

## APPENDIX 1

Committee	PLANNING COMMITTEE C	
Report Title	9 INDEPENDENTS ROAD SE3 9LF	
Ward	Blackheath	
Contributors	Louise Holland	
Class	PART 1	27 SEPTEMBER 2012

Reg. Nos. (A) DC/10/76229  
(B) DC/10/76230

Application dated 23 December 2010

Applicant BPTW Partnership on behalf of Borago Global Limited

Proposal (A) The demolition of 9 Independents Road SE3 and the construction of a part five/part six storey building to provide 10 one bedroom, 4 two bedroom and 2 three bedroom flats together with the provision of cycle storage, refuse store and associated landscaping.

(B) Conservation area consent for the demolition of the existing building.

Applicant's Plan Nos. Drawing Nos: AE-032-00L Rev A, 00S Rev A, DEM-032-00G Rev A, 101 Rev A, 102 Rev A, 103 Rev A, 104 Rev A, 105, AL-032-00L, 00S Rev A, 00S-200, 0LG Rev G, 00G Rev G, 001 Rev G, 002 Rev G, 003 Rev G, 004 Rev F, 00R Rev F, 101 Rev C, 101-100 Rev A, 102 Rev B, 102-100 Rev A, 103 Rev B, 103-100 Rev A, 104 Rev A, 104-100, 105 Rev A, 105-100, 106 Rev B, 106-100 Rev A, 107, 107-100, 108, 108-100, 109, 109-100, 110 Planning Statement (BPTW, December 2010), Design and Access Statement (Emoli Petroschka, December 2010), Community and Leisure Facilities Assessment (BPTW, December 2010), Transportation Statement (Stilwell, December 2010), Environmental Desk Study (Glanville, December 2009), Heritage Statement (Purcell Miller Triton, December 2010), Report on Sunlight, Daylight and Overshadowing (BLDA, December 2010), Noise and Vibration Assessment (Stilwell, April 2010), Air Quality Assessment (RSK Group, December 2010), Sustainable Energy Assessment (Stilwell, November 2011), Building Condition Survey (McBains Cooper, October 2009), Arboricultural Survey (BLA, October 2009), Arboricultural Method Statement (BLA 2012), Phase 1 Ecological Walkover and Initial Bat Survey Report (December 2010), Drainage Statement (April 2010), Code for Sustainable Homes Pre-Assessment (Darren Evans Assessments Ltd) & Materials and Components Specification.

Background Papers (1) Case File LE/407/A/TP  
(2) Local Plan specifically the Core Strategy (June 2011)  
(3) Adopted Unitary Development Plan (July 2004)  
(4) The London Plan

- (5) Town and Country Planning (Environmental Impact Assessment) Regulations 2011
- (6) National Planning Policy Framework 2012

Designation PTAL 5, Blackheath Conservation Area, Not Listed.

Screening The Council has issued a Screening Opinion pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the Regulations) confirming that the proposals are not EIA development.

## **1.0 Property/Site Description**

- 1.1 The Independents Day Centre at 9 Independents Road is a vacant two storey building on the north side of the street (site area 0.0565ha). Independents Road is a cul-de-sac and is a private road in the ownership of Blackheath Hospital. There is a footpath and marked car parking bays on the north side of the street in front of Winchester House, the application site and no.10 The Watts Building (also in use by Blackheath Hospital). There is no footpath on the south side of the carriageway in Independents Road.
- 1.2 The level of the application site falls steeply downhill from south to north, so that only the upper storey of the front elevation of the existing building is visible in many views from Independents Road and Lawn Terrace. The front elevation is set 3.8 metres away from the back of the pavement, and is finished with white-painted render. Other elevations are mainly in red brick. The main pitched roof is covered with corrugated material. A timber door (the main entrance) and metal framed windows face the street.
- 1.3 The existing building occupies most of the application site. A narrow strip of land (not in the ownership of the applicant) runs between the application site and the railway embankment to the north.
- 1.4 The existing building is highly visible in views from Independents Road and from many locations in Lawn Terrace. It can be glimpsed from Blackheath Village to the east and Blackheath railway station platforms to the north, although this visibility is reduced in summer when trees are in leaf. The existing building can also be seen in longer views from buildings to the north, but is not prominent in these views.
- 1.5 The area surrounding the application site has a mix of uses. Directly adjacent to the east is Winchester House, currently in use as part of Blackheath Hospital. Within the curtilage of Winchester House, adjacent to the common boundary shared with the application site, is a caged refuse/goods lift. Beyond Winchester House, fronting Blackheath Village is The Railway public house. To the north are railway lines, Blackheath railway station and the station car park. To the west are an electricity substation and a car park used by the Blackheath Hospital, beyond which (further west) is another Blackheath Hospital building ("Number 10 Watts Building"), the Blackheath Montessori Centre a pre-school nursery and Friends Meeting House. Number 10 Watts Building" has been converted from the former Blackheath Congregational Church; the church was badly damaged during World War II and in 1957, a new building was erected within the stonewalls of the old church. To the south, Lawn Terrace runs parallel with Independents Road on

higher land, separated from Independents Road by trees and vegetation. Lawn Terrace has 2-storey houses (some with basement-level integral garages beneath) and a building in use as a restaurant facing the application site on the south side of the road. There is a pedestrian route via a flight of steps from Lawn Terrace to the western end of Independents Road.

- 1.6 The application site is within the Blackheath Conservation Area and the Blackheath District Town Centre (but is not within the Shopping Core or Shopping Non-Core Areas). The adjacent Winchester House is a locally listed building.

## **2.0 Planning History**

- 2.1 Ordnance Survey maps of Blackheath indicate that the application site was formerly part of the grounds of the adjacent Missionary School (now Winchester House). The 1949 map shows a building occupying much of the application site and annotated "Electrical Factory". The 1954/1956 map shows the building annotated "Southvale Works", and the 1960/1972 map shows the building annotated "Works". Later maps annotate the site as being in use as a day centre.
- 2.2 31/12/1959 – Permission granted for the erection of an extension to South Vale Works. Ref: 5198.
- 2.3 25/04/1963 – Permission granted for the erection of an extension to South Vale Works. Ref: 25596.
- 2.4 26/06/1963 – Permission granted for alterations to the front elevation at South Vale Works. Ref: 5297.
- 2.5 02/08/1966 – Permission granted for the reconstruction and extension of existing mezzanine floors with a new flat roof replacing the existing pitched roof at Southvale Works. Ref: 01225.
- 2.6 25/02/2010 - Applications for planning permission (for the erection of a part 5-, part 6-storey building accommodating 20 residential units) and conservation area consent (for the demolition of the existing building), refs DC/10/73421 and DC/10/73528, withdrawn due to incorrect land ownership information being submitted with the applications.
- 2.7 DC/10/74092 – Planning permission was refused under delegated powers for the demolition of 9 Independents Road and the construction of a three to six storey building to provide 2, three bedroom maisonettes, 11, one bedroom and 7, two bedroom flats. The reason for refusal is as follows:

The proposed development, due to its elevational treatment, detailing, location, height, massing and visibility, would not be of a high quality design appropriate for this site, would poorly relate to the adjacent locally listed building, Winchester House, and would harm its setting, and would neither preserve nor enhance the character and appearance of the Blackheath Conservation Area. The proposed development is therefore contrary to Policies URB 1 Development Sites and Key Development Sites, URB 3 Urban Design, URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and URB 20 Locally Listed Buildings in the adopted Unitary Development Plan (July 2004).

- 2.8 DC/10/74093 - Conservation Area Consent was refused for the demolition of 9 Independents Road. The refusal reason stated: "The replacement building proposed under planning application reference DC/10/74092 would not be of a high quality design, would poorly relate to the adjacent building Winchester House, and would neither preserve nor enhance the character and appearance of the Blackheath Conservation Area. There is therefore no justification to carry out demolition which would result in an empty site and a streetscape gap that would cause harm to the character and appearance of the Blackheath Conservation Area. The demolition of the existing building would be contrary to Policies URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas and URB 17 Demolition in Conservation Areas in the adopted Unitary Development Plan (July 2004)".

### **3.0 Current Planning Applications**

#### The Proposals

- 3.1 The application proposes the demolition of the existing day centre building, and the erection of a part-5, part-6 storey building, up to 16.9m in height overall, comprising lower ground floor, ground and first to fourth floors. The building would comprise 16 flats and would be composed of four 'block' elements, connected by a circulation core. The southeastern block would be of six storeys and would be set 1.8m back from the back edge of the footway, aligning with the main frontage of Winchester House facing Independents Road. The adjacent southwestern block would be set 1.35m further back and would be five storeys in height. Towards the rear, the northeastern block element would have five storeys and would be set 2.8m from the rear site boundary while the northwestern element would have six storeys and would be closer to the rear boundary. Each of the four block elements would be similarly articulated to the sides. To each façade of the building, the circulation core would be set back from the main facades of the four 'block' elements. The two upper storeys of each block element would be contained within a steeply pitched gable roof. The lowest floor is below street level and as a result, the building will appear as four to five storeys from Independents Road. The proposed development would accommodate 2x3-bedroom duplex units, 4x2-bedroom duplex flats and 10x1-bedroom flats.
- 3.2 All the flats would be accessed from a single centrally located entrance at ground floor level. The communal core would have a lift and staircase providing access to all units.
- 3.3 A communal cycle store is proposed at ground floor level. No off-street car parking is proposed.
- 3.4 Elevations would be finished mostly in grey brickwork and those to the front and rear would have extensive glazing. The front and rear elevations would be characterised by a brick framework with deeply recessed glazing panels, while the side elevations would have limited window openings. There would be steep pitched roofs with a horizontal element at the ridge, incorporating a strip of flat roof lights and solar panels. The roof elements, which would extend over two storeys, would be clad in standing seam zinc and would have timber brise soleil to the south elevation. There would be recessed balconies to front and rear elevations. Timber framed windows with structurally glazed outer panes are proposed.

- 3.5 The building would occupy much of the site, however there would be small terrace gardens to front and rear.
- 3.6 There is a concurrent application for conservation area consent for the demolition of the existing building.

#### Supporting Documents

- 3.7 The following documents were submitted in support of the application:

#### Design and Access Statement

- 3.8 The statement sets out the wider context in which the site lies, including the local context and history of buildings in Independents Road. It explains the way in which the site context has informed the development of the design.

#### Transportation Statement

- 3.9 The statement considers access to the site and cycle parking within the scheme, in relation to its level of public transport accessibility (PTAL 5). It considers the impact of the proposals on the highway network and notes that a servicing management plan will be required. It concludes that there would be no highway impact from vehicle trips. It confirms willingness to restrict residents from obtaining parking permits within the CPZ.

#### Planning Statement

- 3.10 The Planning Statement describes the site and the proposed development and sets out the extent to which, in the applicant's view, the proposals comply with planning policy. It describes the proposed residential accommodation and extent of affordable housing and also sets out the Heads of Terms of a S106 Agreement.

#### Community and Leisure Facilities Assessment (BPTW)

- 3.11 The report assesses the prospects of the property being occupied for a continued community or leisure use. It concludes that there is no realistic prospect of the re-use of the premises for community purposes.

#### Environmental Desk Study

- 3.12 The assessment considers the extent of potential contamination within the site and identifies sources of potential contamination of the land including the historic electrical instrument works on the site and the adjacent railway. The report contains an outline conceptual model and recommends an intrusive site investigation.

#### Heritage Statement (titled PPS5 Justification)

- 3.13 The statement identifies the Heritage Assets in the vicinity of the site, their significance and the impact of the proposals on them, including impacts on views. It states that though there will be some minor impacts on views of the west façade of Winchester House, the design uses mitigation measures to reduce the massing of the new building and reduce the impact. It concludes that with a high specification of finishes a quality design can successfully integrate into the Character Area of Blackheath Village.

### Daylight and Sunlight Report

- 3.14 The study considers the impact of the proposals on the daylight and sunlight available to properties in the vicinity of the site. It also considers the sunlight and daylight levels within the proposed dwellings. It concludes that the neighbouring properties would retain good levels of daylight and would meet and exceed the BRE criteria for daylight. In relation to sunlight, all windows to existing residential properties which could potentially be affected face within 90 degrees of due north and the report notes that there is no sunlight requirement at these locations. In relation to the proposed dwellings, all habitable rooms at lower ground, ground and first floor levels would meet the BRE criteria for daylight and 77% of windows would receive some sunlight.

### Noise and Vibration Assessment

- 3.15 The assessment determines that the site falls within Noise Exposure Category B, mainly as a result of railway noise. It concludes that in addition to the façade and window performance being of the necessary standard, an alternative means of ventilation to some openable windows would be required.

### Air Quality Assessment

- 3.16 The air quality assessment considers the existing air quality at the site and the impact of construction activities. It recommends a formalised Code of Construction Practice (CoCP) to ensure mitigation of dust emissions.

### Sustainable Energy Assessment

- 3.17 The statement explains how the proposals meet the London Mayor's energy hierarchy. It confirms that the most suitable means of providing heat and power is by gas-fired CHP combined with solar hot water heating and that the Mayor's policy for total carbon savings can be met.

### Building Condition Survey

- 3.18 The report describes a survey of the condition of the existing building; it includes an audit of the requirements of the Disability Discrimination Act 2001. The report notes no major structural problems, it states there is significant deterioration of the internal fabric due to some water ingress and concludes that the property is in a poor state of repair with significant repair works needed to rectify a lack of maintenance and prevent further deterioration.

### Arboricultural Survey (BLA Oct 2009)

- 3.19 The survey and addendum notes that there are no trees within the application site and identifies a number of trees on the adjacent car park land to the west of the site. It suggests that limited crown reduction may be needed in respect of a mature sycamore tree close to the site boundary subject to the owners consent.

### Arboricultural Method Statement (BLA July 2012)

- 3.20 The Method Statement considers the implications of the development in relation to a mature sycamore tree 3.9m from the boundary, whose canopy overhangs the site. The Statement proposes tree protection measures and some pruning of the

crown which would be carried out under supervision of an Arboricultural consultant.

#### Phase 1 and Initial Bat Survey Report

- 3.21 The survey identified no evidence of protected species. It recommends a method statement for demolition and a mitigation strategy.

#### Drainage Statement

- 3.22 The statement describes the conclusions of preliminary investigations in relation to existing drainage serving the site. The report notes that at detailed design stage, the drainage scheme will be forwarded to both Building Control and Thames Water for approval and that it is considered that there will be no issues with regard to capacity for connection with the existing sewer system, subject to further investigation.

#### Affordable Housing Viability Assessment (BNP Paribas May 2012)

- 3.23 The viability assessment shows how the expected return for the scheme is derived. It sets out that the applicant is prepared to provide four of the units as affordable housing, though this is technically unviable.

#### Construction Management Plan

- 3.24 The report considers how the development would be serviced during the construction phase and how safe access for premises in Independents Road would be maintained. It sets out measures to enable and manage construction deliveries.

### **4.0 Consultation**

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 Site notices were displayed around the site and the development was advertised in the press.
- 4.3 Letters were sent to local residents in the immediate surrounding area, the Blackheath Society and relevant ward Councillors.

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

- 4.4 23 letters of objection/comments have been received from occupiers of 5, 7, 9, 11, 15, 17, 23, 31, Lawn Terrace, 55, 57, 59 Lee Terrace, 24 The Lawns, Blackheath Hospital and Blackheath Montessori Centre. The following objections were raised:
- Objection to change of use of site, use should be of benefit to the community.
  - Noise, severe disruption and disturbance during the construction period.

- Concern about capacity of drains; there have been on-going problems with blocked drain at corner of Lawn Terrace, the manhole is sited in Independents Road.
- Objection to scale of proposal; will dwarf residential properties in Lawn Terrace.
- Loss of privacy to residential properties opposite in Lawn Terrace.
- Overlooking of garden and upper floor rooms of properties in Lee Terrace.
- The building is neither appropriate dimensionally or in keeping with aesthetics of surrounding buildings. Not in keeping with leafy, quiet road that contributes to Blackheath heritage.
- No objection to demolition of 9 Independents Road as a well-designed building of suitable height and mass would be a welcome replacement for the present unsightly structure; however, the proposed building is too high, of too great a mass, poorly detailed and ill suited to the site.
- Seen from a distance, areas defining character is that of a tree-lined valley with railway at its bottom, and this should be defended.
- Proposed design is a humdrum affair unworthy of its position.
- Height of Winchester House should not be taken as precedent.
- Proposed building would be ugly and unprepossessing.
- Building is too high, will spoil view and skyline.
- Proposed balconies would result in loss of privacy and their use would cause disturbance.
- Increased hazard, risk of accident, congestion and obstruction at Independents Road, Blackheath Village and Lawn Terrace and these junctions. Problems already occur when vehicles enter and leave Independents Road. At busy times there is frequently a queue of traffic trying to gain entry and exit. Independents Road is privately owned, and mainly used by commuters, schoolchildren and elderly residents. Only vehicle access is via barrier entry.
- There are already delivery issues along Independents Road, due to its narrow width.
- Doubtful that a residential or indeed any other development of the scale envisaged could be adequately or safely accessed and serviced.
- Highway in Independents Road only allows movement of traffic in 1 direction, there is limited turning space, larger service vehicles have to reverse out. Any delay in emergency vehicles reaching the Blackheath Montessori Centre may have serious consequences. A “no-vehicle” covenant for residents will not exclude vehicular access for visitors and tradesmen.
- Heavy flows of pedestrians cross entrances to Independents Road and Lawn Terrace to access railway station. Pavement space between Independents Road and Lawn Terrace is insufficient for waiting pedestrians, and pedestrian sight lines are poor. Development will need to be visited by delivery and service vehicles. Lawn Terrace is 1-way, but drivers regularly ignore “no entry” signs and this will worsen.
- Concerned how new residents will be prevented from having residents parking permits.



- Loss of view from properties in Lawn Terrace. Trees between Independents Road and Lawn Terrace only provide partial screening in summer and none in winter.
- Will overlook garden in Lee Terrace and there will be overlooking to first and second floor rooms; will severely compromise amenity.
- Due to low-rise residential properties opposite, only a low-rise development (up to two storeys) will be appropriate for this site.
- Noise issues for the hospital and nursery in Independents Road.
- Concerns about construction traffic and conflict with other road users, including parents walking with children to the Montessori Centre.
- Loss of light to residential properties in Lawn Terrace.
- Lack of provision for car parking; Lawn Terrace is already overloaded with cars and residents have difficulty in finding residents parking bays due to shoppers and evening users, additional flats will inevitably worsen the situation.
- The proposed building is architecturally unsympathetic to surrounding buildings.
- Design is a pastiche of the neighbouring property.
- Elevation (southeast) not shown correctly, gives artificial impression of scale.
- BMI Healthcare own Independents Road and have granted access rights to the Friends Meeting House and Montessori Centre, we operate a private CPZ; have serious concerns regarding parking and access, particularly during construction period and also as a result of deliveries and visitors. Access to Winchester House is required at all times in case of clinical emergency, including access to the turning and parking area adjacent to No. 9. Development will exacerbate an already dangerous and congested junction.
- Concerns about laying services and other issues relating to the proposed construction, could affect operational capability of Winchester House clinical facility.
- Size of building will affect setting of Winchester House and reduce natural light to the offices along west side of the building, which serve consulting rooms and offices.
- Concern regarding privacy infringement, both for users of Winchester House and occupiers of proposed flats.
- Independents Road serves purely business and public buildings, with heavy pedestrian and vehicular traffic, residential development is inappropriate.
- Design does not develop and enhance local character; it is of significant size and will overwhelm the Watts Building, Montessori Centre and Friends Meeting House.
- Telecommunication networks are already at capacity.
- Rush hour train services from Blackheath are overcrowded.
- Blackheath Montessori – Access concerns - Independents Road is often blocked by visitors to Winchester House, who park inconsiderately.
- Density is excessive.

- Blackheath Montessori Centre revenue may be harmed as prospective parents will be discouraged from sending children to a nursery close to a building site.
- Ownership of the developer is not clear. Company is not listed at Companies House. Ownership of the site should be made clear in order that there are no conflicts of interest with other local businesses.

The letters are available to members.

#### Blackheath Society

- 4.5 No objection to demolition of the existing building which makes a poor contribution to the character and appearance of the Conservation Area.
- 4.6 Scale of building still too big. Northwest elevation presents a sheer cliff like height of 20 metres above station platform in public domain of the Conservation Area. Main eaves line of Winchester House is only 18 metres and then slopes away from the station platform.
- 4.7 Though the frontage to Independents Road is no longer as monolithic as in previous scheme, still over-dominant and the environment of Independents Road and the view of the west elevation of Winchester House are not enhanced.

#### Local Meeting

- 4.8 In response to the local interest in the development and in accordance with the requirements of the Council's Statement of Community Involvement, a local meeting was held on 24 November 2011 at the Friends Meeting House, Independents Road. The notes of the meeting are appended to this report.

Written Responses received from Statutory Agencies

#### Thames Water

- 4.9 No objection to the planning application with regard to sewerage or water infrastructure. With regard to surface water drainage, it is the responsibility of a developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

#### Design Panel

- 4.10 21.9.2010 (pre-application) - Pre-application presentation of new scheme by Emoli Petroschka Architects. In arriving at the preferred option presented, the Panel considered that insufficient consideration had been given to the following in influencing the design process:- The contrasting climate effects particularly solar gain of north and south facing units; whether sufficient daylight will penetrate the deep plan of the units; maximizing accessibility (wheelchair and Lifetime Homes). Although the architecture represented an improvement over the previous scheme, the scale was considered excessive for its context (the Panel questioned whether

it was not actually higher than the previous scheme), because it obscured views of the locally listed Winchester House, it lacked subsidiarity to Winchester House and it failed to manage the transition between the tall Winchester House on one side with the ground level car park on the other side. Little attempt was made to justify the proposed roof form within the Blackheath context.

- 4.11 8.3.2011 - The Panel welcomed the changes made to the proposal which address some of the concerns raised at the last meeting regarding accessibility and daylight/sunlight. The Panel raised concern regarding the heights of the different 'towers' and how they are indicated in the Design and Access Statement. It was felt that some images were misleading and do not show the true height from Lawn Terrace, with the building behind not illustrated, or only dotted in. It was considered key that all materials and detailing are conditioned as these are crucial to the success of the design.

#### Amenity Societies Panel

- 4.12 Objection. The Panel considers the scale of the building too high which would subsequently obstruct the view on to the west elevation of Winchester House. The Panel considers that the new building should not compete with the scale and landmark quality of Winchester House. Opinions of Panel members were divided regarding the proposed roof shape which some considered as dominant, if not 'brutal'.

#### Highways

- 4.13 Unobjectionable in principle. Initial concerns about refuse collection arrangements have been resolved. It is considered essential to require submission and approval of a detailed construction management and logistics plan.

#### Environmental Health

- 4.14 Standard land contamination condition requested.

#### Environmental Sustainability

- 4.15 The Code Assessment should be subject to a condition to ensure compliance with a minimum of Code Level 4. In relation to the energy strategy, a condition is also suggested regarding CO2 reduction compliance.

### **5.0 Policy Context**

#### Introduction

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

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

#### National Planning Policy Framework (NPPF)

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary, this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision takers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.
- 5.5 Officers have reviewed the Core Strategy and saved UDP policies 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, 214 and 215 of the NPPF.

#### Ministerial Statement: Planning for Growth (23 March 2011)

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

#### Other National Guidance

- 5.7 The other relevant national guidance is:
- By Design: Urban Design in the Planning System - Towards Better Practice (CABE/DETR 2000)
- Planning and Access for Disabled People: A Good Practice Guide (ODPM, March 2003)
- Safer Places: The Planning System and Crime Prevention (ODPM, April 2004)

## London Plan (July 2011)

5.8 The London Plan policies relevant to this application are:

Policy 1.1 Delivering the strategic vision and objectives for London

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

Policy 2.2 London and the wider metropolitan area

Policy 2.6 Outer London: vision and strategy

Policy 2.7 Outer London: Economy

Policy 2.8 Outer London: transport

Policy 2.15 Town Centres

Policy 3.3 Increasing Housing Supply.

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and Design of Housing Developments

Policy 3.8 Housing Choice

Policy 3.9 Mixed and Balanced Communities

Policy 4.1 Developing London's economy

Policy 4.12 Improving opportunities for all

Policy 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.6 Decentralised energy in development proposals

Policy 5.7 Renewable energy

Policy 5.9 Overheating and cooling

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 5.14 Water quality and wastewater Infrastructure

Policy 5.15 Water use and supplies

Policy 5.16 Waste self-sufficiency

Policy 5.17 Waste capacity

Policy 5.18 Construction, excavation and demolition waste

Policy 5.21 Contaminated land

Policy 6.3 Assessing effects of development on transport capacity

Policy 6.5 Funding Crossrail and other strategically important transport infrastructure

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 Building London's neighbourhoods and communities

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.12 Trees and woodland  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.19 Biodiversity and access to nature  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

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

Housing: Draft Supplementary Planning Guidance (December 2011)  
Sustainable Design  
Planning for Equality  
Accessible London: Achieving an Inclusive Environment (2004)

London Plan Best Practice Guidance

5.10 The London Plan Best Practice Guidance relevant to this application is:

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

Core Strategy

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

Objective 1: Physical and socio-economic benefits  
Objective 2: Housing Provision  
Objective 3: Local housing need.  
Objective 5: Climate change  
Objective 6: Flood risk reduction and water management  
Objective 7: Open spaces and environmental assets  
Objective 8: Waste management  
Objective 9: Transport and accessibility  
Objective 10: Protect and enhance Lewisham's character  
Spatial Policy 1 Lewisham spatial strategy  
Spatial Policy 4 Local hubs  
Spatial Policy 5 Areas of Stability and Managed Change  
Core Strategy Policy 1 Housing provision, mix and affordability  
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 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 17 The protected vistas, the London panorama and local views, landmarks and panoramas  
Core Strategy Policy 19 Provision and Maintenance of community and recreational facilities  
Core Strategy Policy 21 Planning obligations

Unitary Development Plan (2004)

- 5.12 The saved policies of the UDP relevant to this application are:
- STR URB 1 The Built Environment
  - STR ENV PRO 3 Energy and Natural Resource Conservation
  - URB 3 Urban Design
  - URB 12 Landscape and Development
  - URB 13 Trees
  - URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas
  - URB 20 Locally Listed Buildings
  - HSG 4 Residential Amenity
  - HSG 5 Layout and Design of New Residential Development
  - HSG 7 Gardens
  - ENV.PRO 10 Contaminated Land
  - ENV.PRO 11 Noise Generating Development
  - ENV.PRO 12 Light Generating Development
  - LCE 1 Location of New and Improved Leisure, Community and Education Facilities
  - LCE 2 Existing Leisure and Community Facilities

Residential Development Standards Supplementary Planning Document

- 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, backland development, safety and security, refuse, affordable housing, self containment, noise and room positioning, room and dwelling sizes, storage, recycling facilities and bin storage, noise insulation, parking, cycle parking and storage, gardens and amenity space, landscaping, play space, Lifetime Homes and accessibility and materials.

Blackheath Conservation Area Character Appraisal and Supplementary Planning Document (adopted March 2007)

- 5.14 This document provides a description and analysis of the conservation area, its history, appearance and characteristics.
- 5.15 Areas of distinct character are identified in chapter 8, Area 9 (The Village), includes Independents Road. The description of this character area focuses mainly on the main road and topography at the very centre of Blackheath. It is noted that "This character area has surprisingly few listed buildings but almost all buildings make a positive contribution towards the character and appearance of the conservation area. Buildings are generally in good repair and have a high degree of historic detailing remaining".
- 5.16 The document's Designations Map identifies Winchester House as a building that makes a positive contribution to the conservation area. On the document's Townscape map, Winchester House is identified as a landmark.
- 5.17 The appraisal is appended by a Supplementary Planning Document for the conservation area. This document states that development will only be considered if it would preserve or enhance the character of the conservation area.

Planning Obligations Supplementary Planning Document (January 2011)

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

**6.0 Planning Considerations**

- 6.1 The main issues to be considered in respect of this application are:
- a) Principle of development
  - b) Design and conservation
  - c) Housing issues including affordable housing
  - d) Transport and highways issues
  - e) Impact on neighbouring properties
  - f) Sustainability and energy
  - g) Planning obligations

Principle of Development

- 6.2 The building that currently occupies the site was formerly owned by the Council and was most recently used as a day centre for adults with mental health needs, run by the Community Opportunities Service (a partnership between LB Lewisham and the South London and Maudsley NHS Foundation Trust). It is understood this use ceased in December 2005. The building was sold at auction in 2009.
- 6.3 The property lies within Blackheath District Town Centre. The Core Strategy identifies Blackheath as a district hub, the heart of which is the District Town Centre. Spatial Policy 3 District Hubs states that District Hubs will be reinforced as places which will contain a diversity of uses and activities appropriate to each



hub's function and location. District Hubs are key places which support the development of a sustainable borough, capitalising on the availability of services, facilities and public transport. Comprising a District Town centre and its surrounding residential neighbourhoods, the focus will be to build and maximise the uniqueness and potential of each place. The District Hubs will be managed so as to facilitate change that contributes to the economic vitality and viability of each District town centre.

6.4 Paragraph 70 of the NPPF states that Councils should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Retained UDP Policy LCE 2 states that the Council will not grant planning permission for the change of use or the loss of valuable existing facilities for leisure and community uses except where certain criteria are met.

6.5 The applicant has submitted a Community and Leisure Facilities Assessment report (January 2010) and Building Condition Survey (October 2009) to address the criteria of LCE 2. The report addresses the issues as follows:

- a) *Proven lack of local need for such facilities* – The report states that the previous use of the building ceased over 3 years ago, that the site was advertised internally by the Council and has been marketed by a commercial agent. The report lists local community and leisure facilities in the area, including schools, day-care facilities, community centres, medical and dental facilities, arts facilities, sports facilities and gymnasia, places of worship, and hotels and tourist related activity.
- b) *Locational requirements for the facilities are not met* – The report states that there is no car parking available at the site, and that there is limited opportunity for the turning of vehicles in Independents Road. The report adds that the site has no external amenity space, and provides no opportunities for expansion. In conclusion, the applicant states that “the site is inappropriately located for a community or leisure centre use”.
- c) *The buildings need updating and this cannot be achieved at reasonable cost* – The applicant has submitted a report comprising a building condition survey and a Disability Discrimination Act access audit with construction cost estimates to bring the building to a specification level suitable for letting to potential occupiers for continued D1 use. Although the building's structure was found to be generally sound, extensive repair works are needed. The report costs these works at £221,236. A further £31,400 is estimated as the total cost of access improvement works, with the largest element within this total being a £10,000 spend to bring the decommissioned lift back into use.
- d) *The buildings are not ancillary to and essential for the operation of a facility covered by the terms of Policy LCE 2* – It is noted that the previous use always operated independently of any other similar facility.
- e) *Alternative provision of equivalent benefit to the community is made* – The applicant states that the existing building is of no benefit to the local community, being in poor condition and unusable, and due to its appearance, detrimental to the character of the surrounding area. The applicant points out that the proposed development would bring community benefits through the provision of housing (including affordable housing), an improvement to the appearance of the site, the provision of funding (secured through a

Section 106 Agreement) for facilities for community use, and the creation of construction jobs.

- 6.6 It is necessary for the Council to take a realistic view as to the need for a community facility at Independents Road, and the likelihood of such a facility being provided in this location, as well as a balanced view as to whether the loss of a building previously in community use would cause demonstrable harm. Significant to the consideration of these matters is:
- The presence of a nursery, optician, dentist, doctor's surgery, arts/music venue and the Age Exchange older people's centre within walking distance of the site, and the general levels of provision of leisure and community facilities in the Borough.
  - The site being too small for use as a school or for a large medical facility, unsuitable for most sports uses, and less likely to be attractive to church groups, facilities used by older and disabled people, and for medical uses due to the lack of car parking facilities and vehicle turning space.
  - The cost of bringing the existing building into a useable condition, which will render it less attractive to potential community uses.
  - The fact that the Council, who previously owned the site, disposed of it.
  - The community benefit achieved by the provision of 4 affordable housing units at the site.
- 6.7 Balanced against the loss of an existing building that could potentially be re-used for community use e.g. a community centre, which is considered the most likely to be possible at this site, it is considered that the above matters outweigh this concern, and on balance it is considered that it is not necessary to retain a community use (or a building previously in community use) at this site, that the provision, continuation or development of a leisure or community facility at this site is unlikely to occur, and that the loss of the existing building and use would not cause demonstrable harm.
- 6.8 London Plan Policy 3.16 states that "proposals which would result in a loss of social infrastructure in areas of defined need for that type of infrastructure without realistic proposals for re-provision should be resisted. However, given the conclusions made above regarding the likelihood of future community use of the site, and the absence of demonstrable harm (relating to community facility provision) caused by the proposals, it is considered that London Plan policies do not prevent the Council from accepting the loss of a community use at this site.
- 6.9 The Core Strategy states that for Blackheath the stated objective is to ensure the preservation or enhancement of the village's historic character and significance, and that of the surrounding residential areas, through conservation area status.
- 6.10 Retained UDP Policy STC 6 sets out a more flexible approach to the introduction of non retail uses outside the Core and Non Core Shopping Areas of District Centres, provided that the development does not harm the amenity of adjoining properties, the character, attractiveness, vitality and viability of the centre as a whole and the frontage for shoppers is not unreasonably interrupted.
- 6.11 As the proposed development at Independents Road does not involve the loss of an A1 unit, Policy STC 6 does not strictly apply. However, it is appropriate to

consider whether the proposed development has implications in terms of the function of the District Centre. Independents Road has no shops or other town centre uses and the premises do not form part of a shopping frontage. Accordingly, it is not considered that the proposed development would harm the vitality and viability of this District Centre.

- 6.12 London Plan Policy 2.15 Town Centres would not preclude a residential redevelopment of the land. With the principle of the loss of a community use accepted, it is considered that residential use would be an appropriate alternative use of the site. It is therefore recommended that the proposed change of use of the site to residential be accepted in principle.

#### Design and Conservation Issues

- 6.13 The NPPF states that good design is indivisible from good planning and that design is a key aspect of sustainable development. In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and 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.
- 6.14 Policy 7.4 in the London Plan states that buildings, streets and open spaces should provide a high quality design response that, among other things, has regard to existing spaces and streets in scale, proportion and mass, is human in scale and is informed by the surrounding historic environment.
- 6.15 Core Strategy Policy 15 states that the Council will apply policy 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 local context. Within Blackheath, it requires that new development preserves or enhances the historic character and significance, and that of the surrounding residential areas. Core Strategy Policy 16 states that the Council will ensure that the value and significance of the borough's heritage assets and their settings, conservation areas, listed buildings, archaeological remains, registered historic parks and gardens and other non designated assets such as locally listed buildings, will continue to be monitored, reviewed, enhanced and conserved according to the requirements of government planning policy guidance, the London Plan policies, local policy and English Heritage best practice.
- 6.16 New developments should contribute towards improved safety and security and new buildings must be fully accessible. When critiquing design, local planning authorities must take a proportionate approach to the type of development proposed and its context.
- 6.17 The applicant's Design and Access Statement provides an analysis of the site and its context. It explains the evolution of the design and the key influences and constraints, including the surrounding conservation area, the variety of buildings of different designs, ages and heights nearby, the orientation and relationship to nearby buildings, particularly Winchester House. The Statement then illustrates the consideration of options in the development of the design.

- 6.18 It describes the design and explains that the proposal seeks to provide a carefully considered scheme that aims to create an attractive building of appropriate scale and grain, while minimising any negative effect it may have on neighbouring properties.
- 6.19 The building's design is contemporary and uses a mix of traditional and contemporary materials. The Council has held detailed discussion with the applicant in relation to the design of the building. The building would be parallel to the street and to Winchester House to the front and to the railway station platform to the rear; in both cases with set back elements to provide articulation and a better relationship to Winchester House. The building would be composed of four articulated elements or 'blocks', connected by a circulation core which would be further set back from each block element on all four main elevations. The lowest floor is below street level and as a result, the building will appear as four to five storeys when seen from Independents Road. From pavement level in Independents Road the six storey block would be 14m high to the apex of the roof (8.9m to the top of the brickwork element), stepping down to 11m (6m to top of brickwork). The upper floors (levels five and six) are contained within steeply pitched roofs, which help to reduce the mass of the upper storeys and create a more varied roofline that would reflect the variation in building heights and rooflines in the surrounding area.
- 6.20 The proposed building would be of a scale that is significantly greater than the low-rise building that currently occupies the site and which appears single storey from street level. When viewed from Independents Road the building would appear 4/5 storeys. The Design and Access Statement notes the presence of larger residential buildings close to the site as well as Winchester House. The building would sit within the wider context of 4 and 5 storey buildings at Selwyn Court, The Lawns, and blocks to the west in Lawn Terrace. These buildings have tall elevations highly visible from public vantage points, and do not have the same changes in levels of the site, surrounding trees, and gable feature of the proposed building. Closer to the site, while the buildings in Lawn Terrace are lower and have a finer grain, the change in levels between Lawn Terrace and Independents Road and the space and landscaping between the two parallel streets, would help to ensure that the height and massing of the building would not appear overwhelming in relation to those properties on the south side of Lawn Terrace 21m opposite. Long sections through the site and those in the vicinity have been submitted illustrating this relationship. Similarly, the east-west section demonstrates an acceptable height relationship with the Watts Building (former Congregational Church) the Blackheath Montessori Centre and Friends Meeting House and the nearest block of flats in Lawn Terrace to the west. The full height of the building would mainly be evident from Blackheath Station platforms. The reduction in the height of the building from pre-application stage is welcomed, as is the approach to providing articulation which is felt to be important in reducing the perception of mass and bulk and is considered to be successful. The scale and massing of the proposed building is considered to be generally acceptable.
- 6.21 In terms of detailed design, the building reflects features of neighbouring buildings. The form and massing of the building would resemble a cluster of four blocks of varying heights grouped together. This arrangement of mass, and the building's varying roof line, would assist in giving the building a vertical emphasis that would reflect the rhythm and verticality of Winchester House, without resulting in a pastiche. The proposed massing would result in a varied roofline, and would add enclosure and interest to the street scene. The set backs of the facades and

the inset balconies would add relief and interest to the elevations, as would the angled window openings of the side and north elevations and the use of textured brickwork. The main north and south elevations are characterised by recessed balconies and large window openings within a brickwork frame above which are two storeys within the steeply pitched, gabled roof form. The flank elevations are principally of brick, punctuated by smaller openings. The roof element is distinctly different with deeply recessed glazed gables with brise soleil of slatted timber. The strongly vertical gables of the 'block' concept is considered to provide an appropriate design response specific to the location.

- 6.22 In relation to building finishes, specifications and samples of materials and external building elements have been provided. The elevations would be finished in two types of brick, both in a similar warm grey tone; however, one brick has a smooth surface, while the other is heavily textured. It is intended to use the contrasting brick surfaces to add texture to the elevations, particularly the side elevations, which have smaller window openings where the two contrasting textures would be laid in bands (to side elevations) with the textured brick also proposed within splayed external reveals. In addition, the inner faces of recessed balconies would have bricks laid 'proud' of the face to form a pattern, adding further texture. The facing bricks have been selected to reflect the materials of the former Congregational Church building (Watts Building) and Friends Meeting House, which is finished in shuttered concrete, providing an element of contrast to, while being compatible with Winchester House. The standing seam zinc roof would be in a warm tone. It is considered the selected materials would be compatible with both Winchester House and other buildings in Independents Road, and the colour palette would add subtle variety in colour and shade, without jarring.
- 6.23 The quality and use of materials is considered to be extremely important and samples of the proposed facing materials have been provided together with details of their use. The selection of materials is considered to enhance the proposed development, and as identified by the Design Panel, are important to the success of the building. It is proposed to secure the selected materials, building elements and their use through conditions, together with details of brick bond, mortar and pointing, with sample panels provided on site.
- 6.24 While the scale approaches that of Winchester House, though stepping down both at ridge and eaves heights, the building is considered to be of design merit and to sit well within the varied architectural styles evident in Independents Road and its environs.
- 6.25 The Planning (Listed Building and Conservation Areas) Act 1990 confirms that local authorities should pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.26 Retained UDP Policy URB 20 states that the Council will use its powers where possible to protect the character and setting of locally listed buildings. As Winchester House is an undesignated heritage asset which contributes positively to the character and appearance of the Blackheath Conservation Area, any development of the site must be assessed in terms of its impact on the heritage asset of the Conservation Area and the locally listed Winchester House.
- 6.27 Computer generated images (CGI) have been provided to assist in assessing the impact of the scheme on Winchester House and various other points within

Blackheath village. Winchester House is identified as a Local Landmark in the Townscape Map attached to the Blackheath Conservation Area Character Appraisal and as a building that makes a positive contribution to the conservation area in the Designation Map. Winchester House is highly visible in street level views from Independents Road and Lawn Terrace, and from the platforms and car park of Blackheath Station. It is also visible in views from Blackheath Village, from Collins Street, and in longer views from north of the site e.g. down Montpelier Vale. Its prominent location adjacent to the station announces Blackheath to rail passengers and as such it serves an important role in the legibility of Blackheath.

- 6.28 In views directly from the north and south, no screening of Winchester House would occur, while in views from the southeast and northeast, Winchester House would be in the foreground of views and would therefore not be obscured. A view from Collins Street indicates that much of the west facing façade that is currently visible would remain so. The most significant impact would be on views of the west elevation of Winchester House, which is a main elevation that originally faced the school playground. The design seeks to mitigate the effect of the proposed scheme by setting the northeast pavilion block back from the site boundary and by its lower height. In addition the form of the building, with the steeply pitched roof reduces the mass of the building at the upper levels and slopes away from Winchester House so that the four storey north western gable element as well as the north elevation, would still be visible e.g. from the platforms of the station.
- 6.29 It is acknowledged that the building will impact to a degree on the landmark quality of Winchester House. In considering the impact on Winchester House it must be noted that any development of the site of a scale greater than the existing building is likely to reduce views of Winchester House to some extent. The applicants have produced views from various points, as it is also necessary to assess the impact of the building on the wider townscape and views. From the north part of Montpelier Vale the upper part of the proposed building would be visible alongside Winchester House, however it would appear subservient to Winchester House and would not entirely obscure views of trees in the background. On balance, the impact on views of Winchester House is considered acceptable.
- 6.30 The arrangement of mass with the varying roofline would help in integrating the proposed building into the street scene in Independents Road where existing buildings are of a variety of architectural styles and into the wider environs. The selected materials would provide a subtle contrast with the older buildings, be compatible with both Winchester House and other buildings in Independents Road, add attractive variety in texture and shade, resulting in an interesting building that would not be overly striking. The design, including the selected materials is considered to provide a complementary contrast to Winchester House and would bring enclosure and definition to the street scene.
- 6.31 Overall, it is considered the design would enhance the site and its setting and achieve satisfactory integration into Independents Road and this part of the Blackheath Conservation Area.

#### Conservation Area Consent

- 6.32 The present building that occupies that site is of undistinguished, utilitarian appearance and has, at best, a neutral impact on this part of the conservation

area. Accordingly there is no objection in principle to its demolition, subject to a suitable replacement building. It is considered that Conservation Area Consent should not be granted in isolation. A condition is recommended to prevent demolition of the building prior to confirmation that a replacement development would proceed.

### Housing Issues

- 6.33 At national level the NPPF recognises the need to develop socially inclusive communities, creating a suitable mix of housing, both market and affordable. The London Plan seeks mixed and balanced communities (Policy 3.9). Communities should be mixed and balanced by tenure and household income, supported by effective and attractive design, adequate infrastructure and an enhanced environment. Policy 3.11 of the Plan confirms that boroughs should maximise affordable housing provision. Though the Plan does not set percentage targets for provision at Borough level, it sets a strategic target of 13,200 more affordable homes per year across London as a whole and confirms that Boroughs should set their own targets according to the Strategy of the London Plan. The Policy also refers to a strong and diverse intermediate sector, in that 60% of provision should be for social rent and 40% should be for intermediate rent or sale and priority should be accorded to the provision of affordable family housing.
- 6.34 Core Strategy Policy 1 confirms that the maximum level of affordable housing will be sought by the Council, with a strategic target of 50%, as a starting point for negotiations and subject to an assessment of viability. The Policy also seeks provision at 70% social rented and 30% intermediate housing and family housing (3+ bedrooms) in development of more than 10 units and where existing areas have a high concentration of social rented housing, different proportions of affordable housing will be sought.

### Housing Provision, Size and Tenure

- 6.35 The proposed development would provide 16 dwellings including 4 affordable units, two of which would be for social rent and two would be shared ownership units. The two three bedroom units are proposed for social rent and two of the one bedroom units are proposed for shared ownership. Based on this mix, the development would comprise 25% affordable units (33% by habitable room). The figures fall short of the affordable housing target figure set out in Policy 1 of the Core Strategy. The applicant has submitted a confidential financial viability assessment that has enabled the Council, advised by specialist consultants, to assess the overall viability of the scheme and its ability, in financial terms, to meet policy in terms of affordable housing provision. In summary, the financial appraisal demonstrates that the proposed development provides the maximum viable amount of affordable housing at this time. While it is accepted by officers that the provision of a larger proportion of affordable housing is not possible at this time, it is appropriate that the level of provision is kept under review. Accordingly, a mechanism would be incorporated as part of the Section 106 Agreement to consider securing a financial contribution toward affordable housing provision off-site should values increase to a level where this would be financially viable.
- 6.36 The provision of the two three bedroom duplex units as social rent meets the 70% social rented/30% intermediate split for housing set out in Core Strategy Policy 1 on a habitable room basis.

- 6.37 The proposed size mix includes 2 units as family-sized accommodation, 4 units as 2-bed units and the remaining 10 units as 1-bed units. The two three bedroom family units are welcomed. In the circumstance, officers consider the proposed size and tenure mix is acceptable.

#### Standard of Residential Accommodation

- 6.38 Policy 3.5 of the London Plan Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. This details, in Table 3.3, that one bedroom (two-person) flats should achieve a gross internal floorspace of 50sqm, two-bedroom (four-person) flats a gross internal floorspace of 70sqm and three-bedroom (five-person) flats a gross internal floorspace of 86sqm. The Council's Adopted Residential Standards SPD originally adopted in 2006 has been revised to take account of the improved dwelling size standards of the London Plan.
- 6.39 Retained Policy HSG 5 Layout and Design of New Residential Development in the adopted UDP states that the Council expects all new residential development to meet the functional requirements of future residents and that the Council will only permit new residential development that provides physical accessibility for all members of the community including people with disabilities. Where appropriate, the Council will seek the provision of new homes designed, or capable of adaptation, to housing for long-term needs. Core Strategy Policy 1 states that all new housing is to be built to Lifetime Homes Standards and that 10% of new housing is to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 6.40 The practical application of the Lifetime Homes Standard is to apply the criteria where relevant as many sites will not lend themselves to all of the criteria and some flexibility in their application is required. The applicant has confirmed that the residential units have been designed to Lifetime Homes Standard, where 16 criteria are applicable. In this case, criteria 1a (on-plot car parking) would not apply, as no car parking is proposed. However, the general approach to Lifetimes Homes is considered acceptable. All units are proposed as easily wheelchair adaptable, including the affordable family sized units and two one-bedroom units are capable of being adapted to SELHP wheelchair standard.
- 6.41 Each of the dwellings satisfies the London Plan dwelling size requirement. The three bedroom units are on two levels with bedrooms at lower ground floor level; each of these would have a terrace area to the front.
- 6.42 Rooms have sufficient light and outlook and are of a configuration that enables a flexible standard of furniture layout. As such, an acceptable standard of accommodation is considered to be provided for all the flats.
- 6.43 Each of the proposed units would be provided with a terrace or balcony and all units would be double or triple aspect. The terraces/balconies would range in size between 7m<sup>2</sup> and 10m<sup>2</sup>. While the building footprint would occupy most of the site area, it is within a town centre location and cannot reasonably be expected to have a large amount of outside space.
- 6.44 Overall, it is considered that the proposed development would provide a good standard of accommodation for future occupiers.



## Density

- 6.45 Policy 3.4 of the London Plan seeks to ensure that development proposals optimise housing output for different types of location compatible with local context, design principles and public transport capacity. Table 3.2 in the London Plan identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, prevalent building form and massing) and public transport accessibility (PTAL).
- 6.46 The site is in an 'urban' setting and has a PTAL rating of 5 giving a London Plan indicative density range of 70-260 units per hectare (dependent on the unit size mix). The proposal is for 281 units per hectare / 737 habitable rooms per hectare, and therefore exceeds the density range of the Plan.
- 6.47 The Core Strategy states that residential areas immediately surrounding each District town centre will be potential locations for intensification of the development pattern where opportunities exist and relate to public transport accessibility. Density will be in accordance with local context and London Plan policy. These areas will form a transition between the District town centre, where a greater intensity of development would be expected and appropriate and the wider residential neighbourhood. Conservation areas will continue to be protected and development will need to preserve or enhance their quality and character.
- 6.48 Core Strategy Objective 2 sets out that 3190 new dwellings are required over the plan period in the remainder of the Borough outside of Lewisham and Catford Major Town Centres and Deptford and New Cross.
- 6.49 The supporting text of London Plan Policy 3.4 notes that it is not appropriate to apply Table 3.2 mechanistically and that in taking account of other factors relevant to optimising housing potential, local context, design and transport capacity are particularly important. In this case, the site is in an urban setting, very close to Blackheath station, bus services and is within the Blackheath District Centre with the amenities and shopping facilities of Blackheath Village within very close proximity. In terms of the surrounding context, there are a variety of residential typologies and densities in the vicinity, ranging from the five-storey block of Selwyn Court to two-storey houses in Lawn Terrace. The details of the proposed development must also be considered when assessing appropriate density, and the scale, design, massing and quality of the proposed building are given detailed consideration elsewhere in this report. Although somewhat exceeding the upper range of density, given the above considerations and the number of flats involved, in this highly accessible location it is not considered that the density of the scheme proposed in this case would result in adverse impacts that would indicate that the amount of development is unacceptable.

## Amenity Impact

- 6.50 Policy HSG 4 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, potential overbearing impact, loss of privacy and general noise and disturbance.
- 6.51 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 allows the Council to

consider the impact of the proposal on the extent of daylight/sunlight received in the windows of neighbouring properties.

- 6.52 The assessment considers properties falling within the influence of the building. Other buildings in the vicinity were not tested as the proposal would not affect their daylight/sunlight falling within a 25-degree plane of light to their windows and are excluded under the BRE guidance as not being impacted by the proposed building.
- 6.53 In assessing existing and proposed levels of daylight and probable sunlight hours to rooms, the assessment shows that the proposal has no effect on the closest residential buildings.
- 6.54 A shadowing analysis has also been undertaken. Such analysis is useful in considering the impact of the scheme on sunlight in open spaces. The assessment shows that there would be no shadowing effect to gardens of nearby properties.
- 6.55 Given that the application site is flanked by railway lines and platforms to the north and a private car park to the west, the proposed development raises no concerns in terms of neighbour amenity impacts in these directions.
- 6.56 To the east, Winchester House is used by the Blackheath Hospital as an outpatients' centre. In addition, a walk-in, minor injuries service is offered for paying members of the public Monday to Friday 7am to 8pm and Saturday 7am to 5pm. It is understood that no overnight care is provided at Winchester House. As such, it is considered that this neighbouring building does not have the same amenity sensitivity as a residential property or hospital (in-patient) would have. Given this limited sensitivity, and the distances that would be maintained between the proposed development and Winchester House, it is considered that this adjacent building would not be significantly and unacceptably affected in terms of loss of natural light, privacy and outlook.
- 6.57 To the south, the proposed development would face residential properties on the south side of Lawn Terrace. Distances of approximately 23 metres would be maintained between the front habitable room windows of these properties and those of the proposed development, in excess of the 21-metre minimum distance referred to at paragraph 2.13 of the Residential Standards SPD. It should be noted that the 21m separation distance applies to windows of habitable rooms in rear elevations where a greater level of privacy would be expected. It is considered that this distance would ensure adequate levels of privacy would be maintained for these existing neighbouring residents. The privacy concerns raised by residents of properties further to the south on Lee Terrace – some 70 metres away and on higher land – are not shared by officers, for the same reasons.
- 6.58 In terms of outlook, while the proposed development would be taller than these properties to the south (as demonstrated in the north-south sectional drawing submitted), due to the distance to be maintained between buildings, the changes in levels and the intervening vegetation, it is considered that the new building would not loom over these existing properties, and that they would maintain a satisfactory level of outlook. Although it is noted that the upper floors of properties on Lawn Terrace are currently likely to benefit from long views of Blackheath, it is

considered that these properties would retain satisfactory outlook and that the proposed building would not result in an unacceptable sense of enclosure.

- 6.59 Although direct sight of the sky may be reduced from some vantage points, daylight and sunlight reaching the north-facing windows of residential properties on Lawn Terrace would not be significantly affected by the proposed development, due to the aspect of these windows, the distance to be maintained between buildings, the changes in levels and the intervening vegetation. The submitted Sunlight, Daylight and Overshadowing report states that “there would be no failure to meet the BRE minimum daylight VSC level to all of the tested rooms within existing residential properties”). A shadow path analysis contained in the report shows that on 21 March no shadow would fall on residential properties in Lawn Terrace opposite the site.
- 6.60 No external plant is proposed, and there is no reason to believe that residents of the development – through their everyday activities – would bring unacceptable levels of noise to Independents Road and Lawn Terrace. If noise disturbance does in fact occur as a result of the development, the Council has powers under environmental health legislation to require perpetrators to cease or mitigate nuisances.
- 6.61 Noise generated during building works would similarly be subject to environmental health legislation and noise controls. Appropriate conditions relating to construction impacts have been recommended. Subject to mitigation measures (which will be controlled by conditions), it is not considered that unacceptable harm to neighbouring amenity will occur.
- 6.62 Given the above, it is considered that the proposals are compliant with the parts of UDP Policy HSG 4 relevant to neighbour amenity and the impact of the proposals on adjoining properties is considered to be acceptable.

#### Highways and Traffic Issues

- 6.63 Policy 6.3 of the London Plan requires development to be assessed against its effect on transport capacity and the transport network, including at a local level. Core Strategy Policy 14 sets out the Council’s policy approach for sustainable development and transport including a managed approach to car parking, car free development, cycle parking and the need for travel plans.
- 6.64 The applicant has submitted a Transport Assessment which considers a number of matters including the level of public transport accessibility and servicing.
- 6.65 The site has a PTAL level of 5 (very good), being less than 100m from Blackheath rail station and close to a number of bus services. Blackheath is covered by a Controlled Parking Zone (CPZ). As a car free development is proposed, it is proposed to prevent future residents from obtaining car-parking permits within the CPZ via the S106 Agreement. There are several car club space located within the Blackheath station car park and it is proposed to secure two years membership of a car club for residents of the development.
- 6.66 Independents Road is a private road and while there is a right of access over Independents Road, there has been some concern expressed in relation to servicing, particularly in relation to refuse collection.

- 6.67 The Transport Assessment states that given the car-limited nature of the scheme it is considered that the impact on the local highway network will be minimal. It should also be noted that use of the premises for its current use class could result in a significant level of vehicle movements.
- 6.68 Cycle parking should be provided in accordance with policy standards. The application shows the provision of 18 cycle parking spaces to be provided adjacent to the east side of the building. A condition will be attached to control delivery and retention.
- 6.69 Initially the Council's Highways Manager had raised particular concerns regarding refuse collection in view of the limited turning facilities for large vehicles, as Independents Road is one-way. The applicants had advised that they would be prepared to deal with refuse collection by using a private refuse contractor and that this provision could be secured as part of the s106 Agreement. Highways and refuse service officers, having visited the site, have indicated that it would be possible for refuse to be collected by the Council's refuse service since they already collect refuse from The Blackheath Montessori Centre in Independents Road located to the west of the site.
- 6.70 Several residents and premises in Independents Road have raised strong concerns about the impact of construction activities, in particular access to the site by construction vehicles and construction deliveries and how the process would impact on other users of Independents Road including parents and children using the Montessori Centre and patients visiting the Blackheath Hospital premises. As the proposed building would occupy much of the site and space within the site for storage of materials and construction facilities would be limited it is acknowledged that there is potential for disruption caused by construction activities to occur. An initial Construction Management Plan (CMP) has been submitted which outlines systems and procedures that would be employed. Many of the provisions are general good practice measures. The CMP states that a protected pavement would be provided for pedestrian safety. The applicant's agent has stated that further details of construction methodology would be submitted once a contractor has been appointed. The CMP acknowledges that delivery vehicles would need to reverse into Independents Road. It notes that due to the restricted nature of the site, construction of the foundations and lower ground floor slab would be carried out in phases to accommodate storage of materials and site accommodation within the site area.
- 6.71 In terms of construction servicing, it is envisaged that access routes and times would be by agreement to avoid congestion, with each delivery being allocated a time; the CMP states that deliveries would be unloaded without delay. The report states that delivery of materials would be co-ordinated so that a 'just in time' regime would be in place. The report sets out measures, including contact details to establish liaison with neighbouring residents.
- 6.72 Due to the constrained nature of the site and narrowness of Independents Road it is considered that further details of construction site management should be provided, including measures to ensure safe access to other properties in Independents Road is maintained. It is recommended that this be required by condition.
- 6.73 Subject to a satisfactory detailed CMP, it is considered that the proposal subject of this application can be accommodated without detriment to traffic conditions on

the local highway network. There is no evidence that the proposal will result in demonstrable harm or that any additional mitigation measures are required following the construction phase.

- 6.74 The Councils' Highways Manager does not raise an objection to the proposal subject to recommended conditions particularly with regard to construction management and logistics, including provisions for managing deliveries and for safe access for users of Independents Road.

#### Trees and Landscape

- 6.75 There are no trees within the application site however there are two mature sycamore trees close to the western site boundary within the adjacent car park and a goat willow to the north of the site. A Tree Preservation Order covers 14 trees within the vegetated bank between Lawn Terrace and Independents Road, and all trees close to the site are protected by virtue of the conservation area designation.
- 6.76 The Arboricultural Survey describes the condition of the two sycamore trees as "fair" and "poor" respectively and recommends removal of the smaller tree (subject to the owners consent). The larger of the two sycamore trees is approximately 15m high and its crown overhangs the site at the northwest corner. The Arboricultural Report envisages some crown reduction to facilitate construction and to provide clearance at the corner of the building.
- 6.77 An Arboricultural method statement notes the retaining wall bounding the adjacent car park, which is approximately 2.2m high with a boundary wall of approximately 2.m above this and concludes that due to the retaining structure, it is unlikely that root development would have occurred below the retaining wall and that the root mass of the tree will principally occupy the land on the car park side of the wall. Landscape and tree protection measures are proposed to be secured by condition.

#### Sustainability and Energy

- 6.78 London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. For major development proposals, there are a number of London Plan requirements in respect of energy assessments, reduction of carbon emissions and, sustainable design and construction and decentralised and renewable energy. Major developments are expected to prepare an energy strategy based upon the Mayors energy hierarchy adopting lean, clean and green principles.
- 6.79 This application was accompanied a Sustainable Energy Assessment. The development will be undertaken on Brownfield land which is a fundamental sustainability objective. The Sustainable Energy Assessment sets out that the development will address climate change in the followings ways:
- Maximise natural daylight into the units, reducing the need for artificial lighting, the design includes measures to reduce overheating of south facing rooms;
  - Ensure the building is well insulated and ventilated;
  - Inclusion of solar thermal panels;

- Use of gas fired CHP;

- 6.80 Carbon dioxide emissions would be reduced by 44% to meet Code Level 4 – Code for Sustainable Homes.
- 6.81 In addition, a Code for Sustainable Homes Code Level 4 Pre Assessment has been undertaken for the proposed development to identify at this stage in the design process, the maximum number of credits that can be achieved. It concludes that the development would achieve Level 4 of Code for Sustainable Homes.
- 6.82 Overall, the application is considered to represent a sustainable form of development.

#### Ecology and Biodiversity

- 6.83 The planning system should contribute to enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. Core Strategy Policy 12 seeks to protect open space and environmental assets.
- 6.84 This site is a Brownfield site but is substantially covered by the existing building. Officers are satisfied that the proposal would not have significant adverse impacts on ecology or biodiversity. There is little scope for landscaping however, some limited planting is proposed at the site frontage and two bat boxes are proposed. These features will be controlled by condition.

#### Land Contamination

- 6.85 UDP Policy ENV.PRO.10 requires developers to investigate and identify any contamination on development sites. Evidence of investigation should be provided as part of the planning application and any necessary remediation works secured via planning conditions.
- 6.86 Given the previous uses of the site (which, according to historic maps, included the use of the building as an “electrical factory”), it is recommended that a condition be attached to any permission, requiring the submission of a detailed investigation and assessment of the site in relation to possible contamination, together with full details of any remediation required, and the final submission of a closure report. This recommendation accords with the recommendation for intrusive investigation of the site, set out in the submitted Environmental Desk Study.

#### Noise and Vibration

- 6.87 The impact of external noise (largely from trains to the north, and aeroplanes overhead) on the proposed dwellings has been addressed in the submitted Noise and Vibration Assessment. This states that the site falls within Noise Exposure Category (NEC) B.
- 6.88 Noting that double glazed and weather stripped windows would provide a reasonable level of façade sound insulation, and assuming that an existing masonry wall at the northern site boundary would be retained, the applicant

asserts that no further noise mitigation measures are required, although it is suggested that some windows would require sound attenuated ventilation.

- 6.89 Details of measures to ensure that future occupants would not be adversely affected by existing noise sources are required by condition. The noise report addresses potential noise caused by the operation of the existing outdoor refuse/good lifts within the curtilage of Winchester House, adjacent to the application site. The report states that this does not add significantly to background noise.
- 6.90 With regard to vibration, the report concludes that “Vibration levels on site are very low and not readily discernible, hence no mitigation action is deemed necessary”.

#### Flood Risk

- 6.91 This site is within a Flood Risk Zone 1. Given the location of the site, the proposed development raises no specific concerns relating to flood risk and the suitability of the site for residential development.

#### Planning Obligations

- 6.92 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
- 6.93 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.
- 6.94 The applicant has provided a planning obligations statement outlining the obligations they consider necessary to mitigate the impacts of the development. The proposed Heads of Terms for a S106 agreement are:-
- Affordable housing - 4 Affordable Housing Units;
  - Education contribution - £62,414;
  - Health contribution - £20,800;
  - Sustainable transport, public realm improvements - £26,933
  - Leisure facilities - £13,015
  - Open space - £7,996
  - Community centres - £5,025

- Town Centre Management - £2,335;
- Employment training - £5,455
- Residents restricted from obtaining residents car parking permits within the Controlled Parking Zone;
- Car club membership for two years;
- Meeting Council's legal, professional and monitoring costs.

6.95 Officers consider that the proposed 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 that the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations.

## **7.0 Local Finance Considerations**

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

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

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

7.3 The Mayor of London's CIL is therefore a material consideration. CIL is payable on this application (1,452m<sup>2</sup>).

## **8.0 Conclusion**

8.1 The application has been considered in the light of policies set out in the development plan and other material considerations, including issues raised in response to consultations.

8.2 It is considered that the redevelopment of the site for residential use would be acceptable. The proposed scheme is considered to be acceptable, providing an architectural approach of high quality, compatible with the location and the wider conservation area.

8.3 The standard of proposed accommodation is in compliance with guidelines. Officers therefore consider the proposals to be acceptable.

## **9.0 Summary of Reasons for Grant of Planning Permission**

9.1 The decision to recommend the grant of planning permission has been taken, having regard to the policies and proposals in the London Plan (July 2011), the adopted Local Development Framework (June 2011) and Unitary Development Plan (July 2004) as set out below, and all relevant material considerations, including comments received in response to third party consultation.



9.2 The local planning authority has further had regard to the local planning authority's Adopted Residential Standards Supplementary Planning Document (August 2006, updated) and Planning Obligations Supplementary Planning Document (January 2011), Government Planning Policy Guidance and Statements, and all other material considerations as well as the obligations that are to be entered into in the planning agreement in connection with the development and the conditions to be imposed on the permission. The local planning authority considers that:

- (1) The proposed residential development of the site is in accordance with Core Strategy Policy 1, which supports residential uses, and London Plan Policy 3.12 which identifies the need to encourage rather than restrain housing development. The site is an appropriate location for a development of the density proposed in accordance with London Plan Policy 3.4, which seeks to optimise the potential of sites and ensure that development proposals achieve the highest possible intensity of use compatible with local context, identified design principles and public transport capacity.
- (2) The scale and design of the development is in accordance with London Plan policies 7.4, 7.6 and 7.8 and Core Strategy Policies 15 and 16.
- (3) The layout of the site, the design of the development, and the provision of housing is in accordance with London Plan Policy 3.5 which seeks to achieve a range of housing choice, and within Core Strategy Policy 1 and Lewisham UDP Policy HSG 5, which requires that all new residential development is attractive, neighbourly and meets the functional requirements of its future inhabitants.
- (4) The proposed dwelling mix and provision of affordable housing, which is controlled by planning obligations agreed as part of the permission, is considered to be the maximum reasonable that can be achieved on this site taking account of targets and scheme viability and the need to encourage rather than restrain residential development in accordance with London Plan Policy 3.12 regarding the provision of affordable housing and with Policy 1 of the Core Strategy, which seeks the provision of affordable housing in a way which assists in securing a more balanced social mix having regard to the financial viability of the development.
- (5) The energy demand of the proposed development has been assessed in accordance with London Plan Policies 5.2, 5.6 and 5.7 and Policy 8 of the Core Strategy regarding energy and carbon dioxide savings through a lean, clean and green strategy.
- (6) The provisions for pedestrians, cyclists and other road users and the overall traffic impact of the development have been assessed in accordance with Core Strategy Policy 14 which requires major schemes to take account of the requirements of public transport providers as well improvements to public transport and facilities for cyclists and pedestrians.
- (7) The proposed level of cycle parking and associated measures to reduce car use are in accordance Core Strategy Policy 14 regarding sustainable movement and transport.
- (8) The financial contributions towards achieving other planning policy objectives are in accordance with Core Strategy Policy 21 which seeks the inclusion of community benefits as part of development proposals, and with London Plan Policy 8.2.

9.3 Consideration has also been given to the objections made to the proposed development. It is considered that none of the material objections outweighs the reasons for granting planning permission.

## **10.0 Recommendation**

### **10.1 Recommendation (A)**

10.2 Authorise officers to negotiate and complete a legal agreement under Section 106 of the Town and Country Planning including 1990 Act (and other appropriate powers) to cover the following matters including such amendments as considered appropriate to ensure the acceptable implementation of the development:-

1. Affordable housing.
2. Financial contribution towards:
  - a) Education facilities - £62,414
  - b) Health provision - £20,800
  - c) Leisure facilities - £13,015
  - d) Open space contributions - £7,996
  - e) Transport, public realm contribution - £26, 933
  - f) Employment training - £5,455
  - g) Community centres - £5,025
  - h) Town Centre Management - £2,335
3. Restriction in relation to obtaining residents car parking permits within the Controlled Parking Zone.
4. Payment for membership to car club for 2 years
5. Meeting the Council's legal, professional and monitoring costs associated with the drafting, finalising and monitoring of the Agreement. To include meeting the cost of external viability consultants appointed by the Council to assess and advise on proposed development.

### **10.3 Recommendation (B)**

10.4 Subject to completion of a satisfactory legal agreement, authorise the Head of Planning to GRANT PERMISSION subject to the following Conditions and Informatives:

#### **Conditions**

1. Three-year time limit.  
Reason: As required by Section 73 of the Town and Country Planning Act 1990.
2. Unless minor variations are otherwise approved in writing by the local planning authority, the development shall be carried out strictly in

accordance with the application plans, drawings and documents hereby approved.

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. External Materials and Finishes

a) The building hereby approved shall be constructed of the materials and components as detailed in the Materials and Components Specification and drawings AL-032-101-100 Rev A, AL-032-102-100 Rev A, AL-032-103-100 Rev B AL-032-104-100 Rev A hereby approved.

b) Notwithstanding part a) above, sample panels of a minimum size of 1m<sup>2</sup> of each of the proposed bricks, showing details of bonding, mortar and pointing shall be constructed on site and approved by the local planning authority prior to commencement; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure that the design is of the necessary high standard and detailing, and delivers the standard of architecture detailed in the plans, rendered images and design and access statement in accordance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).

4. External Finishes

No development shall commence on site until a detailed schedule and specification of all windows, reveals and external doors have been submitted to and approved in writing by the local planning authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure that the design is of the necessary high standard and detailing, and delivers the standard of architecture detailed in the plans, rendered images and design and access statement in accordance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).

5. External Finishes - Sections

Prior to the commencement of development, section detail drawings at a scale of 1:5 through all principal features of the facades, including:

- a) Roof edges/eaves, roof openings;
- b) Balcony types, balustrades and railings;
- c) Heads, cills and jambs of all openings;

shall be submitted to and approved in writing by the local planning authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure that the design is of the necessary high standard and detailing, and delivers the standard of architecture detailed in the plans, rendered images and design and access statement in accordance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design and URB 16 New Development, Changes of Use and Alterations to Buildings in Conservation Areas in the adopted Unitary Development Plan (July 2004).

#### 6. Plumbing and Pipes

No plumbing, pipes, flues, vents or airbricks shall be fixed on the external faces of the building, other than the flue outlet of the CHP boiler, unless otherwise agreed in writing by the local planning authority.

Reason: B09R

#### 7. Landscaping

Full details of both hard and soft landscaping including paving, boundary treatments and gates, planters and a schedule of planting shall be submitted to and approved in writing by the local planning authority prior to the commencement of any above ground works. The details shall be general conformity with the Materials and Components Specification hereby approved. Any plants which within a period of 5 years from the completion of development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the local planning authority has given written consent to any variation.

Reason: L01R

#### 8. Land Contamination

- (a) No development shall take place until each of the following has occurred:
  - (i) a site investigation has been carried out to survey and assess the extent of potential contamination and its effect (whether on or off site);
  - (ii) a report comprising the results of that site investigation and recommendations for treatment of any contamination (whether by remedial works or not) has been submitted to and approved in writing by the Council; and

- (iii) all measures or treatments identified in that report as being necessary or desirable for the remediation of the site have been implemented in full.
  - (b) If during any works at the site (whether pursuant to paragraph (a) of this condition [“paragraph a,”] or implementation of this planning permission generally) contamination is encountered which has not previously been identified (“the new contamination,”), then works on the affected part of the site and adjacent areas will cease and paragraph (a) shall apply to the new contamination and no further development shall take place on the affected part of the site 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. The closure report shall include details both of the remediation (including waste materials removed from the site, an audit trail demonstrating that all imported or reused soil material conforms to current soil quality requirements as approved by the Council) and any post-remediation sampling that has been carried out.
- Reason: To ensure that the Council may be satisfied that potential site contamination is identified and remedied in view of the historical use(s) of the site, which may have included industrial processes, and to comply with Policy ENV.PRO 10 Contaminated Land in the adopted Unitary Development Plan (July 2004).

9. External Noise Protection

- (i) The building shall be constructed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time-weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided.
  - (ii) Development shall not commence until details of a sound insulation scheme complying with paragraph (i) of this condition have been submitted to and approved in writing by the local planning authority.
  - (iii) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (ii) of this condition has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity.
- Reason: To safeguard the amenities of residents and to comply with Policy HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004), and to ensure any impacts arising from the proposed development (and any measures required to mitigate those impacts) are consistent with the Noise Assessment accompanying the application.

10. Environmental Management Plan

No development shall commence on site (including demolition works) until such time as an Environmental Management Plan has been

submitted to and approved in writing by the local planning authority, which shall include, but is not limited to the following items: -

- Dust mitigation measures.
- Measures to mitigate against noise and air quality impacts associated with site preparation, demolition, earthworks, materials handling and storage, vehicles and plant, construction and fabrication and waste.
- Methods of monitoring construction impacts (noise and air quality).
- Training of Site Operatives and ensuring the chosen contractor subscribes to the 'Considerate Contractors' scheme.
- The location of plant and wheel washing facilities and the operation of such facilities.
- Details of measures to be employed to mitigate against noise and vibration arising out of the construction process.
- Construction traffic details (volume of vehicle movements likely to be generated during the construction phase including routes and times).
- Hours of working

Works on site shall only take place in accordance with the approved Environment and Construction Management Plan.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner that recognises the locational characteristics of the site and minimises nuisance to any neighbouring residential occupiers, and to comply with Policies ENV.PRO 10 Contaminated Land and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

#### 11. Construction Management and Logistics Plan

No works (including demolition and construction) shall commence until a Construction Management and Logistics Plan (CMP) has been submitted to and approved in writing by the local planning authority, which shall include, but is not limited to the following items: -

- (i) Location of loading areas, materials storage, site accommodation, hoarding/fence locations;
- (ii) Pedestrian routes and measures to ensure safe pedestrian and vehicle access to the site and to other premises in Independents Road;
- (iii) Details and times of servicing movements and measures to prevent queuing of vehicles requiring access to the site;
- (iv) Swept path analysis to demonstrate that construction vehicles can manoeuvre safely into/out of Independents Road and details of any associated traffic management measures that may be required.

The CMP shall be in accordance with the Environmental Management Plan required by Condition (8). No works shall be carried out other than in accordance with the relevant approved CLP.

Reason: To ensure that the demolition and construction processes are carried out in a manner which will minimise possible disturbance from road traffic and safeguards road safety in accordance with Policies ENV.PRO 9 Potentially Polluting Uses, ENV.PRO 11 Noise Generating Development and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004) and that all reasonable measures have been taken to improve construction freight efficiency by reducing CO<sub>2</sub> emissions, congestion and collisions in accordance with Policy 14 Sustainable movement and transport and Policy 21 Planning obligations. of the adopted Core Strategy (June 2011), and Policy 6.14 Freight in the London Plan (July 2011).

12. Demolition

No demolition works shall be undertaken until a method statement for a watching brief for demolition, which shall include the presence of a bat ecologist during demolition works, has been submitted to and approved in writing by the local planning authority. The works of demolition shall be undertaken in full accordance with the approved method statement.

Reason: To comply with Policy 7.19 (Biodiversity and access to nature) in the London Plan (July 2011) and Policy 12 Open Space and environmental assets of the adopted Core Strategy (June 2011).

13. Bat Boxes

The mitigation measures, including a minimum of two bat tubes/boxes shall be undertaken in full accordance with the Phase 1 Ecological walkover and Initial Bat Survey Report December 2010. These measures shall be provided to the satisfaction of the local planning authority prior to first occupation of the development.

Reason: To ensure the development provides suitable creation of habitats in accordance with Policy 7.19 (Biodiversity and access to nature) in the London Plan (July 2011); and Policy 7 Climate change and adapting to the effects, Policy 10 Managing and reducing the risk of flooding and Policy 12 Open Space and environmental assets, of the adopted Core Strategy (June 2011).

14. Code for Sustainable Homes

No new dwelling hereby approved shall be occupied until a Code for Sustainable Homes Level 4 post-construction certificate for that dwelling has been submitted to and approved in writing by the local planning authority.

Reason: To ensure the use of sustainably-sourced and recycled materials and aggregates and the sustainable use of water, and to meet the requirements of Policy 5.3 Sustainable design and construction in the adopted London Plan (July 2011).

15. Tree Protection

No development shall commence on site until adequate steps have been taken in accordance with BS 5837:2012 Trees to safeguard all trees adjoining the site against damage prior to or during building works, including the erection of fencing. These fences shall be erected to the extent of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree and such protection shall be retained until the development has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structure of the trees.

Reason To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the adopted Core Strategy (June 2011) and Policies URB 3 Urban Design, URB 12 Landscape and Development and URB 13 Trees in the adopted Unitary Development Plan (July 2004).

16. Refuse Storage and Collection

In respect of each unit hereby approved, details of proposals for the storage, disposal and collection of refuse and recycling facilities shall be submitted to and approved in writing by the local planning authority and shall be provided in full accordance with the approved details before the permitted use starts and shall be permanently retained and maintained thereafter.

Reason: In order that the local planning authority may be satisfied with the provisions for recycling facilities and refuse disposal, storage and collection, in the interest of safeguarding the amenities of neighbouring occupiers and the area in general, in compliance with Policy URB 3 Urban Design in the adopted Unitary Development Plan (July 2004).

17. Site Levels

Details of the proposed slab levels of the buildings and existing site levels shall be submitted to and approved in writing by the local planning authority before work commences and the development shall be completed in accordance with the approved levels and details.

Reason: To protect the amenities of neighbouring occupiers and the surrounding area, in compliance with Policies URB 3 Urban Design and HSG 4 Residential Amenity in the adopted Unitary Development Plan (July 2004).

18. Cycle Storage

Notwithstanding the information submitted, the development hereby approved shall include secure parking provision for a minimum of 20 cycles, in accordance with details to be submitted to and approved in writing by the local planning authority. Such provision shall be provided before first occupation of the development hereby approved and retained permanently 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 (June 2011).

19. External Lighting

Details of any external lighting to be installed at the site, including measures to prevent light spillage, shall be submitted to and approved in writing by the local planning authority before any works on site are commenced. Any such external lighting shall be installed in accordance with the approved drawings and any directional hoods shall be retained permanently. The applicant should demonstrate that the proposed lighting is the minimum needed for security and working purposes and that the proposals minimise pollution from glare and spillage.

Reason: In the interests of residential amenity and to comply with Policy HSG 4 of the UDP (July 2004).

20. Telecommunications

No telecommunications installations, whether or not permitted under Article 3 and Schedule 2 (Part 24) of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, shall be carried out without the prior written permission of the local planning authority.

Reason: To ensure that the local planning authority may have the opportunity of assessing the impact of any further development.

**Informative**

Assessment of the sound insulation scheme should be carried out by a suitably qualified acoustic consultant, and should be guided by the advice in the NPPF and comply with the standards given in the current BS8233 for internal noise design levels and BS6472 for evaluation of human exposure to vibration in buildings.

**Recommendation (C)**

10.5 In respect of Conservation Area Consent application no. DC/10/76230: authorise the Head of Planning to GRANT PERMISSION subject to the following Condition:

LB2 Retention of Buildings

Reason: LB2R

## Appendix A – Notes of Local Meeting - Planning Application DC/10/76229

### Notes of Local Meeting - Planning Application DC/10/76229

24 November 2011

Held at Friends Meeting House, Independents Road, SE3

The redevelopment of 9 Independents Road with a part four/part five storey building to provide 16 flats.

#### Attendance

Applicants:

Jan-Marc Petrowska (JMP)

Gerry Cassidy (GC)

LBL

Cllr Maines - Chair

Cllr Bonavia

Louise Holland (LH) – Planning

Approx 15 residents attended together with representatives of Blackheath Hospital (BH), Blackheath Montessori (BM) and the Blackheath Society (B Soc).

The meeting was introduced by Cllr Maines, who explained the format and purpose of the meeting.

JMP gave a short presentation, described the site and its context, described design development of the scheme, outlined the design, materials and dwelling mix.

A number of questions were asked and responded to by the applicants as follows:

Q. Do the top storeys have a glass frontage?

A. Yes, with louvres.

Q. (Cllr Maines) Have there been any discussions with Hospital? Concern about servicing, previous use was low level. Delivery vans frequently have to reverse along Independents Road.

A. Site has right of way for deliveries. Current use (if operative) could generate a level of deliveries.

Q. How would refuse collection work?

A. Considering private refuse collection.

Q. Likelihood that delivery vans would reverse onto Blackheath Village.

A. Will ask transport consultant to address this.

(BH) Tries to get goods delivered to Lee Terrace site.

Q. Frequent problem with sewage/water supply, comes up storm drain, recent problem at rear of Winchester House.

A. Will investigate this.

Q. Why take largest building as point of reference?

A. Building sits comfortably in this location; can produce visual.

Q. What benefit to area/LBL?

A. 35% social housing, 2 family units, 2 wheelchair units.

Q. (BM) Access to nursery for emergency vehicles, nursery has rear fire escape. Concern over construction period, refurbishment of Hospital was very difficult period.

A. Possible temporary bridge over from Lawn Terrace.

Q. Loss of footway on Lawn Terrace which is one-way street.

A. Construction logistics/management plan would be required by condition.

Q. How would asbestos be removed?

A. Covered by specific legislation.

Q. What is density? Density is excessive.

A. Density reduced following local presentation.

Q. Was further reduction in scale considered?

A. Design appeared squat.

Q. Was lower floor removed for light reasons?

A. No, due to drainage issue.

Q. There's no street lighting currently in Independents Road, what about new residents?

A. Could be considered.

Q. Ownership of development company?

A. Owned by investor, bought speculatively at auction, new to this part of London, have worked in other London boroughs.

Q. Queried content of Transport Assessment re traffic to scheme and road safety.

A. Will provide outline statement on this; outline Code of Construction Practice with contact numbers.

Residents raised a number of concerns as follows:

- Overlooking and loss of privacy affecting living space and bedrooms in Lawn Terrace.
- Loss of view.
- Concern about increased noise, current disturbance from noise from pub.
- Independents Road is currently solely commercial, busy with users of Winchester House;
- Servicing would impact on use of Winchester House;
- Transport Statement does not address servicing;
- (Blackheath Montessori) Concerned about difficulty accessing their space;
- Road is either resident or business parking, currently inconsiderate parking by patients takes place;
- Difficulty with phone lines;
- Loss of property values;
- (B Soc Peter Dean) critical of previous scheme. Winchester House should not be point of reference, building should be lower;
- Effect on trees in Lawn Terrace during construction period;
- Could be light nuisance to existing residents, people could light balconies;
- Building is too high, enjoys view from flat (The Lawns);
- (BM) design not sympathetic, no architectural merit;
- (BH) no significant building possible on site without transport problems.

Comment (B Soc) - Scheme quite exciting, good quality materials, 4 blocks well reasoned; a bit too high, also from railway which is important public domain.

Meeting finished 9.00pm.

## MINUTES

### 9 INDEPENDENTS ROAD SE3

The Planning Officer outlined the details of the proposal for conservation area consent to demolish 9 Independents Road SE3 and the construction of a part five/part six storey building to provide 10 one bedroom, 4 two bedroom and 2 three bedroom flats together with the provision of cycle storage, refuse store and associated landscaping.

The Committee received verbal representation from the applicant's architect, Jan Marc Petroschka of Emoli Petroschka, and objections from Alex Schweitzer of the Blackheath Society and residents of 7 Lawn Terrace.

Councillor Long moved a motion to accept the officer's recommendation to grant planning permission subject to conditions, which was seconded by Councillor Paschoud.

Members voted as follows:

FOR: Councillors Paschoud and Long.

AGAINST: Councillors Bell (Chair), Gibson and Curran.

Councillors Bell moved a subsequent motion to defer determination of the applications pending the provision of further information regarding the impact of the development on neighbouring properties and the provision of photos showing the relationship of the development on neighbouring properties.

Members voted as follows:

FOR: Councillors Bell (Chair), Gibson and Curran.

AGAINST: Councillors Long.

ABSTENTIONS: Councillors Paschoud.

RESOLVED: that determination of applications DC/10/76229 and DC/10/76230 be deferred until the next Planning Committee C meeting on 8 November 2012 pending the provision of further information regarding the:

- i. The impact of the proposed development on neighbouring properties on Lawn Terrace;
- ii. And the provision of photos showing the relationship of the development on neighbouring properties.