

## PLANNING COMMITTEE B

Date of Meeting: **THURSDAY, 11 OCTOBER 2018 TIME 7.30 PM**

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

Members of the Committee are summoned to attend this meeting:

**Membership  
Councillors:**

**Suzannah Clarke (Chair)  
Tom Copley (Vice-Chair)  
Obajimi Adefiranye  
Tauseef Anwar  
Andre Bourne  
Liz Johnston-Franklin  
Silvana Kelleher  
John Muldoon  
John Paschoud  
James Rathbone**

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.

**Ian Thomas  
Chief Executive  
Lewisham Town Hall  
London SE6 4RU  
Date: Tuesday, 2 October 2018**

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<b>Order Of Business</b>			
<b>Item No</b>	<b>Title of Report</b>	<b>Ward</b>	<b>Page No.</b>
1.	Declarations of Interests		1 - 4
2.	Minutes		5 - 10
3.	ASHMEAD PRIMARY SCHOOL, ASHMEAD ROAD, LONDON, SE8 4DX	Brockley	11 - 48
4.	77 SYDENHAM PARK ROAD, LONDON, SE26 4DH	Sydenham	49 - 62
5.	51 BARGERY ROAD, LONDON, SE6 2LJ	Catford South	63 - 78
6.	2 MANOR MOUNT, LONDON, SE23 3PZ	Forest Hill	79 - 90
7.	9-19 RUSHEY GREEN, LONDON, SE6 4AZ	Rushey Green	91 - 196

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Committee	PLANNING COMMITTEE (B)	
Report Title	DECLARATIONS OF INTERESTS	
Class	PART 1	Date: 11 OCTOBER 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: 11 OCTOBER 2018

## MINUTES

To approve the minutes of the meeting of Planning Committee (B) held on the 30<sup>th</sup> August 2018.

### LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the PLANNING COMMITTEE (B) held in COMMITTEE ROOMS 1 & 2, CIVIC SUITE, LEWISHAM TOWN HALL, CATFORD, SE6 4RU on 30<sup>th</sup> August 2018 at 19:30.

PRESENT: Councillors Clarke (Chair), Copley (Vice-chair), Anwar, Franklin, Kelleher, Muldoon, Rathbone.

OFFICERS: Suzanne White – Planning Service, Paula Young – Legal Services, Samuel James – Committee Co-ordinator, Holly Lucas – Planning Officer, David Robinson – Planning Officer

APOLOGIES: Councillor Bourne (lateness), Councillor Adefiranye, Councillor Paschoud

Meeting Commenced at 19:39.

#### 1. DECLARATION OF INTERESTS

No declarations of interest.

#### 2. MINUTES

Members approved minutes for Committee B held on 19<sup>th</sup> July.

Prior to presentation of the 3<sup>rd</sup> item, the Chair announced that the 4<sup>th</sup> Item on the agenda, 34 St Margaret's Passage, had been pulled from the agenda by officers due to some late information being received by herself during that day, which officers did not have time to consider prior to the meeting.

#### 3. Northwest Garages, Knapdale Close, SE23 3XG (DC/18/106452) (Item 3 on the agenda)

The presenting Planning Officer Suzanne White (SW) explained the details of the application by Lewisham Homes for the demolition of 8 garages, surface car park and 'drying area' at

Knapdale Close, to allow the construction of 17 self-contained flats of 100% socially rented tenure.

27 letters of objection were received, and 1 in support. A local meeting was held on 4<sup>th</sup> June 2018, where issues including existing management of the estate, sunlight/daylight/overlooking concerns, and highways concerns were raised.

The proposal is considered by officers to be acceptable, and the scheme therefore recommended for approval. Questions from Councillors to the presenting officer followed.

Councillor Muldoon (CM) raised concern that the parking would not be allocated and SW clarified that Condition 16 was for submission of details of a Parking Management Plan to control this issue.

Councillor Kelleher (CK) stated that she lives on an estate, and that non-residents parking there is an issue, and stated that the management plan should ensure only residents can use the spaces.

Councillor Johnston-Franklin (CJF) raised concern that the lack of provision of wheelchair units was not policy compliant. SW explained that due to level changes on-site, it was not practical to deliver wheelchair units in this location, and where there are practical difficulties, the policy allows for less provision of wheelchair units. It was explained that any wheelchair user in this location would be required to have a car to access the site, and this would be an unreasonable expectation.

CJF reiterated her concern, and asked why it would not be possible to deliver at least one wheelchair unit in one of the end units. SW explained that any wheelchair user would not be able to get up Eliot Bank without a vehicle.

Chair Councillor Clarke (CC) noted that some of the trees to be removed were Ash Trees, and that Ash trees were becoming rare, and questioned whether any Ash trees would be replanted. SW clarified that there is no policy directly pertaining to protection of Ash trees, but that the replanted trees would all be native species.

CC stated that Ash trees should be replaced, and moved on to ask for a comparison of the height of the proposed buildings and the existing blocks of flats on the site. SW showed the elevation drawings again on the screen, and stated that a comparison had been made in the officers report, on page 30 of the agenda. SW stated that the heights were very similar to the existing blocks.

Councillor Rathbone (CR), following up from CC's question, wanted to know how much of the height was due to the pitched roof. Approximately 2.5m above the top of the top windows clarified SW, and she stated that this was angled away from neighbouring windows, which reduces the bulk and impact on neighbouring occupiers' amenity.

20:05 Councillor Bourne arrived and took a seat.

The Chair invited the applicant to approach the table and speak in support of the proposal. Neil Campbell (NC) of BPTW explained that estate residents had been engaged throughout the application process through consultations and their "New Homes, Better Places" programme, and that the proposal has been adapted in response to concerns raised. He stated that they were committed to continuing this obligation to existing residents throughout the construction process and beyond, through a 'package of improvements'.

He went on to explain the design rationale, and how the proposal had been sensitively designed to minimise impacts of overlooking and respond to the site context. Traffic and parking assessments had been carried out in July, and highways improvements would be secured through the Section 106 agreement. Questions from Councillors to the applicants followed:

CJF asked the applicant why no wheelchair units would be provided. NC reiterated that due to site constraints and level changes the provision of wheelchair units would be inappropriate, and that this had been agreed at the Pre-application stage. CJF stated that this should have been noted in the officer's report.

CK questioned whether a non-wheelchair user could be moved from a wheelchair adaptable unit and put into one of the proposed flats, and a wheelchair user be given their flat. CC stated that this could be considered as a wider policy, but was not a material consideration to this planning application.

CC asked the applicant to justify the height of the building and raised concern over the overlooking and moderate sunlight and daylight impacts identified in the report. NC stated that the proposed buildings are of a similar scale and proportions to those existing on-site, but with a contemporary design style. He stated that the closest overlooking between windows was 19.8m and showed this on a plan, and that this was sufficient.

CC raised concern that 6 windows had been identified in the Daylight/Sunlight Assessment as having minor to moderate transgressions. SW clarified that only 2 moderate transgressions had been identified in Forest Croft, and the other 4 were only minor, which on a balance is acceptable.

Councillor Anwar (CA) requested further information on the proposed parking controls. The applicant responded by stating it would initially be uncontrolled, but as part of the parking management plan Lewisham Homes would monitor the situation, and if residents felt that a permit system was required then this could be introduced.

CR stated that the parking concerns should be addressed at this stage, as it had been repeatedly raised as a concern during consultations. NC replied that the total number of parking spaces was being increased at an almost 1:1 ratio for new dwellings, and that the parking survey showed capacity on surrounding streets. The monitoring system to be secured in the parking management plan would be in place to ensure this.

CC thanked the applicants and invited the objectors to take the table.

Rebecca Thurgood (RT), the chair of the Forest Estate Residents Association next spoke on behalf of objecting residents. She stated that the site was very peculiar and had many constraints which could only be appreciated when visiting the site, and expressed her concern that all members had not been to site prior to the meeting. Concern was also expressed over the proposed access, and whether emergency vehicles would be able to access if they needed to. She also expressed concern that the delivery and servicing, and construction management plans were being conditioned, and not dealt with prior to making a decision, as no consultations were required for approval of detail applications and residents would therefore have no say.

Further concerns was expressed towards the access road, previous refuse management at the site, previous management of the estate by Lewisham Homes, overlooking, outlook and sunlight/daylight issues.

CM asked whether RT was proposing the committee defer the application to allow for a site visit to be made, and she indicated that was what she was saying.

CC sought clarification from the objector over how the existing road conditions have an impact on this application specifically. RT replied that the Section 278 agreement would add yellow lines, resulting in the loss of on-street parking, which hasn't been accounted for. She went on to state the indicative construction management plan has errors, and that all details should be provided prior to a decision being made, and repeated the proposal to defer the decision.

CC stated that it is normal for the construction management plan to be conditioned, and determined after the decision has been made, and that it would be unreasonable to defer on those grounds. RT responded by saying that the decision should be deferred due to the lack of a site visit then, to which CC replied she had visited the site as Chair of the committee, so it couldn't be deferred on those grounds either.

Councillor Gibbons (CG) next spoke under standing orders as a ward councillor. He stated that he was not speaking to directly oppose the proposal, but wanted to give additional context to the objecting resident's concerns. He reiterated concerns regarding the access road and emergency vehicle access, as well as illegal parking – citing the fact that in July a fire engine was not able to access the site when required. He reiterated concerns of overlooking, acknowledging the 19m separation between windows, but only as little as 5m between windows and rear boundaries of neighbouring gardens. He raised concerns over damp in some existing flats, and the loss of the clothes drying area to make way for the proposal.

CA sought clarification from the presenting officer as to whether the London Fire Brigade had found the emergency access acceptable. SW confirmed they had raised no objections, and cited the 45m test that is applied.

CG stated that the proposed parking appeared tight, and would be difficult to manoeuvre should the car park be full. CC stated that the proposal is for a formalised and more ordered parking system, as opposed to the existing informal situation, which clearly represents an improvement. She sought clarification from the presenting officer on turning for refuse vehicles. SW showed the swept path drawings, and stated that this point had been considered at length during assessment, and had been found to be acceptable. The yellow lines at pinch points would alleviate the issues raised.

CK asked the presenting officer whether the road could be widened, as there seemed to be a lot of space either side of the road. SW responded by saying that the road would now effectively be widened, as it would be a shared pedestrian/vehicle surface. CJF sought clarification on this point, and SW replied that there would be demarcation between the road/pedestrian path with different landscaping materials for each surface, she also stated that traffic calming measures would be in place to slow down drivers.

CR stated that the main issues were the access via Knapdale, and the parking, as well as emergency vehicle access and asked whether conditions could be strengthened at all, for example by enforcing a residents only parking management plan, and by bringing conditions back to committee for decision. SW replied that the conditions could be decided by the committee should Councillors want to request this.

CC asked whether anyone wanted to propose a motion. CK again asked whether the road could be widened, and CC clarified that it couldn't be as part of the current application. SW

stated that currently people park on the access road, which would now be controlled, so the road didn't need to be widened.

Councillor Muldoon asked how far strengthening conditions can go to alleviating the previously mentioned issues, and stated that the construction management plan should provide a definitive statement on management of access.

SW stated that if councillors felt there was enough information to be comfortable that the access would work in principle, then conditioning it is a strong enough measure to control the issue.

Councillor Copley moved to accept the officer's recommendation to grant planning permission, especially considering the 100% affordable tenure, and provision of 40% + family housing. Councillor Muldoon seconded.

Members voted as follows:

FOR RECOMMENDATION: Councillors Clarke (Chair), Copley (vice-chair) Anwar, Franklin, Kelleher, Muldoon and Rathbone.

AGAINST RECOMMENDATION: None

ABSTAINED: None

RESOLVED: Unanimously accept officer's recommendation and grant planning permission.

4. Deptford Creek adjacent to Phoenix Wharf, Norman Road, SE10 (DC/18/105966) (item 5 on the agenda)

SW outlined the proposal for permission to install multiple marine works within Deptford Creek to facilitate barge movements associated with the construction of the Thames Tideway sewage pipeline. The public benefit of the work includes the fact there would be just 2 barge movements per day compared with hundreds of HGV movements. There is no long term ecological or heritage asset damage predicted. It was noted that Greenwich Council had already given consent to the works on their side of the creek.

CK noted that she was aware of 7 residential barges on the creek, and questioned the impact upon them. SW stated that this had been raised by an objector, and the proposal would have no impact on these barges, and navigational rights would not be affected.

CK raised further concern with regard to the residential barges, and asked whether there was a danger they could be capsized by the works, and whether any conditions could protect them.

CM stated he was concerned with the ecological impacts and raised specific concern regarding the impact on birds such as kingfishers. SW replied that she couldn't answer specifics regarding the ecological impacts, but that the Environment Agency and the Council's Ecological Regeneration manager had been consulted and were happy with the proposed mitigation measures.

CC asked why there was a need to re-silt the river bed after the works had been completed. SW replied that this was to reinstate the river bed back to its natural condition and to reinstate the ecology that would be lost due to dredging.

CFJ sought confirmation that the creek would be restored, and that no spoil would be left as a result when works have been completed. SW clarified that it would be highly unlikely to be left in a poor condition, considering the amount of statutory bodies involved in regulating the works.

The applicant, a representative of CVB who would carry out the works, and a representative of Thames Tideway took to the table to make their case in support of the proposal.

Firstly they stated that no one lives on the barges stored closest to the application site, and claimed they have been empty since 2007. Tideway have engaged with the owners of the vessels and they have been re-located. The closest barges being lived on are 100m from the dredging site.

They also clarified that kingfishers will not be affected, as the dredging would be over a short time-frame, and only the silt would be impacted. There is also a Construction Ecology Management Plan as a part of the wider Tideway works.

They also stated that as part of the works a lot of refuse had already been cleared from the creek, and other regulatory bodies are very strict about leaving things behind.

CK stated that the site is in her ward, and asked whether the tow-path on Lewisham's side would be retained or reinstated, as access has recently been lost. The applicant replied that there would be no impact on the Lewisham bank side.

CC questioned whether any pollution could be brought up by the dredging works. The applicant replied that there will be constant monitoring for contamination whilst works are being carried out, and there are processes in place if contamination is detected.

Councillor Rathbone moved to accept the officer's recommendation and approve the application for planning permission, including the additional conditions suggested by officers. This was seconded by Councillor Kelleher.

Members voted as follows:

**FOR RECOMMENDATION:** Councillors Clarke (Chair), Copley (vice-chair), Bourne, Anwar, Johnston-Franklin, Kelleher, Muldoon, and Rathbone.

**AGAINST RECOMMENDATION:** None

**ABSTAINED:** None

**RESOLVED:** Unanimously accept officer's recommendation and grant planning permission.

Meeting closed at 21:30

Committee	PLANNING COMMITTEE B	
Report Title	Proposed School Extension Building, Ashmead School, London SE8 4DX	
Ward	Brockley	
Contributors	Vincent Murphy	
Class	PART 1	11 October 2018

<u>Reg. Nos.</u>	DC/17/104714
<u>Application dated</u>	24.11.17 [revised 15.06.18]
<u>Applicant</u>	Mr Russell Edwards, London Borough of Lewisham C/- Pick Everard
<u>Proposal</u>	Construction of a three storey school building (use class D1) at Lewisham Way frontage of Ashmead Primary School, Ashmead Road SE8, to facilitate an increase from 1 to 2 forms of entry, together with removal of existing front boundary wall, creation of new entrance from Lewisham Way and associated landscaping and fencing and alterations to external play space (revised plans and associated reports received 15/06/18).
<u>Background Papers</u>	(1) Case File DE/110/279/TP (2) Local Development Framework Documents (3) The London Plan (2016 as amended) (4) NPPF (2018)
<u>Designation</u>	Core Strategy – Areas for Stability and Managed Change St Johns Conservation Area Air Quality Management Area 2 – Lewisham Air Quality Management Plan Thames Gateway Area Lewisham Way is a Class A ‘Red Route’ road

## 1.0 Summary

This report sets out officer’s recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and:
  - there are 3 or more valid planning objections;
  - there are objections from recognised residents’ association or community/amenity groups; and
  - the application is for development which is not in accordance with some provisions of the approved development plan documents or other approved planning policies.

## 2.0 Property/Site Description

- 2.1 The subject site of the planning application is Ashmead Primary School, Ashmead Road, Saint Johns, SE8 4DX. The site lies north-east of Lewisham Way and south-west of Ashmead Road. The subject site also includes land outside of the school site, to the south-west, being road reserve land also owned by Lewisham Council. This is currently formed as

flat green space with public infrastructure such as seats and a temporary public WI-FI/mobile-device charging point.

- 2.2 The subject site is 0.61ha in area, however the proposed development is to occur on the south-western approximate third of the application site – the location of the existing hard court area serving the school. The existing school buildings and other play areas are to the north-east of the proposed development site within the school site boundary. A wall approximately 3m high currently runs along the south-western boundary of the site with Lewisham Way.
- 2.3 To the north-west of the site is three-storey terrace housing fronting Lewisham Way. To the north and north-east is two and three-storey terrace and detached housing fronting Friendly Street Mews, Ashmead Mews and the south-western side of Ashmead Road. East across Ashmead Road, and to the south-east, is two storey terrace housing. South of the site is the Grade II\* statutorily-listed Stone House (the forecourt walls, piers and gates to Lewisham Way of this property are also separately listed). The A20 road (Lewisham Way) is to the south-west of the site.
- 2.4 It is noted that ground levels NE-SW through the site (i.e. from Ashmead Road to Lewisham Way) gently rise, with the exception of the abrupt increase in height on the roadside of the wall, which effectively screens the school from Lewisham Way. Ground levels also immediately rise relatively steeply between the edge of the subject site towards Stone House to the south. Lewisham Way is generally flat in the vicinity of the subject site.
- 2.5 The site is located within the St Johns Conservation Area. There is no related Article 4 direction (which removes permitted development rights) applying to the site.
- 2.6 The site has a Public Transport Accessibility Rating by Transport for London between four and five, where one is the lowest level of accessibility and six is the highest. A bus stop is located directly adjacent to the Lewisham Way frontage of the site, serving southeast bound bus passengers heading towards Lewisham centre.

### **3.0 Planning History**

- 3.1 There is an extensive planning history at the school site relating to felling/pruning of trees at the site given their location within the St John's Conservation Area, as well as for alterations to the existing school building. This is typical of a school in a conservation area context.
- 3.2 A temporary modular 'bulge' classroom to accommodate additional student demand was approved at the school site in August 2010, under planning permission reference number DC/10/074742/X.
- 3.3 The principle of a building to accommodate two forms of entry at the school has been the subject of a pre-application meeting in early 2017. As a design progressed at pre-application stage, the scheme was presented for independent design quality review to the Lewisham Design Review Panel, in July 2017.

### **4.0 Current Planning Applications**

#### The Proposal

- 4.1 The current application was lodged as an application for planning permission in December 2017. As a result of consultation, and concerns held by Council officers with respect to the design of the building as lodged with the planning application, the design was revised. The revised design was received in June 2018, and a second round of public consultation was initiated by Council officers.



- 4.2 The proposal is for the construction of a three-storey building in the location of the existing hard court area at the school. This building would facilitate an increase of one form of entry, to two forms of entry overall. In practice, this is an additional 180 pupils as the existing bulge class is being reused to deliver 30 places, taking the total roll of the school to 420. There would be an increase in 15 staff members (from 40 to 55).
- 4.3 The building would front Lewisham Way, with a new entrance point to the building from Lewisham Way (at the southern end of the proposed building). This is expected by the school to operate as a secondary access, with the primary entrance remaining at the existing entrance from Ashmead Road. The reason for this expectation is based on analysis of postcode data held by the school, approximately one third of pupils travel to the school from the south/south-east where using the proposed entrance/exit would be most convenient.
- 4.4 The access from Lewisham Way would result in changes to the public realm outside the site, to create an Equality Act 2010-compliant access as well as steps down into the school building. New hard and soft landscaping, comprising hedges, new trees, concrete pavers and grass lawn is proposed to be implemented along the frontage of the site, including the creation of a community 'pocket-park' with outdoor seating.
- 4.5 A new hard-court Multi-Use Games Area (MUGA) play area would be located to the east of the proposed three-storey building. In front of this would be a boundary wall, which partially replaces the existing boundary wall to the site. The top of this wall would be a minimum of 3.65m above the finished surface level of the play area.
- 4.6 There are no expected changes in terms of deliveries and servicing of the school (in terms of service access point, frequency and number of trips), which is currently carried out from the existing Ashmead Road vehicular entrance. There would be no vehicular access to the new school building from Lewisham Way. Plant servicing the building would be located on the roof.
- 4.7 The proposed ventilation strategy for the building is mechanically provided ventilation. The building has been designed so that the windows facing Lewisham Way do not need to be opened whilst the building is occupied, as recognition of the fact that the location of the site has had recently-recorded air pollution levels (in particular nitrogen dioxide, from 2013) which exceed EU-set limits.

## **5.0 Consultation**

- 5.1 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 statutory requirements and those required by the Council's adopted Statement of Community Involvement, in terms of extent of consultation and the minimum time periods for considering consultation responses.
- 5.2 A total of 315 letters were mailed to adjoining and nearby residents of the subject site. Four public site notices were placed at various entrances to/focal points of/intersections in close proximity to the subject site, along Ashmead Road, Lewisham Way and St Johns Vale. A press notice in the Lewisham and Catford News Shopper was published for consultation purposes, and emails were sent to external statutory or otherwise recognised formal consultees with an interest in this site.
- 5.3 The above exercise was carried out twice, the first time following receipt of the application, in December 2017, and the second time following receipt of revised plans for the proposal, in June 2018.

- 5.4 A total of forty-five (45) submissions have been received in response to issued consultation requests (via press notices in Lewisham Catford News Shopper, posted letters, multiple site notices, and emails to consultees), the latest of which was received 28.09.18. Thirty-five (36) of the submissions are in objection, whilst nine (9) are in support or raise no objection.
- 5.5 The objections received from the community, including the St Johns Society, Brockley Society, and Georgian Group, substantially centre on a number of repeated themes concerning:
1. Safety of school children and existing vehicular traffic, due to new occurrence of children and parents using an entrance/exit point from Lewisham Way, combined with existing vehicular traffic volumes and associated safety risks along Lewisham Road, a Class A road. Questioning of methodology used to determine accident rate, allegations of under-estimation of accidents;
  2. Safety of children and existing pedestrian traffic and bus passengers utilising the adjoining southeast-bound bus stop on Lewisham Way. This is due to the new occurrence of children and parents using the Lewisham Way entrance, considering existing pedestrian volumes, width of footpath, and numbers of bus passengers waiting for buses at various times of the day. Pedestrian volumes and bus passengers are noted by objectors to be high due to the site's proximity to Lewisham Southwark College across the road, the bus stop serving numerous bus routes, as well as being close to train stations;
  3. Exposure of additional children to existing adverse air quality conditions, citing recent recordings of nitrogen dioxide (NO<sub>2</sub>), which increases the likelihood of respiratory problems, being exceeded at this school site. The death of a child linked to exposure to high levels of NO<sub>2</sub> within the borough has been quoted in several submissions. Several submissions cite the Mayor of London's direction and measures to tackling the issue of adverse air quality conditions affecting schools.
  4. The loss of publicly accessible greenspace along the Lewisham Way frontage of the site.
  5. The design of the building not in keeping with the character of the neighbourhood, and detracts from the character of the St John's Conservation Area;
  6. Impacts upon the Grade II\*-listed Stone House, including obscuration of views, which adjoins the subject site to the south.
  7. Quality of design and indicated materials, given location, prominence and intended educational use.
- 5.6 Other objection points raised across the body of objections received from the community including the St Johns Society, Brockley Society and Georgian Group include:
8. Noise from increased school roll;
  9. Overlooking of private amenity space;
  10. Shading from building mass;
  11. General diminishing in ability to enjoy private rear garden spaces;
  12. Reduction in play area and exposure to sunlight for children at the school;
  13. The design not complying with Department for Education-issued building design guidelines. Note – compliance with a Department-for-Education-issued guideline is not considered to be relevant to the necessary planning assessment. Rather, the provision, including protection and enhancement, of community facilities is relevant to the necessary planning assessment;
  14. Traffic generation and parking impacts;
  15. The design, site coverage and roll resulting in an inability for the school to meet the recommended 2-hour minimum of physical education time each week. It is noted that this is a recommended guideline, and is not considered to be relevant to the necessary planning assessment;
  16. Questions accuracy of demand estimates for future school places in this location – citing of other schools in the borough with low demand/struggling to fill classrooms;
  17. Pre-empting of planning permission based on encroachment onto public land and associated change in formation, which has been previously agreed between the relevant

Lewisham departments (Education, Highways and Environment (maintenance)) prior to the planning application being submitted;

18. The design goes against the reasons for 1971/72 decision of Lewisham councillor at that time (Nicholas) to protect views of Stone House and St Johns Church by way of the vacant highways space, which is now used as informal congregation space by Lewisham College students. The visibility of the aforementioned heritage assets are relevant to planning; the mechanics of how the visibility came to be in existence is not.
  19. Failure to comply with the Civic Amenities Act 1967. The provisions of this Act relevant to the subject application are considered to be superseded by the Planning (Listed Buildings and Conservation Areas) 1990 which have been considered in the necessary planning assessment;
  20. Obscuration of views of St John's Church including spire;
  21. Impacts on nearby work-from-home activities;
  22. No consideration regarding changes in wind/aerodynamics as a result of the construction of the building;
  23. Rainwater surcharge onto Lewisham Way;
  24. Cost of air-conditioning of school due to proximity to Lewisham Way. This is not considered to be a relevant planning matter;
  25. Lack of sheltered walkway between this building and existing school buildings; lack of indoor play strategy for the building in instances of wet-weather.
  26. Case for alternative siting of the school building.
- 5.7 Submissions from the community in support of the scheme are based on:
1. The effort of the school to work with the architects to achieve a design suitable to surrounding environment and educational requirements of children;
  2. Notion of minimal impacts on local residents;
  3. Provides further school places at the site;
  4. Land fronting Lewisham Way was originally owned by school so shouldn't be a problem using it;
  5. Observation that public open space area fronting Lewisham Way is currently used at times anti-socially and unpleasantly, the design would remove the potential for that.
- 5.8 An objection has been received from Brockley ward councillor Sophie McGeevor, based on the issue of exposing children to adverse air quality conditions in light of the direction of, and measures implemented by, the Mayor of London.
- 5.9 Consultation responses have been received from Historic England (Archaeology), Historic England (Buildings), and Transport for London, raising no objection to the scheme.
- 5.10 Consultation responses have been received from the following internal specialist officers within the Council. The below represents the fundamental position of the officers:
1. Environmental Health Officer – Air Quality – No objection raised, subject to several conditions, based primarily on modelling undertaken by applicant and data recorded by Council on-site.
  2. Environmental Health Officer – Noise – No objection, subject to conditions relating to construction noise mitigation through appropriate management, and fixed plant noise restrictions.
  3. Environmental Health Officer – Contamination – No objection subject to conditions regarding contamination investigation and management/remediation if discovered.
  4. Highways Officer – No objection subject to conditions relating to travel management planning, construction traffic management and street-infrastructure for additional operational safety improvements.

## **6.0 Policy Context**

### Introduction

- 6.1 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.
- 6.2 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.
- 6.3 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the duty to preserve and enhance listed buildings, their settings, and conservation areas and their settings, are notable material considerations in this instance.
- 6.4 Government policy within and outside of the scope of the National Planning Policy Framework and relevant Development Plan, is a material consideration.

### National Planning Policy Framework (NPPF) 2018

- 6.5 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.6 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.
- 6.7 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 revised NPPF.

### National Planning Practice Guidance 'NPPG' (2014 onwards)

- 6.8 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

### The Development Plan

- 6.9 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and

together constitute the borough's Development Plan. The site is not within the Lewisham Town Centre designation however.

#### London Plan (March 2016)

- 6.10 The London Plan was updated on the 14 March 2016 to incorporate 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). A revision to this draft showing Minor Suggested Changes has been released by the Mayor of London following a review of consultation responses. Given the early stage in this process, this document has some weight as a material consideration when determining planning applications, however less than the existing Development Plan and given the similarity in implications for this site and application does not warrant a departure from the existing policies of the development plan in this instance.

The policies in the current adopted London Plan (2016) relevant to this application are:

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 2.3 Growth areas and co-ordination corridors
- Policy 2.9 Inner London
- Policy 2.18 Green infrastructure: the network of open and green spaces
- Policy 3.16 Protection and enhancement of social infrastructure
- Policy 3.18 Education facilities
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.17 Waste capacity
- Policy 5.21 Contaminated land
- 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 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.9 Heritage-led regeneration
- Policy 7.13 Safety, security and resilience to emergency
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes
- Policy 7.18 Protecting local open space and addressing local deficiency
- Policy 7.21 Trees and woodlands

Whilst the new, draft London Plan does not outweigh the current London Plan, this draft plan has been considered in relation to the subject scheme. Of particular relevance to this proposal are the following policies:

- Policy D1 London's form and characteristics
- Policy D2 Delivering good design
- Policy D7 Public realm
- Policy S3 Education and childcare facilities
- Policy SI1 Improving air quality
- Policy HC1 Heritage conservation and growth

London Plan Supplementary Planning Guidance (SPG)

- 6.11 The London Plan SPG's relevant to this application are:
- Sustainable Design and Construction (April 2014)
  - Character and Context (June 2014)
  - The control of dust and emissions during construction and demolition (July 2014)
  - Accessible London: Achieving an Inclusive Environment (October 2014)
  - Social Infrastructure (May 2015)

Core Strategy (June 2011)

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

- Spatial Policy 1 Lewisham Spatial Strategy
- Spatial Policy 5 Areas of Stability and Managed Change
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 12 Open space and environmental assets
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
- Core Strategy Policy 19 Provision and maintenance of community and recreational facilities
- Core Strategy Policy 20 Delivering educational achievements, healthcare provision and promoting healthy lifestyles

Development Management Local Plan (November 2014)

- 6.13 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 1 Presumption in favour of sustainable development
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- DM Policy 27 Lighting
- DM Policy 28 Contaminated land
- DM Policy 29 Car parking
- DM Policy 30 Urban design and local character
- DM Policy 31 Alterations/extensions to existing buildings
- DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas
- DM Policy 35 Public realm

DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens
DM Policy 41	Innovative community facility provision

Site Allocations Local Plan (June 2013)

6.14 There are no relevant Site Allocations relating to this application site.

Residential Standards Supplementary Planning Document (2006, updated 2012)

6.15 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. Whilst the proposal does not constitute residential development, this SPD is relevant to neighbouring amenity, which is a relevant impact to consider in terms of impacts upon neighbouring amenity as a result of the proposed scheme.

**7.0 Planning Considerations**

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

- Principle of development
- Design quality, including landscaping
- Heritage and character impacts
- Public space impacts
- Transport impacts and public safety
- Exposure to air pollution
- Neighbouring amenity impacts
- Sustainability and energy impacts
- Other environmental and ecological impacts
- Other submission points

Principle of development

7.2 The following assessment considers the question of whether or not the principle of the development (extending the school in the general location proposed) is firstly supportable before considering the impacts of the specific design. It sets out the relevant policy context concerning the question of the principle of development, before considering the principle of development in this site and policy context.

7.3 The National Planning Policy Framework (NPPF) is the overarching and highest document within the hierarchy of planning instruments extant in England. The NPPF specifies a series of principles to be reflected by plan-making and planning decision-taking.

7.4 At paragraph 11, the revised NPPF states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan. Chapters 8, 11, 12, and 14-16 of the revised NPPF are particularly relevant to the proposal and site context.

- 7.5 London Plan policies 3.16 (social infrastructure), 3.18 (education facilities), 7.5 (public realm), 7.8 (heritage assets) and 7.14 (improving air quality) are considered to be particularly relevant to the principle of the development at this location. Spatial Policy 2 (Regeneration and Growth Areas), Spatial Policy 5 (Areas of Stability and Managed Change), Policy 15 (high quality design for Lewisham) and 19 (provision and maintenance of community facilities) of the Lewisham Core Strategy (2011) are likewise considered to be particularly relevant to the matter of the principle of the proposed development in this location. Development Management Policies 23 (air quality), 30 (urban design and local character), 33 (infill, backland, back garden and amenity area development) and 36 (new development affecting heritage assets and their settings) are likewise considered to be particularly relevant within the Lewisham Development Management Local Plan (2014).
- 7.6 Policies set by the Mayor of London outside of the planning framework are also considered pertinent to the question of whether or not the principle of the development (extending the school) can be supported.
- 7.7 The proposal is for the extension of a school on an existing school site. The school use has been established at the site since the 1970's. Given the relatively long-term establishment of such a land-use at the site, the principle of school use elsewhere on the existing school site is considered to be acceptable.
- 7.8 Transport for London, the administrator of the road, have not raised any objection to the principle of encroachment into, and change of surface treatment of, the land in front of the school site fronting Lewisham Road with respect to future improvements or alterations. As such, there is no issue-in-principle with respect to the land being safeguarded for future transport use.
- 7.9 The proposal increases the width of the footpath along the Lewisham Way frontage of the site. As such, the proposed changes are not considered to prejudice maintenance of utility services or future utility service provision within the legal road space.
- 7.10 The applicant has determined the location of the building by reference to surrounding building development patterns and setbacks from the street, the location of historic development at the site as well as at neighbouring properties, and importantly through options analysis for optimal placement of the building.
- 7.11 The key factors informing the placement-options analysis were surrounding scale and form context; impacts on neighbours; access arrangements; outdoor play area provision within the school site, including solar access to those spaces; site-wide tree and ecological habitat protection; proximity to the listed Stone House; level changes across the site; impacts on on-site parking; and impacts on the party wall of the neighbouring terrace of dwellings to the north.

The justification for the design, as alluded to above, is detailed in the Pick and Everard Planning, Design and Access Report submitted with the application. The analysis is considered suitably robust in arriving at the general location of the proposed building.

- 7.12 At a regional level, the proposal provides considerable additional primary-school aged pupil places in the north of the borough where planned growth is to be more intense (in comparison to the south of the borough). This is due to the inclusion of the north of the borough within the Thames Gateway area, a nationally- recognised growth area extending east from inner-east London along both sides of the River Thames. This is reinforced by the Lewisham Core Strategy (2011) which identifies in particular New Cross, Deptford and Lewisham, all within relatively close proximity to the subject site, as regeneration and growth areas.



- 7.13 Current and draft planning, as well as relevant non-planning, policy at national, regional and borough level relating to air quality and exposure to air pollution have been considered with respect to the subject proposal. The principle of the development (extending the school) is not considered to be contrary to the direction and intent of the suite of policies. The location of the development and the proximity to the A20 road does present complications for the design in terms of ensuring exposure to air pollution is sufficiently mitigated. However, the principle of extending the school at this location is not considered to result in a fundamental principle issue which translates to an instant refusal of planning permission.
- 7.14 The location of the proposed building aligns with neighbouring development patterns (scale, building setback), as well as being in the location of historic development dating back to the 1860's prior to the school being constructed at the site. Therefore, general character compatibility is not considered to be a principle issue for the proposed development (considering also previously mentioned established school use at the site), nor is the siting of the building in this general location.
- 7.15 The consequences and impacts of the use and specific design parameters are discussed later in this report. However, the principle of the proposed development in this location is considered to be acceptable.

Design quality, including landscaping

- 7.16 Chapter 12 of the revised NPPF, policies 7.4 and 7.6 of the London Plan, Core Strategy Policy 15 and Development Management Policies 25, 30, 31 and 33 are considered particularly relevant to the matter of design quality and landscaping impacts.
- 7.17 The design rationale and evolution is detailed in the Pick and Everard Planning, Design and Access Statement submitted with the application, which should be read in conjunction with this report.
- 7.18 The proposal would result in substantial change at the site as it fronts Lewisham Way. Over half (36m) of the existing boundary wall at the site would be removed, as would approximately 71% (42m) of the existing public grassed space in front of the wall. In its place would be a three-storey school building, set below existing ground levels to conform to existing scale precedent along the street, with a ramp and stairs for pedestrian access, trees and hedge planting, and a smaller community pocket park with further soft and hard landscaping. Two prominent trees, approximately 11-13m in height, in addition to another smaller tree, both from within the Lewisham Way frontage, are also proposed to be removed by the proposal. Four smaller trees varying from 4.5-6m in height (minimum in-the-ground planted height of 4.5m) are proposed to be planted along the street frontage.
- 7.19 The proposed rooftop of the building would be 11.2m above the ground level along Lewisham Way in front of the neighbouring terrace of houses to the west (the closest being the end-of-terrace building at 265 Lewisham Way). The top of the roof plant enclosure would be 12.9m above the same ground level. Neither of these heights exceed the height of the ridgeline of the neighbouring terrace of dwellings (to the north of the proposed location of the building). The building is 10.6m deep into the subject site, which is less than that of neighbouring terrace development. The height is similar to that of Stone House. The height, scale and footprint of the proposed building is considered to be compatible with the surrounding development pattern.
- 7.20 Window patterns to the southern elevation (facing Lewisham Way) are vertically orientated, with openings horizontally and vertically aligned within the façade across all three storeys of the proposed building. Proportions are similar to the fenestration pattern at the neighbouring terrace to the west. Some bays are created with no windows inserted;

rather, recessed brickwork would be constructed in these locations, with the intent of this design being to evoke a playful façade to assist in distinguishing the building as one accommodating a primary-school use. The eastern third of the building is differentiated from the remainder of the building by larger proportions of recessed brickwork to visually assist in signifying the entrance to the building (in combination with simple aluminium-letter signage). Window shades are provided to reduce solar gain. Overall the façade articulation is considered to be coherent and appropriate for an educational use, with appropriate three-dimensional changes to provide visual interest and some richness of detail within the main façade of the building.

- 7.21 It is acknowledged that the floor levels of this building would be different to those at the terrace next door. This is to be reasonably expected to a degree however, given the use of the building for educational purposes, and the separation and contrast provided by the design is considered to mitigate the adversity of visible difference in floor levels.
- 7.22 It is noted that a moderate proportion of the south elevation is glazing to classrooms. Therein lies an issue with respect to solar gain and internal heating, particularly over summer months. The design response to this however is the combination of external window shades, and mechanical ventilation of the building, which is of considerable importance within the design so that openable windows facing Lewisham Way are not necessary. As such, the design does address this potential issue.
- 7.23 Solar access to open space within the school was a key driver in the design progression, which is one reason for the separation distance between the school buildings. This is considered to be appropriately provided for in the design.
- 7.24 Materials proposed for the building include Mystique and Ibstock Bevern Dark brickwork, and powder-coated aluminium joinery, window shades and cladding to the rooftop plant enclosure. These materials are considered to be durable and high quality, whilst providing relative contrast within the new building which further (in combination with aforementioned design measures) invokes the notion that this building is not residential like the neighbouring terrace, but for a different use type.
- 7.25 Accompanying the design are recommendations by an acoustic engineer for insulation requirements to ensure appropriate internal noise levels appropriate for educational use of the building. This can be secured by way of condition of planning permission. It is noted that Transport for London have not objected to the proposal with respect to the potential for complaints and operational restriction or hindrance arising from the proximity to the road in terms of noise emanating from the road.
- 7.26 The Planning, Design and Access report submitted with the application also outlines that the proposal would comply with a wide range of British standards and other guidance. Department for Education-issued guidance for schools development has been taken into account in the design evolution of the scheme.
- 7.27 The quality of access arrangements are discussed further below under transport impacts.
- 7.28 Considering the above, the design of the proposed building is considered to ensure an appropriately high quality, site-sensitive contribution to the surrounding streetscape will result from the development.
- 7.29 It is acknowledged that the change in landscaping at the front of the site would be prominent and conspicuous, and detrimental to a degree due to the loss of soft landscaping (grassed public space) as well as two prominent trees. The impacts of the loss of this type of public space is discussed later in this report. The design generates some mitigation of this change by way of ensuring a community pocket park, with soft and

hard landscaping including grassed areas, is created at the eastern end of the Lewisham Way frontage. New trees, hedging and ground cover would partially green the frontage to generate some mitigation of this loss of vegetation which contributes to the public realm.

- 7.30 The proposal would have the positive urban design and public safety impact of enlivening and activating the street frontage and providing additional, direct passive surveillance of this frontage. This design has evolved in consultation with police input, to ensure a dangerous space susceptible to anti-social behaviour is not a result of the proposal.
- 7.31 The proposed building design and landscaping has been reviewed by Council's Strategic Planning Manager with respect to urban design and design quality considerations. The officer concludes that the scheme can be fully supported on urban design grounds.
- 7.32 Closely related to design quality considerations is heritage and conservation considerations. However, for the reasons as stated above, the proposal is considered by officers on balance to be acceptable with respect to any design quality and landscaping impacts, and consistent with aforementioned policies (including draft London Plan policies), subject to proposed conditions regarding landscaping improvements. This conclusion is made cognisant of the submission points raised on this matter.

#### Heritage and conservation impacts

- 7.33 Chapter 16 of the NPPF, policies 7.4, 7.6 and 7.8 of the London Plan, Core Strategy Policies 15 and 16, and Development Management Policies 30, 33 and 36 are considered particularly relevant to the matter of heritage and conservation impacts.
- 7.34 From the 1860's until the establishment of the school at the site in the 1970's, terrace housing occupied the part of the site where the proposed school building would be located. The Lewisham Way frontage was fully occupied by terrace housing from the 1890's until the 1970's.
- 7.35 The school at the site was constructed in the 1970's, with the demolition of aforementioned terraced houses fronting both Lewisham Way and Ashmead Road facilitating its construction. The wall along Lewisham Way to be removed dates to the 1970's. Whilst it mimics the location of the previous terrace dwellings at the site, given the relatively young age of the structure, and not being an original feature of the historic terrace dwellings in this location, the loss of the wall is not considered to generate substantial harm to the conservation area. There are no existing buildings in the location of the proposed building which contribute to the surrounding St John's Conservation Area. As such, the significance of the contribution of subject site in its current form to the character and heritage of the St John's Conservation Area is assessed to be low.
- 7.36 For the reasons as discussed above under design quality, the scale and building footprint of the building is considered to be appropriate for this conservation area. The roof form, being different from the neighbouring terrace and historic roofs of terrace dwellings in the area, is considered to be justified given the clear rooftop definition and the specific use of this building. It is noted that the Lewisham Southwark College, directly opposite Lewisham Way from the site, has a contrasting roof form to surrounding dwellings, as does Stone House. Amongst residential terraces in the vicinity of the site there is also variance in roof form – London dual pitch (with and without street-facing dormers), mansard, gable and hipped roofs are all found within 150m of the site along Lewisham Way. As such, the roof form is considered to be acceptable in this St John's Conservation Area context.
- 7.37 The materials chosen respectfully, in the view of Council's Planning Officer's, accentuate the building as a new, modern building as opposed to pastiche or replication of historical

architecture. It is noted that the St John's Conservation Area in the immediate vicinity of the Lewisham Way frontage of the site is characterised by a degree of eclectic composition, due to the differing use types and ages, which means that the contrast created is not abrupt and harmfully conspicuous in this context.

- 7.38 The separation distance of the building to Stone House is approximately 25m. Prominent existing vegetation at the common boundary or located between Stone House and the proposed building, to be retained under the proposal, measures between 10-13m high.
- 7.39 Considering also the height of the proposed building relative to Stone House and neighbouring terrace dwellings, the lower natural ground levels at the subject site in comparison to Stone House, and historic patterns and location of development, the design response is considered an appropriately sensitive response to the significance of Stone House and its setting and associated listed structures, amounting to less than substantial harm to the listed building and its setting.
- 7.40 It is acknowledged that the current setting of Stone House will be notably changed, in particular to the west during winter months with respect to visibility of the proposed buildings. However, for the reasons discussed above, the degree of impact upon the setting of Stone House is not considered to be so significant in magnitude to be sufficient grounds to refuse the application, considering also the public benefits of the proposal discussed under principle of development and design quality above.
- 7.41 It is acknowledged that views of Stone House during the winter months would be further obscured as one approaches Stone House from the west along Lewisham Way. However, these views are not protected and are significantly obscured at present for 6 months of the year if not more when trees are in leaf. The view of the west elevation of Stone House is also noted as partially interrupted during the winter months due to the number of trees and branches that are in the foreground of the west elevation of Stone House when viewing this elevation from the west.
- 7.42 It is noted that two large trees along this frontage will be removed, one of which is in very close proximity to the western elevation of Stone House. This will enhance visibility of this elevation from close-range to the west.
- 7.43 The building would be of a smaller footprint and further westwards away from Stone House than previous, historic development within the recent past. In light of this, the impact of view obscuration from the public realm is not considered to amount to substantial harm to the heritage significance of the setting of Stone House.
- 7.44 Objections discuss the obscuration of views of the St John's church spire. This is not considered to be an important view, insofar as affected by the proposal, by Council's Conservation Officer. This is due to the building being located in the location of historic terraces, thereby recreating the historical building-coverage context surrounding the church. It is noted that view of this spire will still be visible to the west of the application site to varying degrees due to the height of the spire.
- 7.45 The proposal has been reviewed by Council's Senior Conservation Officer, who can support the proposal on heritage and conservation grounds. Some concern is expressed however by the Officer regarding the impacts on long-range views of Stone House and the setting of Stone House. These concerns have been taken into account in the assessment above. The Officer has expressed the view that no harm will be caused to the listed building or the St John's Conservation Area.
- 7.46 The proposal is overall considered to preserve the character and appearance of the area and this part of the site's contribution to the St John's Conservation Area. This is through

reflecting historic development patterns, being of consistent scale to existing scale of historic dwellings, and providing an appropriate level of contemporary contrast to historic development. For the reasons as discussed above, the proposal is considered to appropriately preserve the character of Stone House and its setting.

- 7.47 For the reasons as stated above, the proposal is considered by officers to be acceptable with respect to heritage and conservation impacts, and consistent with aforementioned policies, subject to certain conditions. This conclusion is made cognisant of the submission points raised on this matter.

#### Public space impacts

- 7.48 Chapters 8, 9 and 12 of the revised NPPF, policies 2.18, 7.5, 7.18 and 7.21 of the London Plan, Core Strategy Policies 12 and 15, and Development Management Policies 25, 30 and 35 are considered particularly relevant to the matter of public space impacts.
- 7.49 The proposal would result in the loss of usable, landscaped open space and two prominent trees in the streetscape, providing significant visual amenity to the public realm, which would be given over to a combination of landscaping, paving for ramps and stairs for access into the building, and the new 'pocket park'. It is noted however that the open space is not designated with any specific planning protection mechanism, such as Metropolitan Open Land or Urban Green Space designations.
- 7.50 It is noted that only a narrow strip of land within the existing public space would be occupied by building footprint, this being land directly in front of the building which serves as a light well for the ground-floor windows. The remainder of the space, being the substantial majority of what is currently publicly accessible, would remain publicly accessible.
- 7.51 A smaller 'pocket park', of a similar if not higher-quality calibre (although certainly not extent) to that which would be lost, would be provided along the Lewisham Way frontage. This is approximately 17m wide and 8m deep. This is in conjunction with planting of hedges and trees along the Lewisham Way frontage.
- 7.52 The replacement park is beneficial in terms of public open space provision and thus partially mitigates the loss of open space. However, the loss of the two trees along this frontage of the site, in particular the westernmost tree, is adverse with respect to the quality of the public realm in this location. This component of the proposal is considered to be inconsistent with parts of Core Strategy Policy 12 and London Plan Policy 7.21.
- 7.53 Considering the location of the public open space next to a noisy road, its relatively small width, and its lack of planning protection, as well as mitigation by way of pocket-park provision, the proposal is considered to be consistent with Policy 7.18 of the London Plan relating to open space protection.
- 7.54 The inconsistency with the aforementioned policies must be considered against the positive impacts of the proposal. This includes providing additional school places in a growing area of the borough, in a manner that is of suitably high-quality design, respecting and suitably addressing site constraints relating to its location within a conservation area and adjoining a Grade II\* listed building. On balance, the impact of the changes with respect to open space and tree loss are not considered to outweigh the positive impacts of the proposal.
- 7.55 Submissions raise the issue of aerodynamics and wind changes based on the introduction of building mass. Given the low overall height of the building, the building being of comparable scale to surrounding buildings, and existing wind patterns for

London, the proposal is not considered to be of sufficient scale to generate increases in wind speed to materially degrade the pedestrian environment of the public realm.

#### Transport impacts

- 7.56 Chapters 8 and 9 of the NPPF, policies 6.3, 6.7, 6.9 – 6.11 of the London Plan, and Core Strategy Policy 14 are considered to be particularly relevant to the matter of transport impacts.
- 7.57 A Transport Statement prepared by Systra consultants has been submitted with the application, and should be read in conjunction with this report.
- 7.58 The transport statement predicts, based on existing mode-share split and the increases in students and staff numbers, that an additional 30 trips each way to the school (25 student drop off/pick up, 5 staff, i.e. 60 trips a day) would be made by car. This is considered to have a negligible impact on traffic congestion levels experienced within the surrounding road network.
- 7.59 On-street parking surveys were carried out by the applicant to assess potential impacts on parking demand. These surveys were carried out during school term time, between 8.15 and 9.30am and 3.15 and 4.30pm, on different days (between morning and afternoon surveys). The surveys reveal that, when factoring in up to five staff travel movements by car, parking stress within 200m of the site would not breach 80% (at which point parking stress is deemed high) at peak drop off and pick up times. As such, cumulative impacts on parking stress in the surrounding neighbourhood are considered to be acceptably low.
- 7.60 The report details that delivery and service demand is not estimated to materially change with the extended roll and new building. This is not considered to be inaccurate for a school; however, maintenance trip demand may increase with the additional building footprint at the site. It is noted that servicing demand is approximately 2-3 trips to the school a day. It is further noted that there is a dedicated servicing bay, including for refuse collection, provided on-site accessed from Ashmead Road, spatially separated from main entrance into the school from Ashmead Road. Considering these factors, the impacts of additional deliveries and servicing on all modes of traffic congestion and safety are considered to be minimal.
- 7.61 The Construction Logistics Plan submitted with the application details that the southbound lane of Lewisham Way would be temporarily suspended, including the bus stop, for between 6-10 days total during the construction period. This timeframe is considered manageable and resolvable by Transport for London, the highways authority for the road, subject to precise timing and date of lane closure, which can be secured by way of condition of planning permission.
- 7.62 It is acknowledged that many objection points discuss the issue of safety of the new access into the extended school given that the building has access from the busy A20 road. Anecdotal written evidence and image-captured instances of accidents along the A20 road have been submitted to Council as part of the consultation process.
- 7.63 SYSTRA Consultants and a second traffic engineering consultancy, Yes Engineering, have reviewed Transport for London-recorded data concerning accident rates along the A20 road in the vicinity of the school on behalf of the applicant. This data reveals 70 accidents have occurred in the most up-to-date five-year period, 16 of which have occurred during school pick-up and drop-off times. Five of these accidents involved pedestrians.

- 7.64 The accident rate for this road network is considered to be low for this type of road. This conclusion is based on the assessment and expert opinion by traffic engineers for the applicant and the lack of objection by either Council's Highways Officer or Transport for London cognisant of this accident rate.
- 7.65 The anecdotal theme of the road being unsafe is understood, however based on the expert opinions and analysis provided, considering also that vehicles cannot stop on Lewisham Way to pick up and drop off children, the additional risk to safety of children with respect to their interaction with moving vehicles on the A20 road is not considered to be sufficient to warrant refusal. It is noted that a signalised crossing is in very close proximity to the school (35m from the entrance to the ramp to the new school building from Lewisham Way, with another signalised crossing 125m further south-east along Lewisham Way), ensuring a very safe crossing option is available.
- 7.66 Transport for London have confirmed that they have no fundamental objection to the proposal. It has been confirmed that they have no objection to a further warning sign, with illumination if desired, to clearly direct motor traffic to slow down and be wary of school children crossing ahead. Transport for London have also confirmed that the signalised crossings in the vicinity of the proposed entrance into the building are of sufficient width to accommodate expected pedestrian traffic volumes, cognisant of use by Lewisham Southwark College pupils also. No explicit comments from Transport for London have been received regarding the general safety of the road.
- 7.67 The footpath width adjacent to the school would increase as a result of the hard landscaping to the front of the school site. This is considered to be a positive transport safety impact minimising the potential for conflicting additional school pedestrian traffic movements with existing pedestrian traffic movements and bus passengers waiting at the adjacent bus stop.
- 7.68 Since the local meeting that was held in relation to this application, the applicant has submitted further details of the management of the access point that the school would employ to ensure safety of children, staff and parents/families at pick up and drop off time. This includes restricted time periods of up to twenty minutes where the access is usable for pick up and drop off purposes; that parents waiting to pick up children would be brought inside the school to meet children, as opposed to congregating on the public footpath; the use of at least 2 marshalls during pick up and drop off time to monitor students; and trialling of the best methods in advance of complete implementation to ensure the most efficient and safe operation of the access.
- 7.69 The further information estimates that, based on postcode data for all school students, that approximately two-thirds of students are expected to use the Ashmead Road entrance, leaving approximately one-third of students using the Lewisham Way entrance. Collectively, this further information provides confidence that the access from Lewisham Way would be secondary in nature, and appropriately managed with respect to pedestrian safety.
- 7.70 Transport for London in particular have commented that the design of the public space in front of the school building, does not create a 'desire line' for quick pedestrian movement from the school to the signalised crossing. It is considered that the design of the public space, with ramp rising to the footpath in a westwards direction away from the signalised crossing, with numerous steps and planters between the ramp and the crossing, would in effect slow the pace and distribute the flow of pedestrian traffic from the building access point. A signalised crossing is also considered to be very safe provision for students and parents crossing Ashmead Road, two of which are located 35 and 125m south of the start of the ramp entrance into the school building.

7.71 Considering the assessment of the applicant's consulting traffic engineers, Council's Highways Officer and Transport for London, the aforementioned management measures to be implemented and practical safety achievements through the design of the open space, the transport impacts of the proposal are considered to be acceptable to Council's Planning Officers. This conclusion made cognisant of objections particularly on the matter of safety relative to traffic and pedestrian movements expressed in community submissions. For the same reasons, the proposal is considered to be consistent with the aforementioned policies.

#### Exposure to air pollution

7.72 Chapters 9 and 15 of the NPPF, policy 7.14 of the London Plan, Core Strategy Policies 9 and 14 and Development Management Policy 23 are considered to be particularly relevant to the matter of air quality and air pollution impacts. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007, the London Environment Strategy 2018, and Lewisham's Air Quality Action Plan 2016 are also material to the consideration of exposure to air pollution.

7.73 The proposal would address Lewisham Way, a Class A 'red-route' road managed by Transport for London. The site is within Air Quality Management Area 3 as specified in the Lewisham Air Quality Action Plan. Published NO<sub>2</sub> measurements at the school from 2013 recorded the site exceeding the EU-limit for NO<sub>2</sub> of 40µg/m<sup>3</sup>. A measurement of was 41.5µg/m<sup>3</sup> was recorded at the site.

7.74 Given the above, it could be reasonably expected that the children occupying the new school would be exposed to air pollution levels exceeding EU-limits.

7.75 The applicant has submitted an Air Quality Assessment prepared by Pick Everard, dated 26 June 2018 and a second Air Quality Assessment prepared by Eight Associates, dated 31 August 2018 in relation to air pollution impacts of and upon the proposal as a result of its design and location. Critically, the two reports differ in that the Pick Everard report is based on a modelling methodology whilst the Eight Associates report utilises recorded site measurements.

7.76 The Pick Everard report details that available data from four data-recording stations within 900m of the site. One station, termed a 'monitoring station' (L11) is located 850m to the north-east at Sparta Street; another (L16) is located 600m to the south-east along Lewisham Way. One recording station, termed an 'automatic monitoring station' (L4), is located 800m to the south-east directly west of Lewisham Station. The fourth recording station (L12) is termed a 'background location', and is located 900m south of the site in Hilly Fields.

7.77 The Pick Everard report confirms that NO<sub>2</sub> levels are exceeded to the south-east of the site along the A20 road as of 2016. Across 3 of the 4 data-recording stations, between 2012 and 2016 there has been a considerable reduction in recorded NO<sub>2</sub> levels (up to 10µg/m<sup>3</sup>). The exception to this trend is one monitoring station in very close proximity to the intersection of Lewisham Way (A20) and the A2210 road, directly west of Lewisham Station along Lewisham Way. It is noted in the report that the device is in close proximity to a busy road. This is a very congested area at the entrance to Lewisham town centre, in close proximity to several large-scale regeneration construction sites (namely Lewisham Gateway development) as well as two train lines and having many bus routes passing through the intersection serving south-east London.

7.78 The report also details that data sourced from the Department for Environment, Food and Rural Affairs for the square kilometre in which the school is located, reveals there has been a reduction in 5.36µg/m<sup>3</sup> across a four-year period from 2014 to 2018.



- 7.79 Combined with traffic data to 2016 (including split of light and heavy vehicles), the report modelling predicts that the annual mean concentration of NO<sub>2</sub> at the Lewisham Way boundary at the school site would be 31.8µg/m<sup>3</sup>. This would be 8.2µg/m<sup>3</sup> under the EU-limit of 40µg/m<sup>3</sup>.
- 7.80 This report also details that the site currently complies and would continue to comply with EU-limits set for PM<sub>10</sub> (particulate matter).
- 7.81 The Eight Associates investigation and analysis has incorporated the results of testing at 30 receptor points either within or near the site. This investigation concludes that the impact of the proposal (considering geometry of the building, air dispersion patterns) upon all receptors are negligible with respect to particulate matter (PM10 and PM2.5). All expected annual means for particulate matter would comply with EU-set limits. This report also details that the building and transport emissions from the proposed development would be 'Air Quality Neutral', as sought by London Plan Policy 7.14.
- 7.82 The same conclusion of negligible impact is reached for all receptors with respect to NO<sub>2</sub>, with the exception of two receptors. At these receptors, due to the geometry of the proposal and air dispersion, NO<sub>2</sub> annual mean concentrations would increase from 40.4 to 40.7µg/m<sup>3</sup>. The impact of this increase is described as 'slight' based on Environmental Protection UK and Institute of Air Quality Management guidance.
- 7.83 Appendix C of the Eight Associates report should be read in conjunction with this report. This appendix explains that the initial results presented at the local meeting on 15 August 2018 were based on fewer receptors and worst-case traffic emissions – the complete assessment as detailed in the report utilises traffic-emission data gathered from other Class A roads. There is therefore a legitimate reason why the initial results presented at the meeting were higher than what is detailed in the final report. The authors of the report make it clear that the findings presented in the report entirely supersede the initial findings data presented at the meeting.
- 7.84 The submitted information has been reviewed by Council's Environmental Health Officer air quality specialist. The officer agrees that based on the Pick Everard report, NO<sub>2</sub> levels at the site would likely be lower now than what was recorded in 2013. The officer has also undertaken testing at the site (via a diffusion tube) since January 2018. The monthly mean results, which must be treated with some caution, as they do not represent an annual mean, corroborate the predictions of the Pick Everard report by way of similar readings to those predicted.
- 7.85 The officer also advises that due to ground level differences and the wall to screen the play area from the road, fronted by planting, there would undoubtedly be a positive effect of screening children using the play space from exposure to pollutant levels along the A20 road. The Eight Associates report also discusses the fact that the building itself would create a 12m high barrier to the primary source of air pollution, and the further mitigation that can be achieved by planting along the street frontage. This is also commented on by Pick Everard.
- 7.86 The officer has commented that the design ensures internal air quality would be acceptable by way of the design of ventilation strategy for the building, as well as the opportunity for conditions of planning permission to further mitigate exposure to pollutants from the A20 road. A high level of mitigation of exposure to pollutants is considered appropriate given the end-use would accommodate primary school-aged children.
- 7.87 The issue of exposure to air pollution when walking to the school is not considered to be a significant issue in comparison to the existing walking routes to the school.

- 7.88 Considering the expert analysis and findings presented by the applicant; the proposed ventilation strategy for the building; the trend since 2013 of reducing levels of air pollution and the reasonable expectation that this would continue based on the intent of measures from City Hall and Transport for London; the substantial compliance predicted at present for the site when compared against EU limits, which do not calculate further mitigation possible by way of additional planting which is feasible for the scheme; and the scope for further mitigation by way of conditions of planning permission, the proposal is considered to suitably respond to the matter of air pollution exposure and ensure that will be reduced to be acceptably low.
- 7.89 It is acknowledged that the parts of the site are expected to remain above EU-levels for NO<sub>2</sub>, without factoring in mitigation brought about by further planting and use of specific plants along the street frontage. The degree of non-compliance is expected to fall in line with the trend seen since 2013, and would be further mitigated by additional planting at the front of the site which would be secured by condition of planning permission. The important information gleaned from the expert comments and reports however is that the site is very much substantially compliant with EU limits for pollutants, with substantially negligible impacts in terms of increases in exposure to air pollution levels (most of which are below EU limits), and these levels are reducing. The proposal is not considered to materially deteriorate the existing air quality conditions at the site.
- 7.90 For the above reasons, the proposal is considered to be consistent with the aforementioned policies, including relevant draft London Plan policies.
- 7.91 A repeated theme of submissions is that the proposal does not adhere to Mayor Sadiq Khan's publicised approach to tackling air pollution issues at schools. An audit of schools in London has resulted in a series of measures being recommended for schools, with funding available. In summary, this includes the likes of moving school entrances from polluted roads, avoiding engine idling near schools, greening along school frontages and in playgrounds to filter pollution, road use restrictions and design changes near schools, sustainable travel to schools and reducing emissions at schools.
- 7.92 The only potential measure that the proposal would appear to contravene is that the building would have an entrance from Ashmead Road. However, in this context, Ashmead Road is predicted by experts to substantially comply with EU-limits for measured pollutants. The aim of the Mayor's programme regarding air pollution at schools is to reduce the sources of harmful emissions and reduce exposure. The expert assessments provided indicate that pollutant levels are reducing and are expected to be for the most part compliant (in places, by substantial margins) at the site at present. Exposure is reduced by the design of the building, ventilation strategy and landscaping. For these reasons, it is not considered proportionate to apply this measure identified by the Mayor verbatim to this context.
- 7.93 The Mayor's aforementioned measure is reflected to a less specific degree in draft London Plan policy S3 (and even less so in current London Plan policy). There is a balance to be struck inherent in this draft policy however, between promoting active transport and providing good accessibility to public transport to avoid conflict with traffic, against this directive of locating entrances away from busy roads and using traffic calming measures. The mitigation of safety risks embedded within the proposal (through management and design, specifically the avoiding of a desire-line for children and parents exiting from the school, slowing of pace of exit, and traffic calming through signage) are considered to render the proposal overall consistent with the adopted plan and this draft policy.

### Neighbouring amenity impacts

- 7.94 Chapter 12 of the NPPF, policies 7.4 and 7.6 of the London Plan, Core Strategy Policy 15 and Development Management Policies 30 and 31 are considered to be particularly relevant to the matter of neighbouring amenity impacts.
- 7.95 The proposed building would match the setback distance from the road of the neighbouring terrace of dwellings at 255-265 Lewisham Way. The building would be lower in maximum height, and reduced in depth in comparison to the adjoining terrace of dwellings at 255-265 Lewisham Way. Considering the relationship of windows and open spaces of those properties to the proposed building, overbearing impacts on the occupants of those properties are considered to be suitably avoided by the design.
- 7.96 For the same reasons, outlook from windows at neighbouring properties is not considered to be unreasonably imposed upon or compromised. Due to the proximity to the road of the building, outlook from outdoor amenity spaces is also considered to remain reasonably spacious and not imposed upon. Views from public spaces to the open space and heritage assets are covered elsewhere in this report.
- 7.97 Considering further the relationship, namely distance and offset, of the windows to the proposed building, the proposed building is not considered to materially adversely affect natural daylight levels received at internal and external usable spaces at those properties.
- 7.98 The applicant has submitted an overshadowing report demonstrating the impacts of the proposal at the equinox (mid-point between summer and winter solstices). The assessment presented is based on Building Research Establishment (UK)-issued guidance on site layout planning for daylight and sunlight. The assessment criteria has been validated as correct and trajectory of the sun is considered to be accurately depicted. The conclusion of this report is that no significant adverse impacts upon sunlight reception to rear garden spaces would be generated by the proposal. This conclusion is agreed with by Council's Planning Officers. It is noted that the overshadowing analysis does not appear to take into account the separate, single-storey modular building at the school site. However, given that this building is north of the dwellings and east of the rear of the garden spaces, due to the trajectory of the sun it is only expected to cast a shadow over rear garden space until approximately 11.30am, with the remainder of the day the rear garden space in question receiving direct sunlight. Overall, the rear amenity garden spaces at the neighbouring terrace dwellings to the west are considered to receive a reasonable amount of direct sunshine across the year appropriate for this urban context.
- 7.99 Shade would be cast from the building to the west towards Stone House in the afternoon/evening. This would be most discernible during the winter months when nearby deciduous vegetation is not in leaf. Given the elevation of this building, and ground levels, this would reduce the lateral extent of shading cast into the property. Considering also the amount of unobstructed direct sunlight that would remain to be received at this property, amenity impacts as a function of loss of sunlight on the occupants of the property are not considered unacceptable.
- 7.100 Due to separation distances, no other person occupying any other neighbouring property is considered to be materially adversely impacted by overshadowing generated by the proposal. As such, shading impacts of the proposal are considered to be acceptable.
- 7.101 The building would be used for school purposes, between 9am and 3.15pm approximately. Considering this use type (i.e. classrooms, not social living spaces or windows constructed for the purpose of outlook) and time of day, the proposal is not

considered to generate unacceptable overlooking and privacy impacts upon any neighbouring occupant of a dwelling.

- 7.102 Noise from school use is established at the school. Council's Noise Officer has reviewed the proposal, and has raised no objection to the issue of the school roll extending at the site with respect to adverse impacts on the aural environment and amenity at neighbouring properties. As such, impacts of this nature on neighbouring amenity, including work-from-home activities, are considered to be acceptable.
- 7.103 The applicant has submitted an acoustic report detailing insulation measures as well as expected fixed plant emissions. The Council's Noise Officer is satisfied that noise impacts derived from fixed plant can be suitably reduced and managed by way of condition of planning permission. As such, noise emanating from proposed fixed plant is considered to be acceptable.
- 7.104 Construction-related impacts on amenity, such as noise, vibration, and dust, would be managed by the implementation of a construction management plan to be secured by condition of planning permission. The applicant has submitted a construction logistics plan with the application which provides sufficient confidence that these temporary effects can be appropriately mitigated to be reasonable in the context of construction activities. It is noted that the building is modular in nature, meaning that a degree of construction works would occur off-site, thereby minimising the duration of any impacts on neighbours.
- 7.105 For the above reasons, neighbouring amenity impacts of the proposal are considered to be acceptable, and the proposal consistent with the aforementioned policies, subject to conditions of planning permission.

#### Sustainability and energy impacts

- 7.106 Chapter 14 of the NPPF, policies 5.2, 5.3, 5.7, 5.10, 5.12-5.15 of the London Plan, Core Strategy Policies 7-10 and 12, and Development Management Policy 22 are considered to be particularly relevant to the matter of sustainability and energy impacts.
- 7.107 The applicant has submitted a Sustainability Statement for the project, as well as a Sustainable Drainage Statement and Flood Risk Assessment. As the proposal is not a 'major' planning application and is located in Flood Zone 1 and does not meet the requirements for consulting with the Environment Agency, no comments have been sought from the Environment Agency or the Lewisham Lead Local Flood Authority.
- 7.108 A BREEAM rating of 'Excellent' has been set by the project at the behest of the applicant. This would ensure that the building meets high standards of environmental sustainability, concerning, in summary, energy types and use, CO<sub>2</sub> emissions, water management, heating and ventilation, and ecological impacts. A condition of planning permission can secure this outcome.
- 7.109 The sustainability statement details that photo-voltaic panels generating renewable energy is included in the design, which would avoid 4 tonnes of CO<sub>2</sub> emissions being released into the atmosphere each year. These would be located on the roof of the proposed building.
- 7.110 The proposal occupies an area that is comprised of predominantly impermeable surfacing at present. The design ensures that the flow of surface water discharge from the site would be halved and managed within existing rainwater infrastructure servicing the school. This takes into account additional surcharge predicted to be generated attributable to climate changes.

- 7.111 Due to the separation from sources of ground, fluvial and surface flooding sources, the Flood Risk Assessment identifies that the proposal is considered suitable for the location in terms of susceptibility to flooding. For the same reasons, the proposal is not considered to materially affect the potential for flooding at other sites.
- 7.112 The development has many south-facing windows, which would assist in passive heating throughout the year.
- 7.113 Overall the proposal is considered to suitably reduce its environmental footprint through specific design measures deliberately included so that the building can achieve a BREEAM rating of Excellent. Renewable energy usage is included for the building and water would be stored on-site to halve surface water discharge. The combination of these measures is considered to ensure the building would be suitably sustainable for its lifetime, subject to a BREEAM 'Excellent' rating achievement condition. For the same reason, the proposal is considered to be consistent with the aforementioned policies.

#### Other environmental and ecological impacts

- 7.114 An unexploded ordnance (UXO) preliminary risk review has been submitted with the application. This details that the risk of a UXO being discovered during works is medium, with a 'credible likelihood' of discovery. The safety and land stability risk attached to this state of the land can be mitigated by a condition of planning permission requiring further surveys prior to development occurring.
- 7.115 A Geo Environmental Survey prepared by Pick Everard has been submitted with the application, as has a Geotechnical and Contamination Risk Assessment prepared by Ashdown Site Investigation Limited. The collective result of these assessments is that there is some concern with the geotechnical stability of the site due to the potential presence of man-made cavities. Elevated levels of lead have been found to exist at the site, and there is concern that asbestos would be discovered due to the likely presence of made ground underneath the site from the demolition of previous terrace housing. It is also apparent that intrusive testing for ground gases has not occurred.
- 7.116 The reports provide necessary confidence that the proposed development is environmentally feasible with respect to the above considerations. However, further testing would be necessary prior to development, which can be appropriately secured and ensured by conditions of planning permission.
- 7.117 An ecological impact assessment has been submitted with the application. The report identifies that mitigation in the form of provision of bat and bird-nesting boxes would be appropriate to offset the impacts of the proposal. This can be secured by way of condition of planning permission.
- 7.118 The impact of tree loss has been considered elsewhere in this report.
- 7.119 The proposed signage is considered to be relatively unobtrusive and simple, appropriate for the character of this area and not dominating or detracting from the design quality of the building.
- 7.120 The design does not explicitly propose any external lighting. Any lighting to result from the development is likely to be restricted to security lighting, which is not out of character for the site's school use or so intense and of a design so as to be intrusive upon neighbouring amenity.

- 7.121 For the above reasons, the proposal is considered to be acceptable with respect to other environmental and ecological impacts and consistent with identified policy, subject to conditions of planning permission.

#### Other submission points

- 7.122 The amount of play area provided, and ability for physical education to form part of the curriculum, is considered to be sufficiently high and of suitable quality, considering the existing play and outdoor learning spaces retained by the design and the new multi-use games area (MUGA) to be created. This is more a timetabling and curriculum-management matter, which is the responsibility of the school.
- 7.123 The proposed MUGA, which would become a primary play space within the school, would have good solar access particularly over the summer months. The existing playground, directly behind the existing school buildings, would still receive reasonable amounts of sunshine during the day at the equinox and summer solstice, due to the trajectory of the sun. A reduction in direct sunlight to the new playground space directly behind the new building, is not considered sufficient to warrant refusal of the proposal considering the quality of other play spaces.
- 7.124 The lack of a sheltered footpath between the two school buildings is not considered to be so detrimental to warrant refusal of the scheme.
- 7.125 The provisions of the Civic Amenities Act 1967 are considered to be reflected in this assessment, in particular by way of assessment against sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.126 One submission proposes an alternative siting of the school building within the subject site. This has been considered, however any scheme must be assessed on its merits relative to the surrounding context. This has been undertaken and the adverse impacts are not considered to be so detrimental that the scheme should be refused. It is noted that 6 alternatives were considered for the siting of the building by the applicant, one of which overlaps the location raised in the submission. The applicant has been advised of the argument for this an alternative siting of the building.

### **8.0 Local Finance Considerations**

- 8.1 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 would or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration. CIL would be payable on this application and the applicant has completed the relevant liability form.

### **9.0 Equalities Considerations**

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, with the exception of disabled access which is provided for in the design, and therefore it has been concluded that there is no impact on equality to any person.

## **10.0 Human Rights Implications**

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here

means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:

- Peaceful enjoyment of property
- Right to a fair trial
- Right to respect for private and family life

- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with convention rights would be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest. This application has the legitimate aim of providing a new building for educational use. The rights potentially engaged by this application, are not considered to be unlawfully interfered with by this proposal.

## **11.0 CONCLUSION**

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider that the proposal holds a degree of inconsistency with relevant planning policy concerning open space and tree loss, and to a much lesser degree concerning impacts on the visibility and setting of the neighbouring listed building. In all other material planning consideration respects, the proposal has acceptable impacts subject to the recommended conditions, and is consistent with all other relevant planning policy.

The degree of adverse impacts and associated degree of inconsistency with relevant planning policy is not considered to outweigh the positive benefits of the proposal and positive consistency with the majority of relevant planning policy. Specifically, providing additional school places in a growing area of the borough, in a manner that is of suitably high-quality design, substantially respecting and appropriately addressing site constraints relating to its location within a conservation area and adjoining a Grade II\* listed building, and its proximity to a Class A road with a history of elevated air pollution levels. Adverse impacts are considered to be substantially mitigated by the design, subject to the recommended conditions of planning permission below, and on this basis, the scheme is considered acceptable. The inconsistency of the proposal with relevant planning policy is not considered to be so strong that the proposal is fundamentally contrary to the policy intentions of the adopted Development Plan.

## **12.0 RECOMMENDATION**

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

### **Conditions:**

1. Time Limit for Commencement:

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. Approved Plans and Documents:

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

APS-ALA-00-XX-M2-L-0003 S2 Rev P02  
KEE003-PEV-XX-ZZ-DR-A-0100 Rev P09  
KEE003-PEV-XX-ZZ-DR-A-0110 Rev P06  
KEE003-PEV-XX-ZZ-DR-A-0400 Rev P02 (note - proposed sections on this plan superseded by plans below)  
Ecological Assessment, received 15.12.17;

KEE003-PEV-XX-GF-DR-A-0201 Rev. P19  
KEE003-PEV-XX-GF-DR-A-1200 Rev. P24  
KEE003-PEV-XX-01-DR-A-1201 Rev. P23  
KEE003-PEV-XX-02-DR-A-1202 Rev. P22  
KEE003-PEV-XX-03-DR-A-1203 Rev. P22  
KEE003-PEV-XX-ZZ-DR-A-3000 Rev. P14  
KEE003-PEV-XX-ZZ-DR-A-3100 Rev. P21  
KEE003-PEV-XX-ZZ-DR-A-4100 Rev. P14  
KEE003-PEV-XX-XX-DR-C-0500 Rev. P06  
KEE003-PEV-XX-XX-DR-C-0501 Rev. P06  
KEE003-PEV-XX-XX-DR-C-0505 Rev. P04  
KEE003-PEV-XX-XX-DR-C-0700 Rev. P06  
APS-ALA-00-00-XX-DR-L-0004 Rev. P05  
APS-ALA-00-00-XX-DR-L-0005 Rev. P05  
APS-ALA-00-00-XX-DR-L-0006 Rev. P04  
APS-ALA-00-00-XX-DR-L-0007 Rev. P04  
Acoustic Planning Report  
Geo-Environmental Survey  
Sustainability Statement  
Sustainable Drainage Statement  
Construction Logistics Plan, received 15.06.18;

KEE003-PEV-XX-ZZ-SK-A-9400 Rev. P01  
KEE003-PEV-XX-ZZ-SK-A-9401 Rev P01  
KEE003-PEV-XX-ZZ-SK-A-9402, received 24.08.18;

Ashmead Planning Clarification Report, received 04.09.18;

Planning Statement - Air Quality Assessment, received 13.09.18.

APS-ALA-00-00-XX-DR-L-0001 Rev. P07  
APS-ALA-00-00-XX-DR-L-0002 Rev. P08  
APS-ALA-00-00-XX-DR-L-0008 Rev. P05, received 14.09.18.

**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. Construction Management:

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

- (a) Dust mitigation measures.
- (b) The location and operation of plant and wheel washing facilities
- (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process.
- (d) Monitoring of the efficacy noise, dust and vibration mitigation measures during construction, including method, potential response actions, and frequency of monitoring.
- (e) 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.
- (f) Security Management (to minimise risks to unauthorised personnel).
- (g) Details of the training of site operatives to follow the Construction Management Plan requirements and any Environmental Management Plan requirements (delete reference to Environmental Management Plan requirements if not relevant).
- (h) Hazardous substance use and storage on the site, specifically fuel types to be used by mobile plant and where re-fuelling and storage of fuel would take place. Ultra Low Sulphur Diesel should be used for construction mobile plant.

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

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which would 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. Site Contamination:

- (a) No development of buildings and landscaping hereby approved 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.

Note: Recommendations for treatment of expected contamination (Asbestos) have not been provided in the documents submitted to date.

Recommended treatment in the instance that ground gases are present in the soil are also not detailed in the documents, and it is not clear what degree of testing for ground gases has occurred to date. Soft landscaping and any playground areas to be modified by the development hereby approved must also be covered in the reports produced to satisfy condition 4(a)(ii). Condition 4(a)(ii) is therefore not considered to have been met by the information submitted to date with the application.

- (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).

5. Fixed Plant Noise Mitigation:

- (a) The rating level of the noise emitted from fixed plant on the site shall be 5dB below the existing background level at any time. The noise levels shall be determined at the façade of any noise sensitive property. The measurements and assessments shall be made according to BS4142:2014.
- (b) Development shall not commence above ground until details of a scheme complying with paragraph (a) of this condition have been submitted to and approved in writing by the local planning authority.
- (c) The development shall not be occupied until the scheme approved pursuant to paragraph (b) of this condition has been implemented in its entirety. Thereafter the scheme shall be maintained in perpetuity.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014).

6. Sound Insulation:

- (a) No development shall commence above ground until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet the noise insulation levels detailed in Table 11 of the Ashmead Primary School - Acoustic planning report prepared by Sandy Brown Associates, 17337-R03-A received 15.06.18, have been submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and quality of the learning environment within the building hereby approved, to comply with DM Policy 26 Noise and vibration of the Development Management Local Plan (November 2014) and Policy 19 Provision and maintenance of community and recreational facilities of the Core Strategy Development Plan document (2011).

7. Sustainability - BREEAM Rating:

- (a) The buildings hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development shall commence above ground until a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

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

8. Design Quality - Materials

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

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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.

9. Cycle and Scooter Parking:

- (a) The building hereby authorised by this planning permission shall not be occupied until the full details of the cycle and scooter parking facilities have been submitted to and approved in writing by the local planning authority. This includes the number of additional scooter and cycle parking spaces to be provided to serve the development, and justification for that number.
- (b) All cycle and scooter 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. Tree Protection During Construction:

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. Changes in levels across the site, and details of the material type and permeability where surface materials are being changed, must be detailed on the drawing to accompany the TPP.

**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).

11. Soft Landscaping:

- (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) to be implemented as part of the development, 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. The scheme must detail the potential for further climbing planters to establish atop of the wall fronting Lewisham Way, for the purpose of further reducing exposure to air pollution within the southern end of the MUGA. Comments on this plan as to the efficacy of the measures with respect to further reducing exposure to air pollution within the MUGA must be included, from a suitably qualified air quality expert, making reference to the findings of the Air Quality Assessment submitted with the application prepared by Eight Associates.
- (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 23 Air quality, DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

12. Ecology:

At least two bat and two bird boxes must be provided as part of the development hereby approved. The details of the design and location of the boxes shall be submitted to and approved in writing by the local planning authority prior to the completion of the development 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).

13. Tree Establishment:

(a) Prior to the planting of trees along the Lewisham Way frontage to the site, the applicant must submit details of the dimensions of the soil mass to be available to all trees. The trees must not be planted until the details have been approved in writing by the Local Planning Authority.

(b) The trees to be planted along the Lewisham Way frontage, as specified on the submitted planting plan APS-ALA-00-XX-DR-L-0008 S2 Rev P03, must be planted prior to the occupation of the building, with an in-the-ground height of at least 4.5m.

**Reason:** To ensure successful tree establishment and implementation of an appropriate quality of landscaping for the site which contributes heavily to the public realm, considering the existing public realm contribution of trees at the site, in accordance with Development Management Policies 25 Landscaping and Trees, 30 Urban design and local character, 35 Public realm of the Lewisham Development Management Local Plan (2014), and Lewisham Core Strategy (2011) Policy 12 Open space and environmental assets.

14. Ventilation:

Fresh air intake for the mechanical ventilation to service the building hereby approved, must be taken exclusively from the northern side of the building hereby approved, at first-floor level or higher.

**Reason:** To safeguard the quality of air intake into the building, in accordance with Core Strategy Policy 9 Improving Air Quality and DM Policy 23 Air Quality.

15. Deliveries and Servicing Plan:

- (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).

16. School Travel Plan:

- (a) No part of the development hereby approved shall be occupied until such time as a users Travel Plan, in accordance with Transport for London's document 'Travel Panning 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. The Travel Plan must include use of the buildings/site for extra-curricular purposes.
- (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).

Structural integrity of neighbouring buildings

17. Prior to the demolition of the existing wall at the site, certification from a suitably qualified structural engineer that the demolition of the wall, construction of the replacement wall, and construction of the building, would have no adverse impact upon the structural integrity of any buildings and structures on the adjoining site to the east of the subject site, 281 Lewisham Way (the location of Stone House, a grade II\* listed building with associated, separately-listed structures also at the site) must be submitted to the local planning authority.

**Reason:** To protect the structural integrity of the neighbouring listed buildings and structures, in accordance with DM Policy 36 of the Lewisham Development Management Local Plan (2014) and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

18. Land stability and safety:

- (a) Prior to excavation commencing at the site, a detailed unexploded ordnance study

must be conducted at the site. Following the results of the survey, recommendations to ensure the safety of the progression of the development with respect to the risk of encountering any unexploded ordnances by the person carrying out the study must be made to the construction manager, and updates made to the Construction Management Plan to ensure the stability of the land and minimise the risk to human health during construction.

(b) Prior to excavation commencing at the site, a Cavities Risk Assessment must be undertaken in accordance with the recommendation of the Geo-Environmental Survey hereby approved, to ensure that the risk of instability due to man-made or other cavities being present in the ground is acceptably low to the satisfaction of a suitably qualified geotechnical engineer.

(c) Written evidence of compliance with conditions (a) and (b) above, specifically a joint statement from the person responsible for the detailed unexploded ordnance study, the construction manager, and the geotechnical engineer demonstrating compliance with the conditions, including the provision of the Construction Management Plan stating any measures to be implemented as a result of the detailed unexploded ordnance study, must be submitted to the local planning authority prior to excavation commencing.

**Reason:** To ensure the stability of the land to be developed, and the safety in the short-term (construction workers) in completing the project.

#### 19. Pedestrian Safety:

A warning sign to drivers stating the message 'Warning: School Students Crossing - 8.15 to 9.15am and 2.45 to 3.45pm (or amended as appropriate to the schools precise hours of education), Monday to Friday' must be erected on the northern footpath of Lewisham Way, north-west of the bus stop in front of the school site on the public highway, and on the southern footpath of Lewisham Way south-east of the signalised pedestrian crossing across Lewisham Way between the intersections of Tressillian Road and St John's Vale with Lewisham Way, facing on-coming vehicular traffic.

Details as to the dimensions of the sign and lettering, height of the sign, exact location, angle to the carriageway of the road, and any illumination if included, must be submitted to and approved by the local planning authority, in consultation with Transport for London, prior to the installation of the sign, which must be installed prior to the occupation of the school building hereby approved.

**Reason:** To ensure the safety of school users and the school community in conjunction with the existing pedestrian and bus-stop usage at this site, in accordance with Core Strategy Policy 14 Sustainable movement and transport.

#### **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. The application was the subject of pre-application meeting discussions, and further amendments to the design were made during the processing of the application to improve the quality of design of the building.
- B. The applicant is advised that any works associated with the implementation of this



permission (including the demolition of any existing buildings or structures) would constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

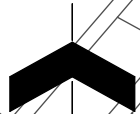
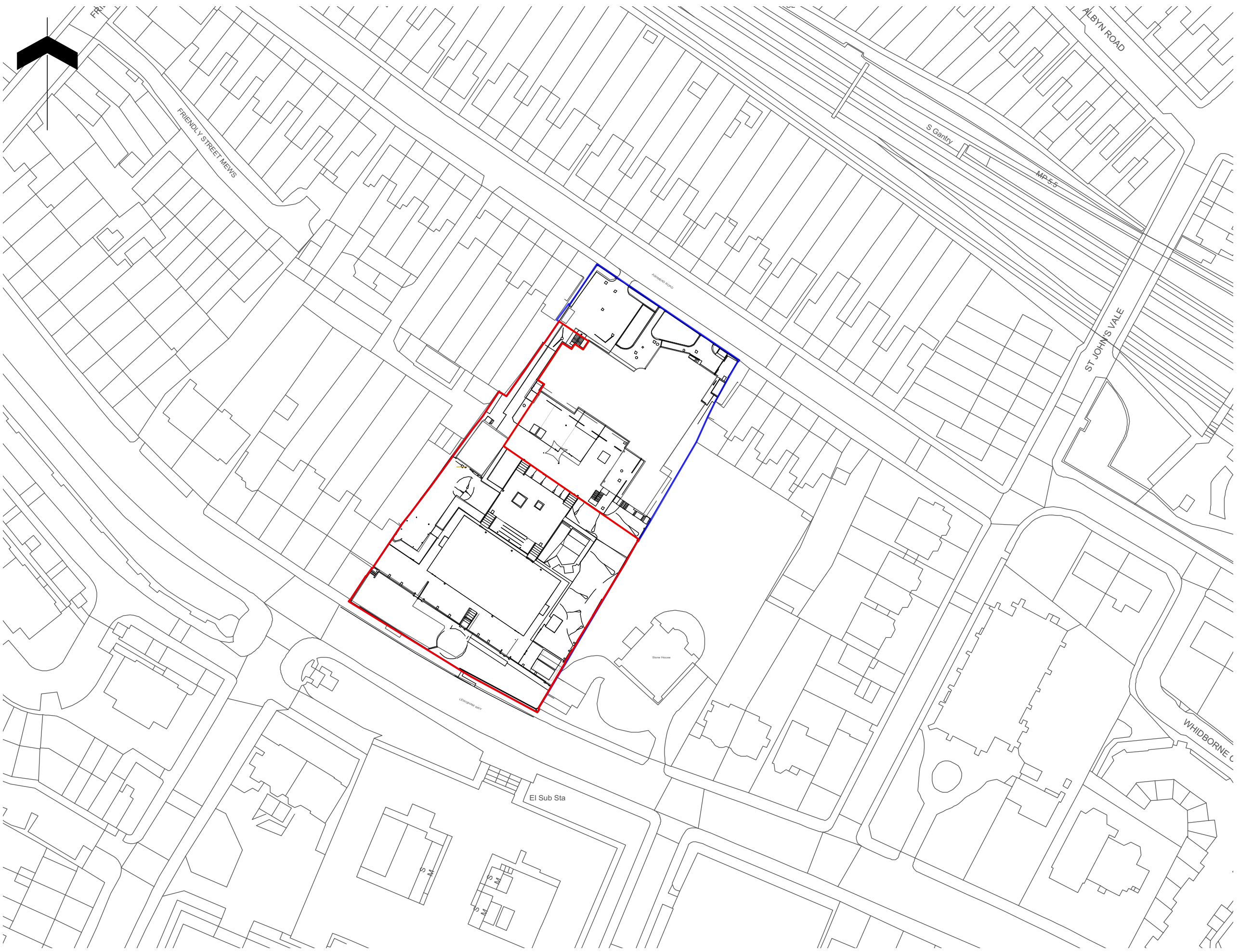
- C. As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which would be payable on commencement of the development. Before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: -  
**<http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>**

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

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

- E. You are advised to contact the Council's Drainage Design team on 020 8314 2036 prior to the commencement of work.
- F. It is expected that the submitted Construction Logistics Plan would form the basis of the final Construction Management Plan, updated to address all the matters specified in the relevant condition as well as incorporating best practice measures recommended in Lewisham's Good Practice Guide - Control of pollution and noise from demolition and construction sites, and the London Plan Supplementary Planning Guidance - The control of dust and emissions during construction and demolition (July 2014).
- G. The applicant is advised that an agreement with Transport for London as the highways authority for Lewisham Way, pursuant to section 278 of the Highways Act 1980, would need to be secured for all works to that highway prior to works commencing. Council has consulted Transport for London regarding all design changes to the highway and construction-related temporary works and suspensions to the highway and bus stop, with Transport for London agreeing that the works either shown or detailed in the approved plans and documents, or required by condition of planning permission, are acceptable to Transport for London.

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**Notes:**  
 1. Do not scale from this drawing. All dimensions are in mm unless otherwise noted, to be checked and verified on site. If in doubt ask.  
 2. All drawings to be read in conjunction with the Landscape drawings & NBS

**KEY**

— Land Ownership Boundary  
 — Planning Application Boundary

ID	RISK	MITIGATION	Date
RESIDUAL PROJECT RISKS			

DATE	REV	DESCRIPTION OF REVISION	DRAWN BY	APPROVED BY
2017.11.14	S2-P02	Updated for planning submission	EC	AS

REVISIONS

SUITABILITY:  
**S2-PLANNING**



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PROJECT TITLE:  
**Ashmead Primary School**

DRAWING TITLE:  
**Site Location Plan**

DRAWING SCALE: 1:1000  
 PAPER SIZE: A3  
 DRAWN BY: EC  
 APPROVED BY: LA  
 DRAWN DATE: 23.08.2017

DRAWING NUMBER: APS-ALA-00-XX-DR-L-0003  
 SUITABILITY: REVISION: S2 P02

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Committee	PLANNING COMMITTEE B	
Report Title	77 Sydenham Park Road, London, SE26 4DH	
Ward	Sydenham	
Contributors	Samuel James	
Class	PART 1	11 October 2018

<u>Reg. Nos.</u>	(A) DC/18/106425
<u>Application dated</u>	22.03.2018 as revised on 09.08.2018
<u>Applicant</u>	Mr De Souza
<u>Proposal</u>	The construction of a single storey rear and side wrap-around extension to 77 Sydenham Park Road, SE26.
<u>Applicant's Plan Nos.</u>	101(E); 102(E); 103(P); 104(E) Received 23 March 2018; 105(FP) Rev.D; 106(FP) Rev.D; 107(FP) Rev.D; 108(FP) Rev.D; 109(FP) Rev.D Received 24 August 2018
<u>Background Papers</u>	(1) Case File LE/499/77/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL 1b Local Open Space Deficiency

## 1.0 **Summary**

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and there are 3 or more valid planning objections

## 2.0 **Property/Site Description**

- 2.1 The application property is a semi-detached single family dwellinghouse located on the Eastern side of Sydenham Park Road, opposite its junction with Whittell Gardens. The house forms part of a development of 7 dwellinghouses which were granted permission in 1999.
- 2.2 The surrounding area is residential in nature and characterised by predominantly semi-detached pairs and terraced rows of housing.
- 2.3 The property is not located in a Conservation Area and no Article 4 directions apply, there are no listed buildings in the vicinity.

### **3.0 Planning History**

3.1 **DC/98/043931:** The demolition of the existing garages and workshops at 65-77 Sydenham Park Road SE26 and the construction of 7 two-storey dwellinghouses, together with provision of associated parking spaces with access onto Sydenham Park Road. **Granted 26 April 1999.**

3.2 **DC/99/045162:** The construction of 7, two storey, three bedroom houses on the site of 65-77 Sydenham Park Road SE26, together with the provision of 14 parking spaces with access onto Sydenham Park Road and Chelsfield Gardens. **Granted 25 Nov 1999.**

3.3 **DC/18/106424:** Lawful Development Certificate (Proposed) in respect of the construction of an extension to the rear roof slope of 77 Sydenham Park Road, SE26, together with the installation of 3 rooflights to the front roof slope. **Granted 13 July 2018.**

### **3.4 Relevant history at adjoining properties**

3.5 **DC/17/104299:** The construction of a single storey side extension at 79 Sydenham Park Road, SE26, together with the installation of bi-folding doors in the rear elevation and enclosing the existing open front porch. **Granted 11 Jan 2018.**

### **4.0 Current Planning Applications**

#### The Proposal

4.1 This application is for the construction of a single storey rear and side wrap-around extension to 77 Sydenham Park Road.

4.2 The side element would be set back by 0.5m from the front elevation, and would infill the space between the side elevation and the shared boundary with No.79 Sydenham Park Road. The extension would extend past the original rear elevation of the property by 3m, and would span the width of the plot to the boundary with No.75.

4.3 The eaves height of the side element of the extension would be between 2.7m at the front elevation and 3m at the rear (due to sloping ground level) where it would step down to 2.8m for the rear section.

4.4 Four rooflights would be incorporated into the side, and one large rooflight into the rear roof slopes. The front elevation would include a casement window to match the other ground floor window in the front elevation. The rear elevation would incorporate a sliding door.

4.5 The proposed materials would match those of the existing dwellinghouse: the walls of the extension in facing brickwork, the roof in matching tiles, and the window in uPVC.

4.6 There have been several alterations to the proposal since the original submission:

- The extension's height along the shared boundary adjacent to No.75 has been reduced from a sloped parapet wall of between 4.1m and 3.2m in height, to a hipped roof at a height of 2.8m.

- The maximum height of the extension's roof has been reduced and the rooflight in its rear roofslope has been lowered so they would not protrude up to the height of the existing first floor windowsills.
- A proposed set of French doors to the front elevation of the side extension has been removed and replaced with a window.

## **5.0 Consultation**

5.1 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 met those required by the Council's adopted Statement of Community Involvement.

5.2 A site notice was displayed and letters were sent to residents in the surrounding area and the relevant ward Councillors. Four letters of objection were received from neighbouring residents.

5.3 The following concerns were raised:

- Extension appears very large, eliminating view
- With extensions to the roof, side and back, the house will be much bigger than the other houses on the street.
- If all houses build to the side then it will look like a row of terraces.
- Building over gardens will cause increased run-off of rainwater downhill to properties of Chelsfield Gardens.
- Existing parking issues on Sydenham Park Road would be exacerbated if parking space is built over.
- Loss of significant proportion of garden
- Increased overlooking into properties adjoining at rear.
- Proposals out of scale.
- Will block light coming through houses.
- Concern raised against the roof extensions, which are the subject of a separate Lawful Development Certificate application, which has been approved.

## **Pre-Application Consultation**

### **6.0 Policy Context**

#### Introduction

6.1 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.

6.2 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 revised NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework (NPPF) 2018

6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.

6.4 It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

6.5 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised 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 213 of the revised NPPF.

#### National Planning Practice Guidance 'NPPG' (2014 onwards)

6.6 On 6th March 2014, DCLG launched the National Planning Practice Guidance (NPPG) resource. This replaced a number of planning practice guidance documents, and is subject to continuous periodical updates in difference subject areas

#### The Development Plan

6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

#### London Plan (March 2016)

6.8 The London Plan was updated on the 14 March 2016 to incorporate 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). Proposed modifications were released by the Mayor of London in August 2018 following review of consultation responses. Although still an early stage in this process, the draft with



modifications has some weight as a material consideration when determining planning applications. Where the policies of the draft plan differ from the adopted plan and are relevant to the subject application, they will be referred to in this report.

6.9 The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 3.14 Existing housing  
Policy 6.13 Parking  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture

#### Core Strategy (June 2011)

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

Spatial Policy 1 Lewisham Spatial Strategy  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 8 Sustainable design and construction and energy efficiency  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Local Plan (November 2014)

6.11 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:

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

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 29 Car parking  
DM Policy 30 Urban design and local character  
DM Policy 31 Alterations/extensions to existing buildings

## **7.0 Planning Considerations**

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

- Principle of Development
- Design
- Impact on Adjoining Properties
- Transport Impacts

#### Principle of Development

- 7.2 The revised National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

### Design

- 7.3 Urban design is a key consideration in the planning process. The revised 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 revised NPPF requires local planning authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. London Plan and Core Strategy design policies further reinforce the principles of the revised NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council's Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 7.4 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 and is sensitive to the local context and responds to local character.
- 7.5 DM Policy 30 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
- 7.6 DM Policy 31 requires development proposals for alterations to be of a high, site specific and sensitive design quality and to respect and/or compliment the form, setting period, architectural characteristics and detailing of the original building, including external features such as chimneys and porches. High quality matching or complimentary materials should be used appropriately and sensitively in relation to context
- 7.7 The proposed side element of the extension would be set back from the front elevation by 0.5m, and the overall height of the extension is appropriate to ensure it would be subordinate to the host building. The extension would be proportionate to the size of the garden, as over 50% would remain as a result, and it would be finished in matching materials.
- 7.8 Given the above, officers conclude that the proposal would be in accordance with the design criteria set-out in the Residential Standards SPD and as such the proposed development is of a design that achieves the design required by the Council through Core Strategy Policy 15 and DM Policy 30 and 31.

### Transport Impact

- 7.9 Core Strategy Policy 14 and DM Policy 29 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

- 7.10 The proposal would result in the loss of some space which could potentially be used for parking to the side of the house. However, the average width needed to park a car, and be able to open the doors to get in/out is 2.9m, and the space is only 2.15m, so it is highly unlikely this space is used for car parking currently. Furthermore, the resultant driveway would be sufficient to park at least 1 vehicle.

#### Impact on Adjoining Properties

- 7.11 The revised NPPF requires that planning decisions should ensure a high standard of amenity for existing and future residents (paragraph 127). Core Strategy Policy 15 states that new development should be designed in a way that is sensitive to the local context. More specific to this, DM Policy 31 seeks to ensure that residential alterations should result in no significant loss of privacy and amenity to adjoining houses and their back gardens. It must therefore be demonstrated that proposed alterations are neighbourly and that significant harm will not arise with respect to overbearing impact, overshadowing, and loss of light, loss of outlook or general noise and disturbance.

#### *No.79 Sydenham Park Road*

No.79 have received consent for a single storey extension to the side, which would be built up to the shared boundary with No.77. Due to this extension, the side element of the extension would have a negligible impact on the amenity of No.79. The rear element of the extension would extend past the rear of the approved extension at No.79 by 3m, at a height of 2.8m along the boundary. At this moderate height and depth, the proposal would not have an unacceptable impact in terms of increasing the sense of overbearingness or sense of enclosure due to loss of outlook from the ground floor window. A 45-degree test taken from the proposed window at No.79 demonstrates that no significant impact would occur.

The impact upon No.79 Sydenham Park Road would be acceptable, and in accordance with Policy DM31.

#### *No.75 Sydenham Park Road*

- 7.12 The proposal would extend along the shared boundary with No.75 for 3m, at a height of 2.8m. At this moderate height and depth, the proposal would not have an unacceptable impact in terms of increasing the sense of overbearing or sense of enclosure due to loss of outlook from the ground floor window.
- 7.13 Notwithstanding the above, an extension of the same depth, with a higher eaves of 3m could be built at the rear of No.77 under permitted development, and the impact of this would be greater than that proposed here. The impact upon No.75 Sydenham Park Road would be acceptable, and in accordance with Policy DM31.

#### *Properties on Chelsfield Gardens*

- 7.14 As the proposal is for a single storey extension and considering the distance to rear the boundary from the extension of 8m, and the subsequent distance of approximately 25m to the rear elevations of the properties on Chelsfield Gardens,

there would be no material impact on the amenity of the occupiers of those properties.

## **8.0 Local Finance Considerations**

- 8.1 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).
- 8.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 8.3 The Mayor of London's CIL is therefore a material consideration though is not payable in regard to this application as the increased floorspace is below the 100sqm threshold.

## **9.0 Equalities Considerations**

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

technical guidance can be found at:  
<https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

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

## **10.0 Human Rights Implications**

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including
- Right to a fair trial
  - Respect for your private and family life, home and correspondence
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 10.4 This application has the legitimate aim of providing new residential floorspace to an existing dwelling. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## **11.0 CONCLUSION**

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider that the design and appearance of the proposal is acceptable, and there would be no materially harmful impacts to neighbouring occupiers and the scheme is therefore considered acceptable.

## **12.0 RECOMMENDATION: GRANT PLANNING 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:

101(E); 102(E); 103(P); 104(E) Received 23 March 2018;

105(FP) Rev.D; 106(FP) Rev.D; 107(FP) Rev.D; 108(FP) Rev.D; 109(FP) Rev.D  
Received 24 August 2018

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

- 3.
- (a) The extension shall be constructed in materials to match those used in the existing dwellinghouse, namely: the walls finished in matching brickwork, the roof in matching tiles, and the windows in matching uPVC.
- (b) No new external finishes, including works of making good, shall be carried out other than in materials to match the existing.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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.

### **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. 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.

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Committee	PLANNING COMMITTEE B	
Report Title	51 BARGERY ROAD, LONDON, SE6	
Ward	CATFORD SOUTH	
Contributors	Joe Higgins	
Class	PART 1	11 <sup>th</sup> October 2018

Reg. Nos. DC/18/105821

Application dated 12/02/2018

Applicant Mr Waseem

Proposal Installation of three rooflights in the rear roofslope at 51 Bargery Road SE6, together with insertion of a timber sash window into the front gable end.

Applicant's Plan Nos. 1702\_01-01; Site location plan; Design, access and heritage statement received 12/02/2018. 1702\_01-03 received 23/04/2018. 1805\_02-03 A received 27/06/2018. 1805\_02-06 C; 1805\_10-03 received 23/07/2018. 1805\_02-05 C; 1805\_10-01 A; 1805\_10-02 A received 09/08/2018.

Background Papers (1) Case File LE/702/51/TP  
(2) Local Development Framework Documents  
(3) The London Plan

Designation Existing C3 (Residential) Use C3

## **1.0 Summary**

1.1 This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and:
  - There is 1 or more objection from a recognised resident's association or community/amenity group within the area

## **2.0 Property/Site Description**

2.1 51 Bargery Road is a two-storey, semi-detached Edwardian single family dwellinghouse located on the northern side of Bargery Road. The property has a gabled roof with canted bay windows on the front elevation and is finished with pebbledash render. The rear of the property has a distinct L-shape with an existing lean-to structure in the space between the side wall and boundary with 53 Bargery Road. The property features white uPVC casement windows

and the roof covering is clay tiles, and there are two existing rooflights in the side roof slope

- 2.2 The existing use of the property is a single family dwellinghouse, Use Class C3.
- 2.3 The property is located within the Culverley Green Conservation Area as designated in 1990 and is subject to the Culverley Green Article 4 Direction. It is not a listed building, nor in the vicinity of a listed building.
- 2.4 The surrounding area is residential in nature, consisting of similarly styled semi-detached Edwardian properties, although these primarily feature timber sash windows and are finished in red brick.

### **3.0 Planning History**

- 3.1 **DC/06/063912:** Lawful Development Certificate in respect of the construction of a single storey extension to the rear of 51 Bargery Road SE6. **Refused December 2006 as the property had been unlawfully converted to bed sit accommodation.**
- 3.2 **DC/07/064763:** The change of use, alteration and conversion of the existing dwelling house at 51 Bargery Road SE6 to a child contact centre (Use Class D1). **Refused May 2007.**
- 3.3 **DC/08/070465:** The continuation of use of 51 Bargery Road SE6 as a house in multiple occupation (HMO) and the retention of Velux-style windows in the front, side and rear roof slopes, and retention of the use of the loft space as additional accommodation. **Refused February 2009.**
- 3.4 **DC/17/102267:** The installation of 7 rooflights to the front, rear and side roofslopes of 51 Bargery Road, SE6. **Dismissed at appeal REF: APP/C5690/D/17/3187294**
- 3.5 **DC/17/102268:** - The construction of a single storey infill extension to the rear of 51 Bargery Road, SE6. **Allowed at appeal REF: APP/C5690/D/17/3187069**

#### **Notable planning precedents for gable end windows:**

- 3.6 **DC/12/079367:** The replacement of the clay tiled roof covering with Eternit slate tiles at 13 Bargery Road SE6, together with the repainting of the fascias & soffits on the front gable, alterations to the existing chimneys, extend the flue on the side wall by 3 metres and re-point the party wall. **Granted under delegated powers**
- 3.7 **DC/13/085893:** Loft conversion resulting in the installation of 1 sash window in the forward projecting gable, 1 conservation type roof light in the front roof slope, 3 flush roof lights to the side roof and 2 flush rooflights to the rear roof slopes at 17A Bargery Road SE6. **Granted at committee 13/03/2014**

3.8 **DC/15/092421** - The installation of a gable window in the front at 63 Bargery Road SE6 together with the installation of the 3 rooflights in connection with alterations to the existing roof space. **Granted under delegated powers**

3.9 **DC/16/095812** - The installation of a timber sash window in the projecting front gable, and the provision of conservation type rooflights in the side and rear roofslopes at 27 Bargery Road SE6, with the conversion of the loft to provide additional habitable floor space for the upper floor flat. **Granted under delegated powers**

#### 4.0 **Enforcement History**

4.1 **EC/06/00215**: For unauthorised conversion of property into 9 flats.

4.2 Enforcement notice against the conversion of the property from C3 dwellinghouse to an HMO for more than 6 persons - **served June 2009 – Compliance achieved**

4.3 Enforcement notice against the insertion of rooflights into the front, side and rear roofslopes – **served June 2009 - Compliance achieved**

4.4 **EC/15/00241**: For alleged unauthorised satellite dish.

4.5 **ENF/17/00326** – Use as HMO/flats without planning permission. **Case closed 14/11/2017 – No breach identified.**

#### 5.0 **Current Planning Application**

##### The Proposal

5.1 The installation of three rooflights in the side and rear roofslopes at 51 Bargery Road SE6, together with the insertion of a timber sash window into the front gable end.

5.2 Two rooflights would be inserted into the main rear roofslope, and one rooflight would be inserted into the side roofslope of the rear outrigger.

5.3 The rooflights would all be conservation style and fitted flush to the plane of the roofslope.

5.4 The gable end window would be a double glazed white painted timber sash window measuring 0.64m wide by 1.23m high and fitted with a100mm external reveal.

5.5 The proposal was amended to remove a proposed rooflight in the front gable end roofslope and instead to insert a sash window into the front gable end following advice from the Case Officer and Conservation Officer that the original proposal would harm the character of the conservation area.

## **6.0 Consultation**

- 6.1 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 met those required by the Council's adopted Statement of Community Involvement.
- 6.2 A site notice was displayed and letters were sent to properties in the surrounding area, as well as the local amenity society, The Culverley Green Residents Association. The Council's Conservation Officer was also consulted.
- 6.3 Two rounds of consultation were carried out because the proposal was amended to remove a proposed rooflight in the front gable end roofslope and instead insert a sash window into the front gable end.
- 6.4 The consultation resulted in four letters of objection from the Culverley Green Residents Association.
- 6.5 The first two letters of objection relate to impact of the gable end rooflight on the character of the conservation area, and the proposal as a whole facilitating the use of the property as an HMO. As the gable end rooflight has been removed from the proposal Officers have only responded to the concerns regarding an HMO use below.
- 6.6 With regards to the use of the property as an HMO, the Culverley Green Residents Association drew attention to the past planning and enforcement history of the site, specifically in relation to the refused applications for use of the property as flats and as an HMO. The Culverley Green Residents Association raised concerns about the insertion of rooflights facilitating the conversion of the roofspace to habitable accommodation which would then, along with the rest of the property, be converted to flats or a HMO.
- 6.7 In two subsequent letters, The Culverley Green Residents' Association raised objections to the insertion of a rooflight into the front gable end because it would be harmful to the character and appearance of the conservation area as it would be out of character with surrounding properties. The Culverley Residents' Association did acknowledge the existing planning precedent for such proposals on the road and in the wider conservation area and Article 4 Area, however they cited that it is their policy to object to front gable end windows on properties within the Article 4 Direction area.
- 6.8 In addition to the objection from the Culverley Green Residents' Association, two letters of objection were received from the same property in the area. The letters state that gable end rooflights are out of character with the streetscene which harms the special character of the conservation area. One of the letters stated that gable end rooflights on two store properties on Bargery Road unbalance the architectural integrity of the host property. Objection was also raised to the loss of historic brickwork as a result of the proposal. Finally the comment states that a small gable end rooflight would be more appropriate.

6.9 The Conservation Officer raised no objections to the proposal and recommended that the proposal be amended from a gable end rooflight to a gable end window as this would preserve the character and appearance of the conservation area.

## **7.0 Policy Context**

### Introduction

7.1 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)

7.2 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

7.3 The NPPF was revised on 24th July 2018 and is a material consideration in the determination of planning applications. It contains at paragraph 11, a 'presumption in favour of sustainable development'. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that '...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 7.4 Officers have reviewed the Core Strategy and Development Management Local Plan for consistency with the revised NPPF and consider there are no issues of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraph 213 of the revised NPPF.

#### Other National Guidance

- 7.5 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)

- 7.6 In March 2016 the London Plan (consolidated with alterations since 2011) was adopted. The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). Proposed modifications were released by the Mayor of London in August 2018 following review of consultation responses. Although still an early stage in this process, the draft with modifications has some weight as a material consideration when determining planning applications. Where the policies of the draft plan differ from the adopted plan and are relevant to the subject application, they will be referred to in this report.

- 7.7 The policies of the London Plan 2016 (as amended) relevant to this application are:

Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### Core Strategy

- 7.8 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:

Core Strategy Policy 15 High quality design for Lewisham  
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment.

#### Development Management Local Plan

- 7.9 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:

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

- 7.11 DM Policy 1 Presumption in favour of sustainable development
- DM Policy 30 Urban design and local character
- DM Policy 31 Alterations/extensions to existing buildings
- 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.

Residential Standards Supplementary Planning Document (Updated May 2012)

7.12 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.

Culverley Green Conservation Area Character Appraisal (2006)

7.13 Designated in 1990, Culverley Green conservation area is mainly an Edwardian residential suburb built at the turn of the last century characterised by rows of semi-detached houses arranged in a grid along wide tree lined boulevards. Bargery Road is typical of this characterisation, featuring semi-detached villas of similar size and plan form, consistent building line and spacing and set behind low boundary walls.

**8.0 Planning Considerations**

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

- a) Design and impact on the character of the host building and this part of the Culverley Green Conservation Area.
- b) Impact on the amenity of surrounding properties and the future occupiers of the block.

Design and Conservation

8.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. Chapter 16 of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so

that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 8.3 Chapter 16 of the NPPF ("Chapter 16") contains detailed guidance on conserving and enhancing the historic environment. The principles and policies set out in Chapter 16 apply to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-taking. Consequently as the application site is situated in the Culverley Green Conservation Area, the contents of Chapter 16 have to be considered by the Council in determining this application
- 8.4 Paragraph 192 of Chapter 16 states that "In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness".
- 8.5 Paragraph 193 of Chapter 16 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 8.6 Officers consider that the current proposal would not lead to substantial harm to the Culverley Green Conservation Area.
- 8.7 Paragraph 196 of Chapter 16 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".
- 8.8 Paragraph 197 of Chapter 16 states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".
- 8.9 The property is located in a prominent position on Bargery Road, and it is noted that on balance the property makes a positive contribution to the character of the road and conservation area.

- 8.10 The proposed rooflights would be subordinate features in the roofslope. The positioning of the rooflights is acceptable as they would be set within the middle third of the roofslope and fitted flush to the plane of the roofslope.
- 8.11 The rooflights would not be visible from the public realm, and as such these rooflights would not have a significant impact on the character of the host property or conservation area.
- 8.12 Officers acknowledge that front gable end windows are not an original feature of the conservation area, however numerous properties on Bargery Road and across the wider conservation area have gable end windows and there is an established planning precedent. Notable examples with planning permission on the road include 63 Bargery Road (DC/15/092421 granted 2015) and 13 and 17A Bargery Road. A gable end window within the Article 4 Area of the conservation area was granted as recently as the 21<sup>st</sup> May 2018 at 49 Culverley Road (Ref: DC/18/106370). In addition to this, numerous other properties have gable end windows and Officers consider that the proposal would therefore not appear out of character in the area.
- 8.13 The proposed front gable end window at no. 51 Bargery Road would be well positioned in the centre of the gable end and would be subordinate to the windows below which would preserve the fenestration pattern despite the property only having two storeys. The window would be a white painted timber sash window fitted with a 100mm external reveal. The Conservation Officer raised no objections to the proposed gable end window. In light of the above design qualities of the proposal and the Conservation Officer's comments, the proposal is considered to be sympathetic to the character of the host property and streetscene.
- 8.14 The creation of a new window opening in the front elevation would result in the loss of historic brickwork. While the loss of historic fabric is regrettable, the property is not listed therefore such loss is not objectionable. The opening would accommodate a timber sash window which is characteristic of the area.
- 8.15 Additionally, the insertion of a window in this position would enable greater use to be made of the roofspace of the building and, in comparison with a rooflight in the gable end roof, provide a higher standard of residential accommodation by providing outlook for the room served. As such, there is support for the proposed alterations in DM Policy 1 and Policy 32.
- 8.16 Rooflights on the front roofslope are identified as a negative characteristic of the conservation area in the Culverley Green Conservation Area Character Appraisal (2006). There is currently no established planning precedent for rooflights on the front roofslope on the road. Officers consider gable end windows, where sensitively designed, to be an appropriate alternative to rooflights on the front elevation.
- 8.17 In light of the above, Officers consider that the proposal would preserve the character of the host property and conservation area, in accordance with Core Strategy Policies 15 and 16 and DM Policies 1, 30, 31, 32 and 36.

### Impact on Adjoining Properties

- 8.18 Extensions and alterations to buildings should not significantly harm existing residential amenity in line with Core Strategy Policy 15.
- 8.19 Paragraph 2.13 of the Council's Residential Standards SPD states that Developers will be expected to demonstrate how the form and layout will provide residents with a quality living environment, and how privacy will be provided both for the neighbours and the occupiers of the proposed development.
- 8.20 The adjacent properties are 49 and 53 Bargery Road to the side and 44 Penerley Road to the rear.
- 8.21 As the proposed rooflights and gable end window would not overlook adjacent properties, there would be no significant impact on amenity in terms of loss of privacy due to overlooking.
- 8.22 The proposal is therefore considered to be acceptable with regards to residential amenity, in accordance with DM Policy 31.

### Use of the roofspace as an HMO or flats

- 8.23 Given the planning and enforcement history of the site, Officers understand the local concerns about the use of the property. However, the current proposal relates only to rooflights and no change of use is proposed. The submission only includes elevations and roof plans, it does not include ground, first or loft plans showing internal layouts, and as such the submitted drawings do not show works which would constitute the conversion of the property to an HMO or flats.
- 8.24 The submission previously included ground, first and loft plans which did not show any sub-division or internal layouts showing an HMO; despite this these plans were removed from the submission for the sake of clarity and because they were not relevant to the current proposal.
- 8.25 The insertion of rooflights into the roof would likely permit the use of the loft space as habitable accommodation, however this in itself is not objectionable provided the use of the property remains as a single family dwellinghouse (Use Class C3). The applicant confirmed in the Design and Access Statement that the proposal is to enhance the facilities of the existing C3 dwellinghouse and that no change of use is proposed.
- 8.26 Furthermore, there is an Enforcement Notice against the use of the property as an HMO which prohibits the change of use to a HMO for more than 6 people.

## **9.0 Equalities Considerations**

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) Foster good relations between people who share a protected characteristic and persons who do not share it.

- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 9.4 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

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

9.6 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.

## **8.0 Prevention of Crime and Disorder**

8.1 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 need to do all that it reasonably can to prevent (in summary) crime and disorder in its area. It is not considered that this application will result in any crime and disorder issues.

## **9.0 Human Rights Act**

9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Right to a peaceful enjoyment of one's property

9.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

9.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.4 This application has the legitimate aim of providing additional habitable accommodation in the roofspace of the application property. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## **10.0 Conclusion**

10.1 This application has been considered in the light of policies set out in the development plan and other material considerations.

- 10.2 Officers consider the proposal would preserve the special character and appearance of the host property and conservation area and is therefore in line with the stated policies. The application is therefore considered acceptable.

### **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:

1702\_01-01; Site location plan received 12/02/2018. 1702\_01-03 received 23/04/2018. 1805\_02-03 A received 27/06/2018. 1805\_02-06 C; 1805\_10-03 received 23/07/2018. 1805\_02-05 C; 1805\_10-01 A; 1805\_10-02 A received 09/08/2018.

**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 The rooflights hereby approved shall be conservation style fitted flush to the plane of the roofslope and retained in perpetuity.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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, Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) 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.

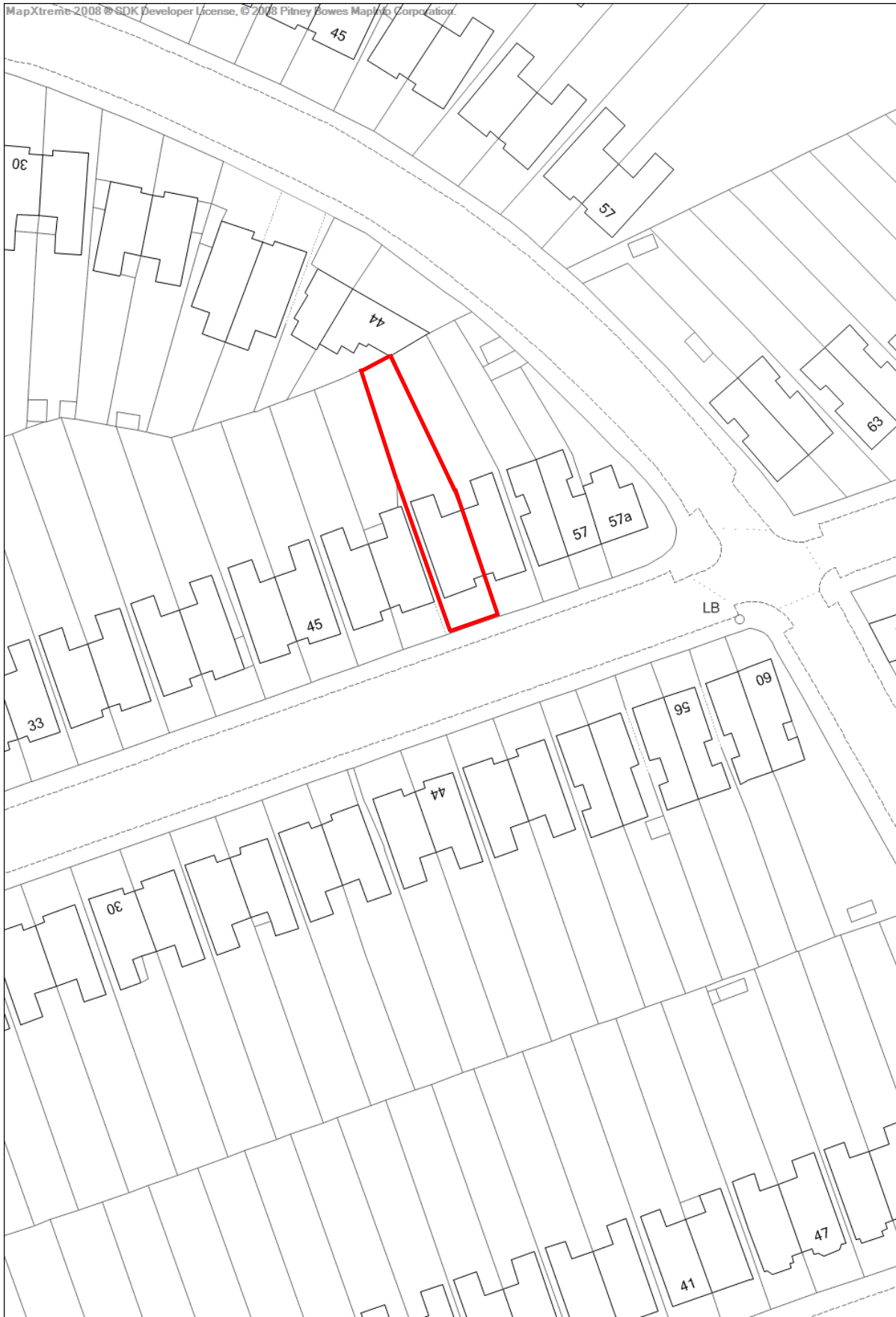
- 4 The window in the front gable end hereby approved shall be a white painted timber sash window fitted with a 100mm external reveal and shall be retained in perpetuity.

**Reason:** To ensure that the high design quality demonstrated in the plans and submission is delivered so that 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, Policy 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) 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.

### **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. The applicant is advised that the loft space of the application property is to be used for ancillary residential use and not for any other purpose and that there is an Enforcement Notice served in 2009 against the conversion of the property from C3 dwellinghouse to an HMO for more than 6 persons.





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Committee	PLANNING COMMITTEE B	
Report Title	2 Manor Mount SE23	
Ward	Forest Hill	
Contributors	Amanda Ghani	
Class	PART 1	11 October 2018

<u>Reg. Nos.</u>	DC/17/099661
LE/6	
<u>Application dated</u>	06/12/16 [valid 21/03/17]
<u>Applicant</u>	Blackheath Properties
<u>Proposal</u>	The retention of the roof replacement at 2 Manor Mount SE23
<u>Applicant's Plan Nos.</u>	2213/02, 2213/03, 2213/04, 2213/05, Heritage Statement, Roof Material Photographs,
<u>Background Papers</u>	(1) Case File LE/63/2/TP (2) Local Development Framework Documents (3) The London Plan
<u>Designation</u>	PTAL4 Forest Hill Conservation Area Forest Hill Article 4 Direction
<u>Screening</u>	[N/A]

## 1.0 **Summary**

This report sets out officer's recommendation in regard to the above proposal. The report has been brought before members for a decision as:

- Permission is recommended to be approved and: there are 3 or more valid planning objections

## 2.0 **Property/Site Description**

2.1 The building is a four storey Victorian detached property that has been divided into 9 flats. It is a corner property, located on the south-western side of Manor Mount at the junction with Honor Oak Road. The property is situated within the Forest Hill Conservation Area, is subject to an Article 4 Direction and is not a listed building. Although not a locally listed property, the building is of local interest being the home of Dietrich Bonhoeffer between 1933-1935 a political activist in Germany during WW2.

### **3.0 Planning History**

3.1 None

### **4.0 Current Planning Applications**

#### The Proposal

4.1 The application was originally submitted to include a new driveway as well as the roof covering, however, the application was amended by the applicant and the application now only deals with the retention of the roof covering.

4.2 The application is for the retention of the new slate roof covering to existing roof slopes at 2 Manor Mount, SE23.

4.3 The roof tiles used consisted of Zamora Spanish Slate, which has a light textured surface with traditional dressed edges and small inert inclusions. The tile has a thickness of 4-7mm

### **5.0 Consultation**

5.1 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.

5.2 Site notices were displayed and letters were sent to residents and businesses in the surrounding area and the relevant ward Councillors. The Forest Hill Society, the Council's Highways and conservation officers were also consulted.

#### Pre-Application Consultation

5.3 Duty planner advice was given on 29/02/16 regarding the repair and replacement of slate roof tiles and the laying of a new driveway in porous materials. PRE/16/002216. The applicant was advised that urgent repairs to the roof could begin, but that planning permission would be required for a replacement roof covering.

#### Written Responses received from Local Residents and Organisations

5.4 Comments were received from seven local residents in response to the first consultation. Following amendments to the proposal, four of those residents submitted further comments. The comments are summarised below:

- question the need to replace what appears to be a good slate roof. Only remedial work needed to flashings and repointing chimneys. A failure to reinstate reusable slates. The work was undertaken without the agreement of the residents, at an inflated rate.
- Perfect slating underneath distorted leadwork. The leadwork appears to have been mangled subsequent to work starting.

- Roof was fully replaced in 2016 without planning permission. There are no photographs of the roof before the work was undertaken and no listing of any materials.
- Work commenced on the roof in January 2016 and was completed in September 2016. Existing and proposed materials not listed. There is no photographic evidence of the building requiring a new roof where repairs would suffice.

## **6.0 Policy Context**

### Introduction

- 6.1 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.
- 6.2 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 (NPPF) 2018

- 6.3 The NPPF, originally published in 2012, was revised on 24th July 2018 and is a material consideration in the determination of planning and related applications.
- 6.4 It contains at paragraph 11, a ‘presumption in favour of sustainable development’. Annex 1 of the revised NPPF provides guidance on its implementation. In summary, this states in paragraph 213, that policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the revised NPPF and in regard to existing local policies, that ‘...due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.
- 6.5 Officers have reviewed the Core Strategy and Development Management Local Plan 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 213 of the NPPF.

### National Planning Practice Guidance ‘NPPG’ (2014 onwards)

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

documents, and is subject to continuous periodical updates in difference subject areas

### The Development Plan

- 6.7 The London Plan, Lewisham's Core Strategy, together with the Site Allocations DPD, the Lewisham Town Centre Local Plan and the Development Management Local Plan and together constitute the borough's Development Plan.

### London Plan (March 2016)

- 6.8 The London Plan was updated on the 14 March 2016 to incorporate 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). Proposed modifications were released by the Mayor of London in August 2018 following review of consultation responses. Although still an early stage in this process, the draft with modifications has some weight as a material consideration when determining planning applications. Where the policies of the draft plan differ from the adopted plan and are relevant to the subject application, they will be referred to in this report.
- 6.9 The policies in the current adopted London Plan (2016) relevant to this application are:

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

### London Plan Supplementary Planning Guidance (SPG)

- The London Plan SPG's relevant to this application are: [Housing](#) (March 2016)

### Core Strategy (June 2011)

- 6.10 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 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 15 High quality design for Lewisham

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

### Development Management Local Plan (November 2014)

- 6.11 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:

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

DM Policy 1          Presumption in favour of sustainable development

DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
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

Residential Standards Supplementary Planning Document (2006, updated 2012)

6.12 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.

6.13 Forest Hill Conservation Area Appraisal July 2010

Manor Mount is within Character Area 3. Properties in this area were developed from 1840 onwards and are mainly detached or semi detached villas with symmetrical facades and Italianate details. Buildings tend to be set back from the road, built of yellow stock brick and often have white painted stuccoed ground floor frontages.

**7.0 Planning Considerations**

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

- Principle of Development
- Design and Conservation
- Impact on Adjoining Properties

Principle of Development

7.2 The revised National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

7.3 The principle of development on this site is supported by the Council; subject to the roof material being of the highest quality and its successful and sensitive relationship to the subject property, the wider street scene and Forest Hill Conservation Area.

Design and Conservation

7.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that (in summary) with respect to any buildings or other land in a conservation area, the Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of that

conservation area. Chapter 16 of the NPPF states that (in summary) heritage assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

- 7.5 Urban design is a key consideration in the planning process. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The revised NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. London Plan and Core Strategy design policies further reinforce the principles of the revised NPPF setting out a clear rationale for high quality urban design, whilst the Development Management Local Plan, most specifically DM Policy 30 and 31, seeks to apply these principles. The Council's Residential standards SPD provides officers with further detailed guidance to apply to such residential proposals.
- 7.5 The subject property lies within Character Area 3 of the Forest Hill Conservation Area Character Appraisal. The immediate area lies on two slopes, one facing north and the other facing southeast. The area is characterised by large detached and semi-detached villas; development began in the area in 1840 and the properties have consistent building line and spacing. The villas tend to be set back from the footpath and the chosen building material is yellow London stock brick, often with a white painted stuccoed ground floor. Tall sash windows, symmetrically arranged, can have white painted moulded plastered architraves. There are however a number of properties in the road which are considered good examples of Arts and Crafts and Victorian Gothic styles. Modern development as it exists has tended to have a detrimental effect on the conservation area.
- 7.6 With regards to roofs the Character Appraisal document states the following:
- 'Most of the historic buildings in the conservation area were originally roofed using Welsh slate, brought in by the railway. Occasionally, roofs are covered in hand or machine made clay tile. Attractive brick chimneys, often with contrasting string courses and other features such as original decorative chimney pots, add interest at high level. All of these features need to be protected and owners encouraged to use matching traditional materials when repairing their buildings.'
- 7.7 The Council's Residential standards SPD states that roofing materials should match those used in the original building. All roof alterations should be successfully integrated with and preserve the architectural character of the building. Preferred materials are natural or simulated slates.
- 7.8 Further to this, DM Policy 36 states that permission will not be granted where the alterations to an existing building is incompatible with the special characteristics of the area, its buildings, form and materials. DM Policy 31 requires alterations to be of a high, site specific and sensitive design quality that respects the form, setting, and architectural characteristics and detailing of the original building.
- 7.9 Officers were unable to make an assessment as to the condition of the original roof covering as no photographs or details were submitted regarding the condition



of the roof before the works took place. Nonetheless, Conservation and planning officers raise no objection to the retention of the existing roof covering. The choice of natural slate as the roof material is deemed appropriate for the host building and will preserve the character and appearance of the wider conservation area.

### Impact on Adjoining Properties

- 7.10 It is stated in DM Policy 31 that residential extension/alterations adjacent to dwellings should result in no significant loss of privacy and amenity, (including sunlight and daylight) to adjoining houses and their back gardens.

The proposal is not considered to result in any significant harm to neighbouring amenity.

## **8.0 Local Finance Considerations**

- 8.1 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).

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

- 8.3 The Mayor of London's CIL is therefore a material consideration, though is not payable in regard to this application.

## **9.0 Equalities Considerations**

- 9.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 9.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
- (c) foster good relations between people who share a protected characteristic and persons who do not share it.

- 9.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

- 9.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 9.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
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  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 9.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 9.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **10.0 Human Rights Implications**

- 10.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. “Convention” here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-
- Right to a fair trial
  - Respect for your private and family life, home and correspondence
- 10.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

- 10.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference convention rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 10.4 This application has the legitimate aim of providing a new roof covering at the subject property. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## **11.0 CONCLUSION**

- 11.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 11.2 Officers consider the retention of the existing roof covering to be acceptable.

## **12.0 RECOMMENDATION**

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

(1) The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:  
2213/02, 2213/03, 2213/04, 2213/05

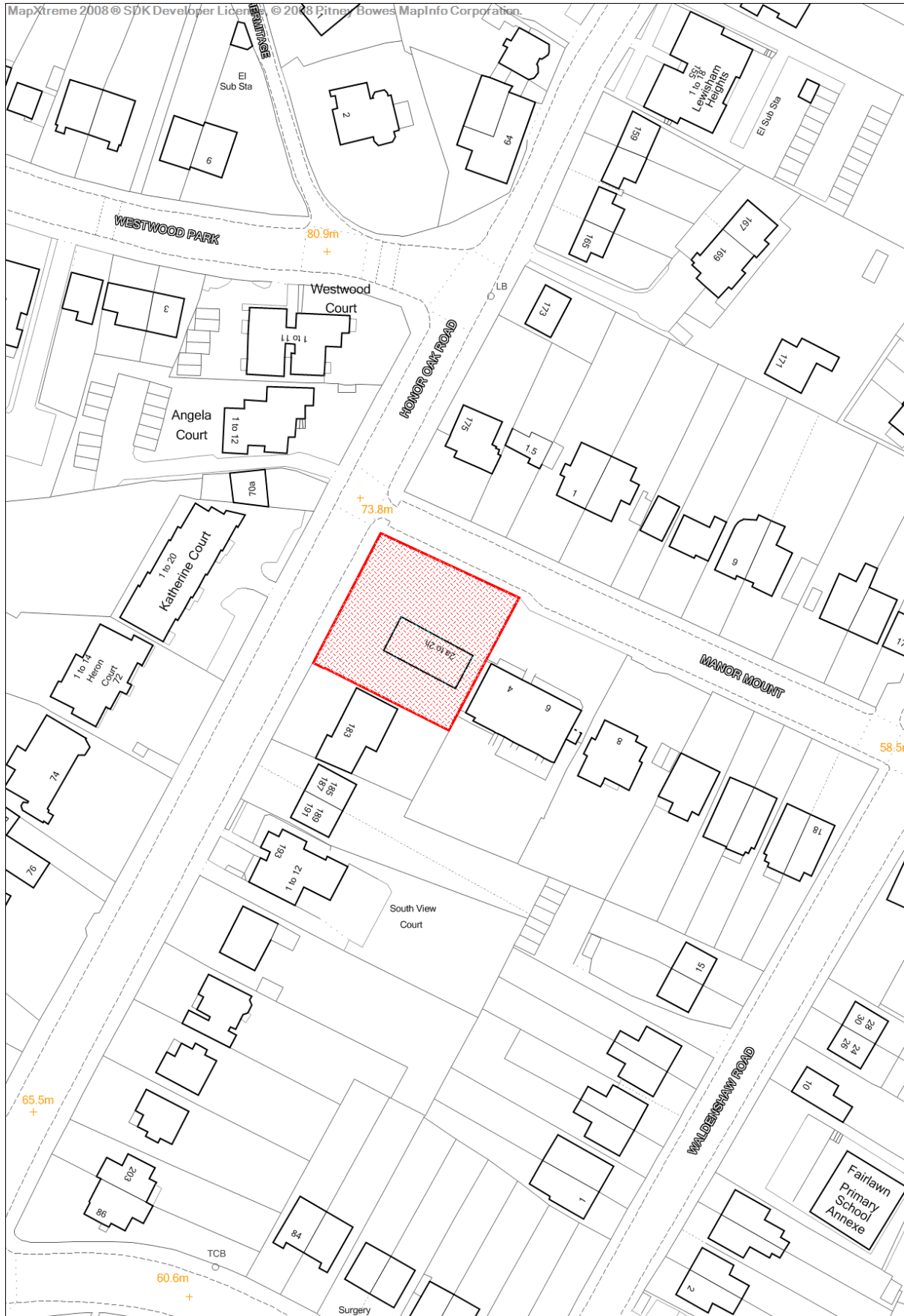
**Reason:** To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

## **INFORMATIVES**

(1) **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 and further information was submitted.

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# 2 MANOR MOUNT, LONDON, SE23 3PZ Site Map



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Committee	PLANNING COMMITTEE B	
Report Title	9-19 Rushey Green, London, SE6	
Ward	Rushey Green	
Contributors	David Robinson	
Class	PART 1	11 October 2018

<u>Reg. Nos.</u>	DC/17/101909
<u>Application dated</u>	05.06.2017
<u>Applicant</u>	GVA on behalf of Columbia Threadneedle
<u>Proposal</u>	Demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping.
<u>Applicant's Plan Nos.</u>	01150_BP_01; 01150_E_03; 01150_P_00_V1; 01150_P_00_V2; 01150_P_00_V3; 01150_P_00_V4; 01150_P_00_V5; 01150_SP_01; 01150_SV_01; 01150_SV_02; 01150_SV_03; 01150_SV_04; 01150_SV_05; 01150_SV_07; 01150_SV_08; 01150_SV_09; 01150_SV_10; 01150_SV_11; 01150_SV_12; 01150_X; Air Quality Assessment dated 02 May 2017 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based Assessment dated April 2017; Design and Access Statement dated June 2017; Economic Statement dated June 2017; Environmental Noise Survey Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE; Statement Of Community Involvement dated April 2017; Sustainability Statement version V.2 dated May 2017; Planning Statement; Preliminary Construction Management Plan reference number 105922/12/001 dated 28 April 2017; Transport Statement dated June 2017 received 05 June 2017  01150_BS_01; 01150_BS_02; 01150_DE_01; 01150_DE_02; 01150_DE_03; 01150_DE_04; 01150_CD_01; 01150_P_06 (Proposed PV layout); D0299_001 A; D0299_002 E; Ecological Assessment dated July 2017 received 14 August 2017  01150_E_01 P2; 01150_E_02 P2; 01150_P_01

P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

Background Papers

- (1) Case File LE/857/9/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority

Screening

N/A

**1.0 Introduction**

- 1.1 This application was considered by Planning Committee B on 26 April 2018 (the Committee Report which went to committee on 26 April is appended to this report). Planning Committee B resolved to approve the application subject to a legal agreement under Section 106 of the 1990 Act (and other appropriate powers).
- 1.2 Subsequently, the applicant, Columbia Threadneedle, has agreed terms for the sale of the site to The Elemento Group. The Elemento Group have proposed a revised affordable housing offer to the Council in conjunction with Phoenix Community Housing as registered provider.
- 1.3 The application has therefore been returned to Committee to enable Members to consider the revised affordable housing offer.

**2.0 Property / Site Description**

*Existing Site and Location*

- 2.1 The existing application site contains a four storey brick building constructed in the 1940's. The building is a 'T' shape and fronts Rushey Green with undercroft vehicle access to car parking and a substation to the rear. A legal right of way must be maintained to the substation.
- 2.2 The building is currently occupied by Lewisham's Job Centre Plus with other ancillary office space and falls under Use Class A2 (financial and professional services). The total site area is approximately 0.13 hectares. The existing site is outlined in red in the image below:





### *Surrounding Context*

- 2.3 The site is situated just north of Catford Town Centre with both Catford and Catford Bridge rail stations being located 10-15 minutes walk from the site. The site fronts Rushey Green which, along with Catford Road, make up Catford's main High Street. The site is located approximately 1km south of Lewisham town Centre and is well connected to such by a host of bus routes which run between Catford and Lewisham (47, 54, 75, 136, 185, 199, 208).
- 2.4 The surrounding built context is mixed in nature. On Rushey Green itself, the street is typically made up of two, three and four storey buildings, which are either wholly commercial, or exhibit commercial uses at ground floor level with residential uses above. The streets, which run east and west off Rushey Green, are largely characterised by two storey period properties in residential use.
- 2.5 In terms of the immediate proximity of the application site, to the north and northwest stands a part 5, part 6 storey residential development with a commercial use (Tesco Express) at ground floor level. This development contains 36 residential units. To the immediate south of the site, at 21-23 Rushey Green, there stands a two-storey period building with commercial units at ground floor level and 9 residential flats above.
- 2.6 To the south east of the site stands a single storey commercial building currently in use as a bathroom showroom and plumber's supplies shop.

### *Site Designations and Constraints*

- 2.7 Catford is identified as both a Major Town Centre and a Regeneration and Growth Area within Lewisham's Core Strategy (2011). The application site is outside of the defined 'Major and District Centre' of Catford and is not located within a designated 'District Centre Shopping Frontage'. Therefore, the site is defined as being within a commercial cluster.
- 2.8 The site is not within a Conservation Area nor is it subject to an Article 4 direction.

2.9 The site has a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 1 to 6 where 6 is excellent. Rushey Green is a red route designated under the Transport for London Road Network (TLRN). On street parking is not available along Rushey Green and is restricted to resident permit holders from 9am – 7pm Monday - Fridays on other residential streets to the east and west of Rushey Green.

### 3.0 Planning History

3.1 This application for the “demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping” was heard by Planning Committee B on 26 April 2018 (the Committee Report which went to committee on 26 April is appended to this report). Planning Committee B resolved to approve the application subject to a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the following principal matters:-

#### *Housing*

- Minimum 24.4% affordable housing (by unit)
- Dwelling mix: London Affordable Rent 6 units and Shared Ownership 4 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
<b>Total</b>	<b>6</b>	<b>5</b>	<b>11</b>

- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/ Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).

- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

#### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

#### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

#### *Carbon Offset Payment*

- Financial contribution of £110,142

#### *Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

#### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

### **4.0 Current Planning Application**

- 4.1 As outlined above, this application was heard by Planning Committee B on 26 April 2018 where members resolved to approve the application subject to a legal agreement under Section 106 of the 1990 Act (and other appropriate powers) to cover the principal matters outlined above.
- 4.2 Since then, the applicant Columbia Threadneedle have exchanged contracts to sell the site to The Elemento Group.
- 4.3 The Elemento Group have proposed a revised, and increased, affordable housing offer to the Council on the premise that the late stage review, included in the previous late Section 106 heads of terms, be removed. This offer has been made in conjunction with Phoenix Community Housing who are in support of the revised offer and mix, and intend to take on the affordable units should the revised offer be approved and S106 completed.

4.4 The updated offer is as follows:

- Minimum 33.3% affordable housing (by unit) / 36.2% affordable housing (by habitable room)
- Dwelling mix: London Affordable Rent 9 units and Shared Ownership 6 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	6	8
2 bed	6	0	6
3 bed	1	0	1
Total	9	6	15

4.5 The review mechanism would be revised to read as follows:

*Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) in accordance with the London Plan Affordable Housing and Viability SPG.*

4.7 All other heads of terms would remain as approved by Planning Committee B on 26 April 2018.

## **5.0 Planning Assessment of Revised Offer**

5.1 As outlined in the previous committee report, the application site is within close proximity to local services and to the necessary social infrastructure, it is considered suitable for affordable housing in accordance with Core Strategy Policy 1 and London Plan Policies 3.11 and 3.12. The Core Strategy commits the Council to negotiating for an element of affordable housing to be provided in any major residential development with the starting point for negotiations being a contribution of 50% affordable housing on qualifying sites across the Borough, subject to financial viability.

5.2 With regard to tenure mix, Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix. Regard must also be had to London Plan 3.11 which seeks a tenure mix of 60% social rented and 40% intermediate housing.

5.3 The previously approved Affordable Housing Mix would change from:

### **Affordable Housing Mix**

<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
Total	6	5	11

5.4 To the revised mix of:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Intermediate</b>	<b>Overall</b>
1 bed	2	6	8
2 bed	6	0	6
3 bed	1	0	1
Total	9	6	15

- 5.5 The proposed revised offer is considered by officers to be a significant improvement on the offer which was previously presented to and approved at committee.
- 5.6 To summarise, the offer increases the number of affordable rented units (London Affordable Rent) by three (6 previously offered to 9 now being offered) and the number of intermediate units by one (5 previously offered to 6 now being offered).
- 5.7 This would result in a percentage mix of 68.4% affordable rented to 31.6% intermediate, which is in accordance with Core Strategy Policy 1 which requires a 70% social rented / 30% intermediate housing split. This again is considered to be a preferable split to the offer previously approved, which presented a 54.5% affordable rented to 45.5% intermediate split.
- 5.8 It is also noted that the overall affordable housing provision is now at 33.3% by unit and 36.2% by habitable room, versus the 24.4% by unit which was previously considered acceptable following a review of the applicant's Financial Viability Appraisal.
- 5.9 The Mayor of London's Affordable Housing and Viability Supplementary Planning Guidance (2017) states that "*applications that meet or exceed 35 per cent affordable housing provision without public subsidy, provide affordable housing on-site, meet the specified tenure mix, and meet other planning requirements and obligations to the satisfaction of the LPA and the Mayor where relevant, are not required to submit viability information. Such schemes will be subject to an early viability review, but this is only triggered if an agreed level of progress is not made within two years of planning permission being granted (or a timeframe agreed by the LPA and set out within the S106 agreement).*" This is known as the 'fast track route' for applications proposing affordable housing. As such, given the scheme now meets the criteria for the 35% "fast track" route, a late stage review is no longer required in accordance with the Affordable Housing and Viability Supplementary Planning Guidance.

- 5.10 Officers note that this offer is being presented by The Elemento Group on the basis that the requirement for a late stage review is removed from the S106 heads of term. Given the increase in the affordable housing offer by three affordable rented units and one shared ownership unit, as well as the preferable and policy compliant 68.4% affordable rented to 31.6% shared ownership split now being offered; as well as compliance with the 35% “fast track” route as outlined above, officers consider that this presents a greatly improved affordable offer and on that basis, recommend that the offer is accepted and that the late stage review is removed from the S106 heads of term.
- 5.11 Further to the above, for a scheme of this scale (45 residential units), it is considered extremely unlikely that a late stage review would identify a surplus profit which would equate to an increased affordable housing offer of 3 affordable rented units and 1 shared ownership unit.
- 5.12 Given the above, the amended offer results in a scheme which is preferable in terms of policy in relation to the previously accepted offer and is acceptable with regard to the Development Plan.
- 5.13 Officers note that no new material planning considerations are raised by the amended affordable offer therefore the officer’s assessment in the previous Committee Report (appended to this report) is otherwise still correct and relevant.

## **6.0 Local Finance Considerations**

- 6.1 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).
- 6.2 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.3 The Mayor of London's (CIL) and Local CIL are a material consideration in the determination of this application. CIL is payable on this application and the applicant has completed the relevant form.

## **7.0 Equalities Considerations**

- 7.1 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its function, have due regard to the need to:
- a. eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- b. advance equality of opportunity between people who share a protected characteristic and those who do not;
- c. foster good relations between people who share a protected characteristic and persons who do not share it.

- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 7.4 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-andpolicy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equalityduty/guidance-on-the-equality-duty/>
- 7.7 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

## **8.0 Human Rights Implications**

- 8.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way

which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:-

- Right to a fair trial
- Respect for your private and family life, home and correspondence
- Freedom of expression
- Freedom of thought, belief and religion
- Freedom of expression
- Freedom of assembly and association

8.2 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.

8.3 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.4 This application has the legitimate aim of providing a new building for residential use. The rights potentially engaged by this application are not considered to be unlawfully interfered with by this proposal.

## **9.0 Conclusion**

9.1 This report has considered the amended affordable housing and review mechanism proposals in the light of adopted development plan policies and other material considerations.

9.2 It is considered that the amended affordable housing offer results in a scheme which is preferable and better in terms of policy in relation to the previously accepted offer with regard to affordable housing.

9.3 Officers note that no new material planning considerations are raised by the amended affordable offer therefore the officer's assessment in the previous Committee Report (appended to this report) is otherwise still correct and relevant.

9.4 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that the scheme accords with local and national policies.

9.5 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents. Such material considerations are not



considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

## 10.0 **RECOMMENDATIONS**

### **Recommendation (A)**

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

#### *Housing*

- Minimum 33.3% affordable housing (by unit) / 36.2% affordable housing (by habitable room)
- Dwelling mix: London Affordable Rent 9 units and Shared Ownership 6 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Intermediate</b>	<b>Overall</b>
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- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/ Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) in accordance with the London Plan Affordable Housing and Viability SPG).
- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

#### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

#### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

*Carbon Offset Payment*

- Financial contribution of £110,142

*Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

*Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

**Recommendation (B)**

10.2 Upon the completion of a satisfactory Section 106 in relation to the matters set out above, authorise the Head of Planning to grant Planning 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:

01150\_BP\_01; 01150\_E\_03; 01150\_P\_00\_V1; 01150\_P\_00\_V2;  
 01150\_P\_00\_V3; 01150\_P\_00\_V4; 01150\_P\_00\_V5; 01150\_SP\_01;  
 01150\_SV\_01; 01150\_SV\_02; 01150\_SV\_03; 01150\_SV\_04; 01150\_SV\_05;  
 01150\_SV\_07; 01150\_SV\_08; 01150\_SV\_09; 01150\_SV\_10; 01150\_SV\_11;  
 01150\_SV\_12; 01150\_X; Air Quality Assessment dated 02 May 2017  
 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based  
 Assessment dated April 2017; Design and Access Statement dated June  
 2017; Economic Statement dated June 2017; Environmental Noise Survey  
 Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE;

Statement Of Community Involvement dated April 2017; Sustainability Statement version V.2 dated May 2017; Planning Statement; Preliminary Construction Management Plan reference number 105922/12/001 dated 28 April 2017; Transport Statement dated June 2017 received 05 June 2017

01150\_BS\_01; 01150\_BS\_02; 01150\_DE\_01; 01150\_DE\_02; 01150\_DE\_03; 01150\_DE\_04; 01150\_CD\_01; 01150\_P\_06 (Proposed PV layout); D0299\_001 A; D0299\_002 E; Ecological Assessment dated July 2017 received 14 August 2017

01150\_E\_01 P2; 01150\_E\_02 P2; 01150\_P\_01 P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

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

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

**Reason:** In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3

Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

4. (a) No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

5. (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of 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) any such operations must be submitted to and approved in writing by the local planning authority in consultation with Thames Water prior to commencement of development (excluding above ground demolition) on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

6. Prior to any above ground works (excluding demolition) a detailed schedule and sample panel of all external materials, including surface treatments, and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with 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.

7. The refuse storage and recycling facilities shown on drawing 01150\_P\_00 P2

hereby approved, 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).

8. (a) A minimum of 64 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level on site 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).

9. (a) The commercial unit hereby approved shall be fitted with a minimum of 4 secure and dry cycle parking spaces in the case of an A1 (food retail use), 1 in the case of an A1(non-food) retail use, 2 in the case of an A2/A3 use and 4 in the case of a B1 use, prior to occupation
- (b) The commercial unit shall not be occupied 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) 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).

11. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. D0299\_001 A hereby approved and maintained thereafter. Prior to commencement of the above ground works, a planting specification shall have been submitted to and approved in writing by the local planning authority.
- (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.

**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 (2015) , 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).

12. (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).

13. (a) Notwithstanding the details approved, no part of the development hereby approved shall be occupied until such time as a user's Travel Plan, 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).

14. Prior to the occupation of the building hereby approved, details of screening to the balconies serving unit numbers 10, 13, 23 and 33 shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be installed prior to the occupation of unit numbers 10, 13, 23 and 33, 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 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15. (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) Units 03, 09, 19, 29, 41 shall meet standard M4(3)(2)
- (ii) All other units shall meet standard M4(2)

(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) of this condition.

(c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

**Reason:** To ensure that there is an adequate supply of wheelchair 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).

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of

the building.

**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).

17. 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 shall be fixed on the external faces of the building.

**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).

18. 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 31 Alterations and extensions to existing buildings including residential extensions, 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).

19. The whole of the amenity space (including roof terraces and balconies) as shown on the approved plans hereby approved shall be retained permanently for the benefit of the occupiers of all 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).

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

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31



Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

21. (a) No development shall commence above ground level on site until plans (1:50) and details showing the physical fit out of the commercial unit hereby approved have been submitted to and approved in writing by the local planning authority.
- (b) Prior to occupation of the residential units, the commercial unit shall be constructed in full accordance with the approved details.

**Reason:** To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 4 Mixed Use Employment Locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations

22. (a) Prior to commencement of an A3 use, detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014).

23. The commercial premises hereby approved shall only be open for customer business between the hours of 07:00 and 23:00.

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

24. (a) The commercial units shell and core works hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development of the commercial unit shall commence until a Design Stage Certificate for the commercial unit (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.

- (c) Within 3 months of first occupation of any commercial unit, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment Qualified Assessor) to demonstrate full compliance with part (a) of this condition in respect of such commercial unit.

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

25. (a) No development (excluding demolition) 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:

- (i) the extension of the existing Sheffield stand bank on Rushey Green to provide 4 no. Sheffield type stainless steel stands
- (ii) the provision of two disabled parking spaces on Davenport Road;

(b) The building shall not be 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). This is a pre-commencement condition because the local planning authority needs to be satisfied that the proposed and required Highways Works necessary to facilitate the development can be satisfactorily designed before development starts.

26. (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.

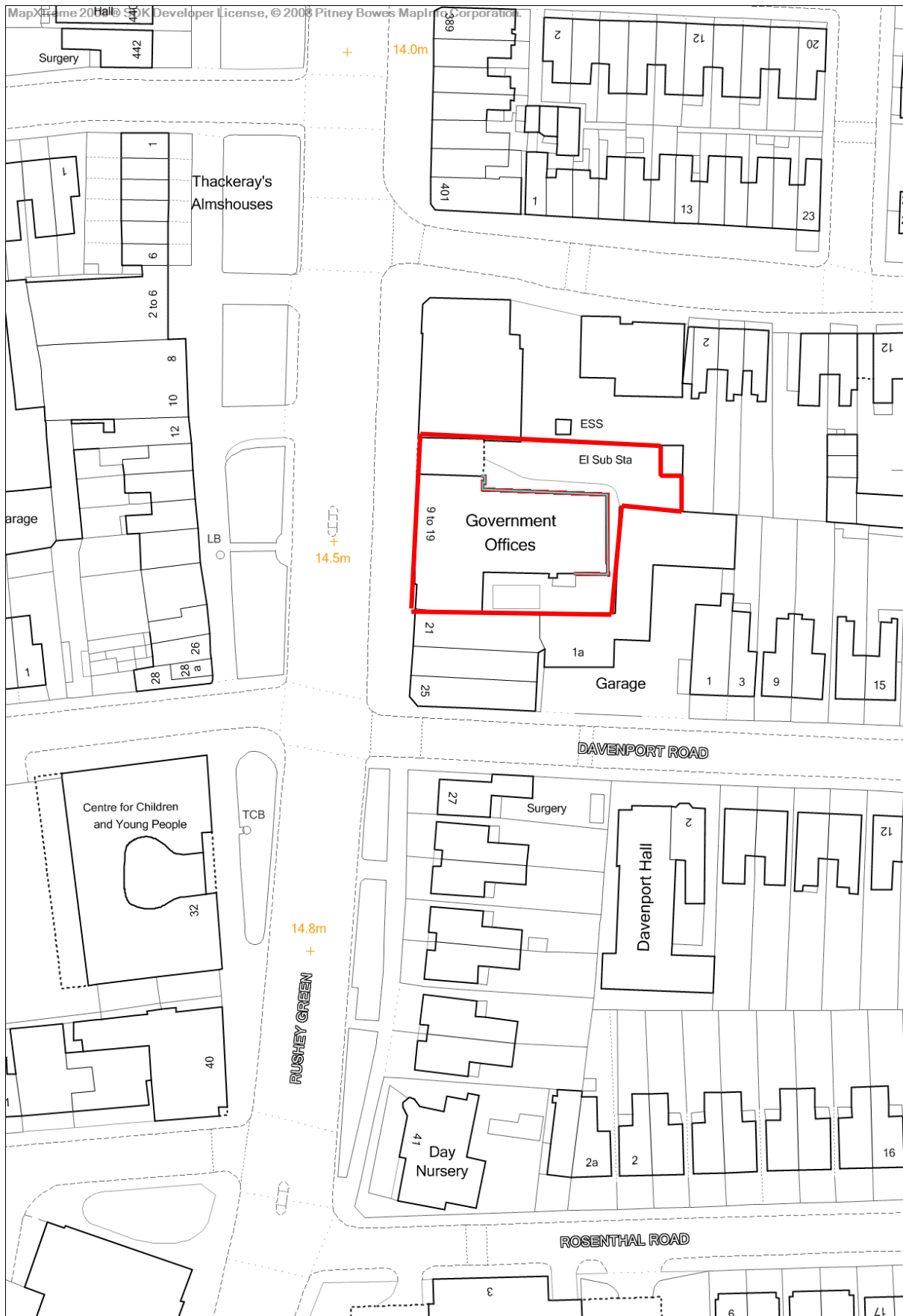
**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core strategy Policy 7 Climate change and adapting to the effects and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

## 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/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.

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9-19 RUSHEY GREEN, LONDON, SE6 4AZ Site Plan



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Appendix A

- a. Committee Report 26.04.18
- b. Viability Assessment



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Committee	PLANNING COMMITTEE B	
Report Title	9-19 Rushey Green, London, SE6 4AZ	
Ward	Rushey Green	
Contributors	David Robinson	
Class	PART 1	26 <sup>th</sup> April 2018

Reg. Nos. DC/17/101909

Application dated 05.06.2017

Applicant GVA on behalf of Columbia Threadneedle

Proposal Demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping.

Applicant's Plan Nos. 01150\_BP\_01; 01150\_E\_03; 01150\_P\_00\_V1; 01150\_P\_00\_V2; 01150\_P\_00\_V3; 01150\_P\_00\_V4; 01150\_P\_00\_V5; 01150\_SP\_01; 01150\_SV\_01; 01150\_SV\_02; 01150\_SV\_03; 01150\_SV\_04; 01150\_SV\_05; 01150\_consultSV\_07; 01150\_SV\_08; 01150\_SV\_09; 01150\_SV\_10; 01150\_SV\_11; 01150\_SV\_12; 01150\_X; Air Quality Assessment dated 02 May 2017 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based Assessment dated April 2017; Design and Access Statement dated June 2017; Economic Statement dated June 2017; Environmental Noise Survey Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE; Statement Of Community Involvement dated April 2017; Sustainability Statement version V.2 dated May 2017; Planning Statement; Preliminary Construction Management Plan reference number 105922/12/001 dated 28 April 2017; Transport Statement dated June 2017 received 05 June 2017

01150\_BS\_01; 01150\_BS\_02; 01150\_DE\_01; 01150\_DE\_02; 01150\_DE\_03; 01150\_DE\_04; 01150\_CD\_01; 01150\_P\_06 (Proposed PV layout); D0299\_001 A; D0299\_002 E; Ecological Assessment dated July 2017 received 14 August 2017

01150\_E\_01 P2; 01150\_E\_02 P2; 01150\_P\_01 P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

Background Papers

- (1) Case File LE/857/9/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority

Screening

N/A

**1.0 Property / Site Description**

*Existing Site and Location*

- 1.1 The existing application site contains a four storey brick building constructed in the 1940's. The building is a 'T' shape and fronts Rushey Green with undercroft vehicle access to car parking and a substation to the rear. A legal right of way must be maintained to the substation.
- 1.2 The building is currently occupied by Lewisham's Job Centre Plus with other ancillary office space and falls under Use Class A2 (financial and professional services). The total site area is approximately 0.13 hectares. The existing site is outlined in red in the image below:



### *Surrounding Context*

- 1.3 The site is situated just north of Catford Town Centre with both Catford and Catford Bridge rail stations being located 10-15 minutes walk from the site. The site fronts Rushey Green which, along with Catford Road, make up Catford's main High Street. The site is located approximately 1km south of Lewisham town Centre and is well connected to such by a host of bus routes which run between Catford and Lewisham (47, 54, 75, 136, 185, 199, 208).
- 1.4 The surrounding built context is mixed in nature. On Rushey Green itself, the street is typically made up of two, three and four storey buildings, which are either wholly commercial, or exhibit commercial uses at ground floor level with residential uses above. The streets, which run east and west off Rushey Green, are largely characterised by two storey period properties in residential use.
- 1.5 In terms of the immediate proximity of the application site, to the north and northwest stands a part 5, part 6 storey residential development with a commercial use (Tesco Express) at ground floor level. This development contains 36 residential units. To the immediate south of the site, at 21-23 Rushey Green, there stands a two-storey period building with commercial units at ground floor level and 9 residential flats above.
- 1.6 To the south east of the site stands a single storey commercial building currently in use as a bathroom showroom and plumber's supplies shop.

### *Site Designations and Constraints*

- 1.7 Catford is identified as both a Major Town Centre and a Regeneration and Growth Area within Lewisham's Core Strategy (2011). The application site is outside of the defined 'Major and District Centre' of Catford and is not located within a designated 'District Centre Shopping Frontage'. Therefore, the site is defined as being within a commercial cluster.

- 1.8 The site is not within a Conservation Area nor is it subject to an Article 4 direction.
- 1.9 The site has a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 1 to 6 where 6 is excellent. Rushey Green is a red route designated under the Transport for London Road Network (TLRN). On street parking is not available along Rushey Green and is restricted to resident permit holders from 9am – 7pm Monday - Fridays on other residential streets to the east and west of Rushey Green.

## **2.0 Planning History**

- 2.1 No relevant planning history

## **3.0 Current Planning Application**

- 3.1 This application has been referred to Committee by the Head of Planning as, given its scale and prominent location, it is appropriate for Members to consider.

### *Amendments*

- 3.2 The application was amended during the planning application process in order to mitigate impacts on existing occupants of the adjoining Meadowcroft Mews to the north of the site. The projection of the rear elevation of the main block was reduced at first, second, third, fourth and fifth floor level. In doing so, the floorspace of 5 of the proposed residential units was reduced.
- 3.3 Further to the above, the application was revised to remove a proposed disabled parking bay from the rear of the site adjacent to the existing substation. This amendment was requested as disabled parking provision could be addressed off-site and to provide a better quality of public realm as well as improving pedestrian safety due to less vehicular movement across the pavement of the eastern side of Rushey Green.
- 3.4 The mix of the proposed affordable units was amended following consultation with the Council's Housing Department and officer advice to the applicant. The nature of the amendments is outlined in tables 2 and 3 below.

### *Summary*

- 3.5 The application seeks permission for the demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1 use), with associated ancillary space including bike store, refuse and recycling storage and landscaping.
- 3.6 The proposed building would generally follow the same footprint as the existing building, exhibiting a 'T' shape, with the main portion of the building fronting Rushey Green. The main portion of the proposed building would extend slightly deeper than the existing building and would be 6 storeys in height with a flat (green) roof form, aligning with that of the building to the north of the site. The rearward portion of the proposed building would be 5 storeys in height and feature a pitched roof form with gable ends. A shared amenity space would be provided to the south east of the application site.

- 3.7 At ground floor level, facing Rushey Green, a glazed 'shopfront' is proposed to the flexible use commercial unit. This would serve a single unit which would be serviced by servicing bays on Rushey Green to the north and south of the site.
- 3.8 The residential units proposed within the main portion of the building would all have private amenity space in the form of balconies. These units would all be accessed from one internal core. The residential units proposed within the rearward portion of the building would be accessed from street at ground floor level, with private amenity space taking the form of front and rear gardens. The units proposed at in the rearward potion of the building at first floor and above would feature galley access and would have private amenity space provided in the form of balconies.
- 3.9 Cycle parking would be provided internally within the main portion of the building as well as to the north of the rearward portion, adjacent to the existing substation. The commercial unit would also have internal cycle storage provided to reflect the use class.
- 3.10 The main portion of the proposed building would be finished in stone at ground floor level to the front, with upper floors using an oatmeal coloured brick, and the top floor being finished in a copper colour cladding. The rearward block would use the same oatmeal colour brick and have a slate roof.
- 3.11 The proposed dwelling and tenure mix is as follows:

**Table 1: Proposed Dwelling and Tenure Mix**

	<b>Market</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Total</b>	<b>Percentage</b>
<b>1-bed</b>	24	2	5	31	68.88%
<b>2-bed</b>	7	3	0	10	22.22%
<b>3-bed</b>	3	1	0	4	8.88%
<b>Totals</b>	34	6	5	45	100%

- 3.12 The proposed scheme comprises 90% flats compliant with building regulations Part M4(2) (accessible and adaptable) which is the equivalent to the Lifetime Homes Standard and 10 % flats compliant with building regulations Part M4(3) (Wheelchair user dwellings).
- 3.13 Flats 09, 19, 29 (1beds) and 03, 41 (3beds) on 1st, 2nd, 3rd and 5th floors have been designed to be compliant with Part M4(3).
- 3.14 The scheme is proposed as car-free.

#### **4.0 Consultation**

*Pre-submission*

- 4.1 Prior to submission, the applicant held their own consultation with owners / occupiers of surrounding residential units and businesses.
- 4.2 A public event was at held at The Point, Catford, 401 Lewisham High Street, SE13 6NZ, between 3:30pm and 7:30pm on Tuesday 6th December. Notification of the event came via letters distributed to 1,647 local households and 70 nearby businesses. A Freephone number and postal address were established to allow residents to contact the project team, ask questions and submit feedback.
- 4.3 The applicant's Statement of Community Involvement states that "around 16 people attended the exhibition and 7 feedback forms were received ahead of the feedback deadline of the 13th December 2016". The applicant has outlined that site neighbours supported redevelopment and the delivery of new homes, though some concerns were raised regarding a lack of parking facilities included in the site.

*Planning application consultation*

- 4.4 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.5 Two site notices were displayed, an advert was placed in the local press and letters were sent to 361 residents and businesses in the surrounding area, as well as the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.6 No representations have been received as a result of the consultation process.

Written Responses received from External Statutory Agencies

*Environment Agency*

- 4.7 No objection

*Historic England*

- 4.8 No objection

*Metropolitan Police (Designing out crime)*

- 4.9 Recommendation of "secured by design" condition

*Transport for London*

- 4.10 The footway and carriageway on Rushey Green must not be blocked during the construction. Temporary obstructions during the construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Rushey Green. All vehicles associated with the construction must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 4.11 No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be

required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>

- 4.12 TfL are pleased that the application contains a preliminary construction management plan, the approach to the construction programme and daily vehicle movements seem fair. TfL would although expect a detailed construction plan to be provided once permission is granted. More information on these can be found at <http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>
- 4.13 TfL welcome the provision of 64 cycle spaces for the residents of the building, as in line with London Plan guidelines, these should be secured by condition. TfL would expect the development of the commercial floor space to incorporate 8 short stay spaces and 2 more additional long stay spaces.
- 4.14 London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Therefore there should be 5 Blue Badge spaces proposed. The Transport Statement does not demonstrate how this demand is satisfied within the scheme. If there are no opportunities to provide further numbers of disabled parking spaces on site, or on-street around the development, the applicant should make clear how they expect mobility impaired residents to travel to and from the site
- 4.15 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.
- 5.5 The new, draft National Planning Policy Framework was published for public consultation on 5 March 2018 (until 10 May 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.

### Other National Guidance

- 5.6 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)

- 5.7 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 2.9 Inner London
  - Policy 2.13 Opportunity areas and intensification areas
  - Policy 2.14 Areas for regeneration
  - Policy 3.3 Increasing housing supply
  - Policy 3.4 Optimising housing potential



- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people’s play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 4.1 Developing London’s economy
- Policy 4.4 Managing industrial land and premises
- Policy 4.6 London’s economy
- Policy 4.9 Small shops
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London’s transport connectivity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

- Accessible London: Achieving an Inclusive Environment (2004)
- Affordable Housing and Viability (2017)
- Housing (2016)
- Sustainable Design and Construction (2006)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)

## London Plan Best Practice Guidance

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

- Development Plan Policies for Biodiversity (2005)
- Control of dust and emissions from construction and demolition (2006)
- Wheelchair Accessible Housing (2007)

## 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 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 4 Mixed Use Employment Locations
- Core Strategy Policy 5 Other employment locations
- Core Strategy Policy 6 Retail hierarchy and location of retail development
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality
- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 13 Addressing Lewisham's waste management requirements
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 21 Planning obligations

## 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:

5.12 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 7 Affordable rented housing
- DM Policy 9 Mixed use employment locations
- DM Policy 11 Other employment locations

- DM Policy 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
- DM Policy 19 Shopfronts, signs and hoardings
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- 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 35 Public realm

Residential Standards Supplementary Planning Document (August 2006, Updated 2012)

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

Planning Obligations Supplementary Planning Document (February 2015)

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

Shopfront Design Guide Supplementary Planning Document (March 2006)

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

**6.0 Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping

- h) Other considerations
- i) Planning Obligations

### Principle of Development

- 6.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 6.3 The site is currently in use as a Job Centre (use class A2). It is not located within a town centre or a designated shopping frontage, nor within any of the defined Strategic Industrial Locations, Local Employment Locations or Mixed Use Locations as defined by Core Strategy. The site is therefore classed as an “other employment location”.
- 6.4 The National Planning Policy Framework (NPPF), within paragraph 17, states that Planning ‘should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.5 Core Strategy Policy 5 seeks to protect non-designated employment sites which are located outside of Town and Local Centres. The Policy states that other uses, including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.6 DM Policy 11 seeks to retain employment uses, where possible, on smaller sites in office, industrial and warehouse/storage use, and builders and scaffolding yards, in and around town centres, district and local hubs and also embedded in residential areas on backland sites, and sometimes on otherwise residential streets. These sites lie outside the formally designated employment sites.

### *Demolition of Existing Building*

- 6.7 Officers have reviewed the proposed application and has previously visited the application site. It is not considered that the existing building is of sufficient architectural merit that would warrant its retention, subject to a high quality redevelopment being proposed on the application site.

### *Existing Employment Use*

- 6.8 With reference to DM Policy 11, the application site is considered to have elements of both being located within a “Town Centre, Local Hub and other clusters of commercial and/or retails uses” and “Sites in Residential Areas”.
- 6.9 The Home and Communities Agency’s Employment Density Guide indicates that the existing use on site (A2) has the potential to support 123 jobs. The proposed development would reprovide commercial floorspace with a flexible use, offering a range of 12-28 jobs dependent on the future use class; this is based upon the same HCA guidance.

- 6.10 The applicant has indicated that the existing tenant, The Job Centre's previous lease expired in 2016. Instead of opting to renew the lease in its entirety, the tenant has signed a lease for a limited period of only 18 months. This limited extension was granted and signed in September 2016. The applicant has stated that this is a result of the Job Centre nationally consolidating its operations which is resulting in the closure of some offices and the relocation of these services.
- 6.11 Residential use is a priority in London and the borough and it is considered that an additional 45 (including 4 family units and 11 affordable housing units) units would make a valuable contribution towards meeting housing need, which is set by the London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target.
- 6.12 Given the above, and by virtue of its good public transport accessibility, proximity to Catford and Lewisham Town Centres and location within an area with a high proportion of residential use, it is considered that the site could be more appropriately used for a mixed-use development with commercial uses at ground floor and residential above. The application site is located within a sustainable urban location and would optimise the use of previously developed land.
- 6.13 Whilst the retention of A2 uses is not explicitly mentioned in any policy, the protection of employment uses is outlined in Core Strategy Policy 5 and DM Policy 11, as well as the Planning Obligations Supplementary Planning Document.
- 6.14 DM Policy 11 states the following with regard to the redevelopment of a site on an existing commercial street frontage:
- 6.15 *"Redevelopment of a site on a commercial street frontage will be supported when the site or building is redeveloped to a high standard of environmental and design quality in line with the other policies in this plan, where a business use is retained on the ground floor, and a business and/or residential development is provided on upper floors (where an appropriate standard of amenity can be achieved). Uses not within the B Use class, such as retail, leisure, or other uses appropriate to a town centre or local hub will be considered as part of a mix of uses where the number of jobs created by the proposal outweighs the loss of an employment site, and results in no net loss of jobs."*
- 6.16 Furthermore, the Planning Obligations SPD states that "the Council will resist the loss of employment floorspace in accordance with the policy framework in place. However, in exceptional circumstances and at the Council's discretion, the Council may take the view that the loss of employment floorspace is acceptable. Where this is the case, the Council will seek a financial contribution". The guidance has calculated the loss of one job as being the equivalent of the cost of supporting a trainee for one year, in order to provide an opportunity to secure long term employment, which is £10,000.
- 6.17 To mitigate the loss of employment use, in accordance with DM Policy 11 and the Planning Obligations SPD, the applicant would normally be required to provide a financial contribution towards the loss of employment floorspace in accordance with the above. In this instance, it is considered that such a contribution would significantly inhibit the applicant's ability to provide affordable housing on site. Appropriate mitigation for the loss of the A2 floor space could be sought through any 'surplus' identified in a Viability Assessment, being transposed into a

affordable housing contribution, rather than a loss of employment contribution. This will be discussed later in this report

- 6.18 Further to the above, the applicant would also make a financial contribution to support both capital and revenue costs of a range of services provided by the Local Labour and Business Scheme for residents and small and medium-sized businesses in the borough. the Planning Obligations SPD (2015) that the Council requires a contribution of £530 for each new job / dwelling. This contribution would total would be calculated as follows: (45 new units x £530 = £23,850) + (28 new jobs<sup>1</sup> x £530 = £14,840) equalling a total of £39,220.
- 6.19 Taking the above into account, and given the site's location outside the town centre and designated shopping frontages within a location with a large proportion of surrounding residential uses, on balance it is considered that the principle of a mixed-use, residential led scheme on the site is acceptable given the re-provision of appropriate commercial space at ground floor level. This is subject to achieving a high quality scheme in response to the other policies of the Development Plan, and appropriate mitigation for the loss of employment through affordable housing provision, as discussed below.

#### *Density*

- 6.20 Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2016 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).
- 6.21 The site is located just north of Catford Town Centre and has a PTAL of 4, indicating good accessibility to public transport connections. The scheme proposes 45 dwellings on a 0.13 hectare site which equates to a density of 374 dwellings (932 habitable rooms) per hectare.
- 6.22 The relevant London Plan density range for this application (central location) is 70-260 dwellings per hectare (215-405 u/ha). Whilst the proposed development is above the guideline density range, these are a guideline and must be considered in the local (existing and emerging) context. The density is considered by officers to be acceptable given the site's proximity to Catford, Catford Bridge and Ladywell Station, public amenity spaces and major town centres of Catford and Lewisham.
- 6.23 Notwithstanding the density of the proposals, the scheme should provide a high quality and well designed standard of residential accommodation and good urban design. The quality of the residential accommodation is discussed further below.

#### *Commercial Use (A1/A2/A3/B1)*

- 6.24 The application proposes 295 square metres of flexible commercial floorspace at ground floor level. Indicative floorplans have been provided for all proposed uses and a ventilation statement has been provided for the A3 use.

- 6.25 As outlined above, a residential led redevelopment of the site with commercial re-provision at ground floor level can be supported in accordance with DM Policy 11. As such, the proposed flexible use commercial floorspace is considered acceptable in principle subject to the design of shopfront proposed and hours of opening.
- 6.26 In accordance with London Plan Policy 4.9 and DM Policy 19, it is recommended that a planning obligation requires the Applicant to fit-out the units to shell and core and internal fittings and install the glazed shop fronts and entrances prior to the occupation of any residential unit in that building in the interests of ensuring that the unit is attractive to potential end users.
- 6.27 London Plan Policy 4.6 and Core Strategy Policy 6 support the night-time economy, particularly in secondary frontages. DM Policy 17 makes clear that, amongst other things, soundproofing and opening hours will be taken in to account when considering applications for cafes/restaurants and DM Policy 26 seeks to ensure that new noise sensitive uses, such as residential, are located away from existing or planned sources of noise pollution.
- 6.28 A balance needs to be struck between encouraging additional commercial activities within this site, whilst safeguarding residential amenity. It is recommended that a planning condition restrict customer opening hours of all permitted uses in the commercial units to 07.00 to 23.00 hours for A use classes. This would not restrict potential office uses within B1 who would not be restricted to normal office working hours.

#### *Summary*

- 6.29 Overall, the principle of development is considered acceptable subject to a high quality design, standard of accommodation, affordable housing provision and other relevant planning considerations which are discussed below.

#### Design

- 6.30 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'.
- 6.31 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.
- 6.32 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.

#### *Layout*

- 6.33 The redevelopment would manifest as two distinct blocks forming a 'T' shape with a similar footprint to the existing building on the application site, albeit the main portion of the proposed building would extend deeper at the rear of the site.
- 6.34 The main block of the redevelopment at the front of the site would adopt a more 'civic' appearance and flat roof, whilst the building to the rear adopts a more domestic appearance, including pitched roofs.
- 6.35 Given the proposed redevelopment closely follows the layout of the existing building on site, it is considered that the proposed layout of the development is an appropriate response to the constrained nature of the site in terms of size, shape and location.

*Height and massing*

- 6.36 In terms of the impact upon the urban environment, Core Strategy Policy 15 states that for all development 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 and is sensitive to the local context and responds to local character.
- 6.37 The proposed scale and massing of the development has been reduced following advice received from the Planning department through a pre-application process as well as feedback received from the Design Review Panel. This has been further reduced during the application process to minimise the impact of the proposed development upon the occupants of the adjoining Meadowcroft Mews to the north of the application site.
- 6.38 In addition to the above, the proposed submission has provided a Design and Access Statement, which includes a well-considered and highly detailed character study, which provides a beneficial breakdown of the local context (including plot widths, window alignment and materiality) which has informed the proposed design.
- 6.39 The main block of the proposal would exhibit similar massing to that of The George Inn redevelopment to the north of the site, which now exists as 'Meadowcroft Mews'. This building is a corner site standing at five storeys in height with a sixth storey setback; the proposed building would also be five storeys in height with a sixth storey setback. It is considered that the proposed main block would sit comfortably between Meadowcroft Mews to the north and the three-storey terrace to the south of the site. The true five-storey structure with sixth storey setback would only appear marginally taller against this terrace than the existing four-storey structure at the application site.
- 6.40 To the rear of the application site, the proposed rearward block would be 5 storeys in height with a pitched roof structure with deck access from the single core. This improves the dual aspect units as noted below. Officers consider that this massing and the pitched roof typology presents a strong representation of a residential building and is appropriate for its location to the rear of the development.
- 6.41 The scale and massing proposed here has been reduced significantly through the pre-application process. It is now considered that the form of development



proposed is appropriate with regard to scale and massing, and that this would not preclude any future proposed redevelopment of surrounding sites, with particular regard to the bathroom showroom and plumber's supply shop to the south east.

- 6.42 Overall, officers consider that the scale, massing and layout of the proposed building are successful in responding to the existing built context.

#### *Detailed design*

- 6.43 The main block of the proposed development, which would front Rushey Green, has been articulated to separate the block into three different elements. The ground floor would appear as a distinctive 'base' with a shopfront, which would differentiate itself from the rest of the block through the use of glazing as well as through the use of stone. The four storeys above this would serve the residential element of the block and would be finished in light oatmeal brick with recessed balconies treated with glazed balustrades. This portion would be further articulated with the selective use of horizontal copper coloured cladding. Finally, the sixth storey which would also serve the residential element would be set back from the main façade and in from either flank. This element would be largely glazed and be finished in copper coloured cladding.
- 6.44 Overall, this elevation strategy is considered successful and relates well to the pattern of the existing streetscene. The distinct commercial base follows through from similar commercial ground floor uses on adjacent buildings. The height of the shopfront and use and quantity of glazing is considered to be appropriate. The fenestration pattern, and use and placement of balconies on upper floors is also considered to be appropriate and relate well to the surrounding building context, with particular reference to that of Meadowcroft mews to the north of the site.
- 6.45 Overall, the material palette is successful in breaking up the massing of the façade as well as creating a separate and distinctive commercial base. Considered as a whole, the proposed materiality and detailed design would give rise to a high quality form of development, enhancing the character and appearance of the area when viewed from Rushey Green.
- 6.46 To the rear of the main block, a similar strategy is employed, albeit there will be no differentiation between the ground and upper floors. This is considered an acceptable approach at this location.
- 6.47 As noted above, the smaller rearward proposed block adopts a pitched roof typology and presents itself as a wholly residential building. The massing of this block is articulated with a double height glazed base, with two simple floors above at second and third floor level and a glazed fourth floor. This block would use the same oatmeal brick and the pitched roof would be finished in slate. The material and elevational strategy here is considered appropriate and along with the layout and proposed massing, helps to create a separate and private residential impression to this part of the development.

#### *Summary*

- 6.48 The detailed plans that have been submitted demonstrate that a high quality design is achievable and assists to justify the scale and height of the proposal. Officers consider that the proposed development has maximised the potential of the site and that the scale of building achievable in this location and, subject to the

quality of the detailing and design being adequately secured through conditions, it is considered that the development would be a high quality addition to the area.

## Housing

### *a) Size and Tenure of Residential Accommodation*

- 6.49 The NPPF recognises the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF specifies that local planning authorities should plan for a mix of housing based on current and future demographic trends, identify the size, type, tenure and range of housing that is required in particular locations. This should reflect local demand, and where a need for affordable housing is identified, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.
- 6.50 Given that the application site is within close proximity to local services and to the necessary social infrastructure, it is considered suitable for affordable housing in accordance with Core Strategy Policy 1 and London Plan Policies 3.11 and 3.12. The Core Strategy commits the Council to negotiating for an element of affordable housing to be provided in any major residential development with the starting point for negotiations being a contribution of 50% affordable housing on qualifying sites across the Borough, subject to financial viability.
- 6.51 With regard to tenure mix, Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix.
- 6.52 In terms of dwelling sizes Core Strategy Policy 1 also states that the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings and, in the case of affordable housing, the Council will seek a mix of 42% as family dwellings (3+ bedrooms), having regard to criteria specified in the Policy relating to the physical character of the site, access to private gardens or communal areas, impact on car parking, the surrounding housing mix and the location of schools and other services.
- 6.53 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.

- 6.54 Four of the units proposed would be family units, which equates to 9% of the total mix. Officers have considered the criteria outlined in Core Strategy Policy 1 and consider that the provision of 4 family units would be acceptable on the site given the constrained nature and location of the proposed building. A further 10 two-bedroom and 31 1-bedroom units are proposed in addition to the 4 family units.
- 6.55 Overall, officers consider the mix and type of the units to be in line with the policy requirements and therefore is acceptable.
- 6.56 With regard to affordable housing, the proposed development would provide 45 new dwellings (a net gain of 45), of which 11 would be affordable. This amounts 24.4% by unit and represents an increase from the zero affordable housing units as per the originally submitted application (discussed further below).
- 6.57 The proposed tenure mix is 6 as London Affordable Rent and 5 units as Shared Ownership. This has been revised following officer advice to propose less 1 bed Affordable Rent units and more 2 bed Affordable Rent units. The initially proposed and revised affordable housing offers are set out in Tables 2 and 3 below respectively:

**Table 2: Initially Proposed Affordable Housing**

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	5	2	7
2 bed	1	2	3
3 bed	1	0	1
<b>Total</b>	<b>7</b>	<b>4</b>	<b>11</b>

**Table 3: Revised Proposed Affordable Housing**

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
<b>Total</b>	<b>6</b>	<b>5</b>	<b>11</b>

- 6.58 As above, the applicant has now proposed that the scheme would provide 11 affordable units, comprising 6 Affordable Rent and 5 Shared Ownership units.

This would equate to a 55/45 split, which falls short of achieving the 70/30 mix stated in Core Strategy Policy 1.

6.59 As outlined in table 2 above, the initial offer achieved a 64/36 split which was largely in accordance with the requirements of Core Strategy Policy 1. However, this was revised following officer advice to include more 2 bedroom Affordable Rent units as per the current demand in the borough. Whilst a 70/30 split is not achieved in this instance, officers consider that the revised proposed mix is an improvement over the initial offer, reflecting the current need in the borough, and as such is acceptable.

6.60 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)

6.61 In this case, the applicant proposes that the affordable units would be in compliance with the Planning Obligations SPD (2014). The applicant has 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 weekly charges would be applied on first let and would be exclusive of service charges;

- 1 bed £150.03
- 2 bed £158.84
- 3 bed £167.67

6.62 The Shared Ownership units (a form of intermediate housing) would be available initially to households meeting the Lewisham income levels as defined in the Planning Obligations SPD 2015 and subsequently, if not purchased, to those meeting the GLA income bands. These would be sold with a restrictive covenant restricting subsequent sales (in perpetuity) at the same price, so that units cannot be brought by individuals and 'flipped' for a profit.

6.63 Further to the above, the proposed affordable units are integrated throughout the proposed development both in the main and rearward blocks, and as such, officers consider that the proposed location of the affordable housing units is acceptable. There would be no differentiation in terms of the quality of design, materials or finishes between affordable and private homes and all future residents would have access to the same communal open space, irrespective of tenure. This therefore raises no objection.

*b) Scheme viability.*

6.64 The level of affordable housing proposed falls short of the 50% target in Core Strategy Policy 1 – which is a starting point for negotiations and is subject to

viability. In line with guidance in the Council's Planning Obligations SPD, the application as originally submitted was supported by a Financial Viability Assessment (FVA) (prepared by U.L.L. Property).

- 6.65 The FVA initially submitted sought to demonstrate that the proposed 45 unit scheme with 295 square metres of commercial floorspace would result in a development deficit of £-203,669
- 6.66 The Council commissioned GL Hearn to review the Applicant's FVA, including predicted sales values, construction costs and other assumptions. GL Hearn's review challenged a number of assumptions (including build costs – too high, benchmark land value – too high and housing values – too low). GL Hearn concluded that the proposal would generate a surplus of £1,609,182. GL Hearn's report is attached at **Appendix A**.
- 6.67 In response, and following amendments which reduced the scale of the scheme as outlined above, the applicant has proposed that the scheme would provide 11 affordable units, comprising 6 London Affordable Rent and 5 Shared Ownership units. In light of the applicant's response, GL Hearn's were commissioned to undertake an amended Viability Assessment which concluded that 8 affordable units is the maximum the scheme could viably provide.
- 6.68 Officers welcome the applicant's offer to go beyond what has been accepted by GL Hearn as the "maximum the scheme could viably provide" of eight affordable units, and it is therefore recommended that this level and amount of affordable housing is secured in a S106 Agreement.
- 6.69 Given the affordable housing offer level, and taking account of guidance in the Mayor of London's Affordable Housing and Viability SPG, officers recommend that s106 obligations require the proposed level of affordable housing is subject to further review. The precise terms of the review will be negotiated with the Applicant but would reflect those set out in the London Plan Affordable Housing and Viability SPG. However, these should secure an early stage review (upon substantial implementation if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied – should they be rented, and where developer returns meet or exceed an agreed level).

*c) Wheelchair units*

- 6.70 Core Strategy Policy 1 and London Plan Policy 3.8 state that all new housing should be built to Lifetime Homes standards and that 10% of the new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As such, the application is required to provide 2-3 wheelchair units.
- 6.71 The proposed provision is 5 no. units. Flats 09, 19, 29 (1 beds) and 03, 41 (3beds) on 1st, 2nd, 3rd and 5th floors have been designed to be compliant with Part M4(3). The location and size of the wheelchair units are identified in the Schedule of Accommodation and ground and first floor plans. The level of wheelchair unit provision is considered to accord with the requirements of Core Strategy 1. Two wheelchair accessible lifts are provided in this scheme in excess of London Plan and Building regulation requirements.

6.72 A condition is recommended to secure the provision of the wheelchair units to Building Regulations Part M4(3)(2) and the remaining 90% of units to Building Regulations Part M4(2), equivalent to Lifetime Homes.

*d) Standard of Residential Accommodation*

6.73 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.

6.74 Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.

6.75 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.

6.76 The national housing standards largely reflect the space standards of the London Plan. However, there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent. For reference, the London Plan recommends a floor to ceiling height of 2.5m and the national housing standards prescribe a floor to ceiling height of 2.3m.

6.77 All units would meet these standards with regard to minimum floor space and floor to ceiling heights (London Plan standard of 2.5m).

**Table 4: Dwelling Sizes**

Unit Size	National Technical Standard	Proposed minimum area
1 bed, 1 person	39 sqm	47.51 sqm
1 bed, 2 person	50 sqm	50 sqm
2 bed, 4 person	61 sqm	64.41 sqm
3 bed, 4 person	74 sqm	88 sqm

6.78 All of the proposed bedrooms would meet and exceed the minimum standards with regard to size and width. All units would provide storage in excess of the minimum standards.

6.79 Over 50% of the proposed residential units would have dual aspect outlook. 46.6% of the proposed units would have what the applicant has described as ‘partial dual aspect’ – this is where the plan of the proposed units relies on a balcony located within the floor plate of the unit to provide a partial outlook

towards the south of the application site. These units are all located within the main block of the proposed redevelopment. Only one of the proposed units would have a single aspect outlook. This unit would be located at fifth floor level.

- 6.80 Given the constrained nature of the application site and the massing and design of the existing and adjoining buildings, it is not considered possible to achieve an acceptable or appropriate design which would incorporate 100% dual aspect residential units. If the proposed scheme were to be altered to give rise to a development which achieved 100% dual aspect units, the design would have to be altered to such an extent that the resultant design would not be acceptable. As such, officers consider that on balance the outlook achieved by the proposed residential units is acceptable and appropriate for a site of this nature.
- 6.81 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 gardens (units at ground floor) which meet and exceed the aforementioned standard. Furthermore, a communal amenity space at 140 square metres would be provided to the south of the application site which would be available for use by all future occupants of the development.
- 6.82 Given the above, the proposed development is considered to be acceptable with regard to standard of accommodation.

#### Highways and Traffic Issues

##### a) Access

- 6.83 The site is situated just north of Catford Town Centre with both Catford and Catford Bridge rail stations being located 10-15 minutes walk from the site. The site fronts Rushey Green which, along with Catford Road, make up Catford's main High Street. The site is located approximately 1km south of Lewisham town Centre and is well connected to such by a host of bus routes which run between Catford and Lewisham (47, 54, 75, 136, 185, 199, 208).
- 6.84 It has a Public Transport Accessibility Level (PTAL) of 4, where '1' is rated as Poor and '6' is rated as Excellent. The Council's Core Strategy Policy 15 'High quality design for London' encourages relatively dense development to be located in areas such as Lewisham where the PTAL is Good or Excellent. The site has a PTAL of 4 (good) and is considered to be appropriately accessible.

##### b) Delivery and Servicing

###### *Residential*

- 6.85 The residential refuse stores are located internally at ground floor level, separate to the commercial refuse store. It is anticipated that refuse would be collected from Rushey Green – this is considered an acceptable arrangement. The details of this arrangement would be secured through a Delivery and Servicing Plan by condition.

###### *Commercial*

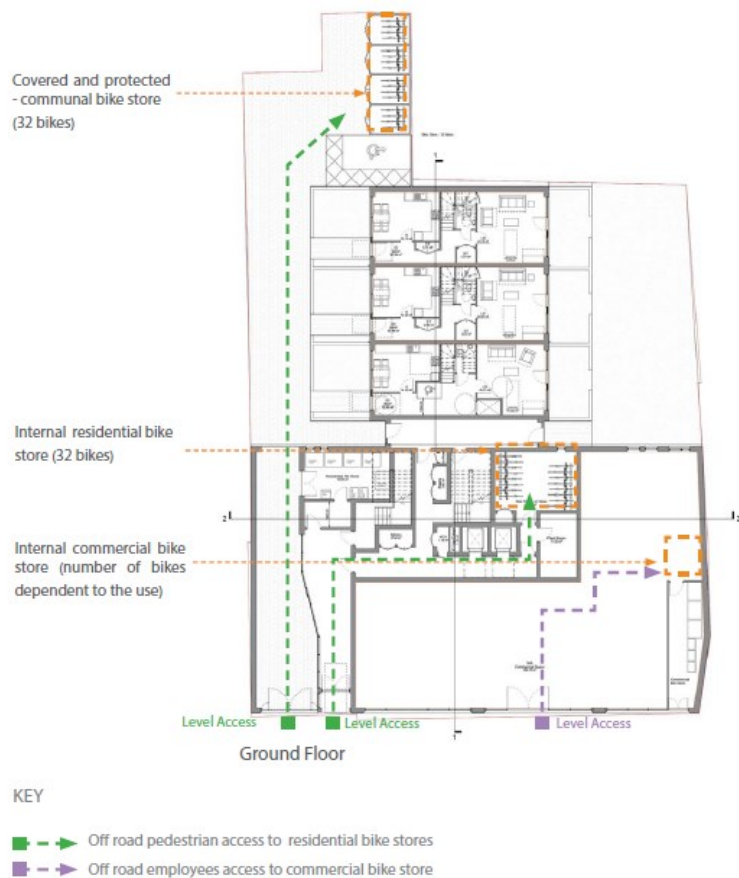
- 6.86 The commercial refuse stores are located internally at ground floor level accessed directly from Rushey Green. It is anticipated that refuse would be collected from Rushey Green – this is considered an acceptable arrangement.
- 6.87 It is proposed that the commercial unit would be serviced via the existing delivery bays on the eastern side Rushey Green located to the north and south of the application site.
- 6.88 The details of the above would be secured through a Delivery and Servicing Plan by condition.

*c) Cycle Parking*

*Residential*

- 6.89 Both the residential long-stay and short-stay cycle parking would be located in secure weatherproof stores, and distributed between five stores as indicated in the diagram below which is an excerpt from the applicant’s design and access statement.

**Figure 1: Cycle Parking**





- 6.90 Four of the stores would be located within the north-eastern corner of the site adjacent the existing substation. Each of these stores would contain four two-tier stands providing parking for eight bicycles. The remainder of the residential cycle parking would be located toward the rear of the commercial unit, 16 two-tier stands will provide parking for 32 bicycles providing a total of 64 cycle parking spaces.
- 6.91 Policy 6.9 of the London Plan requires that all developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed 2 per all other dwellings. In addition, one short stay cycle parking space should be provided per 40 units.
- 6.92 As such, the proposed development should provide a total of 59 long stay spaces and 1 short stay space. Given the above, the proposed development is in excess of the required standards.

*Commercial*

- 6.93 Dependant on the end use of the proposed commercial unit, the standards for long stay and short stay cycle provision vary as per the table below

**Table 5: Commercial cycle parking standards**

Use	Long stay standard	Short stay standard
A1 (food)	2	8
A1 (non-food)	1	3
A2/A3	2	8
B1	4	1

- 6.94 The long stay spaces would be provided within the commercial unit at ground floor level as indicated by the diagram above a potential location for the long stay. The provision of long stay cycle parking would be secured by condition.
- 6.95 It is proposed by the applicant that the short stay spaces are provided by an extension to the existing bay of Sheffield stands located to the front of the application site. The council would require that the maximum potential number of required spaces be provided (eight spaces or four Sheffield stands) as an extension to the existing bay of stands. This would be secured by a Grampian condition.

*d) Car Parking*

- 6.96 The proposed development is to be car free. A car-free approach is supported in this location, which benefits from a good PTAL rating of 4 given the high level of cycle parking provision and subject to the applicant agreeing to the removal of

access to parking permits for future residents of the proposed development through a section 106 agreement.

- 6.97 The council would also require that the applicant provide car club membership for three years for future occupants of the development (through a section 106 agreement) and that a Travel Plan is submitted and to and approved by the Council by way of a condition.
- 6.98 With regard to disabled parking provision, the applicant had initially proposed to provide one disabled parking bay on site. The application was revised following advice from officers to remove the proposed disabled parking bay from the rear of the site adjacent to the existing substation. This amendment was requested as disabled parking provision could be addressed off-site as well as providing a better quality of public realm and improving pedestrian safety due to less vehicular movement across the pavement of the eastern side of Rushey Green.
- 6.99 In accordance with the London Plan, the applicant is required to provide at least 4 disabled parking spaces. Table 6.2 “Car Parking Standards” of The London Plan seeks that “Adequate parking spaces for disabled people must be provided preferably on-site”. In this instance, it is considered that due to the site constraints and in the interest of pedestrian safety, that the principle of not providing disabled parking spaces on site is acceptable.
- 6.100 The applicant has demonstrated in their Transport Statement that two on-street disabled parking bays could potentially be accommodated safely on Davenport Road without causing an unreasonable impact to on-street parking pressure – these spaces would be provided some 70m and 100m away from the proposed development, which is further than usually desirable. Notwithstanding the distance of the spaces away from the proposed development, future wheelchair users to the spaces would be via a level and unobstructed footpath.
- 6.101 Further to the above, the council’s Highways department have commented that these spaces could potentially be provided closer to the proposed development by conversion of the red route parking spaces on Davenport Road to disabled parking bays. This however would have to be agreed with Transport for London prior to works being carried out.
- 6.102 Whether located on converted red route bays or elsewhere on Davenport Road, the provision of the two wheelchair parking bays spaces would be secured by way of a section 278 agreement requiring the spaces to be located as close to the proposed development as possible. If further spaces are required, the Council currently operates a system whereby a resident may make an application to the Council for a bay to be designated on-street.
- 6.103 Whilst the proposed development would result in an under-provision of disabled parking spaces, this is considered acceptable on balance given the nature and location of the application site and in the interests of general highway and pedestrian safety.

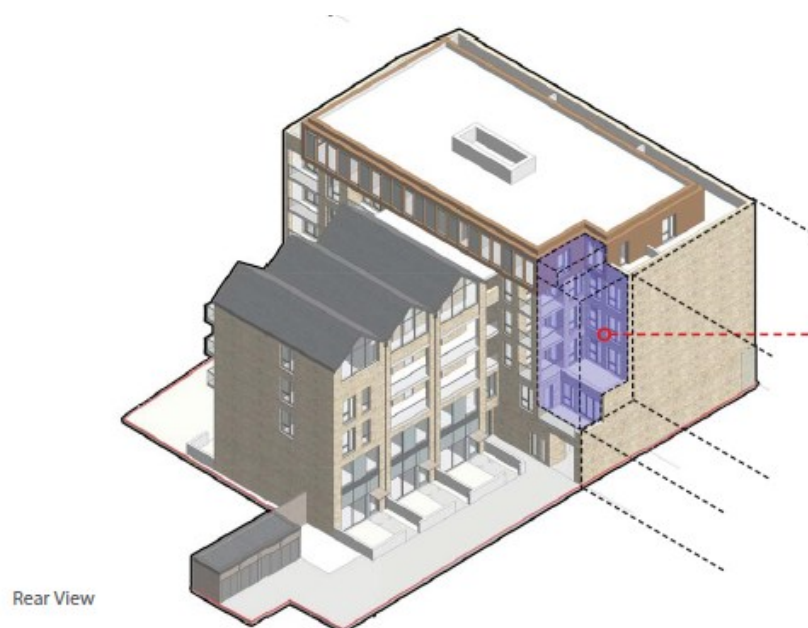
#### Impact on Adjoining Properties

- 6.104 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.

- 6.105 An assessment of daylight and sunlight has been carried out for the development in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight". This report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties surrounding the site as well as within the proposed development itself.
- 6.106 It is important to note that the BRE guidance includes a degree of flexibility within its application and for instance, developments in urban areas are treated differently to suburban areas because expectations of daylight and sunlight into properties differ in such locations. Consequently, it is often necessary to aim for different 'target values' of daylight and sunlight into rooms according to the location of the development.
- 6.107 The application has been amended following officer advice to mitigate the impact of the proposed development on surrounding residential uses, with particular reference to the Meadowcroft Mews block which abuts the site to the north. The following excerpt from an addendum to the Design and Access Statement outlines where the massing was reduced (purple shading):

**Figure 2: Reduced proposed massing**



- 6.108 The applicant has provided an amended Daylight and Sunlight Report providing an assessment in accordance with the BRE Guidance outlined above.

Daylight to windows

- 6.109 The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a

window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. A further measure of daylight distribution within a room is no sky line (NSL). This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

### *21-23 Rushey Green*

- 6.110 This property is located to the south of the application site and provides residential accommodation at first, second and third floor levels.
- 6.111 The applicant has undertaken analysis of the windows serving habitable rooms, which are set out in Appendix C of the Daylight and Sunlight Report. This analysis demonstrates that all except one window at first floor level achieves the numerical values set out in the BRE Guidelines. The one window which does not achieve the VSC standard of 0.8 of the existing value would achieve a VSC of over 0.7 the existing value. Furthermore, the existing VSC for this window is already below the recommended BRE standard of 27%, sitting at 19.4% meaning that given the urban location, the impact of the proposed development on this window is considered acceptable.
- 6.112 The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the room lies in front of the NSL.
- 6.113 Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at 21-23 Rushey Green.

### *Meadowcroft Mews*

- 6.114 Meadowcroft Mews provides residential accommodation in two blocks to the north of the site.
- 6.115 The main block which abuts the site and fronts onto Rushey Green, provides commercial accommodation on the ground floor, with five floors of residential accommodation above. To the west of this is a separate block which provides residential accommodation over four floors.
- 6.116 In relation to the main block, none of the windows serving habitable rooms look directly over the site. The second block on George Lane has windows facing directly over the site, with all of these, except two windows at second floor level serving bedrooms. The two exceptions serve the same living room.
- 6.117 The analysis was undertaken in accordance with paragraph 2.2.11 of the BRE Guidelines, with the existing balconies on Meadowcroft Mews omitted, and indicates that all except one window at second and third floor within the main building closest to the site boundary would achieve the numerical values set out in the BRE Guidelines.
- 6.118 With regard to the two windows that do not achieve the above, these do not currently achieve a VSC of 27%. As a result of the proposed development, both of

these windows would experience 0.78 of the daylight levels of those existing. Taking this and the urban location into account, it is considered that the proposals would not have a significant effect on the daylight enjoyed by this property.

- 6.119 The applicant has also provided an analysis of this building with the balconies included. The results indicate that four windows (one per first floor to fifth floor) closest to the boundary, currently enjoy very a low level of natural daylight, below 17% VSC. This indicates that the design of this property restricts its enjoyment of natural light, with the windows located in the elevation set back from the main building line, close to the site boundary and with balconies overhanging.
- 6.120 Due to the existing low level of daylight, any reduction in VSC, expressed, as a percentage will appear disproportionate. As a result, the proposed VSC's are only between 0.5% and 1.2% below that recommended to achieve at least 0.8 times the existing, although all will achieve in excess of 0.7 times the existing, which is generally considered appropriate for an urban location.
- 6.121 The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the room lies in front of the NSL.
- 6.122 Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at Meadowcroft Mews.

#### *1 Davenport Road*

- 6.123 This property is located to the east of the site and has windows in its flank elevation over two floors, serving residential accommodation.
- 6.124 The results of the VSC analysis demonstrate that in all instances a VSC of greater than 27% is achieved. The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the room lies in front of the NSL.
- 6.125 Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at 1 Davenport Road.

#### *Sunlight to windows*

- 6.126 The BRE Guidelines require that all windows within 90 degrees of due south should be considered. The recommended numerical values set out within the BRE Guidelines are for a window to achieve Annual Probable Sunlight Hours (APSH) of 25%, including at least 5% during the winter months. Where the difference in the APSH is more than 4% between the existing and proposed both the total APSH and those enjoyed within the winter months are more than 0.8 times the existing values. The guidelines however also state that bedrooms are less important than living rooms.
- 6.127 As such, the applicant's Daylight and Sunlight Report has therefore considered the impact of the proposed development on Meadowcroft Mews and 21-23 Rushey Green.

#### *21-23 Rushey Green*

- 6.128 The results of the analysis demonstrate that in all instances the numerical values set out in the BRE guidelines are achieved.

*Meadowcroft Mews*

- 6.129 The results of the analysis demonstrate that all windows, except the windows closest to the site boundary at first, second and third floor level would achieve the required APSH.
- 6.130 The windows that do not achieve the required APSH would enjoy overall APSH levels of at least 18%, which is considered reasonable for an urban location. Additionally, the window impacted at first floor level does not meet the relevant standards as existing.
- 6.131 The applicant has also provided results of the analysis with the balconies omitted which demonstrates that all except the first floor window would enjoy at least 25% summer APSH, with the lowest (first floor window) achieving 24%. This again indicates that the design of the building itself restricts access to sunlight. In relation to sunlight during the winter months, there are two additional first floor windows that would fall just below the recommended level. However, these serve bedrooms which are considered less important by the BRE guidelines.
- 6.132 The applicant has also drawn attention to the orientation of this property which is such that it is only 1 degree from not facing within 90 degrees of due south which would mean that the building was not required to be analysed in accordance with the BRE guidelines.
- 6.133 Given the above, and that the proposed development is considered acceptable with regard to impact on daylight to the windows of Meadowcroft Mews; on balance, the proposed development is considered acceptable with regard to the impact on sunlight to the windows of Meadowcroft Mews.

Outlook

- 6.134 With regard to outlook, an important consideration is the impact of the development from neighbouring properties and whether the development would have an overbearing impact by reason of its proposed scale and mass.
- 6.135 The Council does not have guidance in respect of separation distances for flank to flank relationships, instead reference is made to the requirement of Policy DM 32 for new development to be neighbourly and provide adequate outlook.
- 6.136 The proposed development would largely follow the footprint, height and massing of the existing building at the application site. As such, the proposed development is not considered to impact unreasonably on the outlook of occupants of adjoining residential units.

Privacy

- 6.137 The Council's Residential Development Standards SPD (updated 2012) states that developers will be expected to demonstrate how the form and layout of their proposals will provide residents with a quality living environment, and how privacy will be provided both for the neighbours and the occupiers of the proposed development.

- 6.138 It states that a minimum separation distance of 21 metres should be maintained between directly facing habitable room windows on main rear elevations, unless mitigated through design. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development. A greater separation distance will be required where taller buildings are involved.
- 6.139 The acceptable distance between front elevations should normally be determined by the character of road widths in the area. The use of mews, courtyard, and other similar forms of development may entail relatively small front to front distances.
- 6.140 The minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more.
- 6.141 The main block of the proposed development which would front Rushey Green would largely raise no concern with regard to loss of privacy given proposed windows would face the same orientation as those existing. However, the proposed roof terrace at first floor level serving unit number 10 would abut the roof terrace serving the directly adjacent first floor unit at Meadowcroft views.
- 6.142 Given the above, to prevent undue loss of privacy to the occupants of Meadowcroft Mews the proposed roof terrace serving unit number 10, officers recommend a condition is imposed requiring appropriate screening be provided along this boundary.
- 6.143 With regard to the rearward block of the proposed development, the separation distances from window to window in relation to the George Lane block of Meadowcroft Mews will be 21m which is considered to be policy compliant. Residential properties on the Davenport Road side of the proposed rearward block are located in excess of 21m from the proposed block or are located at an oblique angle in relation to such and thus would not give rise to any unreasonable loss of privacy.
- 6.144 Given the above, the proposed development is acceptable with regard to impact on privacy of occupants of surrounding developments.

#### Sustainability and Energy

- 6.145 Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

##### *a) Carbon Emissions*

- 6.146 Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be green: use renewable energy

- 6.147 Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.
- 6.148 From 1<sup>st</sup> October 2016, the London Plan requires new major development to provide 'zero carbon' housing. The London Plan Housing SPG defines zero carbon homes as "homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site (in line with policy 2.5B). The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.
- 6.149 The onsite reduction in regulated CO2 emissions over the Building Regulations Part L (2013) baseline will be 35% in accordance with the London Plan Policy 5.2. Energy Efficiency measures will result in a 12.3% reduction over the Part L (2013) baseline, and with the specification of photovoltaic panels this will reach 35.1%;
- 6.150 In accordance with the London Plan, the remaining regulated carbon dioxide emissions, to 100 per cent, would be off-set through a cash in lieu contribution of £110,142.

*b) BREEAM*

- 6.151 Core Strategy Policy 8 requires that non-residential development should achieve a minimum of BREEAM 'Excellent' standard or any future national equivalent.
- 6.152 The Applicant's Sustainability Statement includes a BREEAM pre-assessment for a non-specific non-residential building type, using BREEAM 2014 New Construction, Shell and Core. This indicates that the proposed development is on target to achieve a 'Very Good' rating.
- 6.153 Officers note the policy requirement for 'Excellent' and that the pre-assessment within the applicant's Sustainability Statement indicates that the proposed commercial unit would score 65.83%, with the percentage required for an excellent rating being 70%.
- 6.154 The pre-assessment was based upon a 'shell and core' delivery as opposed to a full fit out. As this permission would be conditioned to ensure a full fit out of the commercial unit, officers consider that a BREEAM 'Excellent' rating would be feasible and recommend that the application be conditioned to require the applicant to meet this standard.

Living Roofs and Ecology

- 6.155 London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more



diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.

- 6.156 In this instance, the scheme proposes a living roof to the flat roof of the main block of the proposed development, facing Rushey Green. A section has been provided which shows that, in terms of substrate depth and planting methodology, the specification meets the Council's requirements. A condition would be required to enable species composition to be agreed.
- 6.157 Taking into account the existing site condition, and lack of natural habitat it is considered that the proposals, through provision of a good quality living roofs, achieves an enhancement of biodiversity habitat on site. The living roofs proposed in this instance would assist in attenuating and reducing the amount of run-off actually leaving the site. Overall, the proposal is considered to be acceptable when judged against sustainability policies and other site considerations.

### Other Considerations

#### *Employment and Training*

- 6.158 As London's economy grows the number of jobs and careers available to Lewisham's citizens will increase. Many of these jobs will require specific skills. Lewisham's citizens should feel equipped to compete for the best jobs and fulfil their aspirations.
- 6.159 The Lewisham Local Labour and Business Scheme is a local initiative that helps local businesses and residents to access the opportunities generated by regeneration and development activity in Lewisham.
- 6.160 This particular policy objective provides the basis of the Government's commitment to reducing the environmental impact of new developments.
- 6.161 The use of local labour can also limit the environmental impact of new development due to people commuting shorter distances to travel to work.
- 6.162 The approach set out in the Council's Planning Obligations SPD is to split the contributions required equally between residential and commercial development. The contribution sought reflects the current training and operation costs of running the programme to the end date of this document (2025).
- 6.163 A threshold for residential developments of 10 dwellings or more, including mixed-use schemes and live-work units, is set. Applied to the application scheme, this gives a contribution of £39,220.

### Planning Obligations

The National Planning Policy Framework (NPPF) 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 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

6.164 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.

6.165 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

6.166 The following obligations are proposed to be secured by S106 agreement:

*Housing*

- Minimum 24.4% affordable housing (by unit)
- Dwelling mix: London Affordable Rent 6 units and Shared Ownership 5 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
<b>Total</b>	<b>6</b>	<b>5</b>	<b>11</b>

- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/ Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).

- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

#### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

#### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

#### *Carbon Offset Payment*

- Financial contribution of £110,142

#### *Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

#### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

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

## **7.0 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) and Local CIL are a material consideration in the determination of this application. CIL is payable on this application and the applicant has completed the relevant form.

## **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:-

- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- ii. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- iii. 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 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.

## **9.0 Conclusion**

9.1 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.

9.2 It is considered that the scale of the development is acceptable, that the building has been designed to respond to the context, constraints and potential of the site and that the development will provide a high standard of accommodation.

9.3 The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place the scheme accords with local and national policies.

9.4 The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

## 10.0 **RECOMMENDATION (A)**

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

### *Housing*

- Minimum 24.4% affordable housing (by unit)
- Dwelling mix: London Affordable Rent 6 units and Shared Ownership 4 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
Total	6	5	11

- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/ Private dwellings.
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).
- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

### *Carbon Offset Payment*

- Financial contribution of £110,142

*Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

*Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £3,000 as per the Planning Obligations SPD.

**RECOMMENDATION (B)**

Upon the completion of a satisfactory Section 106 in relation to the matters set out above, authorise the Head of Planning to grant Planning 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:

01150\_BP\_01; 01150\_E\_03; 01150\_P\_00\_V1; 01150\_P\_00\_V2;  
 01150\_P\_00\_V3; 01150\_P\_00\_V4; 01150\_P\_00\_V5; 01150\_SP\_01;  
 01150\_SV\_01; 01150\_SV\_02; 01150\_SV\_03; 01150\_SV\_04; 01150\_SV\_05;  
 01150\_SV\_07; 01150\_SV\_08; 01150\_SV\_09; 01150\_SV\_10; 01150\_SV\_11;  
 01150\_SV\_12; 01150\_X; Air Quality Assessment dated 02 May 2017  
 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based  
 Assessment dated April 2017; Design and Access Statement dated June  
 2017; Economic Statement dated June 2017; Environmental Noise Survey  
 Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE;  
 Statement Of Community Involvement dated April 2017; Sustainability  
 Statement version V.2 dated May 2017; Planning Statement; Preliminary  
 Construction Management Plan reference number 105922/12/001 dated 28  
 April 2017; Transport Statement dated June 2017 received 05 June 2017

01150\_BS\_01; 01150\_BS\_02; 01150\_DE\_01; 01150\_DE\_02; 01150\_DE\_03; 01150\_DE\_04; 01150\_CD\_01; 01150\_P\_06 (Proposed PV layout); D0299\_001 A; D0299\_002 E; Ecological Assessment dated July 2017 received 14 August 2017

01150\_E\_01 P2; 01150\_E\_02 P2; 01150\_P\_01 P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

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

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

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

4. (a) No development (other than demolition of above ground structures) shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban

drainage solutions, has been submitted to and approved in writing by the local planning authority.

- (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2011) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10:Managing and reducing the risk of flooding (2011).

- 5. (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of 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) any such operations must be submitted to and approved in writing by the local planning authority in consultation with Thames Water prior to commencement of development (excluding above ground demolition) on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

- 6. Prior to any above ground works (excluding demolition) a detailed schedule and sample panel of all external materials, including surface treatments, and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority.

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

- 7. The refuse storage and recycling facilities shown on drawing 01150\_P\_00 P2 hereby approved, 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).

8. (a) A minimum of 64 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level on site 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).

9. (a) The commercial unit hereby approved shall be fitted with a minimum of 4 secure and dry cycle parking spaces in the case of an A1 (food retail use), 1 in the case of an A1(non-food) retail use, 2 in the case of an A2/A3 use and 4 in the case of a B1 use, prior to occupation
- (b) The commercial unit shall not be occupied 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) 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).

11. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. D0299\_001 A hereby approved and maintained thereafter. Prior to commencement of the above ground works, a planting specification shall have been submitted to and approved in writing by the local planning authority.
- (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.

**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 (2015) , 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).

12. (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).

13. (a) Notwithstanding the details approved, no part of the development hereby approved shall be occupied until such time as a user's Travel Plan, 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).

14. Prior to the occupation of the building hereby approved, details of screening to the balconies serving unit numbers 10, 13, 23 and 33 shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be installed prior to the occupation of unit numbers 10, 13, 23 and 33, 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 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

15. (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) Units 03, 09, 19, 29, 41 shall meet standard M4(3)(2)

(ii) All other units shall meet standard M4(2)

(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) of this condition.

(c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

**Reason:** To ensure that there is an adequate supply of wheelchair 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).

16. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on the elevations or the roof of the building.

**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).

17. 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 shall be fixed on the external faces of the building.

**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).

18. 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 31 Alterations and extensions to existing buildings including residential extensions, 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).

19. The whole of the amenity space (including roof terraces and balconies) as shown on the approved plans hereby approved shall be retained permanently for the benefit of the occupiers of all 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).

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

**Reason:** In order to prevent any unacceptable loss of privacy to adjoining properties and the area generally and to comply with Policy 15 High Quality design for Lewisham of the Core Strategy (June 2011), and DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

21. (a) No development shall commence above ground level on site until plans (1:50) and details showing the physical fit out of the commercial unit hereby approved have been submitted to and approved in writing by the local planning authority.

- (b) Prior to occupation of the residential units, the commercial unit shall be constructed in full accordance with the approved details.

**Reason:** To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 4 Mixed Use Employment Locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations

22. (a) Prior to commencement of an A3 use, detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

**Reason:** To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) of the Development Management Local Plan (November 2014).

23. The commercial premises hereby approved shall only be open for customer business between the hours of 07:00 and 23:00.

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

24. (a) The commercial units shell and core works hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development of the commercial unit shall commence until a Design Stage Certificate for the commercial unit (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.
- (c) Within 3 months of first occupation of any commercial unit, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment Qualified Assessor) to demonstrate full compliance with part (a) of this condition in respect of such commercial unit.

**Reason:** To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction,

5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2016) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (June 2011).

25. (a) No development (excluding demolition) 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:

- (i) the extension of the existing Sheffield stand bank on Rushey Green to provide 4 no. Sheffield type stainless steel stands
- (ii) the provision of two disabled parking spaces on Davenport Road;

(b) The building shall not be 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). This is a pre-commencement condition because the local planning authority needs to be satisfied that the proposed and required Highways Works necessary to facilitate the development can be satisfactorily designed before development starts.

26. (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).

## 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.

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**GL Hearn**

Part of Capita Real Estate

# 9-19 Rushey Green Lewisham SE6 4AZ

## **Viability Assessment**

for  
London Borough of Lewisham

November 2017

## **Prepared by**

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## **Contents**

<b>Section</b>		<b>Page</b>
<b>1</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2</b>	<b>GENERAL METHODOLOGY</b>	<b>6</b>
<b>3</b>	<b>CRITIQUE OF BENCHMARK LAND VALUE</b>	<b>8</b>
<b>4</b>	<b>ASSESSMENT OF APPLICATION SCHEME INPUTS</b>	<b>11</b>
<b>5</b>	<b>FINANCIAL APPRAISALS &amp; CONCLUSIONS</b>	<b>20</b>
<b>6</b>	<b>REVISED SCHEME CONCLUSIONS (MARCH 2018)</b>	<b>22</b>

## **Appendices**

**APPENDIX A: BUILD COST SUMMARY**

**APPENDIX B: FINANCIAL APPRAISAL**

## Quality Standards Control

The signatories below verify that this document has been prepared in accordance with our quality control requirements. These procedures do not affect the content and views expressed by the originator.

This document must only be treated as a draft unless it has been signed by the Originators and approved by a Business or Associate Director.

DATE

November 2017

ORIGINATORS

David Price  
Senior Surveyor



APPROVED

Guy Ingham  
Director



### Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of GL Hearn; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

## 1 INTRODUCTION

- 1.1 GL Hearn has been instructed by London Borough of Lewisham (the Council) to review a viability assessment submitted by Upside London Limited (ULL) on behalf of Threadneedle Pensions Limited (the Applicant) in support of their proposed planning application for a site at 9-19 Rushey Green (the Site).
- 1.2 The subject property comprises a brick built office building providing 28,144 sq ft of Use Class A2 accommodation and secure parking to the rear of the site. The site is located on Rushey Green, due south of Lewisham High Street in the London Borough of Lewisham. The immediate area comprises a mix of commercial and residential uses.
- 1.3 Rushey Green (A21) provides access into central Lewisham to the north and the south circular to the south. The site is situated between Lewisham and Catford and is circa 1.1 miles from Lewisham Station which provides access to the DLR and National Rail Services with Catford Station located 0.7 miles to the south west. Lewisham Shopping Centre is located approximately 0.9 miles to the north.
- 1.4 ULL is the lead author of the Financial Viability Assessment (FVA) but they have relied on a number of sources of third party advice. Specifically the following information has been incorporated in their assessment:-

- Robinson Low Francis (RLF) - Construction Costings
- JTP - Architect

### **The Application Scheme**

- 1.5 Planning permission is sought by the Applicant for the following:-

*“Demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping”.*

- 1.6 The Applicant is proposing a new six storey building to provide 45 residential flats comprising 27 x 1 bed units, 14 x two bed units and 4 x three bed units situated on the ground to fifth floor levels along with 295 sq m of commercial accommodation on the ground floor.
- 1.7 We have been provided with an accommodation schedule for the proposed residential units detailing the individual units and pricing which arrives at an overall capital value rate of £551psf. We detail in the table below the range of prices applied to each unit type;

Unit Type	Units	Area Range (sq ft)	Price Range	Price Range (£/psf)
1 bed apartment / 2 person	27	539 - 689	£320,000 - £375,000	£545 - £594
2 bed apartment / 3 person	11	664 - 720	£390,000 - £400,000	£555 - £587
2 bed apartment / 4 person	3	755 - 755	£415,000 - £415,000	£550 - £550
3 bed apartment / 4 person	1	947 - 947	£475,000 - £475,000	£501 - £501
3 bed duplex / 4 person	3	1,160 - 1,349	£530,000 - 580,000	£430 - £457
<b>Total</b>	<b>45</b>	<b>30,541</b>	<b>£16,820,000</b>	<b>£551</b>

- 1.8 In addition to the proposed residential accommodation detailed above the Applicant is proposing 295 sq m of flexible A1/A2/A3/B1 use accommodation with associated ancillary space including a bike store, refuse and recycling storage and landscaping.
- 1.9 ULL has indicated that the proposed scheme comprising a nil on-site affordable housing contribution or payment in lieu of affordable housing results on a deficit of £203,669 when the residual land value is compared to ULL's opinion of Benchmark Land Value. Despite the projected deficit, ULL has stated that the Applicant is willing to bring forward the site.

## 2 GENERAL METHODOLOGY

### Introduction

- 2.1 GL Hearn's review of the FVA has had regard to the RICS Guidance Note "Financial Viability in Planning".
- 2.2 We do not take issue with the overarching methodology used by the applicant's consultant within their assessment. They have:
- Assessed the realisable value of the proposed scheme;
  - Assessed the costs associated with delivering the scheme including provision of a build cost plan;
  - Assessed a Benchmark Land Value (based on EUV);
  - Undertaken a residual appraisal to calculate the residual land value which is compared against the Benchmark Land Value to establish whether the scheme is viable or not assuming the current level of planning obligations.
- 2.3 ULL has used the Argus Developer appraisal programme to assess the viability of development. This is a commercially available, widely used software package for the purposes of financial viability assessments. The methodology underpinning viability appraisals is the Residual Method of Valuation, commonly used for valuing development opportunities. Firstly, the gross value of the completed development is assessed and the total cost of the development is deducted from this.
- 2.4 The approach adopted by ULL has been to adopt a number of assumptions in relation to the proposed scheme which produces the residual land value. With this approach, if the residual land value is lower than the Benchmark Land Value, then the scheme is deemed to be unviable and is therefore unlikely to come forward for development unless the level of affordable housing and/or planning obligations can be reduced.
- 2.5 In this case the ULL has considered the Benchmark Land Value on the basis of Existing Use Value (EUV) as a 28,144 sq ft office let to a Job Centre Plus to which a land owner's premium has been applied before arriving at an assumed Benchmark Land Value of £1,920,000.
- 2.6 ULL has modelled the proposed scheme and indicated that the development produces a residual land value of £1,716,331. ULL has indicated that the scheme provides a deficit of £203,669 when compared to the assumed BLV of £1,920,000.
- 2.7 Given the findings of their viability analysis, ULL has concluded that the proposed scheme is unable to deliver any on-site affordable units or off-site contribution in addition to the assumed CIL contributions and Carbon Offset Payment and despite the projected deficit, it appears that the Applicant is willing to proceed with the development.

- 2.8 Given that the calculations are being made well in advance of even commencement of the development, the figures used in the applicant's appraisal can only be recognised as a projection. As such, it is essential that all assumptions are carefully scrutinised by the Council to ensure that they reflect current market conditions and have not been unreasonably depressed in respect of the value or overestimated in respect of the development costs.
- 2.9 GL Hearn's approach once again has been to critically examine all of the assumptions on which the ULL appraisal is based.
- 2.10 It is also important to carefully scrutinise the applicant's methodology. In particular the measure of Benchmark Land Value, which we analyse in the following section, as it has a fundamental effect on the viability equation.

### 3 CRITIQUE OF BENCHMARK LAND VALUE

3.1 Determining an appropriate Benchmark Land Value is often the most important factor in determining the viability. Put simply, if the value generated by the development does not produce a positive figure, there is no financial incentive to bring forward the development with all its associated risk.

3.2 Arriving at an appropriate Benchmark Land Value is not a straightforward exercise and this is acknowledged at 3.4.6 of the RICS Guidance Note which states that:

*“The assessment of Site Value in these circumstances is not straightforward, but it will be, by definition, at a level at which a landowner would be willing to sell which is recognised by the NPPF.”*

3.3 In arriving at an appropriate BLV regard should be had to existing use value (also referred to as current use value), alternative use value, market/transactional evidence (including the property itself if that has recently been subject to a disposal/acquisition), and all material considerations including planning policy. Existing Use Value is widely used in establishing Benchmark land value and is supported in the latest mayoral SPD and by the London Assembly Planning Committee.

#### **Summary of Applicant’s Position**

3.4 ULL has put forward a BLV of £1,920,000 having considered the site value on the basis of Existing Use Value (EUV). The subject site comprises a 28,144 sq ft office building and also provides secure car parking spaces. The property is let entirely to Job Centre Plus and we understand the tenant operates under Use Class A2.

3.5 ULL has considered the achievable rental value of the subject property based on comparable evidence and applied an appropriate yield based on comparable investment transactions to arrive at their opinion of EUV. ULL has adopted the current net effective rent of £133,333 per annum which has been capitalised at a yield of 8% before arriving at an assumed EUV of £1,600,000.

3.6 ULL has applied a premium of 20% to the EUV as an incentive for the land to be released for development which results in a Benchmark Land Value of £1,920,000. We comment on each of these assumptions in turn below;

#### Rent

3.7 As previously stated the property is currently let to Job Centre Plus on a lease from 29<sup>th</sup> September 2016 to 31<sup>st</sup> March 2018 at a passing rent of £160,000 per annum reflecting an overall rate of £5.69 per sq ft. We understand that the net effective rent is £133,333 per annum after allowing for a three month rent free period.



- 3.8 In addition to the evidence cited within the property, ULL has referred to other evidence in the locality of comparable A2 accommodation, specifically Duke House, 84-88 Rushey Green and Catford Town Hall. Duke House, 84-88 Rushey Green comprised 1,462 sq ft of secondary office accommodation and was available to rent in December 2016 at a rent equating to £14.02 per sq ft. We understand that The Compass Company took 20,934 sq ft of office accommodation at Catford Town Hall on a 1 year lease with a 6 month break option at a rent equating to £18 per sq ft. ULL has reported that the accommodation was newly refurbished at the time of letting.
- 3.9 We would comment that the best evidence is the subject property itself. We do not consider newly refurbished accommodation to be comparable to the subject accommodation and the accommodation referred to at Duke House is of a significantly reduced scale when again compared with the subject premises.
- 3.10 ULL has adopted the net effective rent of £133,333 equating to £4.74 per sq ft which has been capitalised by an assumed yield. We do not take issue with the rent adopted given the recent nature of the letting and have applied this for the purposes of our modelling.

#### Yield

- 3.11 ULL has applied a yield of 8% having cited market evidence in the locality. We would comment that there is a significant level of risk associated with the income on the subject property given the Job Centre Plus lease term expires in March 2018.
- 3.12 Having reviewed the evidence provided and undertaken our own assessment of the market we are of the opinion that 8% is reflective of market conditions. In the light of our research and the lack of similar properties transacting the immediate locality, we consider 8% to be reasonable.

#### Valuation Methodology

- 3.13 It appears from the Financial Viability Report that ULL has simply applied their assumed net effective Market Rent and capitalised at a yield of 8% into perpetuity before applying a premium of 20%. Whilst we agree with the rental and yield assumptions we consider the methodology not to be correct.
- 3.14 We have therefore valued the current income (£160,000) until the end of the term at lease expiry (31<sup>st</sup> March 2018). We have then assumed a void period of 18 months before valuing the reversion. We have not assumed any rent free periods as the assumed reversionary rent is net of incentives. We have also accounted for purchaser costs, letting fees and empty rates in our EUV figure.
- 3.15 Adopting the above assumptions we arrive at an EUV of £1,282,500.

### Premium

- 3.16 ULL has applied a premium of 20% to the EUV to incentivise the landowner to release the land for development on account of the potential use as a B1 office. We would comment that for a change of use to be granted a full planning application would be required. As such, there are inherent risks associated, especially given the town centre location with local authorities often seeking to protect retail uses particularly at ground floor level.
- 3.17 The latest Mayoral SPD states that premiums require justification and could be between 10 per cent and 30 per cent, but must reflect site specific circumstances. We note the existing lease term is due to expire early next year and at which point we are advised that the Job Centre will vacate the premises. Therefore, as we have referred to above, there is a significant risk attached to this income especially given the standard of accommodation and current use class of the building. As such we consider a 10% premium to be reasonable in this instance.

### Summary

- 3.18 ULL has arrived at an EUV of £1,600,000 to which they have applied a premium of 20% to arrive at an assumed BLV of £1,920,000.
- 3.19 Reflecting our assumptions in regard to the assumed void period at lease expiry we have arrived at an EUV of £1,282,500 to which we have applied a premium of 10% in order to arrive at an assumed BLV of £1,410,750.
- 3.20 We have therefore assumed a Benchmark Land Value of **£1,410,750** on which to assess the viability of the scheme proposed.

## 4 ASSESSMENT OF APPLICATION SCHEME INPUTS

4.1 The following section critically reviews the proposed scheme and the assumptions adopted in the applicant's FVA.

### Residential Value Assumptions

4.2 The key value driver of the application scheme is the residential content and we review this in the following section.

4.3 As referred to earlier the proposed scheme comprises 45 residential units in a mix of one, two and three bed apartments. All of the units are proposed as private sale with zero provision of affordable housing.

4.4 ULL has undertaken their own research into the local residential market and has applied the following range of sales values to the proposed units:-

Unit Type	Units	Area Range (sq ft)	Price Range	Price Range (£/psf)
1 bed apartment / 2 person	27	539 - 689	£320,000 - £375,000	£545 - £594
2 bed apartment / 3 person	11	664 - 720	£390,000 - £400,000	£555 - £587
2 bed apartment / 4 person	3	755 - 755	£415,000 - £415,000	£550 - £550
3 bed apartment / 4 person	1	947 - 947	£475,000 - £475,000	£501 - £501
3 bed duplex / 4 person	3	1,160 - 1,349	£530,000 - 580,000	£430 - £457
<b>Total</b>	<b>45</b>	<b>30,541</b>	<b>£16,820,000</b>	<b>£551</b>

4.5 We have reviewed the evidence provided and also undertaken our own research in order to verify the assumptions adopted. Before commenting on the on the specific comparable evidence we briefly set out below an overview of the residential market for context:-

4.6 The Land Registry House Price Index (HPI) reported in July 2017 that the annual rate of growth of house prices in the England was 5.4%, and the monthly rate of change was 1.0%. The average house price in England was £243,220 at July 2017.

4.7 London experienced lower growth in the year to July 2017 at 2.8%, with average house prices in London as at July 2017 being £488,729 after monthly growth of 0.3%.

- 4.8 Nationwide's August 2017 press release reports that house prices fell by -0.1% month on month in August. They note that annual house price growth also dropped slightly to 2.1%, compared with 2.9% in July. They comment that *"The annual pace of house price growth moderated to 2.1% in August, from 2.9% in July. The slowdown in house price growth to the 2-3% range in recent months from the 4-5% prevailing in 2016 is consistent with signs of cooling in the housing market and the wider economy. "The economy grew by c.0.3% per quarter in the first half of 2017, around half the pace recorded in 2016. The number of mortgages approved for house purchase moderated to a nine-month low of circa 65,000 in June and surveyors have reported softening in the number of new buyer enquiries. "Nevertheless, in some respects the slowdown in the housing market is surprising, given the ongoing strength of the labour market. The economy created a healthy 125,000 jobs in the three months to June and the unemployment rate fell to 4.4% – the lowest rate for over forty years. In addition, mortgage rates have remained close to all-time lows"*.
- 4.9 The General Election result, with a hung parliament and a minority Government, following on from Britain having voted to leave the EU and triggering Article 50, there will be a period of uncertainty as both the UK and indeed the world economy adjust to the implications. The short term implications will be one of adjustment and will be dependent upon financial stability, while markets, both in the UK and internationally, find a level.
- 4.10 Despite the uncertainty the Government are seeking to promote business as usual by reassuring the markets that investment in major infrastructure projects will continue as planned, and that increasing the supply of housing remains a national priority.
- 4.11 The average house price across the Borough as at July 2017 stood at £416,848 which equates to a positive annual change in house prices of 1.5%. This compares to the average house price across London of circa £490,000 with reported annual growth of 2.8%.
- 4.12 Generally, residential developer activity in Lewisham is strong with there being significant competition for sites. Developers continue to see good prospects for both commercial and residential development given the good transport links and connectivity to central London via rail and DLR links.
- 4.13 ULL has referred to a number of transactions within the Catford Green development by Barratt whilst also considering sales of second hand Victorian conversion terraced flats in the immediate vicinity of the subject site. They have provided completed sales from May 16 to December 16 in the Ferdinand and Lawrence buildings and sales completed in June 16 within the Westmead building. The evidence in the Ferdinand and Lawrence buildings arrive at an average value on a capital rate basis of £551 per sq ft. The sales within the Westmead building equate to a capital value rate of £526 per sq ft.

4.14 We would concur that the Catford Green development provides a good indication of new build sales values in the area and as such we provide further detail on the scheme below;-

4.15 Catford Green, Lewisham - is a large new Barratt development located in close proximity to Catford and Catford Bridge stations. The development comprises 635 one, two and three bedroom apartments opening on to the 54 acres of Ladywell Fields. As at Q3 2017 all of the units within the Ferdinand, Dempsey, Burgess, Dunstone, Lawrence, Harlie, Abbey, Appelby and Westmead Courts buildings have been sold. In addition there are 126 units within the Dixie Court phase of which 120 have now sold. Grosvenor Court is the final phase of the development and is due to complete in Q2 2018. The phase was launched in Q3 2017 and so far 20 units have been sold. The current pricelist shows 1 bed units from £328,000, 2 bed units from £392,000 and 3 bed units from £588,000 demonstrating an average of £670 per sq ft. We detail a number of available units within this phase and the remaining available units within Dixie Court in the table below;

Block	No. of Beds	Floor	Price	Floor area (sq ft)	£ / psf
Plot 532	1	3	£328,000	429	£765
Plot 534	1	3	£328,000	429	£765
Plot 505	2	1	£392,000	550	£713
Plot 504	2	1	£392,000	554	£708
Plot 508	2	1	£405,000	543	£746
Plot 393 Dixie Court	2	2	£480,000	789	£608
Plot 386 Dixie Court	2	2	£493,000	780	£632
Plot 406 Dixie Court	2	3	£498,000	789	£631
Plot 497	2	Gnd	£518,000	794	£652
Plot 498	2	Gnd	£527,000	774	£681
Plot 404 Dixie Court	3	3	£588,000	1,076	£546
Plot 422 Dixie Court	3	4	£591,000	1,076	£549

4.16 The above units provide a wide range of sales values from £546 - £765 per sq ft on a capital value rate basis. We would comment that the two bed units within the Grosvenor Court phase are particularly small which explains the high capital value rate. The proposed two bedroom units at the subject site are considerably larger ranging from 664-755 sq ft and we would therefore expect a lower capital value rate. The two bedroom units within the Dixie Court phase are much larger and more akin to the subject two bedroom units. The Dixie Court asking prices demonstrate a range £608 to £631 per sq ft. This is clearly in advance of the applied pricing in regard to the proposed

two bed units. Whilst we consider the Barratt scheme to provide the best evidence, we do consider the development to benefit from scale and public realm improvements when compared to the subject site. We do however consider that the proposed units would achieve sales prices above that applied by ULL.

- 4.17 We would comment further that the evidence provided by ULL details most units completing in May and June 2016. The point at which the sale prices were agreed is likely to be well before this date and we therefore consider this evidence to be somewhat historic.

#### Summary

- 4.18 We would acknowledge that due to the scale and location of the Catford Green development, it is appropriate to reflect a discount to the units within the subject site but not to the extent indicated by ULL given the historic nature of the evidence put forward. The Catford market has continued to improve demonstrated by increasing sales values within Barratt's Catford Green development and as such we consider an average value of £575 per sq ft to be reasonable in the case of the subject units.

#### Residential Ground Rent

- 4.19 ULL has assumed the following ground rental income which has been capitalised at a yield of 5%; -
- 1 Bed - £300 p.a.
  - 2 Bed - £400 p.a
  - 3 Bed - £500 p.a.
- 4.20 Within the appraisal an average ground rental income of £349 per annum has been applied which is reflective of the above mix. The capitalised total ground rental income of £15,700 arrives at a capital value of £314,000. We consider these assumptions appropriate and in line with the market.

#### Commercial Value Assumptions

- 4.21 The scheme includes 3,173 sq ft of flexible A1/A2/A3/B1 use accommodation. ULL has applied a rent of £22.50 per sq ft to the accommodation which has been capitalised at a yield of 6.5% to arrive at a capital value of £1,039,452 after allowing for a 6 month rent free period. We comment on these assumptions in turn below;-

#### Rent

- 4.22 ULL had applied a rent of £22.50 per sq ft to the proposed accommodation citing evidence in the Renaissance development closer to central Lewisham as well as accommodation at 3 Jerrard Street, 27 Winslade Way and 99 Rushey Green. We understand the asking rent at the Renaissance

unit equates to a rent of £25.33 per sq ft. We are in agreement with ULL in that we consider the Renaissance development to be most comparable and we consider this location superior to that of the subject premises given the location to Lewisham centre and the large number of new build residential units in this location. We therefore consider the applied rent of £22.50 per sq ft to be reflective of market levels.

Yield

4.23 ULL has adopted a net initial yield of 6.5% and has cited yield evidence demonstrating a range of 5.23% to 7.23%. we have sought our own evidence to verify the adopted yield which we detail in the table below;-

Address	Size Sq ft	Sale Price	Yield	Comments/lease terms
8-12 Lee High Road, SE14 5LQ	Total 6,491 3,502 Office 2,989 Retail	£2,200,000 (Feb 2017)	6.1%	Dated building in the centre of Lewisham. Includes retail space.
Unit E1 Roma Corte, Renaissance, Loampit Vale SE13 7DJ	1644	£450,000 (Jan 2017)	5.5%	New build office space in new build development scheme. 999 year lease.

4.24 We consider the ULL Sainsbury’s comparable for the new build Barratt scheme in Loampit Vale to also provide good comparable evidence for the subject property. Whilst we consider the yield to be lower than we would expect for the subject unit given the improved location and covenant strength we would comment that the comparable provides good evidence of new accommodation in a residential led scheme in the locality.

4.25 Having considered the above evidence and the comparables provided by ULL, we are of the opinion that the applied yield of 6.5% is reflective of the market.

Summary

4.26 When applying the ULL assumptions in regard to the proposed commercial accommodation they arrive at a capital value of £1,039,452. As we have stated above, we consider the applied rent to be reflective of market conditions but have adjusted the yield.

4.27 Adopting our assumptions with regard to the yield with all other assumptions staying the same, we arrive at a capital value of £1,130,178.

4.28 For the purposes of our modelling we have therefore adopted a figure of £1,130,178 for the value of the proposed flexible commercial accommodation.

## Cost Assumptions

### Build Cost

- 4.29 A budget cost estimate has been prepared by RLF on behalf of the applicant to inform the viability assessment. GL Hearn has sub instructed quantity surveyors Johnson Associates (JA) to review the cost plan on behalf of the Council. The RLF cost estimate results in a total build cost of £10,466,000. For ease of reference we detail the breakdown of cost items in the table below;-

Cost Item	Estimated Cost
Facilitating Works	£250,000
Substructure	£413,000
Superstructure	£3,255,000
Internal Finishes	£757,000
Fittings, Furnishings & Equipment	£563,000
Services	£1,946,000
Externals	£355,000
<b>Subtotal</b>	<b>£7,539,000</b>
Preliminaries & Fixed Price Allowance	£1,782,000
Overheads & Profits	£650,000
Design Risk & Contingency	£495,000
<b>Total</b>	<b>£10,466,000</b>

- 4.30 A line by line review of the RLF cost estimate has been undertaken and this is provided at Appendix A.
- 4.31 In overall terms it is JA's opinion that the scheme as proposed could be delivered for a total cost of £9,593,620.56 which represents a cost reduction of £872,379.44. We have adopted the JA cost figure in our appraisals for initial modelling purposes. Johnson Associates commented that there was an error in the common parts services and that they considered there to be double counting in terms of the kitchen appliances together with a number of rates.

### Professional Fees

- 4.32 ULL has assumed professional fees of 8% which totals £655,120 based on their opinion of build costs. We consider this an appropriate assumption within the appraisal.

### Marketing and Transactional fees



4.33 The following allowances have been made in the ULL development appraisal:

- Residential Marketing - 1.25%
- Residential Sales Agent Fee - 1.25%
- Residential Sales Legal Fee - £750 per unit
- Ground Rent Sales Agent Fee - 2%
- Ground Rent Sales Legal Fee - 1%
- Commercial Letting Agent Fee - 10%
- Commercial Letting Legal Fee - 5%
- Commercial Sales Agent Fee - 2%
- Commercial Sales Legal Fee - 0.5%

4.34 We are of the opinion that the above allowances are reasonable.

#### Finance Costs

4.35 Finance costs have been assumed at 7% debit rate and 0% credit rate. Most developers are currently assuming an overall rate of between 6-7% in appraisals for schemes of this nature. Given the recent rate increase and that this is at the upper end, we consider 7% to be reasonable and have adopted it within our modelling.

#### Contingency

4.36 A contingency sum of £495,000 has been included within the construction cost estimate labelled as design risk and contingency reflecting a 6.6% allowance. This figure has been adjusted as part of the Johnson Associates review which we have adopted for the purposes of our modelling.

#### S106 / CIL Costs

4.37 In respect of planning contributions, the following has been assumed in the ULL Ltd modelling:-

- Mayoral CIL - £40,265
- Lewisham CIL (Residential) -£62,059
- Lewisham CIL (Commercial) - 5,771
- **Total CIL Contributions - £108,095**

4.38 We have not confirmed these figures with LBL and recommend that these figures are reviewed by the Council's CIL Officer. However, for the purpose of our own modelling we have mirrored the assumptions above as adopted by ULL.

4.39 We note the subject property is currently in use and is let to Job Centre Plus and whilst we have not been provided with the workings we assume that part or the entire existing floorspace would be used to offset a CIL requirement.

Developer's Profit

- 4.40 ULL has adopted profit margins of 20% on value for the private residential units and 15% on value for the commercial element to arrive at a blended profit margin of 19.71% on GDV.
- 4.41 Developer's profit margin is determined by a range of factors including property market conditions, individual characteristics of the scheme, comparable schemes and the development's risk profile. It is quite common for developers in London to work on the assumption of a profit based on 20% GDV for private residential accommodation and this is widely accepted by many authorities. However it is arguable that the development market in this part of London is extremely competitive to the extent that developers will need to reduce profit below this level to secure opportunities. Moreover there are number of viability assessments in the Borough, which are predicated on a lower developers return, which does indicate the markets willingness to proceed with developments at lower levels of return.
- 4.42 However, in the context of the current economic climate after Britain voted to leave the EU we are of the opinion that the adopted profit margins are acceptable. In addition we would comment that if affordable housing was to be introduced we would expect a profit margin of 6% to be applied for this element.

Summary Table

- 4.43 The table below provides a summary of the above analysis highlighting the current areas of difference which will form the basis of our sensitivity testing in the following section.

Assumption	ULL figure	GLH figure (where different)	Comments
Private Residential Sales Values	£551psf	£575psf	We consider the proposed units to be undervalued.
Residential Ground Rent	£349 p.a. @ 5%	-	Agreed for modelling purposes
Office Values	£22.50psf @ 6.5%	-	-
Construction Costs	£10,466,000	£9,593,620.56	We have adopted JA's opinion of construction costs.
Contingency	Included in the BC	-	-
Professional Fees	8%	-	Agreed for modelling purposes
Disposal Fees	Residential Sales Agent Fee - 1.25% Residential Sales Legal Fee - £750 per unit	-	Agreed for modelling purposes

	Ground Rent Sales Agent Fee - 2%  Ground Rent Sales Legal Fee - 1%  Commercial Letting Agent Fee - 10%  Commercial Letting Legal Fee - 5%  Commercial Sales Agent Fee - 2%  Commercial Sales Legal Fee - 0.5%		
Combined Local & Mayoral CIL	£108,095	-	We have not verified this figure however assume it to be a correct sum of monies
Interest / Finance Costs	7%	-	Agreed for modelling purposes
Developers Profit	20% GDV Residential 15% GDV Commercial	-	Agreed for modelling purposes
Benchmark Land Value	£1,920,000	£1,410,750	See Section 3 for details

## 5 FINANCIAL APPRAISALS & CONCLUSIONS

- 5.1 Where our own market research has indicated that the inputs used have not been fully justified we have sought to illustrate the potential impact on the development surplus/deficit. In this respect we have undertaken sensitivity analysis producing a residual appraisal using Argus Developer, which is a leading industry-standard development appraisal package commonly used by developers and agents to assess development viability.
- 5.2 Although this analysis does not constitute formal valuations under the provisions of the RICS Valuation Standards ('Red Book') it will help in providing evidence to inform the Council's decision making process in respect of the applicants planning application.
- 5.3 We have been provided with a development appraisal from ULL detailing their assumptions and inputs.
- 5.4 This includes their timing assumptions as follows:
- 15 month build period
  - 9 month sales period
- 5.5 As has been highlighted in the previous section, with the exception of BLV, construction costs and the proposed private values, we are in broad agreement with all of the other ULL assumptions which make up this appraisal.
- 5.6 ULL arrive at a development deficit of £-203,669 when adopting all of their assumptions in respect of the benchmark land value and proposed scheme.
- 5.7 Reflecting the changes detailed in the table at 4.43 the proposed scheme results in a scheme surplus of £1,609,182.
- 5.8 For ease of reference our development appraisal can be found at Appendix B.

### Overall Summary

- 5.9 ULL has indicated that there was a project deficit of -£203,669 when adopting their own assumptions with regard to the scheme and the Benchmark Land Value.
- 5.10 Following a meeting between consultants, a narrowing of the extent of the differences of opinion has been reached but an agreed position has not been achieved. For ease of reference there remains a difference of opinion in respect of Benchmark Land Value, residential values and build costs. Adopting our assumptions for these elements we arrive at a development surplus of £1,609,182 on the basis of a wholly private scheme.

- 5.11 The above represents our final position in respect of this review unless substantial new evidence can be provided in respect of the areas of difference. At this stage we have not sought to transpose the identified surplus into an affordable housing allowance and would suggest our revised report is shared with the Applicant for consideration.

## 6 REVISED SCHEME CONCLUSIONS (MARCH 2018)

6.1 Following the issue of our updated draft report in November 2017, further discussions were carried out between GL Hearn and ULL in the attempt to reach agreement in respect of the aforementioned development proposals. The latest position presented by ULL in their letter dated 29<sup>th</sup> November 2017 indicated a project surplus of £1,180,000 which they transposed into 8 x affordable housing units (5 x affordable rent and 3 x shared ownership).

6.2 After receipt of this letter further discussions were held between ULL and GL Hearn but no final viability position was agreed.

6.3 A revised scheme has now been put forward by the Applicant following consultation responses which makes minor design alterations to the proposed development. We detail below the proposed amendments:-

- First floor unit no.10 reduced from 54.23 sqm to 50 sqm
- Second floor unit no.20 reduced from 70.12 sqm to 47.51 sqm
- Third floor unit no.30 reduced from 70.12 sqm to 47.51 sqm
- Fourth floor unit no.40 reduced from 70.12 sqm to 47.51 sqm
- Fifth floor unit no.45 reduced from 66.90 sqm to 54.45 sqm

6.4 In effect the above amendments have resulted in an overall reduction in floorspace of 910 sq ft to the proposed residential accommodation. We highlight in the table below the amendments to the scheme mix. The ground floor commercial accommodation remains the same.

Unit Type	Units (November 2017)	Units (March 2018)
Studio	0	3
1 bed apartment / 2 person	27	28
2 bed apartment / 3 person	11	10
2 bed apartment / 4 person	3	0
3 bed apartment / 4 person	0	1
3 bed duplex / 4 person	4	3
<b>Total</b>	<b>45</b>	<b>45</b>

6.5 We have been provided with an updated viability position from ULL in their letter dated 13<sup>th</sup> March 2018. This letter formalises a number of the agreed assumptions from the previous iteration of the scheme. We summarise these elements below:

### Benchmark land Value

- 6.6 ULL has adopted the previously agreed position in respect of the Existing Use Value from November 2017. This was arrived at by valuing the existing income of £160,000 until lease expiry (31<sup>st</sup> March 2018). We then assumed a void period of 18 months before valuing the reversion. This has been capitalised at an equivalent yield of 8%. We did not assume any rent free periods as the assumed reversionary rent was considered net of incentives. Purchaser costs, letting fees and empty rates were also accounted for in our EUV figure of £1,282,500. After the application of an agreed premium of 10% this resulted in a BLV of £1,410,750.
- 6.7 We understand that there have been no material changes to the subject property or terms of the lease with the tenant due to vacate at the end of the month. To reflect the increased risk to the income we have pushed the yield out to 8.5% and updated the valuation date with all other inputs the same as before. Reflecting the above the changes this results in a revised EUV of £1,175,000. Applying the agreed premium of 10% we arrive at an adjusted BLV of £1,292,500 which represents a reduction of £118,250.

### Residential Sales Values

- 6.8 ULL has applied the previously agreed overall blended value rate per sq ft of £575 to the adjusted private residential floorspace. In respect of the affordable units previously agreed value rates of £195psf and £395psf have been applied in respect of the Affordable Rented and Shared Ownership units. We remain of the opinion that the applied value assumptions remain reflective of the market and the proposed scheme and we therefore consider these to be reasonable.

### Ground Rental Income

- 6.9 ULL has retained the value assumptions in respect of ground rents for the private units despite the recent announcement from the Communities Secretary, Sajid Javid, that new legislation is to be introduced setting ground rents on long leases at zero. Whilst the new legislation has yet to be adopted, ULL has retained the value associated with this (£259,000) but they have highlighted that the Applicant is unlikely to receive the benefit of this income.
- 6.10 We are aware through other FVA reviews GL Hearn have undertaken that the GLA's general approach has been to adopt an investment yield of 10% to reflect the increased uncertainty surrounding the value associated with ground rents. If we were to adopt this position with the subject units this would equate to a value of £129,500 which would result in a reduction of £129,500 before finance and other fees were amended.

### Commercial Value Assumptions

- 6.11 ULL has adopted the previously agreed commercial assumptions in respect of the commercial accommodation which provides a value of £1,039,452. We remain of the opinion that the value assumptions are reasonable.

### Construction Costs

- 6.12 A revised construction cost estimate has been provided by RLF which we understand reflects a number of previously agreed positions on some cost items but also reflects amendments to the development.

Cost Item	Estimated Cost
Facilitating Works	£250,000
Substructure	£405,000
Superstructure	£3,217,000
Internal Finishes	£726,000
Fittings, Furnishings & Equipment	£514,000
Services	£1,537,000
Externals	£361,000
Preliminaries & Fixed Price Allowance	£1,590,000
Overheads & Profits	£602,000
Design Risk & Contingency	£460,000
<b>Total</b>	<b>£9,661,000</b>

- 6.13 Once again a line by line review of the RLF cost estimate has been undertaken and this is provided at Appendix A.
- 6.14 In overall terms it is JA's opinion that the scheme as proposed could be delivered for a total cost of £9,579,000 which represents a cost reduction of £82,000. We have adopted the JA cost figure in our appraisals for initial modelling purposes. The marginal reduction is reflective of the fact that a number of the rates were previously agreed in the last iteration of the scheme.



Summary Table

6.15 As before we have provided a summary table below highlighting the scheme assumptions and areas of difference for the revised scheme:

Assumption	ULL figure	GLH figure (where different)	Comments
Private Residential Sales Values	£575psf		
Residential Ground Rent	£350 p.a. @ 5%	-	-
Office Values	£22.50psf @ 6.5%	-	-
Construction Costs	£9,661,000	£9,579,000	We have adopted JA's opinion of construction costs.
Contingency	Included in the BC	-	-
Professional Fees	8%	-	
Disposal Fees	Residential Sales Agent Fee - 1.25% Residential Sales Legal Fee - £750 per unit Ground Rent Sales Agent Fee - 2% Ground Rent Sales Legal Fee - 1% Commercial Letting Agent Fee - 10% Commercial Letting Legal Fee - 5% Commercial Sales Agent Fee - 2% Commercial Sales Legal Fee - 0.5%	-	
Combined Local & Mayoral CIL	£103,005	-	We have not verified this figure however assume it to be a correct sum of monies
Interest / Finance Costs	7%	-	
Developers Profit	20% GDV Private Residential 6% GDV Affordable Residential 15% GDV Commercial	- - -	Agreed for modelling purposes
Benchmark Land Value	£1,410,750	£1,292,500	See Section 6 for details

### Overall Conclusion

- 6.16 Reflecting their own assumptions, a number of which were previously agreed in the last iteration of the scheme, ULL arrive at a residual land value of £1,341,002 which when compared with the assumed Benchmark Land Value of £1,410,750 indicates a marginal scheme deficit of £-69,748.
- 6.17 When adopting our revised position in respect of the BLV given the forthcoming tenancy expiration we have arrived at a revised BLV of £1,292,500. In addition, when reflecting the JA construction cost savings for the revised scheme of £82,000 the scheme's residual land value would crudely improve to £1,423,002. This demonstrates that the revised scheme based on the current provision of 8 x affordable housing units provides a marginal surplus of £130,502.
- 6.18 However, as we have previously mentioned, with the additional risk now attached to ground rental income, we have applied a yield of 10% to the income which reduces the capital value by £129,500. Whilst there would be savings in respect of sales fees given the reduced value, we consider this to be marginal. Therefore if we were to reflect this reduction in respect of the ground rent the surplus indicated above would be cancelled out.
- 6.19 We therefore consider in this instance that 8 x affordable units offered by the Applicant is the maximum the scheme can viably provide.
- 6.20 Despite the above we understand the Applicant has agreed to provide a total of 11 x on-site affordable units (6 x Affordable Rent & 5 x Shared Ownership). Given that that this offer is in excess of that modelled and in light of the conclusion reached, it is our opinion that this enhanced affordable housing provision represents a good offer and therefore see no reason from a viability perspective that this should not be accepted by the Council.

**APPENDIX A: BUILD COST SUMMARY**

GFA = 3833 m2

Section - Residential development

	Total Cost	Cost/m <sup>2</sup>	Cost/ft <sup>2</sup>	%
<b>FACILITATING WORKS</b>				
1 Toxic / Hazardous Material Treatment	£10,000	£2.61	£0.24	0.1
2 Major Demolition Works	£240,000	£62.61	£5.82	2.5
3 Temporary Support to Adjacent Structures				
4 Specialist Groundworks				
5 Temporary Diversion Works				
6 Extraordinary Site Investigation Works				
	<b>£250,000</b>	<b>£65.22</b>	<b>£6.06</b>	<b>2.6</b>
<b>SUBSTRUCTURE</b>				
1 Substructure	£405,000	£105.67	£9.82	4.2
	<b>£405,000</b>	<b>£105.67</b>	<b>£9.82</b>	<b>4.2</b>
<b>SUPERSTRUCTURE</b>				
1 Frame	£345,000	£89.95	£8.36	3.6
2 Upper Floors	£873,000	£227.66	£21.15	9.0
3 Roof	£350,000	£91.18	£8.47	3.6
4 Stairs and Ramps	£59,000	£15.26	£1.42	0.6
5 External Walls	£801,000	£208.87	£19.40	8.3
6 Windows and External Doors	£285,000	£74.22	£6.90	2.9
7 Internal Walls and Partitions	£296,000	£77.29	£7.18	3.1
8 Internal Doors	£197,000	£51.39	£4.77	2.2

Rushey Green Catford  
8.0 CONSTRUCTION COST SUMMARY

GFA = 3833 m2

Section - Residential development

	Total Cost	Cost/m <sup>2</sup>	Cost/ft <sup>2</sup>	%
	<b>£3,206,000</b>	<b>£835.82</b>	<b>£77.65</b>	<b>33.3</b>
<b>INTERNAL FINISHES</b>				
1 Wall Finishes	£231,000	£60.26	£5.60	2.4
2 Floor Finishes	£364,000	£95.07	£8.83	3.8
3 Ceiling Finishes	£131,000	£34.24	£3.18	1.4
	<b>£726,000</b>	<b>£189.57</b>	<b>£17.61</b>	<b>7.6</b>
<b>FITTINGS, FURNISHINGS AND EQUIPMENT</b>				
1 Fittings, Furnishings and Equipment	£469,000	£122.35	£11.37	5.3
	<b>£469,000</b>	<b>£122.35</b>	<b>£11.37</b>	<b>5.3</b>
<b>SERVICES</b>				
1 Sanitary Installations	£91,000	£23.77	£2.21	0.9
2 Services Equipment	£74,000	£19.18	£1.78	0.8
3 Disposal Installations	£86,000	£22.53	£2.09	0.9
4 Water Installations	£170,000	£44.39	£4.12	1.8
5 Heat Source	£179,000	£46.59	£4.33	1.8
6 Space Heating and Air Conditioning	£184,000	£47.99	£4.46	1.9
7 Ventilation	£321,000	£83.74	£7.78	3.6
8 Electrical Installations	£1,000	£0.28	£0.03	0.0
9 Fuel Installations	£132,000	£34.44	£3.20	1.4
10 Lift and Conveyor Installations				

Rushey Green Catford  
8.0 CONSTRUCTION COST SUMMARY

GFA = 3833 m2

Section - Residential development

	Total Cost	Cost/m <sup>2</sup>	Cost/ft <sup>2</sup>	%
11 Fire and Lightning Protection	£26,000	£6.88	£0.64	0.3
12 Communication, Security and Control Systems	£108,000	£28.28	£2.63	1.1
13 Specialist Installations	£46,000	£12.06	£1.12	0.5
14 Builder's Work in Connection with Services	£92,000	£24.00	£2.23	1.0
	<b>£1,510,000</b>	<b>£394.13</b>	<b>£36.62</b>	<b>16.0</b>
<b>PREFABRICATED BUILDINGS AND BUILDING UNITS</b>				
1 Prefabricated Buildings and Building Units	£0	£0.00	£0.00	0.0
	<b>£0</b>	<b>£0.00</b>	<b>£0.00</b>	<b>0.0</b>
<b>WORKS TO EXISTING BUILDINGS</b>				
1 Minor Demolition Works and Alteration Works				
2 Repairs to Existing Services				
3 Damp Proof Courses / Fungus and Beetle Eradication				
4 Façade Retention				
5 Cleaning Existing Surfaces				
6 Renovation Works				
	<b>£0</b>	<b>£0.00</b>	<b>£0.00</b>	<b>0.0</b>
<b>EXTERNAL WORKS</b>				
1 Site Preparation Works	£20,000	£5.16	£0.48	0.2
2 Roads, Paths, Pavings and Surfacing	£50,000	£12.97	£1.20	0.5
3 Soft Landscaping, Planting and Irrigation Systems	£10,000	£2.73	£0.25	0.1

Rushey Green Catford  
8.0 CONSTRUCTION COST SUMMARY

GFA = 3833 m2

Section - Residential development

	Total Cost	Cost/m <sup>2</sup>	Cost/ft <sup>2</sup>	%
4 Fencing, Railings and Walls	£33,000	£8.61	£0.80	0.3
5 External Fixtures				
6 External Drainage	£61,000	£15.94	£1.48	0.6
7 External Services	£164,000	£42.76	£3.97	1.7
8 Minor Building Works and Ancillary Buildings	£23,000	£5.87	£0.55	0.2
	<b>£361,000</b>	<b>£94.04</b>	<b>£8.73</b>	<b>3.6</b>
Sub Total				
<b>PRELIMINARIES AND FIXED PRICE ALLOWANCE</b>				
1 Preliminaries	£1,590,000	£414.82	£38.54	16.5
	<b>£1,590,000</b>	<b>£414.82</b>	<b>£38.54</b>	<b>16.5</b>
<b>OVERHEADS AND PROFIT</b>				
1 Overhead and Profit	£602,000	£157.06	£14.59	6.2
	<b>£602,000</b>	<b>£157.06</b>	<b>£14.59</b>	<b>6.2</b>
<b>DESIGN RISK AND CONTINGENCIES</b>				
1 Design risk and contingencies	£460,000	£120.01	£11.15	4.8
	<b>£460,000</b>	<b>£120.01</b>	<b>£11.15</b>	<b>4.8</b>
<b>Total Construction Cost</b>	<b>£9,579,000</b>	<b>£2,498.70</b>	<b>£232.13</b>	<b>##</b>

Variance: £82,000

**APPENDIX B: FINANCIAL APPRAISAL**