

Committee	PLANNING COMMITTEE C	
Report Title	THE ARCHES, CHILDERS STREET, LONDON, SE8 5PT	
Ward	EVELYN	
Contributors	Russell Brown	
Class	PART 1	22nd February 2018

Reg. Nos. DC/17/103827

Application dated 28.09.2017

Applicant Evelyn Court LLP

Proposal The alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats, together with the provision of 4 car parking and 17 cycle spaces.

Applicant's Plan Nos. TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/106 Rev E; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/118 Rev C; TP/119 Rev C; TP/120 Rev C; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Design & Access Statement rev. v. 6; Flood Risk Assessment; Marketing Report & Appraisal; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Recived 28th September 2017

TP/103 Rev J Received 22nd November 2017

Background Papers

- (1) Case File DE/134/D/TP
- (2) Core Strategy (June 2011)
- (3) Development Management Local Plan (November 2014)
- (4) London Plan (March 2016)

Designation None

Screening N/A

## **1.0 Property/Site Description**

1.1 The application site lies on the south west side of the western section of Childers Street between the junctions with Gosterwood Street and Etta Street. The site is approximately 0.49 hectares and is occupied by a six storey high block of commercial and residential units, which rises to nine storeys high on the junction with Rolt Street.

1.2 This application specifically refers to commercial units 1-6 within Blocks 1 and 3, which are at either end of the building and separated by Block 2 and the hard

landscaped area providing vehicular and cycle parking. Cycle Quietway 1 runs to the north west of the site underneath the bridge of the railway viaduct, which houses commercial units in its arches. Adjacent to Donovan House to the north-west is a recently built development on the site of the former William House comprising 70 residential units and 1,300m<sup>2</sup> of B1 floor space. The, now vacant, Lord Palmerston Pub and SR House are to the south east of the site.

- 1.3 The property is not located within a Conservation Area, nor subject to an Article 4 direction, but is in the vicinity of a listed building in the form of the railway viaduct from Abinger Grove to Rolt Street, which runs from Greenwich to London Bridge. The site is an 'other employment location', it has a PTAL rating of 1/2 and is within Flood Risk Zones 2 and 3.

## **2.0 Relevant Planning History**

- 2.1 DC/04/57406/X: The construction of 3 six-eight storey buildings on the site of William House and the former public car park adjacent, Childers Street SE8, comprising 18 live/work units, 8 one bedroom flats, 50 two bedroom self-contained flats and 8 commercial units (Use Class B1) with access off Childers Street. **Granted.**
- 2.2 DC/07/66538/X: The demolition of existing buildings on the site of William House and former car park, Childers Street SE8 and the construction of 3 single to eight storey buildings, incorporating terraces and balconies, comprising commercial units (1,304 m<sup>2</sup>) (Use Class B1) at ground and part of the first floor levels, 15 one bedroom, 68 two bedroom and 6 three bedroom, self-contained flats, together with associated landscaping and provision of an electricity sub-station, refuse stores, cycle stores and 33 car parking spaces. **Granted and implemented.**
- 2.3 Pre-application advice (PRE/15/02018) was sought in October 2015 and Officers stated that the principle of conversion of the commercial units to residential use cannot be established without thorough marketing evidence and a flood risk assessment, but if these issues can be overcome then residential use would be a suitable alternative use. Significant concerns were raised to the quality of the residential units, requiring a fundamental redesign.
- 2.4 DC/16/099613: The alterations and conversion of vacant commercial units at The Arches Childers Street SE8 into 2 one bedroom and 7 two bedroom self-contained flats, together with the provision of 4 car parking and 18 cycle spaces. **Withdrawn.**

## **3.0 Current Planning Application**

- 3.1 The current application proposes the alteration and conversion of six vacant commercial units (Use Class B1a) into 1 x one bedroom, 6 x two bedroom and 1 x three bedroom self-contained flats.
- 3.2 Flats 1-5 would be located within Block 1 with Flats 6-8 in Block 3. All would have frontage onto Childers Street and their own external amenity space to the rear. The total internal floor space of each unit is as follows:

Flat 1 (2b4p): 138.375m<sup>2</sup>

Flat 2 (3b6p): 136.32m<sup>2</sup>

Flat 3 (2b4p): 100.28m<sup>2</sup>  
Flat 4 (2b4p): 81.3m<sup>2</sup>  
Flat 5 (2b3p): 65.865m<sup>2</sup>  
Flat 6 (2b3p): 65.34m<sup>2</sup>  
Flat 7 (2b4p): 84.685m<sup>2</sup>  
Flat 8 (1b2p): 100.155m<sup>2</sup>

- 3.3 This application also includes the provision of new entrances to the front elevation of each unit comprising aluminium doors and windows, a rendered panel, cedar panelling and steel fences and gates for access to the rear for the future residents. Replacement rear doors leading out onto private external amenity areas and rear windows facing onto the commercial units within the arches would also be installed. Brick walls would form the boundaries between amenity spaces.
- 3.4 Four car parking spaces within the wider development are to be allocated for the proposed flats and 17 cycle parking spaces would also be provided.

#### **4.0 Consultation**

- 4.1 No pre-application advice was sought prior to this particular application.
- 4.2 The Council's consultation met the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.3 A site notice was displayed and letters were sent to 130 local addresses (including those who submitted comments on the previous scheme), Evelyn Ward Councillors, the London Fire and Emergency Authority, Thames Water, the Environment Agency and the Council's Environmental Protection and Highways Officers were consulted.

#### **Written Responses received from Local Residents**

- 4.4 Four objections were received, raising the following concerns:
- The original planning application described the units as "not for habitation whose lack of interface with the street will contribute to an increased lack of safety in the area".
  - The units have never properly marketed and local residents' enquires were either rejected or they received no response.
  - There has been little commitment to maintaining the units to present viable business opportunities, but fitted-out office space would be viable.
  - The application would not increase social / affordable housing stock while the original developer was compensated for providing business units.
  - There has been a lack of consultation with neighbours as no-one was aware of purported consultation until 10th October.
  - The residential use would receive low quality natural light.
  - It would result in the erosion of SIL/DEA in the area, which provides employment opportunities for local people.
  - The reclassification of these units to A1 / A3 (shops or cafes) usage would be supported as they reflect the changing demographics, population increase and use of the Cycle Quietway.
  - The conversion of these units to residential would result in an unpleasant, dark and crowded environment for any future residents close to the road and Cycle Quietway.

- The current owner has failed to care for the building there have been issues, like rough sleepers in the units due to broken locks.
- The Council should purchase these units and put Council departments in there or let them to businesses.
- The residential units proposed would have a negative impact on the local area while business use would lead to positive local regeneration including increased safety, amenity and employment.

#### Responses received from External Consultees

- 4.5 The Environment Agency had no objection, but offered the following advice:
- There may be other sources of flooding which affect this site, such as surface water and groundwater flooding, which could be important considerations for managing flood risk for the proposed development.
  - 'More vulnerable' residential accommodation, particularly sleeping accommodation, is strongly recommended to be set at the first floor level and above or above the modelled breach flood level, which is between 3.21m and 3.29m above Ordnance Datum (mAOD).
  - Flood resistant and resilient measures should be incorporated in to the design of the proposed development.
  - Occupants of the proposed development should register with their Floodline Warnings Direct service, in order that they may prepare themselves in the case of a flood event.
  - Please note that any flood response plan (or flood warning and evacuation plan) should set out suitable access and egress from the site.

## **5.0 Policy Context**

### Introduction

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

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

#### Other National Guidance

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

#### London Plan Supplementary Planning Guidance

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

Character and Context (June 2014)  
Housing (March 2016)  
Sustainable Design and Construction (April 2014)

#### London Plan (March 2016)

5.7 The London Plan was adopted on 14th March 2016. The policies relevant to this application are:

Policy 2.13 Opportunity areas and intensification areas  
Policy 3.3 Increasing housing supply  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.3 Sustainable design and construction  
Policy 5.12 Flood Risk Management  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.1 Building London's neighbourhoods and communities  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 8.3 Community infrastructure levy

#### Core Strategy

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

Spatial Policy 2 Regeneration and Growth Areas  
Core Strategy Policy 1 Housing provision, mix and affordability  
Core Strategy Policy 5 Other employment locations  
Core Strategy Policy 8 Sustainable design & constructions and energy efficiency  
Core Strategy Policy 10 Managing and reducing the risk of flooding  
Core Strategy Policy 13 Addressing Lewisham's waste management requirements  
Core Strategy Policy 14 Sustainable movement and transport  
Core Strategy Policy 15 High quality design for Lewisham

#### Development Management Plan

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

DM Policy 1 Presumption in favour of sustainable development  
DM Policy 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 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

#### Residential Standards Supplementary Planning Document (updated May 2012)

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

### **6.0 Planning Considerations**

- 6.1 The relevant planning considerations are:

a) Principle of development  
b) Design  
c) Impact on the amenities of adjoining properties  
d) Proposed standard of residential accommodation  
e) Highways issues  
f) Flood risk  
g) Sustainability and energy

### *Principle of development*

- 6.2 Spatial Policy 2 states that the Deptford, Deptford Creekside, New Cross/New Cross Gate area will accommodate up to 2,300 additional new homes by 2016 and a further additional 8,325 new homes by 2026.
- 6.3 Housing is a priority use for all London boroughs and the Core Strategy welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides garden and amenity space.
- 6.4 The National Planning Policy Framework (NPPF) sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted. Furthermore, the document also encourages the effective use of land by reusing land that has been previously developed (brownfield land).
- 6.5 The site is undesignated, though it was formerly part of the Childers Street Mixed Employment Area. It is noted that the redevelopment of this former industrial site to provide the existing blocks was considered acceptable in planning terms on account of the re-provision of a proportion of employment space. However, where there is no reasonable prospect of an employment space being used for that purpose, alternative uses may be considered. Core Strategy Policy 5 identifies that alternative uses may be acceptable in these locations, "if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use".
- 6.6 This approach is expanded upon by DM Policy 11, which states that:
- "Where uses are proposed for a site or building in employment or retail use that do not involve any job creation or retention, the Council will require evidence that a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent, that reflects the market value has been undertaken."
- and:
- "The Council will seek contributions to training and/or local employment schemes where there is loss of local employment as a result of redevelopment or change of use."
- 6.7 The applicant has submitted a Marketing Report and Appraisal, as well as a letter from the applicant, who are an operator of offices in Lewisham and Southwark. The letter states that the Childers Street units have been empty for six years and have been marketed via their website and several other companies (Officers

noticed marketing boards from Kalmars at the site), but that no interest has been forthcoming for the following reasons:

- The transport links are very poor with the nearest station more than 15 minutes' walk away.
- The area is not an office location and there are no shops or restaurants close by. People like to work among other people and Childers Street is just too remote.
- The unit sizes are too large at typically around 1,300sq feet each and it is not possible to divide them up.
- The car parking ratio of just one space per office is very low especially as there is poor access to public transport.
- There is no commercial fibre optic broadband available.

6.8 In terms of compliance with Core Strategy 5, the above deals with site accessibility and business viability. Officers do not consider that the use of the upper floors or of nearby properties as residential would restrict an office use and clearly, these are new units so the age of the building is not a factor, although it is noted that the units are 'shell and core'.

6.9 The Marketing Report and Appraisal was produced by Kalmars and gives the following reasons for not being able to fill the units with offices:

- Businesses have already moved away from this area.
- Public transport is pretty poor and inadequate for office use in what is predominantly a residential area with lots of social housing.
- The layout of the spaces is not conducive to an office use and they are irregularly shaped with limited ceiling heights and with large plate glass windows, which are more appropriate for shop uses and cause privacy, security and ventilation problems.
- Toilets and kitchens would have to be fitted as well as security measures like roller shutters and burglar alarms to the front and rear.
- They are in shell condition, requiring costly and expensive fitting out, which is not economically viable for office occupiers.
- There are other large developments in construction within competing areas, including in better located positions along the River Thames, and there are 99 available units in a four-mile radius south of the River Thames (excluding the SE1 postcode).
- There has been a slowdown in the market, perhaps due to Brexit and world trade.
- There are extensive and restrictive restrictions within the lease likely to deter occupiers.
- There are hardly any other office occupiers in the area and therefore it lacks the cluster effect of a central business district location.
- There are no facilities for office staff such as sandwich bars, shops and restaurants.
- Walking to the property is likely to be considered a security hazard by many office occupiers, particularly if working hours are outside 09:00-17:00.
- The ceiling heights are too low given that air conditioning would have to be installed.
- The units would be unsuitable for other uses. Hotels and gyms are again very unlikely to be attracted to a backstreet location and there is insufficient space for the former to operate. Light industrial uses are likely to create conflict with the floorspace up above, mainly due to lorry deliveries and general noise.

- 6.10 The property has been marketed by Kalmars since 2015 on competitive terms, including all appropriate modern marketing techniques (comprising five boards on site and it appearing on Kalmars and the most popular aggregate websites). The marketing response has been poor, consisting of only four responses from nursery (Use Class D1) operators. Before then, the units were marketed by Lamberts Chartered Surveyors from July 2010 until September 2014 and boards were displayed in January 2011 with amended signage in June 2012.
- 6.11 Officers consider that sufficient information is provided to demonstrate that there is no prospect of the units being let to commercial occupiers and therefore, in this instance, accept that residential use would be appropriate in this location.
- 6.12 However, given the proposal results in employment land being replaced by residential dwellings, a financial contribution is due under DM Policy 11 in order to support the current training and operation costs of running the Local Labour and Business Scheme. Based upon the estimated number of new dwellings (1,385) to be created annually as required by the London Plan (FALP 2014) and the number of new jobs (500) required annually as estimated by the Lewisham Business Growth Strategy, each new job and dwelling will require a contribution of £530 towards employment training. Therefore, this application is subject to a £4,240 contribution, which shall be subject to a S106 obligation.
- 6.13 Therefore, the revised proposals would be compliant with Core Strategy Policy 5 and DM Policy 11.
- 6.14 With regard to the proposed use, housing is a priority use for all London boroughs with the need for family-sized dwellings being particularly acute in Lewisham, and the Core Strategy Spatial Policy 2 welcomes the provision of additional new homes by 2026.
- 6.15 The evidence for Lewisham shows an overwhelming housing need, which is spread across the borough and for a mix of housing tenures as well as housing size. Officers recognise that housing is a priority use in the borough and change of use proposals in appropriate locations are a sustainable use of land to help meet housing targets.
- 6.16 As such, the principle of development is considered to be acceptable. Issues of design, impact on neighbouring properties, highways and the proposed standard of accommodation will be fully considered in the relevant sections of the report.

### *Design*

- 6.17 Officers consider that sufficient detail drawings and information about the proposed materials have been submitted for the new entrances such that it is deemed that they constitute high quality design and relate well to the design of the existing residential units on upper floors. The gates would help to provide sufficient security for each residential occupier and the top-hung casement windows would allow for sufficient ventilation and penetration of natural light. It is considered reasonable to request further details of the cedar panelling to ensure that it is durable and would be treated so as not to weather, or if so, how it would look in future years.

- 6.18 The proposed design of the alterations to the ground floor units are otherwise appropriate for the proposed use, removing the large plate glass shopfronts more suitable for commercial uses, and would be congruous with the surrounds. As such, the proposals are compliant with London Plan Policies 7.4 and 7.6, Core Strategy Policy 15 and DM Policies 30 and 31.

*Impact on the amenity of neighbouring occupiers*

- 6.19 DM Policy 31 states that residential development should result in no significant loss of privacy and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- 6.20 DM Policy 32 states that the Council expects all new residential development to:
- a. be attractive and neighbourly; and
  - b. provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 6.21 Given the location of the proposed residential units at ground floor level, it is not considered that there would be an impact on neighbouring amenity.
- 6.22 However, it is important that an adequate level of privacy would be afforded to the new units. None of the primary bedroom windows would be located directly onto frontages facing the car park or the main pedestrian routes because the area to the rear is not considered to be such a route, being that it is mainly used by vehicles, and the windows to the front would be set back from the pavement by 82cm. The secondary bedroom windows to bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 would be obscure glazed and this is recommended to be secured by condition. Bedroom 2 of Flats 5 and 6 would have a single set of windows, but these would look out onto a resident-only access behind locked gates rather than a busy pedestrian thoroughfare.
- 6.23 The introduction of a residential use must not prejudice the functioning of the adjacent commercial space so sound insulation must be installed or upgraded, which is recommended to be secured by a compliance condition.
- 6.24 Therefore, the scheme is deemed acceptable in terms of neighbouring amenity in accordance with DM Policies 31 and 32.

*Standard of accommodation for proposed occupiers*

- 6.25 London Policy 3.5 Quality and design of housing developments of the London Plan states that housing developments should be of the highest quality internally, externally and in relation to their context. It also states that the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.
- 6.26 DM Policy 22 states that for conversions to residential from other uses, the Council will encourage cost effective and proportional energy efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.27 DM Policy 32 states that all new residential development should be attractive and neighbourly, provide a satisfactory level of privacy, outlook and natural lighting

both for its future residents and its neighbours as well as meet the functional requirements of future residents.

- 6.28 Having assessed all of the residential units against the Technical Housing Standards - Nationally Described Space Standard, they all comply with regards to the requirements for GIAs, bedroom sizes and widths, storage space and internal floor to ceiling heights. In terms of outlook, all units are dual aspect, which would provide the units with adequate outlook, ventilation and daylight through the window, as well as the doors, which provide access into the external terraces, which each unit benefits from.
- 6.29 The amenity space provided for each dwelling would be in excess of the size requirements set out in Standard 26 of the London Plan Housing SPG, and is therefore acceptable in terms of area of space provided. However, as these amenity areas will be adjacent to car parking the row of commercial railway arches, boundary treatment for these areas is vital to ensure that the environment created is satisfactory and also that the operation of the commercial units is not compromised.
- 6.30 Officers have reviewed the submitted Daylighting Report, which has been revised since the previous application. It is now clear that all rooms in the units, particularly the kitchen / living / dining areas of Flats 2, 4 and 7 that failed previously, meet daylight standards.
- 6.31 Furthermore, regarding the access to the flats, none of them would be accessed from the carpark with all primary entrances located on Childers Street, which is considered to be a positive arrival experience compliant with Standard 8 of the London Plan Housing SPG (March 2016).
- 6.32 Officers have no objection to the proposed unit mix of 6 x two bed properties, a three bed property and a one bed property, which would be a welcome addition of a family-sized unit.
- 6.33 Core Strategy Policy 1 requires that 10% of all housing is to be wheelchair accessible or easily adapted for those using a wheelchair. Therefore, for this scheme, the requirement would be rounded up to one dwelling. Flat 8 is wheelchair unit adaptable and therefore this is considered sufficient.
- 6.34 Therefore, the proposed standard of accommodation is considered to be acceptable.

### *Highways*

- 6.35 London Plan Policy 6.9 Cycling states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 and the guidance set out in the London Cycle Design Standards (or subsequent revisions).
- 6.36 London Plan Policy 6.13 Parking states that the maximum standards set out in Table 6.2 in the Parking Addendum should be the basis for considering planning applications. Developments must ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles and provide parking for disabled people.

- 6.37 Core Strategy Policy 14 Sustainable movement and transport states that car free status for new development can only be assured where on-street parking is managed so as to prevent parking demand being displaced from the development onto the street, and cycle parking will be required for new development and TfL guidelines will be used to assess provision. Design will need to incorporate safe and secure cycle storage and parking as well as other facilities including showers and lockers, where appropriate.
- 6.38 This site has a PTAL rating of 2, which rates as poor public transport access. However, it is noted that New Cross Gate and Deptford rail stations are both approximately 15 minutes' walk from the site and are served by frequent services.
- 6.39 One car parking space has been provided per two flats, which meets London Plan standards, and is therefore acceptable. There is a requirement that 20% of the spaces (rounded up to one) must provide an electrical charging point to encourage the uptake of electric vehicles, which shall be secured by condition. Details are required of where the car parking spaces would be located I also to be secured.
- 6.40 The results of the submitted parking survey demonstrates that there is sufficient space to accommodate an increase in parking demand, should the demand for parking for the eight residential units exceed anticipated levels.
- 6.41 The proposal is for 17 cycle parking spaces are to be provided, which is compliant with Table 6.3 of London Plan 6.9. With the exception of flats 5 and 6 all of these are to be located in cupboards within the units, which makes them secure and dry. A condition is proposed to secure the details for flats 5 and 6 to ensure that the storage provide is safe and dry.
- 6.42 Residential Development Standards SPD seeks to ensure that all new developments have adequate facilities for refuse and recycling. All units are proposed to have the same existing servicing arrangements as the flats above where refuse is collected from existing waste stores, which are considered to have sufficient capacity and shall be conditioned.
- 6.43 Officers therefore have no objection to raise on highways grounds.

#### *Flood risk*

- 6.44 The Environment Agency did not raise an objection to the scheme, subject to the residential accommodation being set above the modelled breach flood level, which is between 3.21m and 3.29m. A condition is recommended to be added requiring section drawings to demonstrate that there would be an increase in internal floor heights of 0.25m in Block 1, the north west block, as set out in the Flood Risk Assessment.
- 6.45 An informative shall be added requesting that the applicant informs future occupiers to register with their Floodline Warnings Direct service so that they may prepare themselves in the case of a flood event.

#### *Sustainability and energy*

- 6.46 Paras. 94 and 95 of the NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change, which must be consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
- 6.47 Core Strategy Policy 8 Sustainable design, construction, and energy efficiency states that the Council is committed to prioritising the reduction of the environmental impact of all new developments, with a focus on minimising the overall carbon dioxide emissions of the development while improving sustainability aspects through sustainable design and construction. All minor and major non-residential development will be required to achieve a minimum of B REEAM 'Excellent' standard, or any future national equivalent.
- 6.48 DM Policy 22 Sustainable design and construction states that, in addition to those policies in the London Plan and Lewisham's Core Strategy Policies 7 and 8, the Council will require all developments to maximise the incorporation of design measures to maximise energy efficiency, manage heat gain and deliver cooling.
- 6.49 For conversions to residential from other uses, the Council will encourage cost effective and proportional energy efficiency measures to be carried out where feasible to a value not exceeding 10% of the overall construction costs.
- 6.50 The Council considers that the measures proposed in regards to energy and water efficiency measures by the Revised Sustainability & Energy Statement to be acceptable.

*Prevention of crime and disorder*

- 6.51 Section 17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent:
- a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local community);
  - b) the misuse of drugs, alcohol and other substances in its area; and
  - c) re-offending in its area.
- 6.52 Issues of flytipping, litter and graffiti were raised as a consequence of the public consultation undertaken in respect of this application. Neglect of the units was also cited, although there was no major signs of this during the site visit, but is to be expected of empty premises. Once these units are occupied and become active frontages with comings and goings, it is likely that the issues would cease to be problems.
- 6.53 As such, Officers consider that the scheme would not add to crime or general anti-social behaviour in the immediate vicinity.

*Community Infrastructure Levy (CIL)*

- 6.54 On 1st April 2015 the Council introduced its Local CIL to be implemented along with the existing Mayoral CIL. The charge will replace a number of financial contributions currently required through Section 106 Agreements.

- 6.55 CIL is chargeable on the net additional floorspace (gross internal area) of all new development. However under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended) affordable housing is exempt from CIL. However, it should be noted that the applicant is required to apply for the exemption.
- 6.56 Under the CIL charging schedule, the amount of CIL payable for the SE8 postcode for new residential development is £100 per sqm. The Mayor CIL is charged at £35 per sqm of new development.
- 6.57 It is the Local Planning Authority's responsibility to collect CIL payments from new development.

#### *Issues raised by consultation*

- 6.58 Further concerns from local residents were raised regarding the absence of consultation from the developer and the developer not engaging with local residents interested in the units. Whilst the Council encourages applicants to engage with local communities prior to submitting applications, given the scale of this proposal it is not a requirement that the local authority can insist on and therefore the application has been processed and assessed by Officers.

#### **Human Rights Act**

- 6.59 Under the Human Rights Act 1998, the Council must not act in a way which is incompatible with the rights referred to in the Act. There is an exception to this, in that the Council will not be acting unlawfully if Acts of Parliament mean that it cannot act in any other way. The relevant human rights in this instance are the:
- Right to respect for the home, under Article 8; and
  - Right to peace enjoyment of possessions, under Article 1 of Protocol 1.
- 6.60 However, these rights are not absolute, and may lawfully be infringed in certain defined circumstances. Where infringement is permissible, it must occur in accordance with, or subject to, the conditions provided for by the law. It must also be proportionate; i.e. it must achieve a fair balance between competing interests and not go beyond what is strictly necessary to achieve the purpose involve.
- 6.61 On balance, it is considered that the interference with the owners' human rights described in paragraph 6.76 are proportionate. As such, the application is not considered to raise any Human Rights Act implications.

#### **Equalities Considerations**

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

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

- 6.64 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.65 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>
- 6.66 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
1. The essential guide to the public sector equality duty
  2. Meeting the equality duty in policy and decision-making
  3. Engagement and the equality duty
  4. Equality objectives and the equality duty
  5. Equality information and the equality duty
- 6.67 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>
- 6.68 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.

### **Planning Obligations**

- 6.69 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 NFFP 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) Fair and reasonably related in scale and kind to the development.

- 6.70 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.
- 6.71 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.72 London Plan Policy 8.2 (Planning obligations), and Core Strategy Policy 21 (Planning Obligations) together with the Councils Adopted Planning Obligations SPD (2015) sets out the policy context for considering planning obligations. Whether a development makes appropriate provision for, or contribution towards, requirements that are made necessary by, and are related to, the proposed development would be a material consideration relevant to the planning application being considered. Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and in kind to the proposed development and its impact on the wider area. Planning obligations should reflect strategic and local needs. In accordance with the statutory and policy context, and as a result of the assessment of the impacts of the proposed development the agreed Heads of Terms for a Unilateral Undertaking are set out below:
- Financial contribution of £4,240 in respect mitigating against the loss of employment floorspace. The funding would be used towards Council initiatives towards local employment schemes across the borough.

### **Local Finance Considerations**

- 6.73 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) a grant or other financial assistance that has been, or would or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) sums that a relevant authority has received, or would or could receive, in payment of Community Infrastructure Levy (CIL).
- 6.74 The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 6.75 CIL is therefore a material consideration. CIL is payable on this application and the applicant has completed the relevant form.
- 6.76 The above development is liable for both the Mayor's CIL and the Council's CIL. The completed CIL form was submitted with the application documents. An informative would be added to the decision notice advising the applicant to notify the Council when works commence.

## **Conclusion**

- 6.77 The Local Planning Authority has considered the particular circumstances of the application against relevant planning policy set out in the Development Management Local Plan (2014), the Core Strategy (2011), London Plan (March 2016) and the National Planning Policy Framework (2012).
- 6.78 The principle of development has been found to be acceptable and Officers consider that the proposed development, by reason of the design of the alterations, impact on neighbouring properties, on highways and on flood risk, standard of accommodation and sustainability, would represent the provision of high quality residential units, subject to the imposition of suitable conditions.
- 7.0 RECOMMENDATION A:** To agree the proposals and authorise Officers to negotiate and complete a S106 Planning Obligation to secure a financial contribution of £4,240 to mitigate against the loss of employment floorspace.
- 8.0 RECOMMENDATION B:** Subject to the completion of a satisfactory legal agreement or Unilateral Undertaking, authorise the Head of Planning to GRANT PLANNING PERMISSION subject to conditions, including those set out below and with such amendments as are considered appropriate to ensure the acceptable implementation of the development.

- 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:

TP/100 Rev B; TP/104 Rev B; TP/105 Rev A; TP/106 Rev E; TP/107 Rev E; TP/109 Rev D; TP/110 Rev E; TP/112; TP/113 Rev A; TP/115 Rev A; TP/116 Rev A; TP/117 Rev A; TP/118 Rev C; TP/119 Rev C; TP/120 Rev C; TP/121 Rev C; Site Location Plan; Acoustic Assessment; Flood Risk Assessment; Marketing Report & Appraisal; Revised Daylighting Report; Revised Sustainability & Energy Statement; Transport Statement Received 28th September 2017

TP/103 Rev J Received 22nd November 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) No development shall commence on site until details of the cedar panelling for the front entrance to the residential units, including how it would be treated and / or how it would weather, 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 units and to comply with London Plan Policies 7.4 Local character and 7.6 Architecture of the London Plan (March 2016), Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and DM Policies 30 Urban design and local character, 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), the new side elevation windows for bedroom 2 of Flat 1, bedroom 1 of Flat 5 and bedroom 1 of Flat 6 hereby approved shall be fitted as obscure glazed and retained in perpetuity.

Reason: To avoid the privacy of the new residential units being compromised and to comply with DM Policies 31 Alterations/extensions to existing buildings and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 5) The units shall be designed and fitted out so as to provide sound insulation against external and internal noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with windows shut and other means of ventilation provided. 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.

Reason: To safeguard the amenities of the occupiers of the proposed dwellings and to comply with DM Policies 26 Noise and vibration, 31 Alterations and extensions to existing buildings including residential extensions and 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

- 6) (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 occupation of the hereby approved residential units.

(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 7.4 Local character of the London Plan (March 2016), 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).

- 7) (a) A minimum of 17 secure and dry cycle parking spaces shall be provided within the development.

(b) No occupation of the residential units shall commence on site until the full details of the cycle parking facilities, including how the cycle spaces for Flats 5 and 6 would be secure and dry and how the cycle spaces would be divided

between each residential unit, 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 6.9 Cycling of the London Plan (March 2016) and Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

- 8) The refuse facilities shall be provided within the development prior to occupation of the development as indicated on the plans hereby approved, and shall thereafter be permanently retained and maintained.

Reason: In order that the Local Planning Authority is 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

- 9) A) No development shall commence on site until the following information has been submitted to and approved in writing by the Local Planning Authority: Sections at 1:20 scale through the ground floor of Block 1 showing the internal floor level of these residential units being increased by 0.25m. The residential accommodation must be set above the modelled breach flood level, which is between 3.21m and 3.29m.  
B) The development shall be completed in accordance with the approved drawings and retained in perpetuity thereafter.

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 of the London Plan (March 2016) and Objective 6 Flood risk reduction and water management and Policy 10 Managing and reducing the risk of flooding of the Core Strategy (2011).

- C) (a) Details of the electric vehicle charging point to be provided and a programme for its installation and maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works.

(b) The electric vehicle charging point as approved shall be installed prior to occupation of the development and shall thereafter be retained and maintained in accordance with the details approved under (a).

Reason: To encourage the uptake of electric vehicles and to comply with Policy 6.13 Parking of the London Plan (March 2016) and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- D) The wheelchair dwelling hereby approved shall be constructed to be easily adapted in full accordance with the SELHP Wheelchair Homes Design Guidelines (November 2012) as shown on drawing no. TP/103 Rev J hereby approved prior to their first occupation.

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

## **INFORMATIVES**

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

The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Furthermore, all pre-commencement conditions attached to this permission must be discharged by way of a written approval in the form of an application to the Local Planning Authority, before any such works of demolition take place.

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

The applicant is advised that the implementation of the proposal will require approval by the Council of a Street Naming & Numbering application. Application forms are available on the Council's web site.

The applicant is requested to inform future occupiers to register with their Floodline Warnings Direct service so that they may prepare themselves in the case of a flood event.