

Committee	PLANNING COMMITTEE C	
Report Title	87 OLD ROAD, SE13 5SU	
Ward	Lee Green	
Contributors	Jan Mondrzejewski	
Class	PART 1	24 SEPTEMBER 2015

<u>Reg. No.</u>	DC/14/90064
<u>Applications dated</u>	24/11/14 valid from 23/01/15
<u>Applicant</u>	Kruszelnicki Leech Architects obo Topfling Ltd
<u>Proposal</u>	The part demolition and remodelling of the rear of 87 Old Road SE13 and the change of use from B8 (storage and distribution) to C3 (residential), together with alterations and conversion to provide 4, one bedroom, 2, two bedroom and 3, three bedroom self-contained flats, together with refuse store and bicycle store, alterations to the elevations including the installation of new windows doors and balconies, the formation of an access ramp, provision of garden areas to the front and rear.
<u>Applicant's Plan Nos.</u>	0037-DR- 0010 rev P01, 0011 rev P01, 0012 Rev P01, 0013 Rev P01, 0020 Rev P01, 0100 rev P02, 0101 rev P01, 0102 rev P01, 0103 rev P01, 0021 rev P01, 0200 rev P01, 0201 rev P01, 0202 rev P01, Design & Access Statement & Sustainability Statement.
<u>Background Papers</u>	(1) Case File LE/448/B/TP (2) Core Strategy (June 2011) (3) Development Management Local Plan (Nov. 2014) (4) The London Plan (March 2015)
<u>Designation</u>	Existing Use

OBSERVATIONS

1.0 Property/Site Description

- 1.1 The application relates to a three storey warehouse building of early 20th Century date, reinstated and extended after the Second World War following war damage. For many years the building housed the furniture depository of the Chiesman's department store. Officers consider the lawfully established use of the building falls within the B8 Use Class. The building has a frontage to Old Road of almost 14m and is 32m deep.
- 1.2 To the north of the building is an access road serving the rear of shops in Lee High Road and to the south of the building is a former Council depot, which has recently

been let for B1 purposes after a period of vacancy. This is envisaged as a short term expedient (18 month lease commencing January 2015) pending a decision on the future of this site. The western (rear) elevation of the application premises is separated from the back gardens of houses in Bankwell Road by a single storey building which forms part of the Council depot. The eastern elevation forms the frontage onto Old Road close to its junction with Aisilbie Road. The footprint of the existing building covers almost all of the site with a small forecourt at the eastern end of the building. However, the northern, southern and eastern walls of the building form boundaries with neighbouring sites.

- 1.3 The southern elevation of the building has one small ground floor window onto the Council depot. Unauthorised window openings in the south elevation at second floor level, installed in 2007, were subsequently removed and blocked in matching brickwork. Remaining elevations have several glazed openings (both windows and high level access doors), However, the lawful storage use of the building did not require large amounts of natural light.
- 1.4 The site is not within a conservation area but is close to the Lee Manor Conservation Area. This includes one Grade II* listed building (The Manor House) and one Grade II listed building (Pentland House and boundary walls) fronting Old Road. Adjoining the Manor House in Old Road is the entrance to Manor House Gardens, a public open space formed from the original landscaped grounds of the Manor House. The site is also within an archaeological priority area, being within the site of Lee Place, a medieval moated manor house.
- 1.5 The site is within the Old Road extension to the Lewisham CPZ. There are therefore parking restrictions in Old Road and adjoining streets between 9am and 6.30pm
- 1.6 The building was last used as an auction house and was believed to be vacant. However, it has been reported to the Council that there are people living in the building, which would imply a degree of unauthorised residential occupation.

2.0 Planning History

- 2.1 In the immediate post war years there were various applications to refurbish and extend the building. A proposal to provide an additional storey on the front of the building for use as a piano store was refused on two occasions as representing an over-intensification of a non-conforming use. A rebuilding to a uniform height of three storeys was approved in 1951.
- 2.2 In 2007 an enforcement notice was served in relation to a number of new window openings that had been inserted into the south elevation of the building. In addition replacement windows had also been inserted in existing window openings at second floor level in the rear (west) elevation. An appeal against an enforcement notice requiring the removal of the windows was dismissed in July 2008 following a local hearing.
- 2.3 In July 2007 an application was submitted for the alteration and conversion of the building with the provision of an additional storey, roof terrace and light well, to provide 3, one bedroom and 2, two bedroom, live/work units, 3, one bedroom and 4, two bedroom, self-contained flats, together with alterations to the elevations, including the provision of an access ramp to the main entrance. The proposal still included windows in the boundary wall adjoining the Council depot to the south of

the site, as well as in the western elevation of the building, overlooking the rear gardens of properties in Bankwell Road. However, natural light to the majority of the proposed flats would have been achieved by means of new windows and doors with 'Juliet' balconies, facing the access road to the north of the site, together with a new light well. The construction of the light well involved the removal of a significant portion of the building, to be replaced by a first floor roof garden and second floor access balcony, both of which would have overlooked the Council's Depot.

2.4 An additional two flats were proposed in an extension on the roof of the building in a set back penthouse style, with the western end of the roof reserved for a roof garden. The 5 flats at first floor level were linked to a corresponding number of workshops at ground floor level to form live/work units with the remaining flats wholly residential.

2.5 This application was refused in October 2007 for the following reasons:-

- (1) The intensity of development proposed together with the lack of off-street parking provision would give rise to additional on-street parking in an already congested area and would thereby be prejudicial to vehicle and pedestrian safety contrary to Saved Policy TRN 26 Car Parking Standards of the Council's Unitary Development Plan (July 2004).
- (2) The residential use of the building, coupled with the proposed new windows and roof garden would give rise to overlooking and loss of privacy to nearby residential properties in Bankwell Road contrary to Saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions and HSG 4 Residential Amenity of the Council's Unitary Development Plan (July 2004)
- (3) The proposed development would fail to provide a satisfactory level of amenity for future occupiers by reason of poor outlook and the likelihood of noise and disturbance from commercial and municipal activities on adjoining sites contrary to Saved Policies URB 3 Urban Design, URB 6 Alterations and Extensions, HSG 4 Residential Amenity and HSG 5 Layout and Design of New Residential Accommodation, of the Council's Unitary Development Plan (July 2004)
- (4) The windows in the south elevation would be prejudicial to the redevelopment of the adjoining depot site contrary to Policies URB 3 Urban Design and URB 6 Alterations and Extensions in the Council's Unitary Development Plan (July 2004).

2.6 An appeal in respect of this decision was dismissed in April 2008 following a local hearing. The Inspector's decision letter supported the Council's refusal reasons (2) and (3) and also reason (1) in respect to servicing and parking for the proposed live/work units. However, he considered that the proposal would not necessarily preclude a future development of the adjoining depot site for either residential or mixed use purposes.

2.7 The building was used for a period for war gaming with gun-like weapons firing harmless plastic pellets. Although the occupiers had installed some sound proofing the Council had received complaints from local residents regarding noise nuisance and parking associated with the use. An application was submitted to retain the use

but this was withdrawn in December 2009 and the use ceased. Since this time the property appears to have been used for B1/B8 purposes.

- 2.8 In September 2011, Planning Committee (C) refused planning permission for the demolition of the rear part of the warehouse building and the construction of a new external rear wall and garden (Ref DC/10/76022), together with alteration and conversion of the remaining warehouse, to provide 9 one bedroom self-contained flats, the installation of new windows and a door, a disabled access ramp to the entrance, new porch and bin store to the frontage of the building. The reason for refusal was as follows:-

'In the absence of a detailed assessment of the suitability of the site for employment, the proposal by reason of the loss the existing commercial use would harm the aim to provide a mix of uses within the locality to provide sustainable local services with a healthy and varied local economy. The proposal would therefore be contrary to policy 5 of the Lewisham Local Development Core Strategy (June 2011).'

- 2.9 That scheme had been recommended for approval by officers subject to a section 106 agreement to secure a car free development. This would have had the effect of taking away the right of prospective occupiers to obtain permits for parking in either the Lewisham or Blackheath Controlled Parking Zones (CPZs).
- 2.10 This decision was subject to a written representations appeal which was dismissed in May 2012. On the subject of impact of the development on on-street parking the inspector stated that *'on balance, I consider that a residential use, properly restricted would be preferable in terms of off street parking and local congestion than the present (employment) use. However, this would depend on effective prevention of local car parking by incoming residents.'* In view of the fact that the developer had not offered any unilateral undertaking to restrict the access of incoming residents to resident only parking bays within the CPZ and (at this stage) this matter could not be the subject of a planning condition or a Section 106 Agreement, the inspector decided that the proposed development was contrary to Policy HSG 8 of the Adopted UDP. Significantly, the inspector considered that the proposed development would provide *'satisfactory living conditions for existing and incoming residents.'*
- 2.11 The appeal was therefore dismissed on the basis of its likely impact on on-street parking and the appellant's failure to provide a unilateral undertaking offering the sort of safeguards for local residents normally found in a Section 106 'no car' agreement. The Inspector did not uphold the Council's reason for refusal based on loss of employment.
- 2.12 An application for a residential development of the site, very similar to the application dismissed at appeal in May 2012 and featuring nine one bedroom flats in a reduced sized building, was approved by the Planning Committee C on 13th March 2014. The permission was subject to a Section 106 Agreement requiring the following provisions:-
- a) Preventing future residents of the development from obtaining permits to park cars within the local Controlled Parking Zone.

- b) The funding of any necessary traffic regulation order in association with a defined car club space (if required) to be located on-street in close proximity to the application site.
- c) The provision of two years membership of a car club for occupiers of the development.
- d) The reimbursement of the Council's legal costs and a payment for monitoring to ensure that the requirements of the agreement are implemented.

2.13 As with the previous scheme the rear part of the warehouse building would be removed and a new external wall constructed. The depth of the building would be reduced from 32m to 22m with part stepping back further to 18m..

2.14 Much of the fabric of the remaining original building would be retained. New double glazed windows in aluminium frames would be installed to replicate the 'Crittall' style windows of the existing building. The existing lift would be retained and an internal light well introduced to provide natural light to the communal hallway and landings within the truncated, remodelled building. There would be six new windows in the north elevation, serving kitchens and five new windows to the east elevation, which is the street frontage. The new west elevation would have four window openings at each of the first and second floor levels, with two windows and two French doors at ground floor level.

3.0 Current Planning Application

3.1 The current application is for the part demolition and remodelling of the rear of 87 Old Road SE13 and the change of use from B8 (storage and distribution) to C3 (residential), to provide 4, one bedroom, 2, two bedroom and 3, three bedroom self-contained flats, together with refuse store and bicycle store, alterations to the elevations including the installation of new windows doors and balconies, the formation of an access ramp, provision of garden areas to the front and rear.

3.2 The applicant has also provided a contextural scheme for a residential development of the Council Depot to the south of the application site to demonstrate that the proposed development would not adversely affect the viability of this site for residential development. Residential development is illustrated as it would currently secure the highest return for the owners of the site. However, it should be noted that the scheme is provided for illustrative purposes only and does not form part of the application.

3.3 The proposed scheme retains more of the existing building than the previously approved proposal, including the whole facade to the access road to the north of the site to provide a building with an 'L' shaped plan form, providing 3 flats on each floor of the building. The removed section of the building will be used to provide garden space to separate the new south façade of the structure incorporating windows and in-set balconies from the depot site. The north and east facades of the building will be restored, retaining the best features of the former depository while adapting the structure for its new use as residential accommodation. As before, the scheme contains an internal bike store and retains the existing lift.

Supporting Documents

3.4 The application is submitted with a Design and Access Statement, containing a statement of community engagement, which included consultation with residents

prior to the submission of the application, a Lifetime Homes Assessment and a 'demonstration scheme' for the adjoining Council depot site. A sustainability statement demonstrating that the proposed scheme will meet BREEAM Domestic Refurbishment 'Excellent' Standard. This was chosen as a more appropriate measure than the Code for Sustainable Homes Level 4, which is not applicable to conversion schemes.

4.0 Consultation

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

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

Written Responses received from Local Residents and Organisations

4.3 6 replies from the occupiers of Nos 10, 12, 13, Bankwell Road, 75 Old Road, and 668 Milford Towers objecting to the application on the following grounds:-

- (1) The development will generate additional parking in the CPZ to the detriment of existing residents.
- (2) The Zinc Building was approved subject to a Section 106 which supposedly remove parking rights for residents within the CPZ. However, this commitment has not been enforced.
- (3) A Section 106 Agreement can be appealed after 5 years.
- (4) It is currently impossible for local residents to park near their homes when returning from work.
- (5) Finding a parking space on Sunday is also difficult due to the popularity of Manor House Gardens with families.
- (6) Any new development in the area should have adequate parking.
- (7) The larger flats in the proposed development will attract families who are more likely to require cars.
- (8) A significant reason advanced from the grant of planning permission in 2014 was the fact that the flats would be occupied by single people who would be less likely to have cars (point 6.8 of the minutes on P 129).
- (9) In terms of bed spaces the proposed development will be able to accommodate a maximum of 30 people as opposed to a maximum of 18 in the 2014 approval. This will increase the risk of increased car ownership among occupiers of the new development.
- (10) In the 2012 appeal decision, the Inspector noted that there was considerable pressure for on street parking and that this issue needed to be addressed satisfactorily if planning permission was to be granted.

- (11) The proposed balconies and windows in the new south elevation will give rise to overlooking and loss of privacy to No 75 Old Road.
- (12) The density of occupation of the site has been increased at the expense of the garden area proposed in the earlier approval.
- (13) The applicant has refused to engage with the occupier of the adjoining yard to ensure that potential disruption to the business as a result of the proposed demolition and construction can be minimised.

(Letters available to Members).

Highways and Transportation

- 4.4 No objection subject to the completion of a Section 106 Agreement which puts in place measures to limit parking generation in the local area. This should include an initial 2 year subscription to a car club for all flats within the proposed development. In addition, residents of the development would not be eligible for parking permits within the Lewisham or Blackheath CPZs. A travel plan to discourage the use of private motor cars and encourage the use of alternative forms of transport is also required.

5.0 Policy Context

Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'. The development plan for Lewisham comprises the Core Strategy, the Development Management Local Plan, the Site Allocations Local Plan and the Lewisham Town Centre Local Plan, and the London Plan. The NPPF does not change the legal status of the development plan.

National Planning Policy Framework

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

Other National Guidance

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

London Plan (March 2015)

- 5.6 On 10 March 2015 the London Plan (consolidated with alterations since 2011) was adopted. The policies relevant to this application are:

Policy 3.1 Ensuring equal life chances for all
Policy 3.2 Improving health and addressing health inequalities
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 3.9 Mixed and balanced communities
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.11 Green roofs and development site environs
Policy 5.13 Sustainable drainage
Policy 5.18 Construction, excavation and demolition waste
Policy 5.21 Contaminated land
Policy 6.9 Cycling
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 7.13 Safety, security and resilience to emergency
Policy 7.14 Improving air quality
Policy 7.15 Reducing noise and enhancing soundscapes
Policy 8.2 Planning obligations

London Plan Supplementary Planning Guidance (SPG)

5.7 The London Plan SPGs relevant to this application are:

Accessible London: Achieving an Inclusive Environment (2004)

Housing (2012)

Sustainable Design and Construction (2006)

London Plan Best Practice Guidance

5.8 The London Plan Best Practice Guidance relevant to this application are:

Control of dust and emissions from construction and demolition (2006)

Wheelchair Accessible Housing (2007)

London Housing Design Guide (Interim Edition, 2010)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy

Spatial Policy 5 Areas of Stability and Managed Change

Core Strategy Policy 1 Housing provision, mix and affordability

Core Strategy Policy 5 Other employment locations

Core Strategy Policy 7 Climate change and adapting to the effects

Core Strategy Policy 8 Sustainable design and construction and energy efficiency

Core Strategy Policy 9 Improving local air quality

Core Strategy Policy 10 Managing and reducing the risk of flooding

Core Strategy Policy 14 Sustainable movement and transport

Core Strategy Policy 15 High quality design for Lewisham

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

Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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

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

DM Policy 1	Presumption in favour of sustainable development
DM Policy 4	Conversions of office space and other B Use Class space into flats
DM Policy 11	Other employment locations
DM Policy 22	Sustainable design and construction
DM Policy 23	Air quality
DM Policy 24	Biodiversity, living roofs and artificial playing pitches
DM Policy 25	Landscaping and trees
DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 31	Alterations/extensions to existing buildings
DM Policy 32	Housing design, layout and space standards
DM Policy 37	Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

6.0 Planning Considerations

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

- a) Principle of Development
- b) Design
- c) Quality of the proposed Housing
- d) Highways and Traffic Issues
- g) Impact on Adjoining Properties
- h) Sustainability and Energy
- i) Ecology and Landscaping
- j) Planning Obligations

Principle of Development

6.2 As planning permission was granted by Planning Committee B in 2014 for the part demolition and alteration of the building to provide a wholly residential development comprising 9 flats, the principle of the proposed development is acceptable. As before any grant of planning permission would need to be the subject to a Section 106 Agreement addressing the traffic impact of the proposed development (see below).

Design

- 6.3 Development Management Policy 30, Urban design and local character states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity.
- 6.4 The proposed development retains more of the existing building than previously proposed, including the whole of the north elevation of the building. The majority of the south elevation is reconstructed 3 metres away from the boundary with the adjoining Council owned depot. This elevation incorporates recessed balconies and windows for the proposed flats. This treatment is repeated in the newly formed west elevation which is furthest away from the rear gardens of the odd numbered properties in Bankwell Road. The portion of the west elevation which remains, as well as being smaller in mass than the current west elevation will contain no windows. This should benefit the occupiers of nearby residential properties in terms of natural light and outlook without giving rise to any loss of privacy or overlooking.
- 6.5 Officers consider that the front (east) and north elevations have some architectural merit and that the alterations required to facilitate the proposed development are in keeping with the character of the building. The new south and east elevations also represent a clear improvement to the existing largely blank and oppressive brick elevations which are prominent in views from Old Road and the Lee Manor Conservation Area.

Housing

- 6.6 Policy 3.5 in the London Plan requires new housing developments to be of the highest quality in terms of making new dwellings 'a place of retreat' by ensuring safe access, adequate room sizes and practical layouts. The policy also refers to ensuring that the design of new dwellings has a clearly defined 'point of arrival' so that occupiers take ownership of their dwellings. Further detail about what is necessary in order to create the high standards of accommodation, are found in the London Plan Housing SPG and Lewisham's Residential Standards SPD.
- 6.7 Core Strategy Policy 1 Housing provision, mix and affordability. This states that the Council will seek an appropriate mix of dwellings within a development, having regard to a number of relevant criteria. DM Policy 32 Housing design, layout and space standards deals with the siting and layout of development as well as internal standards within schemes.

a) Size and Tenure of Residential Accommodation

- 6.8 As the scheme is below 10 units in size there is no requirement to provide affordable housing. As in the previous approval all the units will be for private sale or rent.
- 6.9 However, as the current proposal retains more of the existing building it is now possible to provide a greater range of accommodation. Whereas the 2014 planning permission was for 9 one bedroom flats, the current proposal is for 4, one bedroom, 2, two bedroom and 3, three bedroom self-contained flats. This mix of unit types and the inclusion of family sized units of accommodation is more in keeping with Core Strategy Policy 1 Housing provision, mix and affordability. This states that the Council will seek an appropriate mix of dwellings within a development, having regard to the following criteria:

- a. the physical character of the site or building and its setting

- b. the previous or existing use of the site or building
- c. access to private gardens or communal garden areas for family dwellings
- d. the likely effect on demand for car parking within the area
- e. the surrounding housing mix and density of population
- f. the location of schools, shops, open space and other infrastructure requirements

- 6.10 Officers consider that the location, which borders a residential area and is close to Manor House Gardens and Library as well as schools, shops and other amenities, is clearly suitable for family accommodation. The proposed 3 Bedroom units at first and second floor level have a 10sqm balcony accessed from the main living rooms of the proposed units, together with a separate 4sqm balcony accessed by the three bedrooms. The proposed ground floor three bedroom unit has access to a private garden with an area of 61sqm. Unlike the previously approved scheme, all of the proposed units now have access to an amenity space in the form of either a private garden or balcony. Officers also consider the amenity space provision for the three bedroom units is on a par for that provided for similar accommodation within new build developments, including units intended as affordable housing.
- 6.11 The impact of the introduction of family sized accommodation into the scheme on traffic and parking is discussed below.

b) Standard of Residential Accommodation

- 6.12 With the exception of the three rear facing one bedroomed units, all the proposed flats are dual aspect, with windows on the north elevation (facing the access road adjoining the Lee High Road shops) mainly serving kitchens or providing supplementary lighting to living areas. The south elevation of the current scheme, which was not exploited in the previous proposal for this site, now provides windows and balconies for the proposed three bedroomed flats which will maximize the provision of sunlight to the flats in question.
- 6.13 All flats exceed the minimum floorspace specified in Table 3.3 of the London Plan, by quite a significant margin in the case of the proposed two and three bedroom units. Although the proposed two bedroom units have long and narrow rooms which is not ideal, this is often a problem in converting buildings not originally designed for residential use. However, all rooms meet the minimum width requirement of the London Housing Supplementary design Guidance (November 2012), which is 2.8m for livings rooms in 2-3 person accommodation. There is no minimum width requirement for single bedrooms.
- 6.14 As before the proposed development retains the existing lift. This is a feature not often found in developments of less than four storeys in height, meaning that, in conjunction with the ramped access ramp to the entrance to the building, all floors will be accessible to wheelchair users.
- 6.15 All units will meet lifetime home requirements. As in the previously approved scheme, no wheelchair accessible units are proposed as the site is not capable of providing on-site wheelchair accessible parking space in accordance with SELHP standards.

Highways and Traffic Issues

- 6.16 Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. However, this also depends of the size of the unit; 4+ beds should have a maximum of 2 spaces, and units of 1-2 beds, a maximum of 0-1 car parking space. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- 6.17 Policy 6.9 Cycling of the London Plan states that developments should provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the Plan
- a) *Access*
- 6.18 Only pedestrian access to the building is proposed and the existing crossover in Old Road will be removed to create a garden area for a ground floor one bedroomed flat. A planning condition requiring the removal of the existing crossover and the reinstatement of the footway will be required in the event that planning permission is granted.
- b) *Cycle Parking*
- 6.19 Unlike in new build proposals, it can sometimes be difficult to meet London Plan requirements for secure parking facilities in conversion schemes and adaptations of existing buildings. The current scheme proposes a cycle store capable of accommodating 9 bicycles on the ground floor of the building which is identical to the 2014 approval.
- c) *Car Club and Travel Plan*
- 6.20 As in the previously scheme, the applicant has indicated a willingness to enter into a Section 106 Agreement for the provision of free car club membership for all residents of the development for an initial two year period. As before, the reason for this is to reduce the need for private car ownership. In addition, residents of the development will not be eligible for resident parking permits within the Old Road CPZ. This is required in order to ensure that parking for existing residents is not made more difficult by the provision of new residential units within the CPZ area.
- 6.21 As in the case of the previous approval for residential development of this site, the applicant could be required by means of a planning condition to prepare a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' which would be submitted to and approved in writing by the local planning authority. The development would then be required to operate in full accordance with all measures identified within the Travel Plan from first occupation. The Travel Plan would specify initiatives to be implemented by the developer to encourage access to and from the site by a variety of non-car means, setting targets and specifying a monitoring and review mechanism to ensure compliance with the Travel Plan objectives. The Travel Plan would also specify a timeframe for evidence demonstrating compliance with agreed monitoring and review mechanisms to be submitted to the local planning authority.
- 6.22 Some objectors have pointed out that that the previous approval was for non-family units and that occupiers of such accommodation are less likely to own cars. However, the lack of availability of resident parking permits to occupiers of the proposed development, as a consequence of the suggested Section 106

Agreement, should make it less likely that accommodation would appeal to households which required the use of a private car. Many families manage to live in Inner London without owning cars, even when they clearly have the resources to own cars and this should be encouraged as a means of reducing congestion and improving air quality within the Borough.

d) *Refuse*

- 6.23 A refuse/recycling store is provided which is accessible from the ground floor communal hallway. Although the bins can be accessed from the service road at the rear of the Lee High Road shops, this road is not suitable for use by a Council refuse collection vehicle and the bin store is more than 10m from the public highway. For this reason a bin collection area is required on the Old Road frontage of the site. The applicant has provided a revised ground floor plan showing a location for this. A planning condition can be used to ensure that the area is only used for the collection of bins on the day allocated for this with the bins then being moved back to the storage area after collection. Members are advised that the previously approved scheme featured a refuse/recycling store in the area now allocated for the collection of bins.

Impact on Adjoining Properties

- 6.24 The applicant has included in his design and access statement a notional scheme for the redevelopment of the adjoining Council Depot site to provide 4, three bedroomed dwelling houses with gardens and 2, three bedroom flats over 4 parking spaces. The scheme assumes the retention of the boundary wall to Old Road which appears to date from the 1600s and is of similar design to the Grade II listed wall of nearby Pentland House. This has been done to demonstrate that the proposed development and in particular the introduction of windows into the south elevation of 87 Old Road, would not prevent a residential development of the depot site. Although the merits of this particular scheme is not under consideration, it appears to officers that the current proposal for 87 Old Road would not impose any unreasonable constraints on a residential development of the depot site. Indeed, the removal of the three storey blank featureless wall adjoining the site and the construction of a new elevation 4.5 metres further back would be likely to make the depot site more attractive as a potential residential opportunity.
- 6.25 In terms of impact of the proposal on the amenities of existing occupiers in Bankwell Road, impact on outlook and natural light will be improved by the reduction in bulk of the building. As the nearest directly facing window/balcony to the rear of these properties is some 20m away from the boundary fence with these properties, officers consider that these will give rise to no overlooking or loss of privacy to existing residents.
- 6.26 The upper level windows in the new south elevation are set behind deeply recessed balconies and Nos 1-9 Bankwell Road would not be visible from any of these windows or their respective balconies. Although a person standing on the larger 10sqm balconies would have a view of the rear of Nos 11 and 13 Bankwell Road, this would be at a very oblique angle and at a distance of 15m or more from rear garden boundaries of the properties in question. The two smaller 4sqm balconies on this elevation are primarily intended to provide natural light to the bedrooms of the three bedroom units. The bedroom windows facing west onto these balconies would be 23m away from the rear elevation of No 11 Bankwell. Given that 18m is normally considered a suitable separation between rear facing habitable rooms,

officers do not consider that these windows would give rise to any overlooking/loss of privacy concerns. While a person standing on these balconies could see into the gardens of 11 and 13 Bankwell Road, the limited size of the balconies coupled with their depth and the oblique angle of view, plus the fact that they are located between 11 and 14 metres from the rear garden boundaries of these properties, means that any loss of garden privacy would be minimal. With regard to the rear garden and windows of No 75 Old Road which is the closest property to the two small balconies on the proposed south elevation, the angle of view is less oblique and the distances in question are approximately 15m in the case of the rear garden boundary and 20m in the case of the rear elevation of the property.

Sustainability and Energy

- 6.27 Development Management Local Plan Policy 22 on sustainable design and construction states that for conversions to residential from other uses, the Council will encourage efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.28 As an adaptation of an existing structure, the applicant has applied the BREEAM Domestic Refurbishment Standard rather than the Code for Sustainable Homes which is only applicable only to new build residential schemes. The report prepared by Proport Eco Services states that a BREEAM Domestic Refurbishment Standard of Excellent will be achieved.

Ecology and Landscaping

- 6.29 London Plan policy 5.10 Urban Greening states that new developments should integrate forms of urban greening into proposals, such as soft landscaping. Development Management Local Plan Policy 25 Landscaping and trees requires new developments to submit landscaping schemes
- 6.30 At present the application site is wholly covered by a building and provides no soft landscaping opportunities whatsoever. As with the previous proposal, a soft landscaped garden area is proposed along with opportunities for tree planting which as well as increasing opportunities for wild life will also serve to enhance the outlook of neighbouring properties. The reduction in site coverage and the introduction of soft landscaping will also increase opportunities for sustainable drainage.
- 6.31 Because the existing building to be retained has a flat roof, constructed some time ago, it was not considered reasonable to require a living roof to be provided.

Archaeology

- 6.32 The site lies within an archaeological priority area. It is close to the site of the house of Christopher Boone (demolished in the 1800s) and the wall around the Council depot which adjoins the application site may be a survival of the boundary wall of this property. The wall is believed to date from the late 1600s. Old Road was also the main road between Lee Green and Lewisham, due to the need to skirt around the Boone residence, This suggests that it may have been medieval in origins, possibly a moated manor house.
- 6.33 A planning Condition requiring an archaeological investigation of the site is therefore suggested.

Planning Obligations

- 6.34 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
- 6.35 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.
- 6.36 The applicant has recently entered into a Section 106 Agreement with the Council for a 9 unit residential development of this site which was considered necessary to necessary to mitigate the impacts of the development on the generation of on-street parking. The applicant therefore accepts that that grant of planning permission in respect of the current proposal would be dependent on an identical agreement.
- 6.37 A Section 106 Agreement is therefore proposed to ensure that the proposals are acceptable in transport terms, consistent with the recommendations of the Highways and Transportation group. This would remove the rights of future residents of the proposed development to obtain resident parking permits for parking within the Old Road CPZs. Two years membership of a car club for all residents of the proposed development would also be secured.
- 6.38 Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

7.0 Community Infrastructure Levy

- 7.1 The above development will be CIL liable.

8.0 Conclusion

- 8.1 This application has been considered in the light of policies set out in the development plan and other material considerations.
- 8.2 On balance Officers consider that the proposed Section 106 Agreement, requiring a two year subscription to a car club for initial occupiers of the building for a period of 2 years and the relinquishment of the right of to future occupiers to resident parking permits within the Old Road CPZ will minimise the impact of the proposed development on on-street parking in the local area. Officers also consider that

there are no overlooking or privacy implications associated with the proposed development which would justify refusal. The proposed development will therefore provide much needed new homes with good standards of amenity in a building which will improve the appearance of the local area as well as daylight/outlook of existing residential occupiers.

9.0 RECOMMENDATION (A)

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

- To prevent future residents of the development from obtaining permits to park cars within the local Old Road Controlled Parking Zone.
- The provision of two years membership of a car club for occupiers of the development.
- The reimbursement of the Council's legal costs and a payment for monitoring to ensure that the requirements of the agreement are implemented.

RECOMMENDATION (B)

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

Conditions

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

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

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

0037-DR- 0010 rev P01, 0011 rev P01, 0012 Rev P01, 0013 Rev P01, 0020 Rev P01, 0100 rev P02, 0101 rev P01, 0102 rev P01, 0103 rev P01, 0021 rev P01, 0200 rev P01, 0201 rev P01, 0202 rev P01, Design & Access Statement, Cil & Sustainability Statement.

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

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

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

4. No development shall commence on site until a scheme to minimise the threat of dust pollution during site clearance and construction works (including any works of demolition of existing buildings) has been submitted to and approved in writing by the local planning authority.

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

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

- (a) Rationalise travel and traffic routes to and from the site.
- (b) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction vehicle activity.
- (c) Measures to deal with safe pedestrian movement.

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

Reason: In order to ensure satisfactory vehicle management and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011), and Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2015).

6. (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
 - (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.
 - (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
 - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified ("the new contamination") the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
- (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating

authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

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

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

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

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

8. No development shall commence on site until a detailed schedule and specification/samples of all external materials and finishes including windows, external doors and balcony balustrades to be used on the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

9. (a) No development shall commence on site until details of proposals for the storage and collection of refuse and recycling facilities for the development hereby approved, have been submitted to and approved in writing by the local planning authority.
- (b) No bins shall be left in the bin collection area except on the designated refuse collection day for the building.
- (c) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

Reason: In order that the local planning authority may be satisfied with the

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

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

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

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

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

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

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

13. (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

- (b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

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

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

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

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

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

16. The development hereby approved shall not be occupied until the existing access onto Old Road has been closed, the highway reinstated and the new access has been constructed in accordance with the permitted plans.

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

17. Notwithstanding the Town and Country Planning (General Permitted Development)

Order 2015 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any elevation or the roof of the building.

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

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

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

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

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

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

No work shall take place on the site other than between the hours of 8 am and 6 pm on Mondays to Fridays and 8 am and 1 pm on Saturdays and not at all on Sundays or Public Holidays.

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

Informatives

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