising;
 - A1.1 3 bed 4 person flat (WC) London Affordable Rent
 - A1.2 1 bed 2 person flat (WC) London Affordable Rent
 - A2.1 2 bed 4 person flat Intermediate (Shared Ownership)
 - A2.2 2 bed 4 person flat Intermediate (Shared Ownership)
- Financial contributions:
 - CPZ: £30,000
 - Zero Carbon £6,300
- Review mechanism;
- Monitoring, legal and professional costs.

RECOMMENDATION (B)

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

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

- (2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

D-J-201 TO 204; D-J-301 TO 304; EX-E-01; EX-E-02; EX-E-03; EX-E-04; EX-P; EX-S-01; EX-S-02; EX-SP; GA-DE-01 P2; GA-DE02 P2; GA-E-01; GA-E-02; GA-P-FT01 P2; GA-P-FT02 P2; GA-P-FT03 P2; GA-P-FT04 P2; GA-P-FT05 P2; GA-P-FT06 P2; GA-P-FT07 P2; GA-P-FT08 P2; GA-P-FT09 P2; GA-P-L00 P7; GA-P-L00-01 P2; GA-P-L00-02 P2; GA-S-01; GA-S-02; GA-P-L01 P7; GA-P-L01-01 P2; GA-P-L01-02 P2; GA-P-L02-01 P2; GA-P-L02 P7; GA-P-L02-02 P2; GA-P-R03 P7; Appendix C-E; Design and Access Statement (June 2017); Energy Statement (Parts 1-4); External Lighting Report; Landscape Design and Details; Planning and Heritage Statement; Refuse and Recycling Review; Statement of Community Involvement; Transport Statement (June 2017 JT/11652 dha transport); Tree Survey Report (May 2017); Tree Protection Plan; Unit Details Summary Received 21 July 2017;

'Affordable Housing Provision' email Received 29 January 2018;

'Landscaping, Living Roof and Ecology' email Received 5 February 2018;

'Rent Levels' email Received 14 February 2018.

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

- (3) (i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
 - (b) A commitment to working with the local planning authority's local labour and business coordinator.
 - (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
 - (d) Early warnings within the local planning authority's area of contracts to be let at the development.
 - (a) The number and type of jobs to be created and the skill requirements in relation to those jobs.
 - (b) Recommended training routes to secure jobs.
 - (c) Proposals to encourage diversity in the workforce.
 - (h) Measures to encourage local businesses to apply for work in relation to the development.
 - (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
 - (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
 - (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
 - (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
 - (m) Provision of childcare and employee assistance to improve working environments.
 - (n) Interview arrangements for jobs.
 - (o) Arrangements for working with schools and colleges.
 - (p) Measures to encourage local people into end use jobs.
 - (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-

- The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
- Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
- Number of days of work experience provided.
- Number of apprenticeships provided.

(ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.

(iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged to undertake the construction of the development.

Reason: In order that the local planning authority may be satisfied that the development makes appropriate provision for local labour and delivers jobs to supports sustainable development in accordance with the National Planning Policy Framework (2012) and to comply with Core Strategy Policy 21 Planning Obligations in the Core Strategy (2011).

- (4) No development shall commence on site until such time as a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall cover:-
- (a) Demolition works, including dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction relates activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

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

- (5) (a) The buildings shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB L_{Amax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External

amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

- (b) Development shall not commence above ground level until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.
- (c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

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

- (6) (a) Notwithstanding the details hereby approved, no development beyond piling shall commence until detailed plans at a scale of 1:5 showing: windows/ doors/ balconies/ terraces and entrances have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (7) No development above ground level shall commence on site until a detailed schedule and specification/ samples of all external materials and finishes (including mortar details) to be used on the buildings have been submitted to and approved in writing by the local planning authority. Large samples must be presented to officers on site only. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

- (8) (a) No development shall commence above ground level until elevation details of the refuse and recycling facilities hereby approved have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (9) (a) A minimum of 45 secure and dry cycle parking spaces for residential occupiers shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground floor level until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban design and local character.

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

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

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

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

Reason: In order that the local planning authority may be satisfied that the lighting is installed and maintained in a manner which will minimise possible light pollution to the night sky and neighbouring properties and to comply with DM Policy 27 Lighting of the Development Management Local Plan (November 2014).

- (14) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the front elevation of the buildings.

Reason: In order that the local planning authority may be satisfied with the details of the proposal and to accord with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

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

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

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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

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

- (18) (a) Details of the proposed biodiversity living roofs (plug planted with average substrate depth of 130mm and over-seeded roof) to Block E and the refuse store hereby shall be submitted to and approved in writing by the LPA prior to the commencement of the above ground works.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved, and shall be maintained thereafter.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2016), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (19) No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

Reason: To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

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

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

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

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

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

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

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

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

- (24) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the south facing windows at first and second floor of Block E hereby approved shall be fitted as obscure glazed and fixed shut, and retained in perpetuity.

Reason: To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

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

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core strategy Policy 7 Climate change and adapting to the effects and Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

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

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

Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (28) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

- (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
 - (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

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

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

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

- (29) (a) Prior to the first occupation of the development, a Parking Management Plan shall be submitted to and approved in writing by the local authority. The Management Plan shall include details of allocation and management of car, motorcycle and cycle parking spaces within the development
- (b) The car and cycle parking spaces shall only be operated in accordance with the approved Parking Management Plan.

Reason: To manage car and cycle parking in accordance with London Plan(2016) Policy 6.13 and DM Policy 29 Car parking of the Development Management Local Plan (November 2014) and to reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (2016),

- (30) No part of the development hereby approved shall be first occupied until certification that the development has achieved Secure by Design accreditation has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the local planning authority may be satisfied that the proposal reduces opportunities for criminal behaviour and makes a positive contribution to a sense of security and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) and Policy 7.3 Designing out crime of the London Plan (2016).

- (31) No development beyond ground works shall commence on site until a play strategy demonstrating the proposed layout, materials, fixtures and fittings of the playable space in general accordance with drawing no. GA-P-L00 Rev P7 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation of the development and retained in perpetuity.

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

- (32) No development beyond ground works shall commence on site until a Refuse Management Plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to occupation of the development and retained in perpetuity.

Reason: In order that the local planning authority may be satisfied with the provisions for refuse collection in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

- (33) (a) No development shall commence until details of the following works to the Highway (including drawings and specifications) have been submitted to and approved in writing by the local planning authority, including:
- re-instatement and improvement works on the public highway (Penerley Road) adjacent to the proposed site access, including waiting restrictions to enable large vehicles to access the site; dropped kerb; and tactile paving.
- (b) No Building shall be first occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under the said paragraph (a).

Reason: In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

INFORMATIVES

- (A) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More

information on CIL is available at: -
<http://www.lewisham.gov.uk/my services/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>

- (C) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (D) **Pre-Commencement Conditions:** The applicant is advised that Conditions relating to Site Contamination, Local Labour, Construction Management Plan, Highways Works; Tree Protection and Archaeology require details to be submitted prior to the commencement of works due to the importance of: ensuring the development makes appropriate provision for local labour and delivery of jobs; allowing for archaeological investigations; ensuring the site has been cleared of any potential contaminants; ensuring the safeguarding of existing trees; and minimising disruption on local residents during construction works.
- (E) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

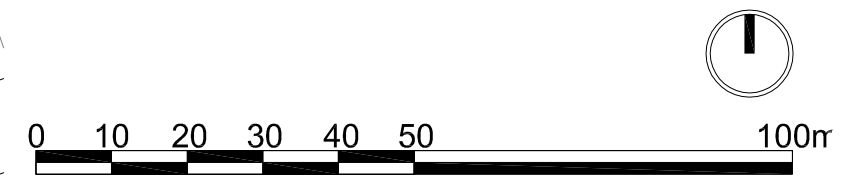
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job CATFORD PHOEBES GARDEN CENTRE, CATFORD.	drawn: AK	date: 09/16
drawing EXISTING SITE PLAN	scale: 1/1250 @ A3	job no: 2398
note: all dimensions to be checked on site prior to commencement of the work. if this drawing exceeds the quantities in any way the contractor is to be informed before the work is commenced. for all other purposes other than planning application purposes do not scale. use dimensions. this drawing is copyright.		drawing no. EX-SP
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Appendix 1

PHOEBE'S GARDEN CENTRE, PENERLEY ROAD, LONDON, SE6 2LQ
Addendum Update (2)
December 2017



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GERALDEVE

COMMERCIALLY CONFIDENTIAL

Phoebe's Garden Centre, Lewisham SE6 2LQ

On behalf of: Lewisham Council

Addendum Update (2)

CONTAINS CONFIDENTIAL INFORMATION

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APPLICATIONS OF THIS SCHEME WITHOUT PERMISSION OF GERALD EVE LLP**

December 2017

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- (i) all statements contained within this report are made without acceptance of any liability in negligence, tort or otherwise by Gerald Eve LLP. The information contained in this report has not been independently verified by Gerald Eve LLP;
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- (v) Any estimates of values or similar, other than specifically referred to otherwise, are subject to and for the purposes of discussion and are therefore only draft and excluded from the provisions of the RICS Valuation – Professional Standards 2014; and
- (vi) if this report is subsequently to be provided to The Council in full, it should be on a confidential basis. We therefore request that the report should not be disclosed to any third parties (other than consultants instructed by The Council to review this report) under the Freedom of Information Act (Sections 41 and 43 (2)) or under the Environmental Information Regulations.

1. Introduction

This section sets out details of the updated appraisal position following submission of the due diligence assessment and Addendum (1) dated November 2017.

Background

- 1.1 Gerald Eve LLP ('GE') was commissioned by London Borough of Lewisham ('LBL') to undertake a due diligence assessment of a Financial Viability Assessment ('FVA') and associated information in connection with a planning application for the proposed redevelopment ('the Scheme') of Phoebe's Garden Centre, Lewisham, SE6 2LQ ('the Site'), submitted on behalf of City and Metro Limited ('the Applicant'). Turner Morum LLP ('the Advisor') has produced the FVA on behalf of the Applicant which forms part of the application documentation. Robert Neil & Co ('the Valuer') was also separately instructed by the Applicant to provide additional evidence in regard to the site value as a garden centre. GE submitted the final report to the Council in November 2017.
- 1.2 Following the submission of our report the Advisor provided a rebuttal dated the 13th November 2017. GE produced an Addendum (1) to our original report responding to the additional issues raised.
- 1.3 Following further various correspondences with the Advisor and the submission of additional Site specific evidence, this document ('Addendum 2') has regard to all evidence submitted in relation to this application in order to reach a final conclusion.

Areas of Additional Information

- 1.4 In Addendum 1 we highlighted a number of areas we would re-consider subject to the provision to further Site Specific information provided by the Advisor.

1.5 Table 1 provides a summary of the remaining areas additional evidence has been provided to support the Advisor's case. We address these in more detail in Section 2.

Table 1: Appraisal Inputs – Remaining Areas of Disagreement

Appraisal Input	GE Addendum 1	Advisor Proposed
Professional Fees	10%	12%
Site Value	£1.3m	£1.56m
Profit on Return	17%	20%

Source: GE

2. Appraisal Inputs

This section considers the additional evidence provided to GE relating to Professional Fees, Site Value and Profit Return by the Advisor.

Professional Fees Evidence

- 2.1 In their original appraisal the Advisor considered that professional fees of 10% on the construction and contingency costs should be applied.
- 2.2 We noted in Section 7 of our original report that a range of 10-12% professional fees would be reasonable. As the proposed 10% was within this range, we considered it reasonable to apply this level in the appraisal.
- 2.3 However in their response to the FVA Review, the Advisor discussed various appeal decisions and highlighted the use of Professional Fees at 12% as important.
- 2.4 As discussed above, we would consider 12% Professional Fees to be within a reasonable range of what should be applied. However, any amendments would be subject to appropriate Site-Specific evidence being provided by the Advisor to justify the increase from their original appraisal.
- 2.5 In their recent response, the Advisor provided additional information to support the 12% professional fees being applied which is summarised in Appendix 1.
- 2.6 We have reviewed this evidence along with our instructed Cost Consultant, Veale & Sanders ('V&S'). V&S's view is that the information provided does not completely correspond with the original report. For example, their table refers mainly to surveys and other costs with minimal reference to actual 'Consultants'. In some instances, the allowances appear excessive such as £150,000 for a topographical survey.

- 2.7 In the additional information provided, the total fees amount to £835k which is expressed as 15% of £5,403,012. The cost plan we received totalled £5,493,586 + £274,679 contingency i.e. £5,768,265. The difference is partly attributed to abnormals and infrastructure costs of £315,752 but the remaining £50k appears to be an arithmetical error.
- 2.8 Notwithstanding the latest evidence, it was confirmed by V&S that around 12% for Professional Fees based on the site specific cost plan, including abnormals and contingency is not considered unreasonable. We therefore agree with this proposed adjustment and have updated the appraisal accordingly.

Site Value Evidence

- 2.9 The Advisors original assessment of a competitive return to a willing land owner was based on the former use of the Site as an operating Garden Centre using a Profit Methods valuation. It was concluded that a Site Value within the range of £2.8m-£3.1m was appropriate. £2.65m was assumed in their assessment. foll
- 2.10 GE had regard to the various approaches taken by the Advisor. It was noted however that the Garden Centre was no longer in use and insufficient comparable information had been provided to demonstrate an alternative A1 use or an application of a site premium.
- 2.11 We did not disagree that Market Value could be an appropriate Site Value, rather than EUV. However, we stressed the need for this to be justified by the Advisor through evidence and comparable information.
- 2.12 GE were therefore of the view that the Valuation provided held limited weight in the current context of the Site. It was concluded by GE that the appropriate Site Value was £1.3 million.
- 2.13 In their rebuttal the Advisor proposed an increased Site Value of £1.56 million, suggesting that this represented the Existing Use Value with a 20% premium applied.

2.14 The Advisor also provided some additional information which is summarised in Table 2 below to evidence why a 20% premium should be applied.

Advisors Evidence

Table 2: Summary of Comparable Evidence

Site	Postcode	Purchase Price	Date	Units	AH %	£ per acre	£ per plot	£ per plot applied to site	£ per acre applied to site
Forbury	SE13 5DL	£7,241,000	03/04 /2017	30	20%	£9,362,277	£241,367	£6,516,900	£9,716,357
Lawrie Park Place	SE26 6HG	£7,150,000	07/06 /2016	46	41%	£2,066,832	£155,435	£4,196,739	£2,145,000
Fairway House	SE23 3HN	£5,925,000	30/06 /2016	27	0%	£12,620,077	£219,444	£5,925,000	£13,097,368

Source: The Advisor

2.15 We have reviewed the evidence provided by the Advisor and commented on why these transactions are not considered to be comparable, on the following basis:

- All purchased with Planning Permission;
- Location;
- Do not reflect the unique site specific conditions of the Subject Site;
- Purchase Price not indexed to reflect the current market.

Forbury Site (SE13)

2.16 This Site is located 2 miles away from the Subject Site in the Conservation area of Blackheath, overlooking the park. This Site is located within close proximity to Blackheath Station and Greenwich Park and is considered to be more superior to the Subject Site. Although the units have not yet been marketed, some of the early advertisements by Berkeley Homes suggest that the prices will start £530k for a 1 bed, based on an assumption of 538 sq ft, this equates to a rate psf of circa £900k which is considerably higher than the average agreed at the Subject Site of £530psf. Clearly, the Site is expected to achieve higher sales values due to its preferable location which was therefore reflected in the land purchase price.

Lawrie Park Place (SE26)

- 2.17 This site is located in the London Borough of Bromley, approximately 3.1 miles from the Subject Site. Although the Site is considered to be in a similar type of location to the Subject Site, it has the added benefit of being located within very close proximity to Crystal Palace Park. The current asking prices for the units are on average £616 psf across 1 – 3 bed units.

GE Evidence

- 2.18 In the following section we have undertaken our own assessment of the market comparable evidence. We have highlighted a key transaction which is considered to offer an excellent comparable for the Subject Site.

Catford Timber Island

- 2.19 We are of the view that it is necessary to consider comparable evidence based on Schemes that have not yet achieved planning permission as this is the current status of the proposed Site. A key transaction that we have considered is that of the Catford Island Timber Yard, located approximately 0.3 miles away from the proposed Site, off Catford High Street.
- 2.20 Table 3 provides a summary of the key information related to the transaction and the resulting values when applied to the Subject Site. You will note that the proposals include 42 residential units (27,000 sq ft), compared to the 27 units at the proposed Site (23,000 sq ft) with affordable housing. This site also has restricted access. As the Site was purchased back in March 2016, we have indexed the price in line with the Savills Development Index.

Table 3: Summary of Comparable Transaction

Planning Status	Date of Purchase	Purchase Price	Indexed Purchase Price	Total Private Units	Total Affordable Units	Total Units	% Affordable Housing (By Unit)	NIA Sq ft *	Price Per Unit	Price Per Private Unit	Price Per Sq ft
Submitted Oct 2017	31/03/2016	£ 2,055,000.00	£ 1,806,974.78	36	6	42	14	27000	£ 43,023.21	£ 50,193.74	£ 66.92
									£ 1,161,626.64	£ 1,154,456.11	£ 1,490,754.19

Source: Molior

2.21 The above analysis demonstrates the resulting Site Values, when the evidence from the comparable transaction is applied to the Subject Site. Based on a total unit analysis, the applied rate of approximately £43k per unit results in a Site Value of the proposed of circa £1.162 million. Similarly based on the number of Private units, this results in a value of £1.154 million (assuming 15% affordable housing). Finally, when the rate psf (NIA) is applied to the Subject Site proposals, this results in a higher Site Value of £1.490 million.

2.22 Based on this analysis GE estimate Market Value to range from c.£1,150,000 – c.£1,500,000, with a mid-point of £1,325,000.

2.23 In order to be reasonable GE have had regard to the upper end of the comparable evidence range in determining Site Value and the Advisor's position that a competitive return will exceed EUV of the property .

2.24 £1.5m reflects a value 15% in excess of EUV.

Profit Return

2.25 In their original appraisal, the Advisor adopted a 20% Profit on GDV market housing and 6% for affordable housing, although the affordable GDV was nil.

2.26 GE concluded that a rate of 17% Profit on GDV for the market housing 6% for the affordable was considered to be more reasonable in the current market.

- 2.27 We note the wide range of generic market information on profit levels that the Advisor has submitted as part of their various responses, in order to further justify the 20% Profit on GDV. This included reference to what GE advised on another Scheme in Havant. However, as this was a much larger development with different Site Specific issues, it is not considered to be relevant evidence. The level of profit was devised in line with the site specific considerations of that particular Site which are obviously different to the Subject Site.
- 2.28 On a Site Specific basis, their main points in relation to development, have been summarised as follows:
- High cost single phase brownfield development is more risky than a multi-phase housing/greenfield site and as such developers need a higher return to obtain lending/board approval;
 - Delivering a development post Brexit is highly risky in the current economic climate and developers needs to ensure target returns are achieved at a high level otherwise developments will not come forward;
 - The scheme is a complex development in a brownfield location with access issue and surrounded by existing residential properties causing issues of access, manoeuvrability and noise;
 - Complex design issues as a result of being in conservation area and the previous appeal refusal – difficult scheme to build cost effectively;
 - Difficult in obtaining finance for the development due to the above and the economic climate post Brexit;
 - Issues to contend with delivering this site including disturbance to neighbours in close proximity.
- 2.29 Although we have reviewed the additional information sent over to support a higher profit rate of 20% on GDV, we are of the view that the evidence is not appropriate to justify the site specific reasons of why this should be applied.
- 2.30 In addition, as we have adopted a Site Value situated at the higher end of the range, incorporating a premium, we are of the view that the relevant level of risk has been reflected in the appraisal. Therefore, no further adjustments to the profit level are required.

- 2.31 Having considered all of the above, we have therefore maintained the 17% profit on Private GDV in the appraisal.
- 2.32 Having taken the above appraisal adjustments into account, we have set out the results in the following section.
- 2.33 Table 4 provides a summary of how the appraisal inputs and position has changed during the review and negotiation process.
- 2.34 The appraisal results can be viewed in Appendix 2.

Table 4: Summary of Revised Appraisal Position

Appraisal Input	Advisor Proposal	GE Revised Current Proposal (Addendum 2)
Site Value	£1,560,000	£1,500,000
Profit on GDV	20%	17%
Professional Fees	12%	12%
Affordable Housing Provision	2 units: 2 SO	3 units: 2 AR/ 1 SO

Source: GE

Sensitivity

- 2.35 Given potential practicality issues with delivering social rented units within the scheme, we have considered the result of converting the current proposed mix of 2 x affordable rented units into Shared Ownership. We estimate that this conversion would appear to result in the potential an increase the overall affordable housing provision to 4 Shared Ownership units with a remain small financial surplus which would be insufficient to delivery any further units viably.
- 2.36 The appraisal results can be reviewed in Appendix 3.

3. Conclusion

- 3.1 This addendum (2) considers all of the evidence provided in response to GE's original and addendum (1) documents. We have accepted that additional evidence has been sufficient to evidence an increase in the allowance in professional fees from that originally proposed and for the Site Value to increase to reflect market comparable of £1.5m. This reflects a 15% premium over Existing Use Vale.
- 3.2 Following adjustment, GE estimate that there remains sufficient surplus in the appraisal to deliver on site affordable housing beyond that proposed following GE's original report. Based upon a mix of Social Rent (2 units) and Shared Ownership (1 unit), GE estimate a total of 3 affordable housing units can be viably be justified on site. This represents an onsite affordable housing provision of 11% by units and 12% by habitable rooms overall.
- 3.3 However, we understand the practicalities of delivering mixed tenure developments with low levels of affordable housing. We have therefore also considered the Scheme on the basis of 100% Shared Ownership.
- 3.4 We estimate that the appraisal surplus would deliver, on a 100% Shared Ownership basis, a total of 4 Shared Ownership units. This approach results in remaining small cash surplus (circa £250k) which is not sufficient to viably deliver an additional affordable housing unit. We therefore consider 4 Shared Ownership units to represent the maximum reasonable level of affordable housing.
- 3.5 We note however that a 100% Shared Ownership Scheme is not Policy compliant and does not meet the Council's requirement to provide a 70% affordable rented element on all major Schemes. Therefore an affordable housing offer that is not in line with policy would be subject to further discussions and consideration by the Council.

Advisors Additional Evidence – Professional Fees

Professional Fees	Amount
Existing buildings (including valuation, measured surveys, structural surveys, structural investigations, condition surveys and demolition surveys).	£10,000
Geological and geotechnical.	£10,000
Topographical surveys, perhaps including laser scanning, Lidar or photogrammetry.	150000
Contamination.	10000
Ecological survey.	£15,000
Archaeological (see archaeology).	£7,500
Traffic and transport.	£10,000
Local climate.	£10,000
Flood risk.	£6,500
Air quality.	£7,500
Acoustic.	£7,500
Photographic.	£2,500
Historic use.	£1,000
Boundary surveys. -	£2,500
Structural surveys (including retained structures, underground structures and obstructions).	£15,000
Unexploded bomb survey.	£2,500
Railway and tunnel search.	£2,500
Asbestos and other hazardous materials surveys and registers	£25,000
Fire hydrants.	£15,000
Telecommunications.	£25,000
Wireless networks and satellite reception.	£15,000
Electrical infrastructure and capacity	£10,000
Gas network infrastructure and capacity	£10,000
Foul sewers and drains infrastructure and capacity	£10,000
Existing water supply infrastructure and capacity	£10,000
Soil survey.	Inc above
Site Inspector	£50,000
Health and Safety Exec	£30,000
Landscaping/design fees	£15,000
Traffic/highways fees	£17,500
Programmer	£12,500
Building Guarantee Insurance fees	£40,000
Build Regulation fees	£15,000
CDM Co-ordinator	£10,000
Planning Fees	£50,000
Other Fees (consultants, local authority etc)	£165,000
Legals	£40,000
	£835,000
	£ 5,403,012.00
	15%

Source: The Advisor

Phoebes Garden Centre

Summary Appraisal for Phase 5 final

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
1 Bed Private	7	4,161	562.07	334,110	2,338,773
2 Bed Private	8	6,897	543.25	468,349	3,746,795
3 Bed Private	6	6,263	487.97	509,359	3,056,156
Affordable - Rented	2	2,088	119.00	124,236	248,472
Affordable - Intermediate	1	836	379.00	316,844	316,844
1 Bed Private (Reduced Rate psf)	2	1,194	520.00	310,440	620,880
2 Beds - (Reduced Rate)	<u>1</u>	<u>836</u>	504.00	421,344	<u>421,344</u>
Totals	27	22,275			10,749,265

Rental Area Summary

	Units	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents - 1 Beds	9	250	2,250	2,250
Ground Rents - 2 Beds	9	300	2,700	2,700
Ground Rents - 3 Beds	<u>6</u>	350	<u>2,100</u>	<u>2,100</u>
Totals	24		7,050	7,050

Investment Valuation

Ground Rents - 1 Beds					
Current Rent	2,250	YP @	5.5000%	18.1818	40,909
Ground Rents - 2 Beds					
Current Rent	2,700	YP @	5.5000%	18.1818	49,091
Ground Rents - 3 Beds					
Current Rent	2,100	YP @	5.5000%	18.1818	38,182
					128,182

GROSS DEVELOPMENT VALUE

10,877,446

NET REALISATION

10,877,446

OUTLAY

ACQUISITION COSTS

Residualised Price			1,486,183	
Stamp Duty			63,809	1,486,183
Legal Fee		1.80%	26,751	
				90,560

CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost	
Construction Costs	27,534 ft ²	196.96 pf ²	5,423,012	5,423,012
Private Profit		17.00%	1,680,506	
Affordable Profit		6.00%	41,402	
Abnormals			315,252	
CIL Costs			304,095	
Energy Costs			6,300	
Highways Payment			30,000	
				2,377,555

PROFESSIONAL FEES

Professional Fees		12.00%	687,392	687,392
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MARKETING & LETTING

Marketing and Legal Fees		1.00%	119,479	
Affordable Disposal		1.00%	6,900	
				126,379

DISPOSAL FEES

Sales Agent Fee		1.00%	108,774	
Sales Legal Fee		0.25%	27,194	
				135,968

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)			
Land			203,712
Construction			331,424
Other			15,261

Phoebes Garden Centre

Total Finance Cost	550,397
TOTAL COSTS	10,877,446
PROFIT	0

Performance Measures

Profit on Cost%	0.00%
Profit on GDV%	0.00%
Profit on NDV%	0.00%
Development Yield% (on Rent)	0.06%
Equivalent Yield% (Nominal)	5.50%
Equivalent Yield% (True)	5.69%
Gross Initial Yield%	5.50%
Net Initial Yield%	5.50%
IRR	6.49%
Rent Cover	0 mths
Profit Erosion (finance rate 7.000%)	N/A

Phoebes Garden Centre

Summary Appraisal for Phase 5 other

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Rate ft ²	Unit Price	Gross Sales
1 Bed Private	9	5,355	562.07	334,432	3,009,885
2 Bed Private	8	6,897	543.25	468,349	3,746,795
3 Bed Private	6	6,263	487.97	509,359	3,056,156
Affordable - Intermediate - 1 Beds	1	881	351.00	309,231	309,231
Affordable - Intermediate 2 Beds	2	1,672	379.00	316,844	633,688
Affordable - Intermediate 3 Beds	1	1,207	338.00	407,966	407,966
Totals	27	22,275			11,163,721

Rental Area Summary

	Units	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Ground Rents - 1 Beds	9	250	2,250	2,250
Ground Rents - 2 Beds	8	300	2,400	2,400
Ground Rents - 3 Beds	6	350	2,100	2,100
Totals	23		6,750	6,750

Investment Valuation

Ground Rents - 1 Beds					
Current Rent	2,250	YP @	5.5000%	18.1818	40,909
Ground Rents - 2 Beds					
Current Rent	2,400	YP @	5.5000%	18.1818	43,636
Ground Rents - 3 Beds					
Current Rent	2,100	YP @	5.5000%	18.1818	38,182
					122,727

GROSS DEVELOPMENT VALUE 11,286,448

NET REALISATION 11,286,448

OUTLAY

ACQUISITION COSTS

Residualised Price			1,786,035		
				1,786,035	
Stamp Duty			78,802		
Legal Fee		1.80%	32,149		
				110,950	

CONSTRUCTION COSTS

Construction	ft ²	Rate ft ²	Cost	
Construction Costs	27,534 ft ²	196.59 pf ²	5,413,012	5,413,012
Private Profit		17.00%	1,689,046	
Affordable Profit		6.00%	81,053	
Abnormals			315,252	
CIL Costs			304,095	
Energy Costs			6,300	
Highways Payment			30,000	
				2,425,746

PROFESSIONAL FEES

Professional Fees		12.00%	688,592		
				688,592	

MARKETING & LETTING

Marketing and Legal Fees		1.00%	119,479		
Affordable Disposal		1.00%	5,653		
				125,132	

DISPOSAL FEES

Sales Agent Fee		1.00%	112,864		
Sales Legal Fee		0.25%	28,216		
				141,081	

FINANCE

Debit Rate 7.000%, Credit Rate 0.000% (Nominal)					
Land			245,086		
Construction			330,976		
Other			19,839		
Total Finance Cost				595,901	

Phoebes Garden Centre

TOTAL COSTS 11,286,448

PROFIT 0

Performance Measures

Profit on Cost%	0.00%
Profit on GDV%	0.00%
Profit on NDV%	0.00%
Development Yield% (on Rent)	0.06%
Equivalent Yield% (Nominal)	5.50%
Equivalent Yield% (True)	5.69%
Gross Initial Yield%	5.50%
Net Initial Yield%	5.50%
IRR	6.49%
Rent Cover	0 mths
Profit Erosion (finance rate 7.000%)	0 mths

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Committee	PLANNING COMMITTEE B	
Report Title	MCDONALDS AT THE JUNCTION OF BESTWOOD STREET & EVELYN STREET, LONDON, SE8 5DQ	
Ward	EVELYN	
Contributors	Russell Brown	
Class	PART 1	15th March 2018

Reg. Nos. DC/17/103670

Application dated 18.09.2017

Applicant MJ Restaurants Ltd t/a McDonalds

Proposal An application submitted under Section 73 of the Town and Country Planning Act 1990 for a Minor Material Amendment of the planning permission dated 10th May 1990 (ref. DE/151/A4/TP) for the erection of a single storey and mezzanine free standing drive through restaurant on the north west part of the former Molins site at Evelyn/Bestwood Street SE8 **in order to allow for an extension of the existing opening times of the drive-thru until 02:00am on Saturdays and Sundays and the installation of associated 2.1m high acoustic fencing.**

Applicant's Plan Nos. D0382-0366-01 Rev A; Acoustic Report; Planning Statement; Site Management Plan Received 18th September 2017

06 J7/01043; Figure 4; Figure 5 Received 10th November 2017

Background Papers

- (1) Case File DE/151/A4/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation None

Screening N/A

1.0 Property/Site Description

1.1 The application site is currently operated as a McDonald's restaurant (Use Classes A3/A5). The site has dual frontage to Evelyn Street (A200) and Bestwood Street from where vehicles can access the site, but they are required to exit the site via Bestwood Street only.

1.2 The building itself is one and a half storeys and is surrounded by a carpark and a fenced-off external dining area. It either adjoins or is close to both commercial and residential

properties. Commercial properties are located to the south, east and west of the site and residential properties to the southwest, northeast and northwest.

- 1.3 The site is not located within a strategic employment location identified by the Core Strategy, however the site adjoins a Local Employment Location (LEL) to the south east and there is a Mixed Use Employment Location to the east.
- 1.4 The site is not within a Conservation Area, nor subject to an Article 4 direction and is not a listed building or in the vicinity of a listed building. It is has a PTAL rating of 3 and is within Flood Risk Zones 2 and 3.

2.0 Relevant Planning History

- 2.1 Planning permission was **granted** on 2nd June 1988 for the erection of a non-food retail park and free-standing fast food restaurant with surface parking for 686 cars at the Former Molins Site, Evelyn Street SE8.
- 2.2 Planning permission was **granted** on 10 May 1990 for the erection of a single storey and mezzanine freestanding drive through restaurant on the north west part of the former Molins site at Evelyn/Bestwood Street SE8.
- 2.3 DC/90/31636: The variation of Condition (3) attached to the planning permission dated 10 May 1990 for the erection of a single storey and mezzanine free standing drive through restaurant on the north west part of the former Molins site at Evelyn/Bestwood Street SE8 together with ancillary storage, office and staff facilities and the provision of 69 car parking spaces with entry from Evelyn Street and entry and exit onto Bestwood Street to allow hours of opening 7 am - midnight. **Granted.**
- 2.4 DC/96/41051: The erection of a single storey extension to the front of McDonalds Drive-Thru Restaurant, Evelyn Street/Bestwood Street SE8 incorporating an additional booth to the drive through lane. **Granted.**
- 2.5 DC/09/71614: The alteration of the elevations and roof of McDonalds Restaurant Ltd, Evelyn Street SE8, together with refurbishment of the restaurant and patio area. **Granted.**
- 2.6 DC/16/095336: Application submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 3 by extending the existing opening timings of the planning permission (DE/151/A4/TP) dated 10 May 1990 for the erection of a single storey and mezzanine free standing drive through restaurant on the north west part of the former Molins site at Evelyn/Bestwood Street SE8, to between 00:00 and 07:00 for 7 days a week so as to permit the whole of the premises restaurant and drive thru facilities to be open to staff and customers for trade for 24 hours a day 7 days a week. **Withdrawn.**
- 2.7 Pre-application discussions (PRE/17/002876) have been had with Officers who had concerns about the proposed extended trading hours on the residents of John Silkin Lane and required that a Noise Impact Assessment be submitted with any application. They also advised that a site management plan would be required, which should cover the proposed impact on amenity, including noise, smell and litter.

3.0 Current Planning Application

- 3.1 Permission is sought to vary of Condition (3) of the planning permission dated 10th May 1990 (ref. DE/151/A4/TP) for the erection of a single storey and mezzanine free standing drive through restaurant on the north west part of the former Molins site at Evelyn/Bestwood Street SE8 **in order to extend the existing opening times of the drive-thru until 02:00 on Saturdays and Sundays and the installation of associated 2.1m high acoustic fencing.**

3.2 Condition (3) on the original planning permission requires that the premises are shut at midnight (00:00) on Saturdays and Sundays. The current opening time is 07:00am, which is not proposed to change.

4.0 Consultation

4.1 Pre-application advice was sought as detailed under paragraph 2.7.

4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.

4.3 A site notice was displayed and letters were sent to 147 adjoining addresses, Evelyn Ward Councillors and the Council's Highways and Environmental Protection Officers.

Written Responses received from Local Residents and Amenity Societies

4.4 Three responses were received (one letter of support and two objections). The objections raising the following concerns:

- A new sound level test should be done as there has been numerous noise issues from this location and very little negative feedback from the management there when contacted.
- The road layout forces all traffic to drive past the residential blocks on John Silkin Lane, and the speaker where order are placed directly faces these buildings with voices clearly being heard even with the windows closed.
- It is not in the best interests of the area to have this restaurant open until 2am and therefore permission should be declined.
- McDonalds have erected an unauthorised billboard and refused to engage with local residents and groups to discuss its removal. It is requested that all McDonald's unauthorised signage in the area be removed with immediate effect.

4.5 Deptford Folk raised the following concerns:

- No strategy on anti-social behaviour or details about engagement with local policing have been included within the application. The late opening hours and congregation of gangs in the area (with the excuse of being at McDonalds) has seen thefts, mugging and a fatality in the area. This is not adequately addressed in the site management plan.
- McDonalds litter plagues the streets and the drive-thru element means people throw containers from windows. McDonalds have not shown a good enough response to the problem.

4.6 The letter of support states that McDonalds prevent noise and disturbance.

Responses from Internal Consultees

4.7 The Council's Environmental Protection Officer stated that they had no objections to the proposed variation provided that the mitigation is incorporated as it would have good noise reduction benefits for the nearby residents and would reduce the overall impact for all other parts of the day as well.

4.8 The Council's Highways Officer had no objections.

Responses from External Consultees

4.9 Lewisham's Designing Out Crime Officer had the following comments:

- The use of good quality CCTV is welcomed, especially when monitoring usage of the car park.

- The management plan should fully describe how the use of the car park for extended periods by customers would be prevented. This could be resolved by the issuing of penalty notices.
- It was agreed that McDonalds staff should be trained in conflict management, which would reduce the likelihood of attacks on staff and reduce the demand on the Police as a result of the extended opening hours.
- The arrangement for staff to take food orders to cars should be reviewed. Perhaps customers should collect food from the window themselves.
- The restaurant was subject to a knife-related robbery in July 2017 after hours and therefore the physical security features of the building should be reviewed.
- The management of the site could provide a safe environment provided that the plan is adhered to, and it should be monitored regularly to ensure compliance.

5.0 Policy Context

Introduction

- 5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
- (a) the provisions of the development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

- 5.2 Section 38(6) of the Planning Compulsory Purchase Act 2004 makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), DMLP (adopted in November 2014) and policies in the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211) policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2016)

- 5.6 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

Policy 2.14 Areas for regeneration

Policy 4.8 Supporting a successful and diverse retail sector

Policy 7.3 Designing out crime

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Core Strategy

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

Core Strategy Objective 11: Community well-being

Spatial Policy 2 Regeneration and Growth Areas

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 15 High quality design for Lewisham

Development Management Plan

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Core Strategy and the London Plan is the borough's statutory development plan. The following policies are relevant to this application:-

DM Policy 1 Presumption in favour of sustainable development

DM Policy 11 Other employment locations

DM Policy 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)

DM Policy 18 Hot food take-away shops (A5 uses)

DM Policy 26 Noise and vibration

6.0 Planning Considerations

- 6.1 The relevant planning considerations are the impacts arising from the proposed increase in opening hours including residential amenity of neighbouring occupiers, noise, crime/fear of crime and impact on the highway network.

- 6.2 London Plan Policy 7.3 Designing out crime states that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. In particular:

- a. routes and spaces should be legible and well maintained, providing for convenient movement without compromising security;
- b. there should be a clear indication of whether a space is private, semi-public or public, with natural surveillance of publicly accessible spaces;
- c. design should encourage a level of human activity that is appropriate to the location, creating a reduced risk of crime and a sense of safety at all times; and
- d. places, buildings and structures should incorporate appropriately designed security features.

The above measures should be incorporated at the design stage to ensure that overall design quality is not compromised.

- 6.3 London Plan Policy 7.15 states that development proposals should seek to manage noise by:
- a. avoiding significant adverse noise impacts on health and quality of life as a result of new development; and
 - b. mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens on existing businesses.
- 6.4 For all development, the Council will ensure design acts to reduce crime and the fear of crime. Core Strategy Objective 11 (Community well-being) states that the Council with its partners will provide and support measures and initiatives that promote social inclusion and strengthen the quality of life and well-being for new and existing residents of the borough by:
- a. addressing deprivation and health inequalities particularly within the wards of Evelyn, New Cross, Lewisham Central, Whitefoot, Bellingham and Downham
 - b. creating safer and stronger communities by reducing crime and the fear of crime through innovative design and land use policies
 - c. providing physical, social and green infrastructure, including high quality health and education facilities, that are accessible and suitable to all of Lewisham's residents, to foster independent community living.
- 6.5 DM Policy 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses) states that the Council will consider proposals for such uses provided the following are met:
- There is no harm to the living conditions of nearby residents, including that created by noise and disturbance from users and their vehicles, smell, litter and unneighbourly opening hours; and
 - Parking and traffic generation is not a danger to other road users, public transport operators or pedestrians.
- 6.6 DM Policies 17 and 18 Hot food take-away shops (A5 uses) also state that applicants will be expected to provide acceptable arrangements for appropriate mitigation measures in relation to the impact on neighbours of the proposed opening hours.
- 6.7 DM Policy 26 Noise and vibration states that the Council will require a Noise and Vibration Assessment for noise and/or vibration generating development or equipment and new noise sensitive development, where appropriate, to identify issues and attenuation measures, prepared by a qualified acoustician.
- 6.8 In terms of crime, disorder and anti-social behaviour, the applicant has committed to the following measures:
- i. High quality resolution CCTV with Automatic Number Plate Recognition (ANPR) software to be in operation throughout the restaurant dining area, car park and drive

through areas, including the entrances, footage from which would be held for a minimum of 31 days;

- ii. The training of all McDonald's managers, and employees between 23:00 and 07:00, in Conflict Management Resolution;
- iii. The use of Staff Safe, a 24 hour remote monitoring system, accessible on the premises to prevent and deal with issues of crime and disorder;
- iv. The display of two notices, one requiring customers to be respectful of residents and keep noise to a minimum and one warning about the use of CCTV, in prominent positions in the drive through and car park.

- 6.9 Officers welcome all of the above measures, which are supported by the local Designing out Crime Officer. Officers acknowledge the concern of residents regarding anti-social behaviour in the local area and creating safer and stronger communities by reducing crime and the fear of crime through innovative design and land use policies is a Core Strategy policy objective. However as part of the application the above measures are proposed to mitigate the increase in hours and whilst none of the measures require planning permission in their own right, it is considered necessary to secure the measures by condition. It is acknowledged that the behaviour of individuals or groups cannot be controlled or pre-determined, but it is considered that the proposed measures offer the best solution to deter anti-social behaviour and control it in the event of it happening. The use of CCTV would have the added benefit of monitoring the amount of time a vehicle spends in the car park given that footage can be monitored on-site.
- 6.10 In regards to noise, Officers recognise that a number of noise mitigation improvements have been implemented since 2015, including the laying of new tarmac, the installation of speed humps and the use of a 'night mode' for the microphone used for customer orders, which operates at a reduced volume compared with the daytime volume. However, following the commission of an Acoustic Report, which has been submitted with this application, the following issues were identified:
- i. noise created by conversation at the customer order, payment and collection points; and
 - ii. noise events created by vehicles driving around the drive through lanes.
- 6.11 In order to provide mitigation, the following measures have been proposed:
1. The erection of a 2.1m high timber acoustic fence as detailed on drawing no. 06 J7/01043 with its location shown on Figure 4.
 2. The closure of specified car parking spaces to the nearest residential boundary that abuts the applicants site as shown on Figure 5.
- 6.12 Detailed drawings have been forthcoming for both of these mitigation measures, which Officers welcome. The proposed acoustic fence would provide a local noise barrier resulting in a reduction in engine noise and noise from conversation as perceived by 75-96 John Silkin Lane throughout the opening hours of MacDonald's, which is considered to positively improve the environment for local residents. The proposal to close off the parking closest to 75-96 John Silkin Lane is also supported, however Officers have sought to have this area expanded along the entire southern boundary to discourage cars from stopping along this boundary at all, as this area has the most potential to disturb adjacent residents. It is therefore proposed that a condition be attached requiring the submission of an updated parking plan indicating the extended area to be closed off for use from 11pm on Friday and Saturday night until 7am the following day.
- 6.13 In terms of residential properties, the proposal has the potential to have the most impact on 75-96 John Silkin Lane. An objection was received from a property on John Silkin Lane, which is only 12m away. The resident requested that a new sound level test be carried out as there has been numerous noise issues from the restaurant, cars pass directly past the residential blocks on John Silkin Lane and the speaker can be heard when orders are made. However as detailed above an acoustic report has already been

carried out, which includes proposed measures, which subject to implementation of the proposed measures Officer support.

- 6.14 The submitted Site Management Plan also states that at least three dedicated litter patrols between 00:00 and 02:00 would be undertaken around the drive through lanes and car parking area. Furthermore, all litter would be properly bagged and disposed of via a commercial waste contract. This would be checked and followed up by the shift manager. As such, the proposal is considered to comply with DM Policies 17 and 18.
- 6.15 The proposed increase in hours relates solely to the drive-thru, with the restaurant to close in accordance with the previous approved opening times. Furthermore, the applicant has committed to ensuring that no deliveries are received between 23:00 and 05:00 on any day of the week, that no delivery cages are moved between 23:00 and 05:00 on weekends and that refuse collections are restricted to between 06:00 and 22:00 every day of the week. These are all included within the submitted Site Management Plan, which shall be secured by condition.
- 6.16 Therefore, subject to the required mitigation measures the scheme is considered acceptable in terms of neighbouring amenity.

Highways

- 6.17 Lengthening the proposed opening times by two hours from 00:00 until 02:00 on Saturdays and Sundays would give rise to more business for this premises. However, it is not considered that the change would result in a significant increase in vehicular or pedestrian traffic to what is already a popular restaurant and take away option such that it would have an adverse impact on highways safety. Moreover, the Council's Highways Officer has raised no objection to the proposals.

Equalities Considerations

- 6.18 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.19 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
 - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.20 The duty continues to be a "have regard duty", and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.21 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled "Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice". The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have

statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

- 6.22 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
 2. Meeting the equality duty in policy and decision-making
 3. Engagement and the equality duty
 4. Equality objectives and the equality duty
 5. Equality information and the equality duty
- 6.23 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.24 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

7.0 Conclusion

- 7.1 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 7.2 In summary, it is considered that the applicant now has adequately considered the noise and other impacts of the additional proposed drive-thru operating hours on the amenity of neighbouring properties and the mitigation measures proposed are acceptable.

8.0 RECOMMENDATION: GRANT PLANNING PERMISSION subject to the following conditions:

- 3) The restaurant premises shall not be open for customer business/operational between the hours of 12.00am – 07.00am Monday to Sunday and the drive-thru shall not be open for customer business/operational between the hours of 12.00am – 07.00am Monday to Friday and 02.00am and 7.00am Saturdays and Sundays.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses), DM Policy 18 Hot food take-away shops of the Development Management Local Plan (November 2014).

- 4) The proposed 2.1m high 'Jakoustic' acoustic boundary fencing shown on drawing no. 06 J7/01043 shall be installed in the location shown in drawing Figure 4, and shall have a minimum surface mass of 8 kg/m² with no gaps. It shall be implemented prior

to the commencement of the proposed additional operation hours of the drive-thru, and it shall be retained in perpetuity.

Reason: To ensure that the boundary treatment is of adequate design in the interests of visual and residential amenity, particularly with regard to noise, and to comply with Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 26 Noise and vibration and 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 5) A) Prior to the commencement of the extended drive-thru opening hours a revised car parking plan shall be submitted to and approved in writing by the local planning authority indicating that the parking bays along the entire south western boundary shall be closed off from use between the hours of 11:00pm on Friday and Saturday until 07:00am on the following day.
B) The parking plan as approved under part A) shall be implemented on commencement of the extended drive-thru opening hours and retained in perpetuity.

Reason: To ensure that the use of the site does not cause adverse impacts on residential amenity, particularly with regard to noise, and to comply with Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan (March 2016) and DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

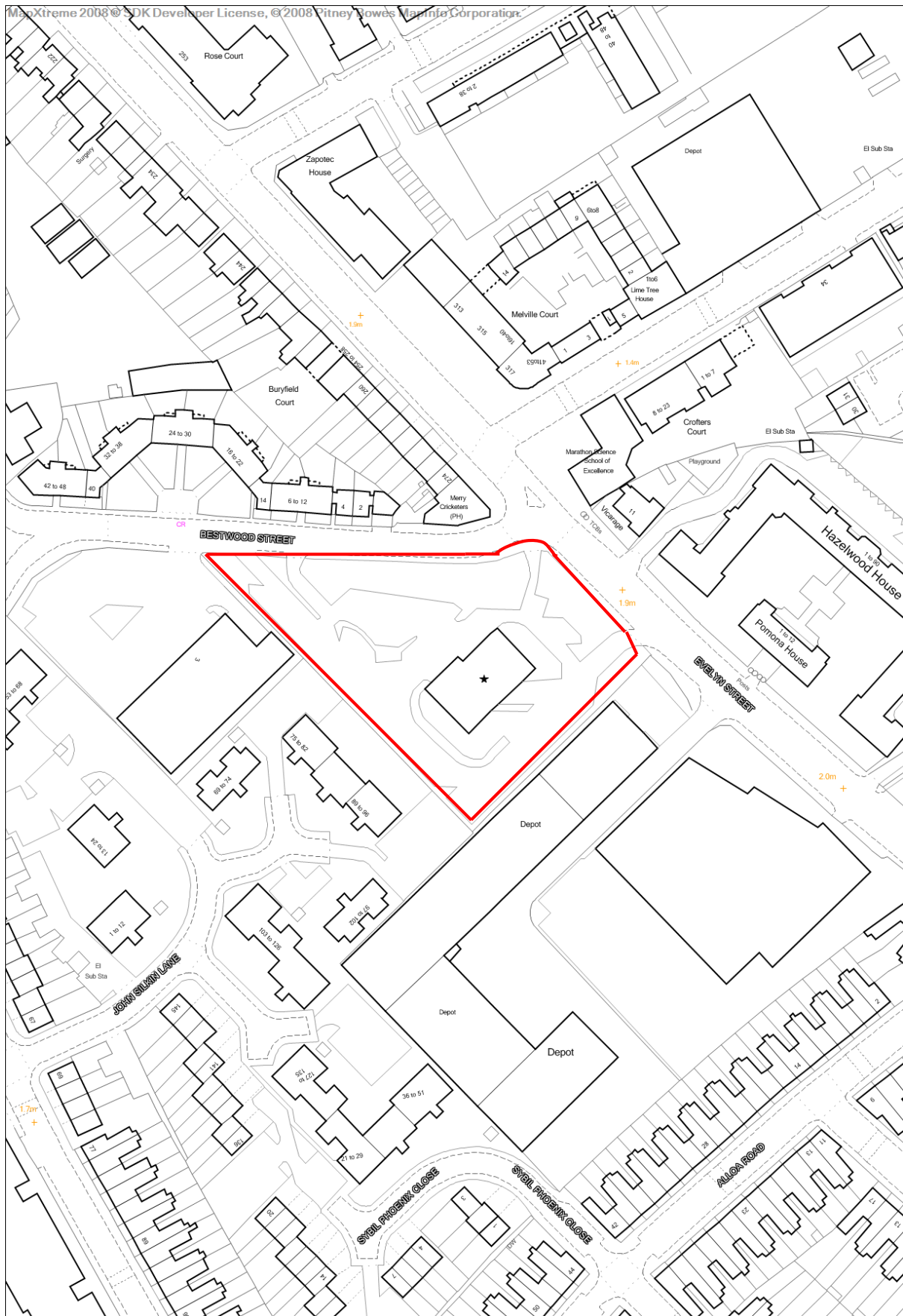
- 6) All measures as outlined in the Site Management Plan shall be implemented and adhered to prior to the operational of the extended drive thru hours and retained in perpetuity

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and Core Strategy Objective 11 of the Core Strategy (March 2011) and DM Policy 26 Noise and Vibration, DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses), DM Policy 18 Hot food take-away shops of the Development Management Local Plan (November 2014).

Informative

Positive and Proactive Statement: Positive and Proactive Statement: The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. Positive and proactive discussions took place with the applicant prior to the application being submitted through a pre-application discussion. On this particular application, positive discussions took place, which resulted in further information being submitted to bring it in line with the Development Plan.

MCDONALDS AT THE JUNCTION OF BESTWOOD STREET &, EVELYN STREET, LONDON, SE8 5DQ Site Plan



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Committee	PLANNING COMMITTEE B	
Report Title	219 Sydenham Road SE26 5HF	
Ward	Sydenham	
Contributors	Simon Vivers	
Class	PART 1	15 March 2018

Reg. Nos. DC/17/104391

Application dated 03/11/2017

Applicant Mr Lawton

Proposal Demolition of existing dwelling and construction of a 5 storey building comprising 5 self-contained units (1 x 3 bed, 4 x 2 bed) together with associated tree removal, landscaping and refuse and cycle storage at 219 Sydenham Road, SE26

Applicant's Plan Nos. 162SY – 001A; 162SY – 010A; 162SY – 011; 162SY - 012; 162SY - 013, 162SY - 014; 162SY - 015A; 162SY - 021A; 162SY - 022A; 162SY - 023A, 162SY - 024A; 162SY - 115A; 162SY - 100A; 162SY - 400; Transport Statement (TPP); Design and Access Statement (Turner Architects), Energy and Sustainability Statement (be); Daylight and Sunlight Study (be); Arboricultural Survey Report and Impact Assessment (ref: UP00167-R01-A); Planning Statement (Firstplan) (received 3 November 2017); 162SY – 101K; 162SY – 102L; 162SY – 103K; 162SY – 104K; 162SY – 105G; 162SY – 110G; 162SY – 201H (received 14 December 2017); 162SY – 101L; 162SY – 210; 162SY – 204K; 162SY – 500A (received 4 January 2018); 162SY – 202H; 162SY – 203K (received 5 January 2018)

Background Papers

- (1) Case File LE/180/219/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

- (1) PTAL 3
- (2) Area of Archaeological Priority - Sydenham
- (3) Not in a Conservation Area
- (4) Not a Listed Building
- (5) B Road

Screening N/A

1.0 Property / Site Description

1.1 The subject site is situated on the northern side of Sydenham Road, east of the junction with Kent House Road. The site is rectangular, with a frontage of 10.5m and depth of

43.0m. At a depth of 22.0m, the property widens to a width of 15.3m. The site has an area of 535m². The site has a slight north to south slope, towards Sydenham Road.

- 1.2 The site contains a detached two storey single dwelling building with four bedrooms, set back from the western boundary and flush with the eastern boundary. The building has a height of 8.6m, width of 8.3m and depth of 10.4m. A single storey part-width rear extension adds 1.6m. The building has a flat roofed appearance owing to a front parapet.
- 1.3 The site does not contain any significant vegetation. Category C (low value) trees are located around the rear perimeter. The site is not affected by any Tree Preservation Orders.
- 1.4 The site has a crossover to Sydenham Road with space for off street parking of two vehicles.
- 1.5 The immediate surrounding area is residential in nature, but moves a mix of residential and commercial further to the west (towards the Sydenham Road shopping parade).
- 1.6 The adjacent property to the west is 217 Sydenham Road, which is a post war four storey flatted development (6 units) with a pitched roof, with a maximum height of 13.4m and eave height of 10.5m.
- 1.7 The adjacent property to the east is 221 Sydenham Road, which is a 3 storey (plus basement) Georgian building containing two flats.
- 1.8 Further to the west is a three storey flatted development on the corner of Sydenham Road and Addington Grove. Land to the rear is open space part of Grove Court, which is a flatted development fronting Addington Grove.
- 1.9 The site is not located within a Conservation Area or affected by an associated Article 4 Direction. The site is not located in the vicinity of any locally or nationally listed buildings. The site is not within an area of Special Local Character, and does not form a non-designated heritage asset.
- 1.10 The site has a PTAL rating of 4, based on a scale of 1-6 with 6 being the highest.
- 1.11 Sydenham Road is part of the Transport or London Road Network.

2.0 Planning History

- 2.1 The site has no known planning history
- 2.2 Pre-application advice was given regarding the current scheme.
- 2.3 PRE/16/002276 – Pre-application enquiry for the construction a six-storey building at the front of the site, two-storey mews building at the rear of the site (9 units in total) and 7 car parking spaces. This proposal was unacceptable, in particular in terms of its bulk and scale, excessive parking provision and impact on the amenity of adjoining occupiers.
- 2.4 PRE/17/101152 – Pre application enquiry for the construction of a five-storey building at the front of the site with 8 units, and no car parking. This proposal was objectionable on the grounds of scale and resultant impacts.
- 2.5 The subject application is a further iteration of this proposal. In terms of scale, the depth is substantially reduced which also improves the impact on the amenity of adjoining occupiers.

2.6 In both pre-applications no concerns were raised regarding the principle of demolition of the building, provided that the replacement building was of suitable quality and housing mix.

3.0 Current Planning Application

3.1 The application seeks approval for demolition of existing dwelling and construction of a 5 storey building comprising 5 self-contained units (1 x 3 bed, 4 x 2 bed) together with associated tree removal, landscaping and refuse and cycle storage at 219 Sydenham Road, SE26

3.2 The proposal would have a maximum height of 13.8m, width of 10.0m and depth of 11.0m at levels 2 – 5. A part width 6.4m wide x 4.12m deep ground floor rear projection would extend off the main building line, in relation to the ground floor only.

3.3 The ground floor would set the footprint of the building. Floors 1 – 3 would incorporate a 1.5m wide and 4.25m deep inset at the front elevation toward the western side, before increasing to the full width of the building towards the rear.

3.4 Floor 4 (the fifth storey) would be inset 2.6m from the western boundary, for a depth of 4.5m, and 300mm – 500mm from other front and side boundaries.

3.5 The massing of the proposal would be split into two main forms, with ground – third floor constructed in a brick cladding with concrete pillars, and the fourth floor (fifth storey) constructed of Reglit (glass channel) cladding.

3.6 The proposal would include associated hard and soft landscaping to all external areas and would also include a dedicated refuse storage area in the front setback. Cycle storage would be provide undercover, in an area between the main entrance and communal garden area.

3.7 Dedicated private outdoor space would be provided to the ground floor unit (48m²) and rear balconies to other units. A communal garden would be occupy the main rear part of the site.

3.8 One tree (category C) would be removed as part of the application, and is located within the rear garden.

3.9 As part of the application, the off street parking would be removed, and the driveway crossover would be required to be reinstated.

3.10 The proposal would have the following accommodation:

Table 1.1 - Accommodation

Unit type	Unit size (GIA)	Policy requirements	Room sizes (approximate)
Unit 1 (Ground Floor)			
3b5p	86m ²	GIA: 86m ² PoS: 8m ²	Living/kitchen: 29.7m ² Bedroom 1: 15.1m ² Bedroom 2: 13.6m ² Bedroom 3: 9.5m ² PoS: 48m ²
Unit 2 – 4 (First – Third Floors)			
2b4p	70m ²	GIA: 70m ² PoS: 7m ²	Living/kitchen: 31.5m ² Bedroom 1: 13.8m ² Bedroom 2: 12.0m ² PoS: 7m ²
Unit 5 (Fourth Floor)			
2b3p	64.6m ²	GIA: 61m ² PoS: 6m ²	Living/kitchen: 28.6m ² Bedroom 1: 10.7m ² Bedroom 2: 12.0m ² PoS: 7m ²

Supporting Documents

3.11 The applicant has submitted the following supporting documents:

- Design & Access Statement
- Daylight/Sunlight Assessment
- Energy and Sustainability Statement
- Transport Statement
- Planning Statement
- Arboricultural Survey Report and Impact Assessment

4.0 Consultation

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

4.2 Adjoining occupiers, Sydenham Ward Councillors and The Sydenham Society were notified of the application. In addition, a site notice was displayed in proximity to the site. Transport for London and Council's Highways Department were consulted as part of the assessment.

Written Responses received from Local Residents and Organisations

4.3 A response from a local resident was received in support of the application, on the following grounds:

- Need for more housing of higher density.
- Existing building is not attractive, and out of keeping with much taller properties in vicinity.

- 4.4 A response from The Sydenham Society was received in objection to the application, on the following grounds:
- The proposed design (in particular, due to the upright roof) would not enhance the streetscape.
 - Newer developments in proximity have pitched roofs, maintaining this typology would provide an element of symmetry to the streetscene.
 - Detailed design does not relate well with neighbouring properties, or historic buildings nearby (Prince Alfred Public House and Wesley Hall)

4.5 The Sydenham Society also noted that a site notice was not displayed outside the property; however it was confirmed by Council's officer to be located on the nearest lamp post on the same side of Sydenham Road towards the Addington Grove junction, which is acceptable.

Highways and Transportation

4.6 No objection in principle, subject to conditions relating to the requirement for reinstatement of redundant crossover and approval of a Construction Management Plan

Transport for London

4.7 No objection in principle, subject to a condition relating to the requirement for approval of a Construction Management Plan.

4.8 Copies of all representations are available to Members to view.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

- 5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that '...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2016)

- 5.6 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 5.3 Sustainable design and construction
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

- 5.7 The London Plan SPG's relevant to this application are:
- Housing (2012)

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 Site Allocations, the Lewisham Town Centre Local Plan, the Development Management Local Plan and the London Plan is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

- Spatial Policy 1 Lewisham Spatial Strategy
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan

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

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 2 Prevention of loss of existing housing
- DM Policy 25 Landscaping and trees
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 32 Housing design, layout and space standards

Supplementary Planning Document (August 2006, Updated 2012)

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

6.0 Planning Considerations

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

- Principle of Development
- Design & Scale
- Standard of accommodation
- Impact on Adjoining Properties
- Highways and Traffic Issues
- Landscaping and Biodiversity

Principle of Development

6.2 The existing building is not of any architectural merit, sitting separately and out of place with adjacent buildings. Therefore at the outset its demolition is not resisted in terms of character and heritage matters. Development Management Policy 2 resists the loss of housing by demolition, however in this case the proposal would provide an additional four units to the site, whilst re-providing a family sized unit. On this basis, DM Policy 2 is therefore satisfied.

- 6.3 Core Strategy Policy 1 states that the Council will seek an appropriate mix of dwellings within a development, having regard to the following criteria:
- a. the physical character of the site or building and its setting*
 - b. the previous or existing use of the site or building*
 - c. access to private gardens or communal garden areas for family dwellings*
 - d. the likely effect on demand for car parking within the area*
 - e. the surrounding housing mix and density of population*
 - f. the location of schools, shops, open space and other infrastructure requirements.*

6.4 Together with the lack of merit of the existing building, the proposal generating an uplift in number of units and the development re-providing a family sized 3b5p unit at ground floor, the principle of development is acceptable.

6.5 However, the acceptability is tied to the standard of the replacement building. With this in mind, the Council would only accept a design which would be of high quality and relates successfully to the existing streetscape, and is acceptable in other regards such as its standard of accommodation, highways and transport impacts and its impact on the existing amenity of adjoining occupiers.

Design & Scale

6.6 Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.

6.7 Urban design is a key consideration in the planning process. Part 7 of the NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

6.8 London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

6.9 DM Policy 30 supports the Core Strategy as it requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area and requires developments to be of a high design quality.

6.10 Noting that the demolition of the existing building is acceptable, DM Policy 30 goes on to state the following regarding the detailed design of the replacement building:

An adequate response to the following detailed matters will be required in planning applications to demonstrate the required site specific design response:

- a. the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement*

- b. *height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1 Urban typologies in Lewisham*
- c. *layout and access arrangements. Large areas of parking and servicing must be avoided*
- d. *how the scheme relates to the scale and alignment of the existing street including its building frontages*
- e. *the clear delineation of public routes by new building frontages, with convenient, safe and welcoming pedestrian routes to local facilities and the public transport network, including meeting the needs of less mobile people and people with young children*
- f. *the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context*
- g. *details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials*
- h. *how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain*
- i. *new development must be sustainably designed and constructed in compliance with Core Strategy Policies 7 and 8*
- j. *where there is an impact on a heritage asset a statement will be required that describes the significance of the asset, including its setting, and an assessment of the impact of the proposals upon that significance.*

- 6.11 The proposal would be five storeys high, and with a maximum height of 13.8m. While a substantial increase over the existing dwelling, it would sit comfortably in height between 217 and 221 Sydenham Road and in context with the surrounding streetscene and pattern of development. In terms of proportions, the eaves height for the fourth floor would be consistent with neighbouring properties. In addition, through its proposed siting and footprint being consistent with neighbouring buildings, overall scale and massing would be similar to adjacent buildings.
- 6.12 The proposal is split in scale, with floor 4 (fifth storey) having smaller proportions and being set back from the floors below, and being constructed from Reglit glass channel cladding as the facing material. The contrasting and lightweight material together with smaller proportions results in a fifth storey, which reads as a subservient addition to the building below.
- 6.13 The Sydenham Society has raised objection to the flat and upright roof in relation to the surrounding pitched roofs. While it is noted that there is a prevalence of pitches roofs, they of varying forms and tied to a range of building styles (for example, 217 and 219 Sydenham Road are both have pitched roofs, but in distinctly different forms). In this context, there is limited argument for adopting of a pitched roof typology in relation to an identifiably modern and contemporary proposal.
- 6.14 The external facing materials would consist of grey coloured sandblasted concrete with grey-brown brickslips and the previously mentioned Reglit opaque glass channel cladding. Windows and doors would be aluminium framed. Clear glazing would be provided to front elevation Juliet balconies, and a mix of obscure glazing (at the eastern edges) and metal railings to rear balconies.

- 6.15 The fenestration would be provided with relief through horizontal concrete banding signalling each change in floor level, as well incorporating vertical banding at the front elevation, providing further articulation and establishing proportions which match window openings. Overall the appearance would be high quality and contextual, and restore the appearance of the streetscene, taking subtle but distinctive cues from the adjacent Wesley Hall.
- 6.16 Notwithstanding the general acceptability of the materials, it is recommended that conditions are secured which require the submission of further details and samples of the external materials, to ensure that the scheme is developed to the requisite high quality.
- 6.17 Proposed landscaping to the rear includes a large communal area and smaller exclusive garden for the ground floor unit (48m²). Plantings include Cherry, Pear and Maple trees. The front garden would include the planting of a Cherry and Maple tree, together with lower height landscaping. A low height front boundary wall would be installed, which would then form the side of the internal footpath from the street to the entrance door. This arrangement is supported from a design perspective.
- 6.18 While hard and soft landscaping has been conceptually shown and are acceptable, it is recommended that conditions are applied requiring the approval of further details to ensure that this element of the scheme is developed to a high quality.
- 6.19 In summary, the proposed building is considered to represent a high quality, contemporary design that would respect and compliment the character of the surrounding area, and soundly justifies the loss of the existing building. The development is appropriate in scale, height and massing, that acknowledges the general form of development within the immediate area.

Housing

a) Mix

- 6.20 The proposal would comprise a 1 x 3 bedroom unit (3b5b, ground floor) and 4 x 2 bedroom units (3 x 2b4p, 1 x 2b3p). For a proposal of this scale, the mix is acceptable. In particular, it is noted that the proposal would retain a family sized unit (3 bedroom plus).
- 6.21 *b) Standard of Residential Accommodation*
- 6.22 Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards.
- 6.23 In addition, the DM Policy 32 also seeks to provide accommodation of a good size, a good outlook, with acceptable shape and layout of rooms, with main habitable rooms receiving direct sunlight and daylight, and adequate privacy. There will be a presumption that residential units provided should be dual aspect, and any single aspect dwellings provided will require a detailed justification as to why a dual aspect dwelling is not possible and a detailed demonstration that adequate lighting and ventilation can be achieved.
- 6.24 Nationally prescribed space standards were released in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation

and remains solely within the planning system as a new form of technical planning standard.

- 6.25 As shown in Table 1.1 plans confirm that all the units would meet or exceeded minimum standards. Units 1 – 4 would have a floor to ceiling height of 2.5m, and Unit 5 would have a floor to ceiling height of 2.3m, all of which meet or exceed minimum standards.
- 6.26 Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The minimum depth for all external space is 1500mm. All units within this development would have private amenity space in the form of balconies and garden (at ground floor) which meet and exceed the aforementioned standards. All units would also meet the minimum internal storage standards.
- 6.27 All units would be dual aspect (north and south), and thus would be afforded acceptable levels of outlook and access to daylight/sunlight. Balconies and the ground floor external area would be north facing, which is acceptable as it would not be desirable to establish external amenity facing towards a major thoroughfare.
- 6.28 In terms of standard of accommodation, the proposal is therefore acceptable.

Highways and Traffic Issues

a) Refuse and servicing

- 6.29 The proposal would include covered storage for two 660L Eurobins, situated within the front setback to the side of the entrance footpath. The capacity is acceptable for the proposed development, and furthermore the location is in suitable proximity to the street, and with level access.
- 6.30 The bin storage would be timber clad, and its positioning would integrate with the front and entrance boundary wall treatment.

b) Cycle Parking

- 6.31 Communal cycle parking for 10 cycles is provided within an external, covered and secure cycle parking unit located between the front entrance and access to communal garden.
- 6.32 The number of cycle spaces is in accordance with the London Plan and as such is considered acceptable.

c) Car Parking and Highways

- 6.33 The site fronts Sydenham Road, and has a Public Transport Accessibility Level (PTAL) of 4, where '1' is rated as Poor and '6' is rated as Excellent.
- 6.34 The council's Highways Officer has been consulted and assessed the proposed development. Having considered the parking survey data submitted with the application and the level of car ownership in the surrounding area, a car-free scheme is considered acceptable in this location. It is also noted that the London Plan encourages car-free or lower car parking provision (defined as car-limited) in areas of good public transport accessibility.
- 6.35 The council's Highways Officer requested that a condition is applied which requires the reinstatement of the dropped kerb, at the applicants expense. As such, a condition is recommended to be applied to the decision notice.

d) Construction

- 6.36 A full Construction Management Plan is recommended to be secured by condition, noting the extent of works and frontage to a main road.

Impact on Adjoining Properties

- 6.37 Development Management Policy 32 requires the siting and layout of all new-build housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents. All new-build housing will be required to be sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.
- 6.38 The proposal would be situated on the northern side of Sydenham Road, and between two properties. As the proposal is not to south of any neighbouring buildings and replicates the existing and detached general footprint, the proposal would inherently not cause an excessive loss of daylight/sunlight or overshadowing.
- 6.39 In support, the applicant has submitted a daylight/sunlight assessment, which concludes that there is no significant difference between existing and proposed scenarios in terms of Vertical Sky Component and Annual Probable Sunlit Hours.
- 6.40 Additionally, it is noted that 221 Sydenham Road has a blank flank elevation facing towards the site and the flank elevation of 217 Sydenham Road facing towards the site is limited to a series of smaller windows, which would not offer any notable outlook or daylight/sunlight access to associated units (main opportunities would remain at north and south elevations).
- 6.41 As the proposal generally replicates the existing footprint, together with neighbouring properties having minimal openings towards the site, the proposal would also not cause any unreasonable harm in terms of outlook. The single storey rear part would not be located in proximity to neighbouring boundaries, is of a modest height and thus would not cause harm to the outlook of adjoining properties.
- 6.42 Rear balconies would be provided with obscure glazed screening to the eastern side, therefore restricting the angle of views over the rear garden of 221 Sydenham Road to acceptable levels. It is noted that the proposal would not have any habitable windows which would face directly towards neighbouring properties.
- 6.43 The proposal would also not be harmful to any occupier to the rear, given the separation distance is in the order of 25m.

Landscaping and Biodiversity

- 6.44 As the site is not within a Conservation Area or affected by any Tree Preservation Orders, the removal of the (low quality) category C tree is considered acceptable, as it is not of any notable significance. Furthermore, the replacement planting tied in with the conceptual landscaping would be conditioned to ensure that it contributes to a high quality communal space as well as improving the existing appearance of the property and wider streetscene.
- 6.45 The removal of the existing building does not raise concerns in terms of a loss of habit or similar matters, largely due to its urban context and design being relatively modern with minimal openings being unlikely to support the roosting of bats or other species.

7.0 Local Finance Considerations

7.1 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application.

8.0 Community Infrastructure Levy

8.1 The proposed development is CIL liable.

9.0 Equalities Considerations

9.1 Section 149 of the Equality Act 2010 ("the Act") imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

9.3 The duty is a "have regard duty" and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

9.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

10.0 Conclusion

10.1 This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.

10.2 It is considered that the scale of the proposed development is acceptable, that the building has been designed to respond to the context, and that the development would provide a high standard of accommodation for future occupiers while not adversely impacting on the amenity of adjoining occupiers.

11.0 **RECOMMENDATION: GRANT PERMISSION** subject to the following conditions:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

162SY – 001A; 162SY – 010A; 162SY – 011; 162SY - 012; 162SY - 013, 162SY - 014; 162SY - 015A; 162SY - 021A; 162SY - 022A; 162SY - 023A, 162SY - 024A; 162SY - 115A; 162SY - 100A; 162SY - 400 (received 3 November 2017); 162SY – 101K; 162SY – 102L; 162SY – 103K; 162SY – 104K; 162SY – 105G; 162SY – 110G; 162SY – 201H (received 14 December 2017); 162SY – 101L; 162SY – 210; 162SY – 204K; 162SY – 500A (received 4 January 2018); 162SY – 202H; 162SY – 203K (received 5 January 2018)

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

3. No development shall commence on site until such time as a Construction Management Plan (including for Demolition) has been submitted to and approved in writing by the local planning authority. The plan shall cover:-

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
- (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement, including prevention of blocking of the footway and carriageway
 - (iv) Prevention of storage of skips of construction materials on the Transport for London Road Network.
- (e) Security Management (to minimise risks to unauthorised personnel).
- (f) Details of the training of site operatives to follow the Construction Management Plan requirements.
- (g) Details of demolition method, including management of asbestos material.

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

4. (a) Notwithstanding the details hereby approved, no development above ground level shall commence until the following has been submitted to and approved in writing by the local planning authority:
- 1:10 detailed section drawings of front elevation doors and windows (including Juliet balconies)
 - samples (via sampleboard) of brickwork, mortar and concrete in accordance with details specified on drawing 162SY- 210
 - sample of Reglit opaque glass in accordance with details specified on drawing 162SY- 210
 - specifications (via schedule) of windows and doors, Juliet balconies, rear balcony screening, paving and front elevation boundary treatment.

(b) The development shall be carried out in accordance with the approved details.

Reason: In order that the local planning authority may be satisfied as to the external appearance and detailed treatment of the proposal and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

5. Refuse storage shall be provided in accordance with drawing 162SY - 115 in full prior to occupation of the development, and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse storage in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character and Core Strategy Policy 13 Addressing Lewisham waste management requirements (2011).

6. (a) A minimum of 10 secure and dry cycle parking spaces shall be provided within the development in accordance with drawing 162SY - 101L.
- (b) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (2015), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) Policy 25 Landscaping and trees, and DM Policy 30 Urban

design and local character.

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

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

9. The development hereby approved shall not be occupied until the existing driveway crossover has been closed and the kerb reinstated.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with the Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

10. The use of the flat roof hereby approved shall be as set out in the application and no development or the formation of any door providing access to the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

Reason: In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

11. a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified in the schedule below:

Unit reference number:	Approved Document M (2015) Access Requirement:	Dwelling type:
All units	M4(2)	Accessible and adaptable

- (b) No development shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).

- (c) The development shall be carried out in accordance with the details approved under part (b)

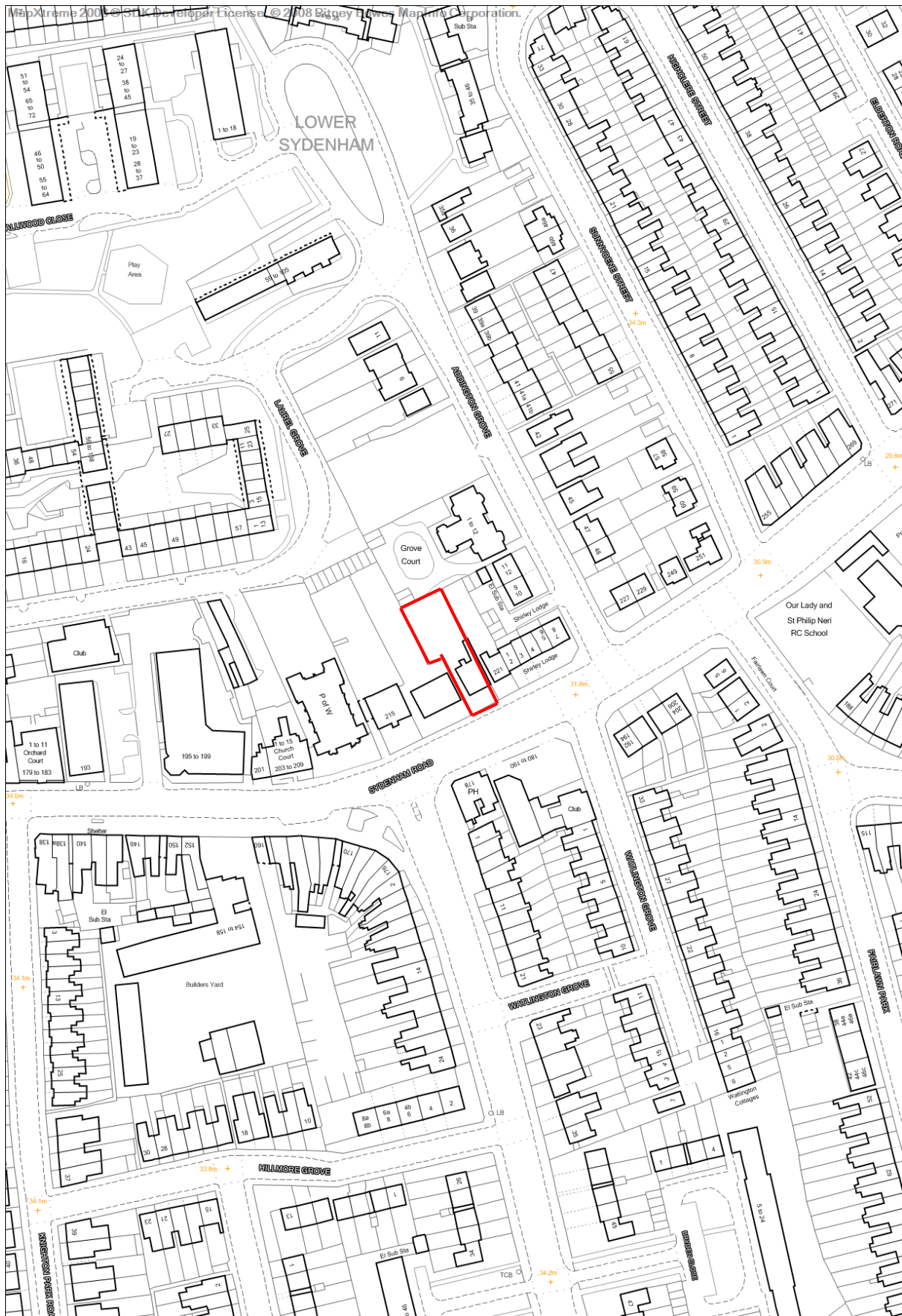
Reason: In order to ensure an adequate supply of accessible housing in the Borough in accordance with Policy 1 Housing provision, mix and affordability and Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- B. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An 'assumption of liability form' must be completed and before development commences you must submit a 'CIL Commencement Notice form' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myserVICES/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- D. The applicant is advised that Condition 3 requires details to be submitted prior to the commencement of works due to the importance to minimise disruption on the local highway network and to the amenity of surrounding properties during construction.

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219 SYDENHAM ROAD, LONDON, SE26 5HF Site Plan



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Committee	PLANNING COMMITTEE B	
Report Title	138 Sydenham Road	
Ward	Sydenham	
Contributors	Shikha Dasani	
Q18	PART 1	15 March 2018

<u>Reg. Nos.</u>	DC/17/105005
<u>Application dated</u>	21/12/2017
<u>Applicant</u>	March Design Associates (Agent) on behalf of Mr Adil (Applicant)
<u>Proposal</u>	Details submitted in compliance with Condition 5 (Materials) of the Planning Permission DC/17/101668 dated 10th October 2017 for the demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four storey building comprising 130sqm of A1/A2 retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 14 cycle spaces and bin storage area, together with the erection of 2 two-storey, one bedroom dwellings facing Knighton Park Road.
<u>Applicant's Plan Nos.</u>	P101 Rev A; P102 Rev A; P103 Rev A; P104 Rev A; P105 Rev A.
<u>Background Papers</u>	(1) Case File LE/180/138/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	Sydenham District Town Centre Area of Archaeological Priority - Sydenham
<u>Screening</u>	N/A

1.0 Property/Site Description

- 1.-1 The application site is currently comprised of a part 1 and part 2 storey building located on the corner of Sydenham Road and Knighton Park Road. The building was last in use as two commercial units (144 sqm) on the ground floor with a residential unit located on the first floor. Ancillary structures and vehicle parking are located to the rear.

1.0 The site is not located within or adjacent to a Conservation Area nor is it a statutory or locally Listed Building or in the vicinity of a Listed Building.

2.0 Planning History

2.1 Planning application was submitted for the demolition of existing building at 138 Sydenham Road SE26 and the construction of a part three/part four storey building comprising 130sqm of A1/A2 retail space on the ground floor and 4 one bedroom, 2 two bedroom and 1 three bedroom self-contained flats above with the provision of 14 cycle spaces and bin storage area, together with the erection of 2 two-storey, one bedroom dwellings facing Knighton Park Road, which was heard at Committee B on 28th September 2017 under planning reference: DC/17/101668

2.2 The application was granted at committee B however; the approval of details (relating to the materials) was requested to be heard at committee as a result of insufficient details provided for the roof element.

3.0 Current Planning Application

3.1 The Proposal

3.2 The application seeks approval to discharge condition 5 (materials) of the above planning permission, with the condition stating that:

No development shall commence above ground level on site until a detailed schedule and samples of all external materials and finishes, windows, roof coverings and balcony treatments to be used on the buildings have been constructed as a sample panel for review by officers on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: *To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.*

3.3 Plans and visuals of the proposed development including a schedule of the proposed materials have been provided along with a sample board. The materials proposed are as follows;

- External finish – Structural glass and powder coated grey (Ral 7016) fascia to commercial units; Mystic Traditional Brick & Stone Bricks with standard 5:1 sand cement mix mortar joint; white ProRend silicone monocouche render panels to front; VWZINC façade interlocking metal panel system anthracite grey (Ral 7016).
- Windows – Grey (Ral 7016) aluminium windows and frames with grey powder coated cil to match windows
- Roof covering - biodiverse roof system on four storey mixed building and on two storey dwellings mini Stonewold interlockin slate grey smooth finish concrete tiles.

- Balcony treatment – structural frameless glass balustrade with glass mounted handrail

Other – all finishes such as fascias, gutters, down pipes, building signage to be grey in colour to match windows.

3.4 Samples of the above materials were also made available for Officers to view on site.

4.0 Consultation

Internal

4.1 The Council's Urban Design Officer provided the following comments:

Urban Design: The samples shown, provide a high quality design which satisfies the external appearance of the building and general area.

5.0 Policy Context

Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

5.3 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14, a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on

implementation of the NPPF. In summary, this states in paragraph 211, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. As the NPPF is now more than 12 months old paragraph 215 comes into effect. This states in part that ‘...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

- 5.4 Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is not an issue of conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.

Other National Guidance

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

London Plan (March 2016)

The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:

- 5.6 The London Plan policies relevant to this application are:
- Policy 7.4 Local character
 - Policy 7.6 Architecture

Core Strategy (2011)

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

- Core Strategy Policy 15 High quality design for Lewisham

Development Management Local Plan (2014)

- 5.8 The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The Development Management Local Plan, together with the Site Allocations, the Lewisham Town Centre Local Plan, the Core Strategy and the London Plan is the borough's statutory development plan. The following lists the

relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

- DM Policy 30 Urban design and local character

Residential Standards Supplementary Planning Document (May 2012)

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

6.0 Planning Considerations

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

- High quality standard design

Design, appearance and Impact on the streetscene

Proposal

6.2 Urban design is a key consideration in the planning process. The NPPF (para 56) makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF (para 57) states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

6.3 Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs, which help raise the standard of design more generally in the area. In addition to this, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

6.4 In relation to Lewisham, Core Strategy Policy 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites, is sensitive to the local context, and responds to local character.

6.5 DM Policy 30 supports the Core Strategy, as it requires planning applications to demonstrate a site-specific response which creates a positive relationship with the existing townscape whereby the height, scale and mass of the proposed development relates to the urban typology of the area and requires developments to be of a high design quality.

- 6.6 Consistent with the details and specification already provided under the original permission, the details of the materials provided are of highest quality design.
- 6.7 A site visit was carried by Officers on 19th January 2018 where it was noted that the sample materials provided relate well to the character and appearance of the area, in line with Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.
- 6.8 Officers are therefore satisfied that the submitted information and samples demonstrate that the external finishes of the buildings will be of high quality, complying with the requirements of the condition.

7.0 Human Rights Act

- 7.1 Under the Human Rights Act 1998, the Council must not act in any way, which is incompatible with the rights referred to in the Act. Officers do not consider there to be any Human Rights Act implications arising from this application.

8.0 Conclusion

- 8.1 It is considered that the proposal would exhibit high quality design, whilst being in keeping with the character and appearance of the area. Therefore, in light of the above material details submitted, the proposed development is considered acceptable and is recommended for approval.
- 9.0 **RECOMMENDATION: APPROVE PERMISSION to discharge condition 5 of planning permission DC/17101668 dated 10th October 2017.**

Informatives:

- (a) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place, which resulted in further information being submitted.
- (b) Please be advised that the information submitted for this application, has been assessed only in relation to the materials condition (5) as referred to in this application and do not provide acceptance or otherwise pertaining to any other outstanding conditions or subsequent applications.
- (c) You are advised that Condition 5 has been discharged and the following conditions are still outstanding:

Condition 3 - Construction Management Plan

Condition 4 - BREEAM

Condition 6 - Physical Fit out

Condition 7 - Refuse and Recycling

Condition 8 - Cycle

Condition 9 - Living roof

Condition 10 - Privacy screening

Condition 16 - Noise

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138 SYDENHAM ROAD, LONDON, SE26 5JZ Site Plan



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