

Committee	PLANNING COMMITTEE (C)	
Report Title	125-131 Kirkdale, SE26	
Ward	Forest Hill	
Contributors	Geoff Whittington	
Class	PART 1	Date: 20 July 2017

Reg. Nos. DC/16/099356

Application dated 2 December 2016

Applicant Bernard Construction UK LLP

Proposal Demolition of the existing Windmill Public House at 125-131 Kirkdale SE26 and the construction of a part three/part four storey building comprising 2 one bedroom and 7 two bedroom self-contained residential units (Class C3), and a public house (Class A4) with ancillary floorspace at ground floor, together with associated cycle parking, landscaping, and amenity space.

Applicant's Plan Nos. 615-SE26-20-1_SLP01; 16-1211-01H; 16-1211-02E; 16-1211-03D; 16-1211-04; 16-1211-05; 16-1211-06; 16-1211-07, WP3213, Design and Access Statement, BREEAM Pre-Assessment Report, Noise Assessment, Planning Statement, Transport Statement, Ventilation and Extraction Statement, Construction Management Plan Received 5 December 2016;

16-1211-01L Received 1 June 2017;

201 Rev C Received 3 July 2017.

Background Papers

- (1) Case File LE/240/125/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2015 as amended)
- (4) The NPPF

Designation PTAL 4

1.0 **Property/Site Description**

1.1 The application relates to the Windmill Public House (Use Class A4), located on the east side of Kirkdale, which is a part two/ part three-storey building constructed as a purpose built 'Wetherspoon's' pub in 2000. The building is currently vacant.

- 1.2 Kirkdale is a local shopping parade and hence the character is dominated by ground floor commercial units with residential uses above. The parade is generally well occupied towards Sydenham, however it is noted that a number of units are vacant further west of the site towards the junction with Dartmouth Road.
- 1.3 The site is not located in a conservation area, however the Halifax Street Conservation Area is located nearby. Furthermore, Grade II Listed Buildings are located on Kirkdale opposite the site.
- 1.4 Kirkdale is a classified 'B' road with parking restrictions along most of the road, as well as part of Willow Way and Dartmouth Road. The site has a PTAL value of 4, based on a scale of 0-6b with 6b being the highest. Sydenham Station is located 700m from the site with bus routes along Kirkdale and Dartmouth Road. Overall, the accessibility of the site is considered to be good.

2.0 Planning History

- 2.1 Planning permission was granted in 1999 for the demolition of buildings and the construction of a two-storey building incorporating the existing Windmill Public House at 125-131 Kirkdale (DC/99/44839).
- 2.2 An application was submitted in 2015 for the demolition of The Windmill Public House, 125-131 Kirkdale SE26 and the construction of a part two/part three/part four storey building incorporating a public house (Use Class A4) and restaurant (Use Class A3) on the ground floor to the front, 2 studios (Use Class B1) on the ground floor to the rear and 8 three bedroom and 1 one bedroom flats above, together with cycle storage, refuse storage, solar panels and green roofs.
- 2.3 The applicants, Antic London, have since withdrawn their interest in developing the site, and to date, the application remains undetermined.

3.0 Current Planning Application

- 3.1 The current application, which has been subject to amendments since the original submission, proposes the demolition of the existing building in its entirety, and the construction of a replacement part three/ part four-storey building.
- 3.2 The ground floor would accommodate an A4 public house, which would measure an internal area of 368sqm, compared to the existing 402sqm. The layout of the pub is largely indicative at this stage as a future occupier has yet to be identified.
- 3.3 A 30sqm office (B1a Use) was originally shown to the rear of the building, however following officer concerns relating to the siting of the office and need for such use, and the applicant has amended the scheme to show the space as ancillary to the public house.
- 3.4 Nine self-contained residential units would be provided on the upper floors, comprising 2 one bedroom and 7 two bedroom self-contained flats. Units 1, 2, 5 and 6 would be accessed from the front of the building, whilst the entrance for the remaining units would be located at the rear, accessed from Willow Way. Amenity space would be afforded to each unit in the form of either balconies/ terraces or private first floor gardens to the central area.

- 3.5 The proposal would provide no off-street parking. 17no. dry and secure cycle spaces for residential occupiers would be sited to the front and rear of the building, as would refuse and recycling bins.
- 3.6 Servicing and deliveries to the pub would be undertaken to the rear of the building from Willow Way.
- 3.7 A bio-diverse green living roof would be constructed to the flat roof of the rear element of the building.

4.0 Consultation

Neighbours and Local Amenity Societies

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2 A site notice was displayed, letters were sent to residents in the surrounding area and the relevant ward Councillors.

Written Responses received from Local Residents

- 4.3 Three letters have been received, objecting to the proposed development, on the following grounds:
- Height of the proposed development;
 - A part 3, part 4 storey building is far larger than the current structure and we fear will sit much taller on this stretch of Kirkdale High Street, and be unsympathetic to the neighbouring buildings;
 - Overlooking;
 - An small independent pub operator would be more favoured than a commercial chain pub operator;
 - Provision of front balconies;
 - Lack of natural light to north facing Block B;
 - No reference to fire exits;
 - Provision of opaque windows;
 - Concerned that smokers would congregate on Kirkdale frontage.

- 4.4 The Sydenham Society have objected to the planning application. Extracts of their response are as following:

The Society deplores the developer's intention to demolish such a recently constructed building, which, with a small amount of cosmetic remodelling and a long overdue makeover, could continue to serve the community for many years to come.

Whilst the Society recognises that the developer has included a new pub at the ground floor in the deposited proposals, the Society's interpretation of the facilities shown is that it would lack ambience and be too small to continue to act as the multi-function venue that attracted a loyal clientele.

The Society laments the fact that proposals to demolish the existing building have been put to Lewisham Council with no attempt by the new owner/applicant to either run the current venue themselves or to try to find a licensee to do so.

It seems to the Sydenham Society that this site is attractive to Bernard Construction purely as a residential development opportunity.

If Lewisham were minded to grant the current application, we foresee the ground floor remaining empty until such time as the applicant applies for change of use, possibly for more flats. However, we would ask that if Lewisham did, despite our objection, grant this application that it be on condition that no residential units are occupied until a long-term leaseholder is found for the pub.

There is no provision at all for parking. It would be disingenuous to suggest the staff and residents will not own cars. If, despite the Sydenham Society's objection, Lewisham were minded to grant this application, we would request that it be made a condition of any lease or freehold sale that no cars be registered at this address.

Prior to The Windmill being closed, deliveries were made to the front of the building (not the rear, as stated in the planning application) and taken through the dedicated delivery door to the front right of the building, where a goods lift leads directly to the offices and "beer cellar", which is on the first floor. There is no space on the Council owned access road to the rear of the building for loading, other than a double yellow lined area against the back wall of 54 Willow Way.

The proposed "central gardens" would appear to have no natural daylight.

It is not only deeply unpleasant to have refuse bins by the front entrance to the flats and pub – unpleasant to pedestrians and passengers waiting for buses, and off-putting to potential customers of the pub – but I question how this fits with the current arrangements regarding refuse collection from this part of Kirkdale, where wheelie bins have been replaced with bin bags and a thrice daily collection. Even when collected thrice daily, it would be unacceptable if quantities of rubbish bags were left by the bus stop.

The inward facing bedrooms will lack privacy, as they face one another across the central courtyard gardens.

The obscured glass windows will restrict the amount of light being admitted and could be depressing for residents.

The scheme as a whole is a clear case of over development of a relatively small parcel of land. Every millimetre of the footprint appears to have been built over and height increased still further. The narrow, Council-owned, access road behind The Windmill services the former Council depot, which is currently subject to a planning application to build a transport-servicing centre and associated two-storey Portakabins

The plans include no external space for the pub's clientele.

Residents in the proposed flats directly above the Windmill will have the right to complain about disturbance – even though they will have "come to the nuisance".

The first floor bedrooms will be particularly affected, as they are directly over the bar and the pub's kitchen.

There is no staff accommodation in the plans. That will affect not only the viability of the business, but pose a security risk as no responsible person/keyholder will be on the premises overnight.

The compromises inflicted on the business by these proposals will affect the attractiveness, popularity and offer provided by this public house, jeopardising its long-term use and viability as a public house with the associated loss of this community facility.

The Noise Impact assessment survey is highly suspect and largely irrelevant. It references drawings which do not form part of the current application (presumably earlier versions of the plans) so its findings cannot be relied upon. The survey also makes very significant assumptions about the levels of noise to be generated within the pub especially referencing music being played and sound systems to be installed.

The survey does not detail any mitigations or sound insulation measures between the pub and the residential units directly above.

The Society respectfully requests that this inappropriate and ill-conceived scheme will be refused a grant of planning permission. However, if the Case Officer were minded to approve the application, then in view of the Localism Act, the Council's recognition of The Windmill's importance by granting ACV status, its high profile in Case Law regarding the status of the ACV nominating body, and the ramifications for Lewisham's Pub Policy, we would urge that this application be referred to the Planning Committee and that a notice be placed in the local press. Wetherspoons left The Windmill because it was too small for their purposes.

With a little TLC and some ambition, the Society believes The Windmill can thrive once again. We would be delighted to share our ideas with the applicants and work with them to find a forward-looking licensee.

(Letters are available to Members)

5.0 Policy Context

Introduction

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

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)

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

National Planning Policy Framework

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

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

Other National Guidance

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

The London Plan (2015 as amended)

5.6 The London Plan policies relevant to this application are:

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

Nationally Described Space Standard

- 5.7 Technical housing standards – nationally described space standard (2015)

London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

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 London Plan and the Development Management Local Plan (2014), is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1	Lewisham Spatial Strategy
Spatial Policy 5	Areas of Stability and Managed Change
CS Policy 1	Housing provision, mix and affordability
CS Policy 14	Sustainable movement and transport
CS Policy 19	Provision and maintenance of community and recreational facilities

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:-

DM Policy 1	Presumption in favour of sustainable development
DM Policy 17	Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
DM Policy 20	Public houses
DM Policy 22	Sustainable design and construction
DM Policy 26	Noise and vibration
DM Policy 27	Lighting
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 35	Public realm
DM Policy 43	Art, culture and entertainment facilities

6.0 Planning Considerations

6.1 The main planning considerations include:

- (a) Principle of the Loss of the Building;
- (b) Impact on the Public House;
- (c) Principle of a Mixed use Development;
- (d) Scale and Design;
- (e) Standard of Accommodation;
- (f) Highway and Traffic Issues;
- (g) Sustainability and Energy.

Principle of the Loss of the Building

- 6.2 DM Policy 30 states that the retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged and should influence the character of new development and the development of a sense of place. Their value and significance as a heritage asset will be assessed as part of any development proposal.
- 6.3 In addition to this, Part 1(c) and (d) of DM Policy 20 relates to the historical importance of buildings and highlights that an assessment of the buildings importance within the streetscape must first be assessed before the loss is accepted.
- 6.4 The subject building is not a listed building and is not located within a conservation area. Whilst it is located close to the Halifax Street Conservation Area and listed buildings, being a modern construction, it is not considered to provide any significance to the historical character of the area.
- 6.5 In Planning terms, a heritage asset is '*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.*'
- 6.6 In this case, the existing building is not considered to be a heritage asset. Whilst the existing building is not incongruous within the existing streetscape, officers consider that the character is not significantly important to the overall quality of the street.
- 6.7 It is acknowledged that the building was subject to status as an Asset of Community Value until 2016, which related primarily to its use as a public house rather than the design quality of the building. This is discussed in further detail in paragraph 6.20.
- 6.8 Therefore the principle of the demolition is considered acceptable. Notwithstanding the loss, the proposed building would be required to be the highest standard of design, in compliance with core planning principles of the NPPF, Core Strategy Policy 15 and DM Policy 30.

Public House Use

- 6.9 Core Strategy Policy 19 states the Council will apply the London Plan policies relating to community facilities to ensure there is no net loss of facilities.
- 6.10 In line with the London Plan and Core Strategy Policy, the Council has prepared a report 'Pubs in Lewisham: an evidence based study' (2013) which draws together information about public houses in Lewisham and the UK and provides the evidence base for a detailed policy. The report shows that as of 2013 there were 92 pubs in the borough, down from 115 in 2006, and during the period c.1995 to 2011, 62 pubs were closed.
- 6.11 The report highlights that Lewisham's pubs are an important community resource. Pubs can provide a central focus to an area or enhance the vitality of a residential neighbourhood. Pubs can be hubs for generating social interactions and can provide important space for community groups to meet.
- 6.12 For this reason, DM Policy 20 was adopted into the Council's LDF, of which the aim is to prevent the loss of public houses or pubs unless robust evidence is provided to justify the loss and the proposed change of use has been adequately assessed as suitable.
- 6.13 Part 1 of the policy states that the Council will only permit the change of use or redevelopment of a public house (Use Class A4) after an assessment of the following:
- (a) a viability report that demonstrates to the Council's satisfaction that the public house is no longer economically viable, including the length of time the public house has been vacant, evidenced by the applicant of active and appropriate marketing for a constant period of at least 36 months at the existing use value;
 - (b) the role the public house plays in the provision of space for community groups to meet and whether the loss of such space would contribute to a shortfall in local provision, including evidence that the premises have been offered to use or to hire at a reasonable charge to community or voluntary organisations over a 12 month period and there is no longer a demand for such use;
 - (c) the design, character and heritage value of the public house and the significance of the contribution that it makes to the streetscape and local distinctiveness, and where appropriate historic environment, and the impact the proposal will have on its significance; and,
 - (d) the ability and appropriateness of the building and site to accommodate an alternative use or uses without the need for demolition or alterations that may detract from the character and appearance of the building.
- 6.14 The existing A4 floorspace of the Windmill is 402 sqm. The proposed development would reduce that to 368sqm, with 238sqm being customer floorspace excluding toilets, bar, kitchen etc.
- 6.15 It must be stressed that the floor layout of the proposed pub is indicative at this stage, and would be subject to change to reflect the needs of the future operators. The floor to ceiling height as shown would be 3 metres, however the installation of mechanical ventilation would need to be accommodated within a false ceiling, thereby reducing the height to approximately 2.4 metres.

- 6.16 There are no planning standards relating to the internal arrangement of public houses, therefore officers are unable to assess this in detail, however as addressed, it is considered the overall floor area would be appropriate for this location, being capable of accommodating all necessary services attributed to A4 use that would ensure its viability, whilst the internal headheight would appear to be acceptable.
- 6.17 The application is supported by a planning statement that advises the Windmill pub has been vacant since 2013. It also states that the applicant is 'making all reasonable efforts to establish a named operator for the proposed public house.' Rapleys Retail & Leisure Agency Team and public house agency specialists AG&G have been undertaking a 'comprehensive' marketing exercise property since December 2016. Prior to this, the premises had been marketed extensively by a number of pub agents for 12-18 months with no offers.
- 6.18 The large floorspace of the existing premises has been identified by the applicants as a reason why it has remained vacant since 2013, not being a viable option within this out of town centre location. The previous application stated;

It may well be that a smaller A4 unit would better suit this location, being easier to fill, cheaper to fit out and more cost effective to operate, with significantly lower overheads (rent and rates) than the existing property. A smaller unit would better suit a new start up or an owner/operator, greatly increasing the number of potential occupiers and buying with it the vitality of the new entrant.

- 6.19 At the time of writing this report, marketing procedures were ongoing, therefore officers have no indication of the pub operator. As such, a condition limiting the use to a specific occupier cannot be secured at this stage to ensure the viability of the public house, in compliance with aforementioned policies. Nevertheless, officers consider that the proposed reduction in floorspace would not reduce the viability of public house use, and are satisfied it would not be so significant to be considered contrary to DM Policy 20.

Asset of Community Value

- 6.20 The concerns raised regarding the Asset of Community Value (ACV) status of the property is noted. This listing of buildings as ACV is pursuant to the Localism Act 2011 and allows local groups to bid on an ACV property prior to the selling of the site. With respect to planning decisions the Government's non-statutory guidance note of late 2012 states:-

The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

- 6.21 In other words, the grant or refusal of planning permission may take into account the listing as an ACV, however this is at the discretion of the planning authority. The Windmill pub was listed as an ACV in 2013, however the protection expired on 8th April 2016. In accordance with Regulation 2(b) of the Assets of Community Value (England) Regulations 2012, if the Council is provided with information that a relevant disposal of a listed asset has taken place (within the protected period), other than one referred to in section 95(5) of the Localism Act 2011, it will proceed to remove the entry from the list in respect of that asset (or the relevant part) as soon as reasonably practicable. The restriction will also be removed from the title.
- 6.22 Following notice of intention to dispose, no community group proceeded to purchase the asset. The disposal took place in April 2016 so the requirement is satisfied. The disposal was a relevant disposal and was not one referred to in section 95(5) of the Localism Act 2011. As the requirements of Regulation 2(b) were satisfied and the Council was provided with information to that effect, it was required to remove the asset from the list.
- 6.23 Subsequently, officers consider that the former ACV status holds little weight in the assessment of the proposed reduction in floorspace. Nevertheless, the re-provision of a public house use within the proposed scheme accords with the aspirations of the former ACV status.

Principle of a Mixed use Development

- 6.24 The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.25 Policy 3.3 Increasing Housing Supply of The London Plan (March 2015) establishes a housing target for the Borough of 13,847 additional dwellings for the plan period 2015-2025.
- 6.26 While Lewisham is on target to achieve those figures, the policy also states that boroughs should seek to exceed the housing supply targets set through enabling the bringing forward of previously developed land. The policy requires such additional homes to be in accordance with other policy objectives within the London Plan such as Policy 3.5 Quality and design of housing developments.
- 6.27 Concern has been raised regarding the provision of self-contained residential accommodation on the upper floors and the subsequent impact it may have upon the viability of the pub by way of future residential occupiers complaining about noise and disturbance relating to the use.
- 6.28 Officers consider that it is possible for self-contained flats to coexist with ground floor A4 uses without the latter giving rise to unacceptable nuisance to the former. The Council would ensure the flats would be provided with sufficient levels of internal insulation measures to prevent the future occupiers experiencing significant noise nuisance and inevitable disturbance from the operation of the pub.
- 6.29 Paragraph 203 of the National Planning Policy Framework (the Framework) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. In this case, officers see no reason why such harm cannot be satisfactorily mitigated by way of

conditions requiring provision of suitable sound insulation measures to ensure satisfactory living conditions for future occupants, thereby reducing the likelihood of future complaints.

- 6.30 The plans do not indicate provision of a designated external space for customer use. It is unclear whether customers would have access to the open space at the rear of the building, however this would be inappropriate considering the potential conflict with customers congregating around the entrance to the upper floor flats, and subsequent noise disturbance. Officers consider that any seating or designated standing area to the front of the building would be unacceptable considering the restricted width of the pavement and the presence of a bus stop outside the application property.
- 6.31 It is therefore considered appropriate that once an occupier has secured ownership of the premises, a planning condition would require the submission of details regarding the intention/ management of this matter prior to first operation. A condition will also be included that ensures upper floor windows are provided with appropriate acoustic glazing to protect residential occupiers from noise emanating from potential outdoor customer noise, and from the adjacent highway.
- 6.32 In regard to the hours of operation of the A4 use, a planning condition specifying general opening hours of the commercial unit is suggested to ensure that the residential amenities of the upper floor flats are reasonably protected. Members should also note that any operator of the public house would have to apply for hours of use operation under any licensing application to the Council as Licensing Authority. Whilst the licensing regime is separate to the planning regime, the respective authorities are encouraged to work together to ensure a consistency of approach towards matters such as hours of use, floor space use within the licensable premises etc. Officers would clarify however, that where hours are contained within a planning permission or a license, it is the planning hours of use that are the ultimate determinant of the operation of the business and to which planning enforcement action can be applied.
- 6.33 Compatibility and viability concerns were raised in respect of a planning application at nearby 109 Wells Park Road in 2016 for the conversion of the upper floors of the existing Talma Public House to provide self-contained flats. Following a refusal at Committee, a subsequent appeal was upheld - the Inspector stated that subject to appropriate conditions, 'On this basis it would be unlikely that any perceived incompatibility of the commercial and residential use would serve to compromise the viability and operation of the public house'.
- 6.34 The proposal would not include the provision of residential accommodation for the future manager of the public house. Officers raise no objections on these grounds as it is not necessarily uncommon for publicans to reside off-site, whilst there is no specific evidence that ancillary accommodation is key to the viability of public houses.
- 6.35 In summary, officers raise no objections to the principle of the proposed mixed use, and consider the benefits of redeveloping the site would outweigh any negative perceptions relating to incompatibility of public house and residential uses.

Design

6.36 Part 5 of DM Policy 30 highlights the detailed design issues and states that:-

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

- a) the creation of a positive relationship to the existing townscape, natural landscape, open spaces and topography to preserve and / or create an urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape, open space and views, panoramas and vistas including those identified in the London Plan, taking all available opportunities for enhancement;*
- b) height, scale and mass which should relate to the urban typology of the area as identified in Table 2.1 Urban typologies in Lewisham;*
- c) layout and access arrangements. Large areas of parking and servicing must be avoided;*
- d) how the scheme relates to the scale and alignment of the existing street including its building frontages;*
- e) the clear delineation of public routes by new building frontages, with convenient, safe and welcoming pedestrian routes to local facilities and the public transport network, including meeting the needs of less mobile people and people with young children;*
- f) the quality and durability of building materials and their sensitive use in relation to the context of the development. Materials used should be high quality and either match or complement existing development, and the reasons for the choice of materials should be clearly justified in relation to the existing built context;*
- g) details of the degree of ornamentation, use of materials, brick walls and fences, or other boundary treatment which should reflect the context by using high quality matching or complementary materials;*
- h) how the development at ground floor level will provide activity and visual interest for the public including the pedestrian environment, and provide passive surveillance with the incorporation of doors and windows to provide physical and visual links between buildings and the public domain.*

6.36 The site is located within a shopping parade and subsequently is defined by mixed use buildings incorporating ground floor commercial and upper floor residential, sometimes ancillary to the ground floor business.

6.37 Along the immediate section of Kirkdale, the building scale and form is relatively mixed. For instance, the more cohesive buildings between the site and Willow Way are three storeys with a detached two-storey building with mansard roof accommodation to the rear.

6.38 In terms of the wider streetscene, it is noted that the development on the northern side of Kirkdale moving towards Sydenham has a more cohesive character, such as the constant three storey scale and breaks in floor height as the topography slopes eastwards. The modern building incorporating Tesco's on the corner with Willow Way is noted as being part four storeys, however this is on the corner where an increase above the set scale appears appropriate. Furthermore, the window and

balcony fenestration and floor heights appear to follow the rhythm of the streetscene towards the end of the parade.

- 6.39 Officers have also recognised a set plot width within the more cohesive development. For instance, 133-137 Kirkdale has a set 5-6m building width, which the modern subject building also respects in its contemporary rectangular and triangular massing interpretation.
- 6.40 The adjoining development on the north side of Kirkdale towards the west is more mixed. For instance, the directly adjoining development is formed of an original set back two-storey building with a projecting shop front whilst the next building is a three-storey modern development with minimal window fenestration. The building widths have also been disturbed through poor material and shop front articulation, creating bulky and visually dominant elements that fill large areas of the parade. Subsequently, the cohesion of these areas is poorer, whilst the retail premises are generally less populated with a number of vacant units.
- 6.41 Taking this into account, it is officer's opinion that the Kirkdale streetscene to the east of the site generally exhibits the more positive characteristics, which creates a more cohesive and vibrant shopping parade.
- 6.42 Other typologies in the area include the three storey ornate Kirkdale High Street Buildings, which are Grade II listed, as well as two storey terraces set back from the highway (some with protruding shop fronts) and the four storey block of flats known as Denham Court. Whilst these buildings present various forms of typologies within the area, they are not considered to add directly to the enhancement opportunities of the subject site within the north side of the shopping parade.
- 6.43 The proposed 3-storey flat roof building that would front Kirkdale would be comparable in height to the adjoining properties - albeit the upper floor of no.123 is set-back – whilst infilling the entire width of the plot (16.4 metres).
- 6.44 The frontage would incorporate large openings on the upper floors that would serve the inset balconies of the flats. Details of the balustrade will be requested by Condition, however the applicant has agreed with officers that glazing would be more appropriate than the railings detailed on Plan 16-1211-04.
- 6.45 At ground level, large glazed sections providing entrances to the public house would lie either side of a central access to the flats above, which would also accommodate the refuse and cycle stores.
- 6.46 The use of a dark tone of facing brick to the ground floor level would contrast with a lighter brick at first and second floors. The submission of details of the brick type and bonding would be subject to a planning Condition. The shopfront would include fascias for signage, and low stallrisers.
- 6.47 The 3-storey height of the building would be maintained for a depth of 13 metres, before stepping down to single-storey to form the central first floor courtyards. The northern section of the development would initially maintain the 3-storey height, but due to the topography of the site sloping down at the rear, the building would become 4-storey. The rear elevation would incorporate large glazed openings, with projecting balconies afforded to each unit.
- 6.48 The proposed scale of the development would be a significant introduction, particularly at the rear, though it is acknowledged that the existing building extends

close to the rear boundary, being unsightly in appearance due in part to its blank façade. The adjoining building at no.133 is also of significant depth, which would serve to reduce the visual impact of the proposal when viewed from Willow Way to the east.

- 6.49 The area at the rear provides a generally disjointed appearance, therefore any new development would require a considered approach that would contribute to enhancing the overall character.
- 6.50 It is considered that the proposed rear elevation fronting the rear passageway would provide sufficient visual interest to create a successful secondary frontage at ground floor, whilst the building would appear as a high quality introduction that would significantly improve the appearance and perception of the immediate area.
- 6.51 Soft landscaping measures would be confined to the rear, and would be minimal due to the limited area that is not being built upon. Nevertheless, considering five of the nine units would access the building from the rear, it is important the external space is landscaped appropriately to provide a welcoming entrance, whilst reflecting positively upon the wider area. A planning Condition will therefore require the submission of further details for officer assessment.
- 6.52 In summary, the scale, bulk and massing of the development is considered appropriate, and in context with the existing setting. The proposal would introduce a high quality, modern development to the terrace that would complement the existing streetscene. Materiality and detailing would be subject to further officer assessment by way of planning Conditions.

Standard of Accommodation

- 6.53 London Plan Policy 3.5 states that local frameworks and planning decisions should incorporate requirements for accessibility and adaptability, minimum space standards and water efficiency. The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process
- 6.54 In line with this, the Council has adopted DM Policy 32 states that the standards in the London Plan Housing SPG will be used to assess whether new housing development provides an appropriate level of residential quality and amenity. This will involve an assessment of whether the proposals provide accommodation that meet the following criteria:
- (1) meet the minimum space standards for new development which should conform with the standards in the London Plan;
 - (2) habitable rooms and kitchens and bathrooms are required to have a minimum floor height of 2.5 metres. between finished floor level and finished ceiling level. Space that does not meet this standard will not count towards meeting the internal floor area standards;

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

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

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

6.57 Finally, DM Policy 32 states new build development will be required to be provided with a readily accessible, secure, private and usable external. The Housing SPG standard 26 and 27 indicates that this should be 5sqm for 1-2 person dwellings, with an extra 1 sqm per additional occupant, as well as a minimum 1.5m width for balconies.

- *Internal and External Floor Area*

6.58 Officers have calculated the internal and external floor area of each individual unit proposed and presented the information in Table 1.

Table 1: Proposed Residential Occupancy (London Plan minimum requirement in brackets)

Unit	Occupancy	Floor area <small>(min.flrspace in brackets)</small>
1	1bed 2person	55sq.m (50)
2	2b3p	76sq.m (61)
3	2b3p	71sq.m (61)
4	2b4p	75sq.m (70)
5	1b2p	55Sq.m (50)
6	2b3p	76sq.m (61)
7	2b3p	71sq.m (61)
8	2b4p	75sq.m (70)
9	2b4p	75sq.m (70)

- 6.59 As outlined above, the proposed development complies with the overall internal floor area of the technical housing standards. In addition, having measured each additional room, officers consider that the individual rooms also meets the relevant standards. Therefore, in terms of internal amenity, the proposed units would be acceptable.
- 6.60 The provision and size of external amenity space for all units would be in compliance with DM Policy 32.
- 6.61 All habitable rooms would be afforded sufficient outlook, and would therefore be acceptable. Plan 16-1211-04 has incorrectly referred to obscured glazing, however this is an error.
- 6.62 In terms of natural light intake, the Council uses the BRE guide to good practice (2011) standards to assess the quality of daylight/sunlight into new development. The applicant has not submitted an assessment against these standards.
- 6.63 Due to the nature of the development, the upper floors would effectively form two separate blocks lying approximately 9 metres from one another. The central courtyard spaces serving the first floor units would be enclosed and mostly overshadowed by the second and third floor elements and adjoining buildings, thereby receiving limited sunlight apart from morning hours. It is acknowledged however that the dual aspect units would also benefit from terraces/ balconies to the front and rear, which would be afforded sufficient natural light, in accordance with policy.
- 6.64 In terms of overlooking between the proposed units, officers are satisfied the positioning of openings would ensure against adverse levels of privacy for future occupants. It is also considered there would no significant level of overlooking from existing development.
- 6.65 DM Policy 26 states that the Council will require new noise sensitive developments are to be located away from existing or planned sources of noise pollution, except if it can be demonstrated through design or mitigation that:-
- a) internal and external noise levels can be satisfactorily controlled and managed by the noise sensitive development; and
 - b) there will be no adverse impact on the continued operation of any existing or proposed business or operation.
- 6.66 The proposed residential units would be located above the rebuilt public house, and as addressed earlier in this report, officers are satisfied appropriate conditions would serve to mitigate any harmful noise from the ground floor use.
- 6.67 It is noted that food is likely to be cooked within the kitchen area of the pub, and an extract duct has been shown that would rise up to the third floor. Whilst in principle such provision would be acceptable, no details have been provided regarding its appearance, overall height or technical specifications of how it would operate, therefore an appropriate Condition would be necessary to assess its suitability.

Impact on Adjoining Properties

- 6.68 DM Policy 32 states that new residential development should be neighbourly and not result in adverse impacts on the amenities of nearby properties.
- 6.69 The surrounding area includes residential units above the ground floor commercial properties. As such, these units may be adversely impacted as a result of the proposed development.
- 6.70 To the east is 133 Kirkdale and 54 Willow Way, which have windows in the front and rear elevation that sits perpendicular to the subject site. To the west is 123 Kirkdale, which has windows in the front elevation and rear elevation perpendicular to the site. The nearest existing window is first floor opening serving a bathroom.
- 6.71 The proposed development would occupy the existing footprint of the site, and would be considerably denser and greater in height than the current Windmill building, however there would be a brief respite for the adjoining occupiers from the 9 metre space between the front and rear facing elements that would form the central amenity area.
- 6.72 Officers consider that the proposed development would not significantly increase the scale of development to severely affect the amenity of adjoining neighbours in terms of natural light, outlook or visual amenities. Furthermore, it is considered that the windows and balconies would not increase overlooking to the existing development.
- 6.73 Concern has been raised regarding the impact upon the existing residential building (Denham Court) on the opposite side of Kirkdale. Considering the distance between the existing and proposed buildings, and the 3-storey height of the development fronting Kirkdale, officers are satisfied the level of visual harm upon the existing occupiers would not be significant to warrant a refusal in this case. The proposed front terraces are relatively small and screened by the flank walls of the building to reduce overlooking, whilst the loss of an existing view is not a material planning consideration.
- 6.74 Subsequently, the proposed development is not considered to adversely impact on the amenities of neighbouring properties.

Highways and Traffic Issues

Car Parking

- 6.75 The Council, in line with the London Plan and NPPF policies, takes a restrictive approach to private parking provisions in order to promote sustainable modes of transport, where appropriate. Parking should comply with the standards of the London Plan, as shown in Table 6.2 of the Parking Addendum to Chapter 6.
- 6.76 The application site has a PTAL rating of 4 and the proposed development would give rise to 9 units. No off-street parking has been proposed with the development.
- 6.77 The Council's Development Management Policy 29 Car Parking indicates that where proposals do not include for car parking on the site then the matter of harm should be properly considered.

- 6.78 The development site is located in an area with a Good level of accessibility to the public transport network and within walking distance to a wide range of services and facilities, which can be argued to be compliant with the Council's Development Management Policy 29 Car Parking.
- 6.79 The Good level of accessibility to the public transport system means that future residents and their visitors can access the development by public transport for many, but not all, of their journeys. The surrounding area is not subject to permit-parking controls and therefore the Council is not able to control parking and some residents are likely to own and make use of private vehicles. The carriageway directly outside the development has a mix of waiting restrictions (yellow lines) that make parking outside the development difficult, and therefore the Highways officer considers that a car-free arrangement would have some benefit in transport terms.
- 6.80 The development is supported by a parking survey conducted in the early morning over two days in October 2016. The survey concludes that the parking spaces within 200m of the site are at 80-84% capacity, or 27-32 spaces respectively. This is considered to be at the upper level of the capacity range.
- 6.81 Officers consider that the acceptability of the development with regard to being car-free is a matter of balance and subject to the development fully meeting the requirements of the London Plan Policy 6.9 in terms of cycle parking for both commercial and residential elements and in providing facilities for cyclists.
- 6.82 The proposed development includes 17 dry and secure cycle parking for residential occupiers, in accordance with London Plan Policy 6.9. The policy also advises that two long-term and 9 short-term cycle spaces for the A4 unit should also be provided. This has not been indicated on the plan, however the applicant is aware of the requirement, and a Condition would ensure the provision and retention of the spaces.
- 6.83 In light of this, and the applicant accepting a Condition that requires the submission of a Travel Plan for both the residential and commercial uses, officers raise no objections to the scheme on highways grounds.

Servicing and Refuse

- 6.84 The scheme would be accessed from both the front and the rear of the site. The front would be utilised by the public house and residential units 1,2, 5 and 6, whilst the rear would provide access for the remaining flats.
- 6.85 The vehicular road to the rear of the application site is in Council ownership, and the scheme proposes that deliveries would be undertaken from there. The Sydenham Society have confirmed the existing pub was serviced from the front, (not the rear as advised in the application). Officers are satisfied there would be sufficient space for a delivery truck to park without preventing an oncoming vehicle to pass, whilst it is appropriate that a servicing and delivery condition be included to ensure details are formally submitted prior to first use of the ground floor premises. For clarification, the Sydenham Society commented on the proposed use of the former Council depot to the rear of the application site (fronting Willow Way) as a transport-servicing centre. That application, which is still under consideration, has been amended to remove the use of the access road for transport vehicle use, particularly because the access road provides for parking and servicing of Kirkdale Road properties, and therefore to minimise any potential vehicle conflict.

- 6.86 The scheme proposes a residential refuse and recycling area to the rear, which outlines a capacity of 1540L, and a 720L provision to the front. The pub would be afforded storage for 3300L. The applicant has stated this follows advice from dialogue with the Council's refuse team, however the collection of waste has not been addressed. A refuse strategy condition is therefore necessary, including measures to ensure bins are always stored away following collection.

Sustainability and Energy

- 6.87 Core Strategy Policy 8 requires new non-residential buildings to reach BREEAM 'Excellent'. The supporting documents state that the development would reach the required excellent rating, which would be secured by Condition.
- 6.88 In terms of the new build residential housing, Code for Sustainable Homes has now been absorbed into Building Regulations and therefore is removed as a planning matter.

7.0 Community Infrastructure Levy

- 7.1 The above development is liable for Lewisham CIL.

8.0 Equalities Considerations

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

9.0 Conclusion

- 9.1 The proposal would include the demolition of the existing building, which has been redundant since 2013, and is not considered by officers to be of sufficient architectural merit to be retained.
- 9.2 The proposed development would provide a ground floor public house, albeit smaller than the existing, however it is considered appropriate for this out of town centre location. Officers welcome the retention of the public house use, and

consider its viability would not be compromised by the proposed self-contained flats, subject to appropriate conditions.

- 9.3 Officers consider the development to be acceptable in its design and scale, and would be an appropriate addition to the Kirkdale frontage, and would not impact adversely upon the adjacent Halifax Conservation Area, or result in any significant visual harm upon neighbouring occupiers.
- 9.4 The standard of proposed residential accommodation would be acceptable, in accordance with policies, with each unit being afforded private amenity space.
- 9.5 For these reasons, it is recommended permission is granted.

10.0 RECOMMENDATION GRANT PERMISSION subject to the following conditions:

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

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

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

615-SE26-20-1_SLP01; 16-1211-01H; 16-1211-02E; 16-1211-03D; 16-1211-04; 16-1211-05; 16-1211-06; 16-1211-07, WP3213, Design and Access Statement, BREEAM Pre-Assessment Report, Noise Assessment, Planning Statement, Transport Statement, Ventilation and Extraction Statement, Construction Management Plan Received 5 December 2016;

16-1211-01L Received 1 June 2017;

201 Rev C Received 3 July 2017.

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

- (3) (i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include (but is not limited to):
- (a) Proposals to achieve a target of fifty per cent (50%) local people and local businesses as employees contractors and sub-contractors during the construction of the Development.
- (b) A commitment to working with the local planning authority's local labour and business coordinator.

- (c) Routes to employment, including direct access to employment opportunities at the development and addressing wider barriers to employment.
- (d) Early warnings within the local planning authority's area of contracts to be let at the development.
- (e) The number and type of jobs to be created and the skill requirements in relation to those jobs.
- (f) Recommended training routes to secure jobs.
- (g) Proposals to encourage diversity in the workforce.
- (h) Measures to encourage local businesses to apply for work in relation to the development.
- (i) Training opportunities and employment advice or programmes and employment and training brokerage arrangements.
- (j) Provision of opportunities for modern apprenticeships including the number and type of apprenticeships available.
- (k) Provision of opportunities for school leavers, older people and those who have been out of work for a long period.
- (l) Provision of work experience for local people during the construction of the development including the number of weeks available and associated trades.
- (m) Provision of childcare and employee assistance to improve working environments.
- (n) Interview arrangements for jobs.
- (o) Arrangements for working with schools and colleges.
- (p) Measures to encourage local people into end use jobs.
- (q) Targets for monitoring the effectiveness of the strategy including but not limited to the submission of monitoring information to the local planning authority on a monthly basis giving details of:-
 - The percentage of the on-site workforce which are drawn from persons whose normal residence is within the Lewisham borough.
 - Social and demographic information of all contractors, sub contractors, agents, and employers engaged to undertake the construction of the development.
 - Number of days of work experience provided.
 - Number of apprenticeships provided.
- (ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development.

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

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

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

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

- (5) (a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm_{ax} (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure

to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

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

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

- (6) (a) No development shall commence until full written details, including relevant drawings and specifications of the proposed works of sounds insulation against airborne noise to meet $D'nT,w + Ctr$ dB of not less than 55 for walls and/or ceilings where residential parties non domestic use shall be submitted to and approved in writing by the local planning authority.
- (b) The development shall only be occupied once the soundproofing works as agreed under part (a) have been implemented in accordance with the approved details.
- (c) The soundproofing shall be retained permanently in accordance with the approved details.

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

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

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

- (8) (a) The ground floor commercial unit hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) Within 3 months of the commencement of development, a Design Stage Certificate for each building (prepared by a Building Research Establishment qualified Assessor) shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a).
- (c) Within 3 months of occupation of any of the buildings, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment qualified Assessor) to demonstrate full compliance with part (a) for that specific building.

Reason: To comply with Policies 5.1 Climate change and mitigation, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 5.15 Water use and supplies in the London Plan (2015) and Core Strategy Policy 7 Climate change and adapting to the effects, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (2011).

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

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

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

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

- (11) (a) No development shall commence beyond ground floor level until plans (1:50) and details showing the physical fit out of the commercial unit hereby approved have been submitted to and approved in writing by the local planning authority.
- (b) The development shall be constructed in full accordance with the approved details and maintained in perpetuity unless with the written approval of the local planning authority.

Reason: To ensure that the fit-out of the unit is sufficient to ensure it is an attractive and commercially viable option and to demonstrate the developer's commitment to delivering the commercial unit as part of this development.

- (12) (a) Prior to the occupation of the commercial unit, plans and sectional details at a scale of 1:10 or 1:20 showing the proposed shop front shall be submitted to and approved in writing by the local planning authority. Such information should demonstrate the location of the fascia sign, any shutter/grill box, the window system, the stall riser (if included), canopies and the entrance.
- (b) The development shall be constructed in full accordance with the approved details.

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 Development Management Local Plan (November 2014) DM Policy 19 Shop fronts, signs and hoardings.

- (13) (a) No development shall commence beyond ground floor level until details of proposals for the storage of refuse and recycling facilities for each residential and commercial unit hereby approved, and collection of refuse, have been submitted to and approved in writing by the local planning authority.
- (b) The facilities as approved under part (a) shall be provided in full prior to occupation of the development and shall thereafter be permanently retained and maintained.

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

- (14) (a) A minimum of 17 secure and dry cycle parking spaces for residential occupiers shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence beyond ground floor level until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained in perpetuity 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).

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

Reason: In order that the local planning authority may be satisfied as to the details of the proposal and to comply with Policies 5.12 Flood risk management and 5.13 Sustainable Drainage in the London Plan (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.

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

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

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

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

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

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Policy 17 Restaurants and cafes (A3 uses) and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

- (19) (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).

- (20) (a) The ground floor public house shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.

(c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

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

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

(23) The proposed amenity spaces (including roof terraces and balconies) shall be retained permanently for the benefit of the occupiers of the residential units hereby permitted.

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

(24) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the use of the flat roofed areas (other than those indicated as amenity space) 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 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- (25) No deliveries shall be taken at or despatched from the site other than between the hours of 7 am and 8 pm on Mondays to Fridays, 8 am and 1 pm on Saturdays, or at any time on Sundays or Public Holidays.

Reason: In order to safeguard the amenities of adjoining residents 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).

- (26) The commercial premises shall only be open for customer business between the hours of 08.00 and 00.00 on any day of the week.

Reason: In order to safeguard the amenities of adjoining occupants at unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, DM Policy 16 Local shopping parades and corner shops, and DM Policy 17 Restaurants and cafes (A3 uses), and drinking establishments (A4 uses) of the Development Management Local Plan (November 2014).

- (27) No music, amplified sound system or other form of loud noise (such as singing or chanting) shall be used or generated which is audible outside the premises or within adjoining buildings.

Reason: To safeguard the amenities of the adjoining premises and the area generally and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration of the Development Management Local Plan (November 2014).

- (28) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the areas of the building identified for A4 Drinking Establishment use shall be used only for this purpose and shall not be used for any other purpose (including any other purpose set out in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or an any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: To safeguard the established A4 Drinking Establishment use and to comply with Policy 19 Provision and maintenance of community and recreational facilities of the adopted Core Strategy (July 2011) and DM Policy 20 Public houses of the Development Management Local Plan (2014).

- (29) (a) No part of the development hereby approved shall be occupied until such time as a user's Travel Plan for both the commercial and residential uses, 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 in perpetuity.

- (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).

- (30) (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan nos. 201 Rev C hereby approved and maintained in perpetuity thereafter.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

Reason: To comply with Policies 5.10 Urban greening, 5.11 Green roofs and development site environs, 5.12 Flood risk management, 5.13 Sustainable Drainage and 7.19 Biodiversity and access to nature conservation in the London Plan (2015), Policy 10 managing and reducing flood risk and Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches of the Development Management Local Plan (November 2014).

- (31) (a) Details of any designated outdoor areas for customer use relating to the A4 Public House, including a robust management plan setting out measures including preventative measures to safeguard neighbouring amenity and established review mechanisms, shall be submitted to and approved in writing by the local planning authority prior to first occupation of the commercial unit. Any approved plan shall be maintained in perpetuity unless with the approval of the local planning authority.
- (b) The management plan shall be fully implemented prior to first use, and evidence shall be submitted to the local planning authority within 6 months of first occupation of the commercial premises to demonstrate compliance.

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

- (32) (a) A minimum of 11 secure and dry cycle parking spaces (2 long-term and 9 short-term spaces) shall be provided in relation to the commercial premises.
- (b) No development shall commence beyond piling 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 commercial unit and maintained in perpetuity thereafter.

Reason: In order to ensure adequate provision for cycle parking and to comply with Policy 6.9 Cycling of the London Plan (2015 as amended) and Policy 14: Sustainable movement and transport of the Core Strategy (2011).

INFORMATIVES

- (A) The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- (B) As you are aware the approved development is liable to pay the Community Infrastructure Levy (CIL) which will be payable on commencement of the development. An '**assumption of liability form**' must be completed and before development commences you must submit a '**CIL Commencement Notice form**' to the council. You should note that any claims for relief, where they apply, must be submitted and determined prior to commencement of the development. Failure to follow the CIL payment process may result in penalties. More information on CIL is available at: - <http://www.lewisham.gov.uk/myservices/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- (C) You are advised that all construction work should be undertaken in accordance with the "London Borough of Lewisham Code of Practice for Control of Pollution and Noise from Demolition and Construction Sites" available on the Lewisham web page.
- (D) **Pre-Commencement Conditions:** The applicant is advised that Conditions relating to Local Labour, Construction Management Plan, Sound Insulation, Fixed Plant, BREEAM, Internal Fit-Out, and Commercial Cycle Parking require details to be submitted prior to the commencement of works due to the importance of: minimising disruption on local residents and future occupiers; and securing quality design to ensure the approved scheme would be delivered as envisaged in the planning submission.

