

Committee	PLANNING COMMITTEE (B)	
Report Title	Former Phoebes Garden Centre, Rear of 2 Penerley Road, SE6	
Ward	Catford	
Contributors	Geoff Whittington	
Class	PART 1	15 March 2018

Reg. Nos. DC/17/102292

Application dated August 2017

Applicant City and Metro Limited

Proposal Demolition of the existing buildings at Phoebe's Garden Centre, Penerley Road SE6 and the construction of a two storey building plus roofspace to provide 10, one bedroom, 10, two bedroom and 7, three bedroom self-contained flats, together with the provision of car parking spaces, cycle spaces and landscaped garden areas.

Applicant's Plan Nos. D-J-201 TO 204; D-J-301 TO 304; EX-E-01; EX-E-02; EX-E-03; EX-E-04; EX-P; EX-S-01; EX-S-02; EX-SP; GA-DE-01 P2; GA-DE02 P2; GA-E-01; GA-E-02; GA-P-FT01 P2; GA-P-FT02 P2; GA-P-FT03 P2; GA-P-FT04 P2; GA-P-FT05 P2; GA-P-FT06 P2; GA-P-FT07 P2; GA-P-FT08 P2; GA-P-FT09 P2; GA-P-L00 P7; GA-P-L00-01 P2; GA-P-L00-02 P2; GA-S-01; GA-S-02; GA-P-L01 P7; GA-P-L01-01 P2; GA-P-L01-02 P2; GA-P-L02-01 P2; GA-P-L02 P7; GA-P-L02-02 P2; GA-P-R03 P7; Appendix C-E; Design and Access Statement (June 2017); Energy Statement (Parts 1-4); External Lighting Report; Landscape Design and Details; Planning and Heritage Statement; Refuse and Recycling Review; Statement of Community Involvement; Transport Statement (June 2017 JT/11652 dha transport); Tree Survey Report (May 2017); Tree Protection Plan; Unit Details Summary Received 21 July 2017;

'Affordable Housing Provision' email Received 29 January 2018;

'Landscaping, Living Roof and Ecology' email Received 5 February 2018;

'Rent Levels' email Received 14 February 2018.

Background Papers

- (1) Case File LE/703/C/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016 as amended)
- (4) The NPPF

Designation Culverley Green Conservation Area  
Culverley Green Article 4 Direction  
Local Open Space Deficiency

Area of Archaeological Priority  
PTAL 3-5

**1.0 Property/Site Description**

- 1.1 The application site is the former Phoebe's Garden Centre, which is a backland site to the rear of 2-24 Penerley Road, rear of 1-29 Bargery Road and rear of 43-61 Bromley Road. The site measures 4,220 sqm (0.4ha) in area and contains buildings, greenhouses and offices ancillary to the former retail use of the site.
- 1.2 The site is located within the Culverley Green Conservation Area and is covered by an Article 4 Direction, however the buildings on site are neither considered as designated or undesignated heritage assets. The site has no other designation under the Local Plan Policies Map.
- 1.3 The surrounding area is primarily residential, with the exception of the Rushey Green Primary School opposite Penerley Road. The site is located 500m from Cufford Town Centre. The site has a PTAL value of 3-5, which is based on a scale of 0-6b, with 6b representing excellent access to public transport.

**2.0 Relevant Planning History**

- 2.1 Various planning permissions have been granted for alterations and extensions to the existing buildings used in connection to the garden centre.
- 2.2 In 2016, an application was submitted to the Council proposing the demolition of the existing buildings at Phoebe's Garden Centre, and the construction of a three storey building incorporating balconies to provide 5 one bedroom, 15 two bedroom, and 9 three bedroom self-contained flats, together with the provision of car parking spaces, cycle spaces and landscaped gardens areas. Permission was refused permission under delegated powers for the following reasons:
- 1) The proposed development, by reason of its scale, mass, bulk and articulation, is considered to be of poor design and inappropriate within its context, thereby failing to take the opportunities available for improving and enhancing the character of the area. Consequently the development would have an adverse impact on the special character of the Culverley Green Conservation Area and the visual amenities of residents, contrary to DM Policy 30 'Urban design and local character', DM Policy 33 'Development on infill sites, backland sites, back gardens and amenity areas' and DM Policy 36 'New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the Development Management Local Plan (November 2014); and Policy 15 'High quality design for Lewisham' of the Core Strategy (2011).
  - 2) The proposal fails to provide affordable housing with insufficient justification, contrary to DM Policy 7 'Affordable rented housing' of the Development Management Plan (November 2014); Lewisham's Planning Obligations Supplementary Planning Document (February 2015); and Objective 3 and Policy 1 'Housing provision, mix and affordability' of the Core Strategy (2011).
  - 3) The scheme fails to provide an acceptable level of private external amenity space to all proposed units and therefore the standard of amenity for future residents is considered to be unacceptable, contrary to DM Policy 32 'Housing design, layout and space standards' of the Development Management Local Plan (November 2014); Policy 3.5 'Quality and design of housing developments' of the London Plan (2016); and the London Plan Housing Supplementary Planning Guidance (2016).

- 2.3 The decision to refuse permission was subsequently appealed in 2017 at a Public Hearing. Reason 2 was resolved between the local planning authority and the appellant prior to the appeal, whereby an off-site payment in-lieu toward affordable housing in the Borough was agreed.
- 2.4 The Planning Inspector dismissed the appeal, stating; *'...I consider that the building would not be consistent with, or sympathetic to, the key characteristics which define the conservation area within which it is located. In failing to do this, even though the current site is one identified as where improvement is sought, it would be detrimental to the character and appearance of the area. Consequently, I consider that the proposed development would not preserve or enhance the character or appearance of Culverley Green Conservation Area.'*

### **3.0 Current Planning Application**

- 3.1 The current application proposes the demolition of the existing buildings at the former Phoebes Garden Centre, and the construction of 5, two storey plus roofspace buildings (A-E) that would accommodate 10, one bedroom, 10, two bedroom and 7, three bedroom self-contained flats.
- 3.2 The proposed group of buildings would be orientated east to west, sited away from the north and south boundaries. Each building would incorporate gable ended pitched roofs similar to surrounding development. Two metre wide passageways would separate each building.
- 3.3 Each unit would be afforded private amenity space by way of rear gardens or terraces.
- 3.4 Four units would be affordable tenure, comprised of two Affordable Rent, and two Shared Ownership.
- |      |                          |                                 |
|------|--------------------------|---------------------------------|
| A1.1 | 3 bed 4 person flat (WC) | Affordable Rent                 |
| A1.2 | 1 bed 2 person flat (WC) | Affordable Rent                 |
| A2.1 | 2 bed 4 person flat      | Intermediate (Shared Ownership) |
| A2.2 | 2 bed 4 person flat      | Intermediate (Shared Ownership) |
- 3.5 16no. car parking spaces would be provided to the south-western corner of the site, together with dry and secure cycle spaces adjacent to the proposed rear gardens. The existing access road into the site from Penerley Road would provide a shared vehicular and pedestrian route.
- 3.6 Proposed landscaping measures would include a 'contemporary Edwardian Garden' to the east of the site, which would provide seating for future occupiers. Private rear gardens and open space to the south of the proposed buildings would be lawned with planting of trees, whilst a 'picnic' area and children's play area would be provided. The applicant has advised that contrary to plans submitted, no artificial lawn would be laid, whilst no existing trees would be felled.
- 3.7 A bio-diverse green living roof would be constructed to the flat roof of the proposed building to the furthest east of the site, and upon the bin refuse store adjacent to the car-park.

#### **Supporting Documents**

- 3.8 In addition to the proposed plans, elevations and sections, the following documents have been submitted in support of the application

**a) *Design and Access Statement***

Prepared by Alan Camp Architects dated June 2017. It outlines the existing context and introduces the proposal, including the design process.

**b) *Statement of Community Involvement***

Prepared by RPS CgMs dated June 2017, the report advises that a public consultation event was held at St Laurence Church on 20<sup>th</sup> April 2017, which was attended by 23 local residents.

**c) *Energy Statement***

Prepared by BaseEnergy. It outlines the relevant standards and policies with respect to energy savings to be met and how the proposal would comply with them.

**d) *Planning and Heritage Statement***

Prepared by RPS CgMs dated June 2017. It addresses the siting and scale of the development, and assesses the impact upon the character of the Culverley Green Conservation Area.

**e) *Landscaping Report***

Prepared by Outerspace for Landhold dated June 2017.

**f) *Tree Survey Report***

Prepared by Canopy Consultancy dated May 2017. It assesses the existing trees on site and includes protection measures during construction.

**g) *External Lighting Report***

Prepared by BaileyGomm dated June 2017. It assesses the impact of the scheme in terms of light and is used to inform the lighting design.

**h) *Financial Viability Assessment***

Various documents have been submitted in support of the development in relation to viability and affordable housing provision.

**i) *Transport Statement***

Prepared by DHA Transport dated June 2017. It outlines the expected impact in terms of transport and includes parking management plan, draft travel plan and draft construction management plan.

**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. The application was also advertised in the local newspaper.

## Written Responses received from Local Residents

4.3 Eight letters have been received, objecting to the proposed development, on the following grounds:

- Height of the proposed development;
- Overlooking;
- Too many units;
- Insufficient on-site parking;
- Close proximity to neighbouring gardens;
- Noticeably taller than existing dwellings;
- Building footprint is too large;
- Additional on-street parking pressures;
- Out of character;
- Density too high;
- Facing brick unacceptable.

4.4 The Culverley Green Residents' Association have objected to the planning application. Extracts of their response are as following:

'This application is an improvement on the previous proposal for this site, and we note:

- balconies and living rooms facing south rather than towards the nearest houses;
- the through aspect of the flats;
- recessed balconies;
- the increase in parking provision from 9 to 16 spaces;
- access to the building from the south side, which will go some way to reducing noise and light pollution;
- a somewhat more sympathetic architectural design both in term of creating separate blocks and in reflecting something of the local style.'

However, the Association object to the scale and proximity of the development, which they consider would result in harm to the privacy of the adjoining residents along the site boundary to the Penerley Road properties and to those residents in Bargery Road where the application site narrows considerably.

The potential for overlooking has also been raised as a concern, which they consider would be borne by the existing residents whose private rear gardens have been free of such intrusion from the rear. Neighbouring gardens would be completely overlooked and overshadowed due to the very close proximity of the new buildings to the shared boundary, whilst south facing balconies would result in overlooking.

Whilst the increased parking provision is acknowledged, the Association considers there would be a negative impact upon parking in the area, which they consider is at 'saturation point'.

### **Design quality**

The proposed speckled facing bricks do not complement in either size or colour the red bricks used throughout the Conservation Area and mirrored in the Apex Apartments on Culverley Road and in Rushey Green Primary School. A single red colour brick would be favoured.

The paucity of tree planting proposed is regrettable: most of the visuals 'borrow' trees in adjoining gardens. There is no mutual benefit and so small trees should be included. Artificial turf would be unacceptable.

(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 (2016 as amended)

5.6 The London Plan was updated on 14 March 2016 to incorporate the Housing Standards and Parking Standards Minor Alterations to the London Plan (2015). The new, draft London Plan was published by the Mayor of London for public consultation on 29 November 2017 (until 2 March 2018). However, given the very early stage in this process, this document has very limited weight as a material consideration when determining planning applications, does not warrant a departure from the existing policies

of the development plan in this instance and is therefore not referred to further in this report. The policies in the current adopted London Plan (2016) relevant to this application therefore are:-

5.7 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

5.8 Technical housing standards – nationally described space standard (2015)

#### London Plan Supplementary Planning Guidance (SPG)

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

Housing (2016)

Affordable Housing and Viability (2017)

#### Core Strategy

5.10 The Core Strategy was adopted by the Council at its meeting on 29 June 2011. The Core Strategy, together with the Site Allocations, the 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  
Policy 1 Housing provision, mix and affordability  
Policy 7 Climate change and adapting to the effects  
Policy 8 Sustainable design and construction and energy efficiency  
Policy 13 Addressing Lewisham's waste management requirements  
Policy 14 Sustainable movement and transport  
Policy 15 High quality design for Lewisham  
Policy 16 Conservation areas, heritage assets and the historic environment

#### Development Management Local Plan

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

DM Policy 7	Affordable rented housing
DM Policy 22	Sustainable design and construction
DM Policy 25	Landscaping and trees

DM Policy 27	Lighting
DM Policy 28	Contaminated land
DM Policy 29	Car parking
DM Policy 30	Urban design and local character
DM Policy 32	Housing design, layout and space standards
DM Policy 33	Development on infill sites, backland sites, back gardens and amenity areas
DM Policy 36	New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens

Culverley Green conservation area: Character Appraisal (25 October 2001)

**6.0 Planning Considerations**

6.1 The main planning considerations include:

- a) Principle of development;
- b) Design;
- c) Housing;
- d) Highways and traffic issues;
- e) Impact on neighbouring properties;
- f) Sustainability and energy;
- g) Landscaping and trees;
- h) Planning Obligations.

Principle of Development

- 6.2 The site is currently occupied by Phoebe's Garden Centre, which until its closure operated as a retail centre for the sale of plants, garden tools and equipment. The majority of the site was open to visiting members of the public being retail floorspace, whilst there was also some ancillary office and storage space.
- 6.3 The site is not designated within the Local Plan Policies Map and there are no policies restricting the use to retail. Therefore, whilst the business provided some level of employment, there are no policies within the local plan or regional plan that restricts the current land use and prevents residential redevelopment of the site.
- 6.4 The London Plan recognises the need for housing over the whole of the city and therefore has allocated housing targets, with Lewisham targeted to provide 1,385 new dwellings per annum. In line with this, the Lewisham Local Plan aims to provide housing, primarily through strategic allocations and regeneration and growth areas. This is in accordance with the spatial strategies of Section 6 of the Core Strategy.
- 6.5 In addition to this, the re-use of previously used brownfield land is encouraged within the NPPF, provided it is not of high environmental value. Given the existing nature of the site within a predominantly residential area, the site is not considered to be of high environmental value and therefore the redevelopment for residential use is considered to be appropriate. This position was outlined in the previous application relating to the site in 2016, and was supported by the Planning Inspector in 2017.
- 6.6 Notwithstanding this, the need for housing must be balanced against the special character of the Culverley Green Conservation Area, appropriate scale of development, neighbouring amenity, and provision of excellent standard of accommodation for future occupiers.



## Design

- 6.7 Urban design is a key consideration in the planning process. The NPPF makes it clear that national government places great importance on the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.8 Paragraph 15 of the National Planning Policy Framework states: “local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however proper to seek to promote or reinforce local distinctiveness.”
- 6.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 6.10 Core Strategy Policy 15 High quality design for Lewisham and Policy 32 of the Development Management Plan requires that all new residential development be attractive and neighbourly, and meet the functional requirements of future residents.
- 6.11 DM Policy 33 Development on infill sites, backland sites, back gardens and amenity areas advises that ‘If a site is considered suitable for development, planning permission will not be granted unless the proposed development is of the highest design quality and relates successfully and is sensitive to the existing design quality of the streetscape.’
- 6.12 The applicants have engaged in pre-application discussions with officers to seek advice on what would constitute an acceptable form of development upon the redundant site. It is considered that the existing vacant building and site appears unattractive, being incoherent with the general character of the immediate area, and no objections are therefore raised toward its demolition.

### *a) Scale, Appearance and Impact on Conservation Area*

- 6.13 DM Policy 30 Urban design and local character and DM Policy 36 New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens requires new development to respect the character and appearance of conservation areas.
- 6.14 The site is located behind the terrace dwellings fronting Penerley Road, Bargery Road and Bromley Road, therefore it is considered to be a backland site according to DM Policy 33. Part 2 states that if development is suitable on the site, planning permission will not be granted unless the proposed development is of the highest design quality, whilst being sensitive to the setting of heritage assets.
- 6.15 The site lies within the Culverley Green Conservation Area. Part 4 of Policy 36 states that the Council, having paid special attention to the special interest of its Conservation Areas, and the desirability of preserving or enhancing their character or appearance, will not grant planning permission where new development or alterations and extensions to existing buildings is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials.
- 6.16 The Culverley Green Conservation Area Character Appraisal was adopted in 2001, and it identifies the character areas - including Penerley Road and Bargery Road - as being the ‘heart’ of the Conservation Area. These streets are characterised by semi-detached villas

that are 2.5 storeys in height with consistent building lines and spacings. The building palettes are simple, being brick with stucco detailing and tile roofs, however there is a similar pattern of articulation and fenestration, which gives a repeated pattern and uniformity to the streetscene. Common elements include two storey bay windows, banding dividing the ground and first floors and mixed 'medieval' references such as colonettes to the bay windows and doors, with carved leaf capitals supporting stilted lintels, pediments or broken pediments.

- 6.17 The backland site lies to the rear of the existing terraces and therefore has a relatively limited view when compared to the properties along Penerley Road and Bargery Road. However, there are views of the site from the public realm, primarily from Penerley Road to the north-west of the site, along the access road between 1-7 and 11 Bargery Road and between 61 and 65 Bromley Road. It is also noted that there are views of the development site through the spaces between the semi-detached villas, however these views are much narrower. These restricted views have been given due weight in the assessment of the scheme.
- 6.18 The existing buildings on the site include greenhouses, sales buildings and ancillary offices and storage buildings that are all single storey in height with a pitched roof. The buildings are not considered to be of any architectural significance within the context of the Culverley Green Conservation Area, whilst Section 3 (Figure 17) of the appraisal identifies the Phoebe's Garden Centre as a site within the Conservation Area with particular potential for enhancement. The proposed removal of the buildings is therefore acceptable.
- 6.19 In terms of scale, it is considered that development of up to 3 storeys is acceptable on the site. In regard to the refused scheme, it was considered that the 3-storey flat roof building, over such a large footprint, with its unrelenting roofline and continuous frontages, would appear monolithic in this permeable, finely grained context and would fail to accord with design policies.
- 6.20 The current proposal would construct five separate 2-storey plus roofspace buildings, measuring a height of up to 11 metres, and an eaves height of 6 metres, in comparison with the 10 metre height of the 2016 refusal. The design is a significant departure from the original 2016 approach, incorporating a clear reference toward the existing gable ended dwellings that surround the application site. Rather than being a continuous block, each building would be separated by 2 metres, with hip-ended roofs that would allow for visual respite for neighbouring occupiers.
- 6.21 The development would be largely consistent in appearance, however the building to the far east of the site (Block E) would have only one gable end due to site constraints.
- 6.22 Officers are satisfied that the backland development would remain subordinate to adjacent buildings so that the traditional hierarchical pattern would be maintained. The proposed buildings would be comparable with the surrounding 2-storey plus roofspace semi-detached dwellings in terms of appearance and height. Officers acknowledge the proposal would occupy a larger proportion of the site than the existing main building, however, the building would be 37 metres from the rear of the semi-detached dwellings and 79 metres from the clearest view along Penerley Road. Therefore, due to the significant distance from the public realm and the perspective at street level, it is considered that the scale of the building would not be detrimentally over-dominant to the scale of the existing development from the public domain. As such, the principle of a 2-storey plus roofspace development upon the site would be acceptable. It is also acknowledged that the 'principle' of a 3-storey building, which formed part of the 2016 refusal, was considered acceptable.
- 6.23 The facing materials to be used are 'Red/ brown' brick; zinc hipped roofs; zinc walls to recessed balconies with glazed balustrades; and grey aluminium powder coated window frames.

6.24 The principle of the materials are considered to be acceptable within the context of the site, however, it is appropriate that further details are submitted and facing materials are presented on-site to officers to allow for a detailed assessment, to be secured by condition.

*b) Density*

6.25 Given the need for housing, Policy 3.4 of the London Plan states that, taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. This is also carried through in DM Policy 30.

6.26 The site has a PTAL value of between 3 and 5, which officers have averaged to 4. Whilst the site is within 500m from Catford Town Centre, given the residential character of the area and the relatively low density of the units, the most appropriate setting is urban.

6.27 In applying the density matrix of Table 3.2, the stated density range is between 200-700 hr/ha. The proposal would provide 27 units, being 78 habitable rooms over the 0.422ha site, therefore officers calculate the density to be 185 hr/ha.

6.28 Taking the above into account, the development is at the lower end of the density range. Given the setting of the site within the Culverley Green Conservation Area and the need for amenity space around the site, this is considered to be appropriate within London Plan Policy 3.4 and Lewisham's Local Plan.

6.29 However, it is worth noting the supporting text of the Policy 3.4, which highlights that a rigorous appreciation of housing density is crucial to realising the optimum potential of sites, but it is only the start of planning housing development, not the end. It is not appropriate to apply Table 3.2 mechanistically.

6.30 In addition, Core Strategy Policy 15 Part 1(c) states that the Council will apply the housing densities as outlined in the London Plan, except where this is not appropriate to preserving or enhancing the characteristics of conservation areas.

6.31 In summary, officers are satisfied with the design approach of the development, and consider it to be a significant improvement upon the scheme that was refused in 2016.

Housing

*a) Affordable Housing*

6.32 In addition to the housing targets, new residential development must also meet the needs of potential residents. This is highlighted in Objective 3 of the Core Strategy which states that this will include provision of affordable housing and mix of dwelling size and types, including family housing.

6.33 Core Strategy Policy 1 has been adopted following the evidence base of the Lewisham and South-East London Strategic Housing Market Assessment (SHMA). This policy has been adopted in line with London Plan policy 3.8-3.13 and the NPPF.

6.34 With respect to affordable housing, CS Policy 1 outlines that the Council will seek the maximum provision of affordable housing with a strategic target of 50% affordable housing from all sources. To ensure a mixed tenure and promote mixed and balanced communities, the affordable housing component is to be provided as 70% social rented and 30% intermediate housing. This is also recognised in DM Policy 7.

6.35 In addition to this, the Council have adopted the Planning Obligations SPD which outlines the evidence behind the affordable housing targets, definitions of affordable housing and

where obligations will be sought. Contributions on affordable housing will be sought on sites that are capable of providing 10 residential units or more. The Council's preference is for affordable housing to be provided on-site and off-site provision will only be accepted in exceptional circumstances. This is to ensure the chance to provide mixed and balanced communities and has been adopted in line with Paragraph 50 of the NPPF.

- 6.36 However, the provision of affordable housing is subject to a financial viability assessment to ensure meeting this policy does not make development unviable. The applicant had originally proposed no affordable housing or off-site payment, which was supported in viability assessment studies completed by the applicant's consultants, Turner Morum LLP.
- 6.37 The financial information was assessed by independent consultants GeraldEve (GE) to provide assistance and advice to the Council on the matter of viability. In their report, they challenged the applicant's viability assumptions, including site value, profit return and professional fees, and concluded that the scheme would be able to provide on-site affordable units.
- 6.38 Following discussions, it was accepted that additional evidence forwarded by the applicant was sufficient to demonstrate an increase in the allowance in professional fees from that originally proposed and for the Site Value to increase. However, a developer profit of 17% on GDV market housing and 6% on affordable housing would be 'more reasonable in the current market', as opposed to the 20% GDV on market housing and 6% on affordable housing stated in the applicant's viability.
- 6.39 Following adjustment, GE estimated there remained sufficient surplus in the appraisal to deliver on site affordable housing beyond that proposed following a mix of Affordable Rent (2 units) and Shared Ownership (1 unit). GE estimate a total of 3 affordable housing units can be viably be justified on site, which would represent on-site affordable housing provision of 11% by units and 12% by habitable rooms overall.
- 6.40 Alternatively, the scheme was also considered on a 100% Shared Ownership basis, whereby a total of four Intermediate units would be viable, however GeraldEve were explicit in acknowledging this would not be policy compliant.
- 6.41 In response, the applicant has proposed the scheme would provide four affordable units, comprising two Affordable Rent (3 bed, 4 person and 1 bed, 2 person units), and two Shared Ownership units (two 2 bed, 4 person units). Whilst this would represent a 50/50 split between tenure types instead of the 70/30 mix stated in Core Strategy Policy 1, officers consider that, based on the evidence received from the applicant and the advice given by GeraldEve, the provision of four affordable units within the scheme, including two Affordable Rent would be acceptable in this case.
- 6.42 The Council's 'Affordable Rent Study: Market Research & Affordability Analysis', published February 2014' which looked at affordable rent levels across the borough advised that:

Appropriate Affordable Rent levels would be:

- 1-bed: 80% market rent or LHA
- 2-bed: 70 to 80% market rent or LHA
- 3-bed: Up to 65% or a proportion at the capped rent of 50%
- 4-bed: 50% market rent (capped rent)

- 6.43 In this case, the applicant proposes the affordable units would be in compliance with the Planning Obligations SPD (2014). They have assumed London Affordable Rent (LAR) in accordance with the Mayor of London Affordable Homes programme 2016-2021, whereby the investment appraisal generates the rents based on social rents uprated in accordance with GLA requirements. The following charges would be applied on first let and would be exclusive of service charges;

1 bed £154.59 (LHA cap is £204.08)

3 bed £172.76 (LHA cap is £330.72)

6.44 Officers welcome the applicant's offer to go beyond what has been accepted by GeraldEve as the 'maximum reasonable amount' of three affordable units, and it is therefore recommended that this level and amount of affordable housing is secured in a S106 Agreement.

6.45 The Affordable Housing and Viability SPG (2017) seeks to maximise affordable housing delivery in the longer term and acknowledges the potential for significant changes in values in the housing market, therefore the use of review mechanisms are supported. This would include an early review which is triggered where an agreed level of progress on implementing the permission has not been reached after two years of the permission being granted. Following this, a late review would be applied once 75 per cent of homes are sold. The SPG advises that the benefit of this approach is that the review can be based on values achieved and costs incurred. The review takes place prior to sale of the whole development to ensure that the review and any additional contribution arising from this are enforceable. The outcome of this review will typically be a financial contribution towards off-site affordable housing provision. Such review mechanisms would be secured in the S106.

6.46 The proposed development would give rise to additional demands on existing social infrastructure such as schools and health services. Funding of the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the Borough is now secured through Community Infrastructure Levy (CIL) payments.

*b) Unit Mix*

6.47 The SHMA studies have determined there is a lack of family dwellings in the Borough. Following from this evidence base, together with accommodating mixed and diverse communities as outlined in the London Plan, the Council requires a suitable mix of units, including three bedroom family units. Core Strategy Policy 1 states that this is subject to the following criteria:-

- 1) the physical character of the site or building and its setting;
- 2) the previous or existing use of the site or building;
- 3) access to private gardens or communal garden areas for family dwellings;
- 4) the likely effect on demand for car parking within the area;
- 5) the surrounding housing mix and density of population;
- 6) the location of schools, shops, open space and other infrastructure requirements.

6.48 Table 1 below shows the residential size and mix of the proposed units that comprise the scheme. The 'minimum' internal flat size requirements for each unit type derive from the Technical housing standards – nationally described space standard (2015).

6.49 As shown in the Table 1, 25% of the units proposed would be family units. Officers have considered the criteria outlined in Core Strategy Policy 1 and consider that the provision of 7 family units would be acceptable on the site.

6.50 In addition to the number of family units, Core Strategy Policy 1 states that 10% of new build residential development should be wheelchair accessible housing. The scheme would achieve this by providing three ground floor wheelchair dwellings.

6.51 Overall officers consider the mix and type of the units to be in line with the policy requirements and therefore is acceptable.

**Table [ 1 ]: Residential Units and Size**

<b>Tenure</b>	<b>1b2p</b> <i>Min 50sqm</i>	<b>2b3p</b> <i>Min 61sqm</i>	<b>2b4p</b> <i>Min 70sqm</i>	<b>3b4p</b> <i>Min 74sqm</i>	<b>3b5p</b> <i>Min 86sqm</i>	<b>Total</b>
<b>Ground floor</b>	1 81sqm	1 97sqm	0 -	1 112sqm	6 97– 95.9sqm	9
<b>1<sup>st</sup> Floor</b>	0 -	0 -	9 77sqm	0 -	0 -	9
<b>2<sup>nd</sup> Floor</b>	9 53 – 55sqm	0 -	0 -	0 -	0 -	9
<b>TOTAL</b>	<b>10</b>	<b>1</b>	<b>9</b>	<b>1</b>	<b>6</b>	<b>27</b>

*c) Standard of Accommodation*

6.52 The NPPF states that, as a core principle, planning should seek to provide a high quality of amenity for future residents.

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’s 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:

- a) meet the minimum space standards for new development which should conform with the standards in the London Plan;
- b) 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;

- c) 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,
- d) 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 amenity space.

- *Internal and External Floor Area*

6.58 The proposed development would comply with the overall internal floor area of the technical housing standards, as advised in Table 1. In addition, having measured each habitable room, officers consider that the individual rooms would also meet the relevant standards, whilst floor to ceiling heights would be compliant. A sufficient provision of internal storage space would be afforded to occupiers. Therefore, in terms of internal amenity, the proposed units would be acceptable.

6.59 All habitable rooms would be provided with sufficient outlook, and would therefore be acceptable. 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 to address the standards. DM Policy 32 (4c) states that residential development should 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. In this case, all proposed units would be dual aspect, with most being triple aspect, therefore no concerns are raised in respect of daylight.

6.60 The ground floor habitable rooms that front onto the communal access route would be separated by a 2.5 metre deep landscaped area of defensible space to allow adequate privacy and safety for the residents of those units.

6.61 Overall, the standard of internal accommodation within each unit would be of high quality, in accordance with the Technical housing standards – nationally described space standard (2015).

*d) External Amenity*

6.62 DM Policy 32 'Housing design, layout and space standards' should be provided with a readily accessible, secure, private and usable external space and include space suitable

for children's play. The Council will apply the standards of the London Plan Supplementary Planning Guidance, 'Providing for Children and Young People's Play and Informal Recreation', which specifies 10 square metres of play space for each child.

- 6.63 The London Plan Housing SPG Standard 26 and 27 relates to external amenity and outlines that 5 sqm should be provided for one bedroom dwellings with an additional 1 sqm per additional occupant. This space should have a minimal depth of 1.5m.
- 6.64 In the supporting text of the Housing SPG, in exceptional circumstances where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA. This requirement is also reflected in Policy 3.5 of the London Plan (2016).
- 6.65 The proposed development would provide private external amenity in the form of south facing balconies and terraces to all upper floor units. Ground floor units would be afforded private gardens to the rear, which would also accommodate cycle stores.
- 6.66 In addition, communal amenity spaces would be provided to the east and south of the site, including seating and landscaped areas. During the pre-application discussions, officers outlined the importance of providing communal amenity space including a children's play area, and subsequently, the proposed areas are acceptable. Officers consider that the communal spaces and play space would have a satisfactory level of surveillance to ensure the areas would be afforded a sense of security.
- 6.67 In summary, officers are satisfied with the provision of proposed private and communal amenity spaces, in line with the Housing SPG standards.

#### Impact on Neighbouring 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 Objections from residents at Penerley Road and Bargery Road that surround the application site have been received in relation to the level of harm upon their privacy, light and visual amenities as a result of the siting and scale of development.
- 6.70 The NPPF outlines as a core principle that planning should ensure quality amenity for existing residents. DM Policy 32 states that development should be neighbourly and provide a satisfactory level of privacy, outlook and natural lighting both for its future residents and its neighbours.
- 6.71 Part B of DM Policy 33 relates to backland sites and states that new development in these sites will only be permitted where they provide no significant loss of privacy, amenity, and no loss of security for adjoining houses and rear gardens.
- 6.72 The Council will also use the guidance of the BRE 'Site layout planning for daylight and sunlight: a guide to good practice', where relevant, to assess the impact on existing properties in terms of daylight/ sunlight.
- 6.73 The site is located to the rear of residential dwelling-houses that have deep rear gardens; the property gardens on Penerley Road being 30-31 metres in depth, and the properties on Bargery Road ranging between 26 and 34 metres. It is acknowledged that the footprint of the proposed buildings would be deeper and closer to the northern and southern boundaries than the refused scheme, whilst the proposed 11 metre height would be one metre higher than the refused building. However in comparison, the overall massing of the proposal would be significantly reduced as the eaves height would be only 6 metres, whilst the development would comprise five separate buildings with 2 metre spacing in between, as opposed to the previous single block.



- 6.74 The rear elevations of the proposed buildings would be sited approximately 6 metres from the northern boundary with the Penerley Road gardens. In regard to the front elevations, due to the inclined nature of the southern boundary, the western building (A) would be sited approximately 35 metres away (to the rear of 1-7 Bargery Road), whilst the eastern building (E) would be sited 3.1 metres from the boundary (rear of 23 Bargery Road).
- 6.75 The proposal would be considerably higher than the existing single-storey building that currently occupies the site, and so it is accepted there would be a greater visual impact than at present. It is acknowledged however that unlike the existing, it would not be sited upon the northern boundary, with the provision of new fencing that would provide some screening. The design and appearance of the buildings are a substantial improvement upon the refused scheme - and indeed that of the existing building - and would have an appropriate relationship with the existing setting. The proposed height would be comparable with the existing villas, whilst there would be considerable distance between the buildings, therefore officers do not consider this would appear as an overbearing or dominant form of development.
- 6.76 In relation to privacy, officers measure the distance from habitable windows in the proposed building to the rear elevation of properties in Penerley Road at 38 metres. The nearest habitable windows in the rear elevation along Bargery Road is no 23, with a distance of approximately 36 metres.
- 6.77 Paragraph 2.3.36 of the London Plan Housing SPG states that a distance of 18-21 metres will generally be sought between existing and proposed habitable windows. However, it is considered that rigidly adhering to this distance can limit the variety of urban spaces and restrict density. Paragraph 2.250 of DM Policy 32 also references a distance of 21 metres, however it also outlines that this must be interpreted flexibly, taking into account the height of buildings.
- 6.78 Officers consider that the proposed buildings would be sited a sufficient distance from existing dwelling-houses, and therefore, there would be no significant level of overlooking between existing and proposed habitable rooms.
- 6.79 It is acknowledged that the level of overlooking into the rear gardens of the neighbouring properties would be greater than from the existing building, which does not currently overlook any properties. The proposed north facing elevations would provide no external balconies, with first and second floor openings serving only bedrooms, whilst most Penerley Road properties have existing mature trees in the rear gardens that would provide some screening.
- 6.80 Buildings D and E to the east of the application site would lie between 3.1 and 10 metres from the rear gardens of 17-23 Bargery Road. Building D would have south facing recessed balconies at first and second floor levels, which would be visible from nos 17-21, particularly from their gardens, however the recessed nature of the balconies would serve to restrict the extent of outlook.
- 6.81 Building E would also have recessed balconies at first and second floors, however these would be east facing and so would avoid looking directly toward the Bargery Road dwellings. Rear facing openings at first and second floors (south facing) would be secondary windows, therefore it would be appropriate for a planning condition to ensure these would be unopenable and frosted to reduce potential overlooking.
- 6.82 Officers have visited the nearest property at 23 Bargery Road, and viewed the site from their first floor bedroom window. Building E would be visible and its presence felt, however it would orientate away from the boundary, whilst existing boundary trees would provide some screening during spring and summer months. Considering the length of the existing garden, and planning conditions restricting outlook from the south facing openings, on balance, officers raise no objections toward the proposed siting, and are satisfied it would not result in significant visual harm that would warrant a refusal in this case.

- 6.83 As per paragraph 3.3.17 of the BRE guide, it is recommended that at least half of the garden or amenity area should receive at least 2 hours of sunlight on 21<sup>st</sup> March. Taking into account the height of the three storey property, there is likely to be some loss of light to the Penerley Road gardens. However given the distance of the building from the boundaries and depth of the adjoining gardens, the level of overshadowing is not expected to significantly reduce sunlight below 2 hours over 50% of the garden space, in line with the BREEAM standard.
- 6.84 In terms of loss of light to habitable windows, it is considered that the distance of the proposed building from the windows of the rear elevation would ensure there would be no impact. Therefore, the proposed development is not considered to result in a significant loss of sunlight or daylight to adjoining properties.
- 6.85 Objections were raised during the previous scheme to noise pollution from traffic using the proposed access road. The submitted Transport Statement includes a trip generation summary, which compares the existing use to the proposed residential use. It outlines that the existing garden centre resulted in 93 trips between the hours of 0700-1900. In comparison, the proposed development is likely to result in 33 trips during the same period, therefore officers are satisfied the level of noise and vehicular activity would likely be less than the long established retail use.
- 6.86 The application includes an External Lighting Report, which details the extent of proposed lighting around the site, including restrictive shades to prevent overspill towards neighbouring properties. Wall mounted lights and low-level lighting columns (3m maximum height) would be located to areas including the main route into the site, car-park and pedestrian pathways to achieve required safe access lighting.
- 6.87 The proposed lighting and measures would be appropriate in mitigating any adverse impact on the amenity of neighbours, which would be ensured by a planning condition.
- 6.88 Overall, there is not considered to be any significant adverse impacts on the amenities of neighbouring occupiers to warrant the refusal of the scheme.

#### Highways and Traffic Issues

##### *a) Car Parking*

- 6.89 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. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.
- 6.90 The London Plan also favours sustainable transport modes where it is reasonable to do decrease the need to travel by car. This is in order to reduce traffic congestion and environmental impacts of car use. This is achieved through promoting cycling through the provision of storage space, improve pedestrian routes where necessary, supporting the use of public transport through travel plans and preventing excessive parking through the maximum standards provided.
- 6.91 Core Strategy Policy 14 states that a managed and restrained approach to car parking provision will be adopted to contribute to the objectives of traffic reduction while protecting the operational needs of major public facilities, essential economic development and the needs of people with disabilities. The car parking standards contained within the London Plan will be used as a basis for assessment.
- 6.92 DM Policy 29: Car parking advises that car limited major residential development will only be considered where there is:

- a. PTAL level 4 or higher, or where this can be achieved through investment in transport infrastructure and services;
  - b. no detrimental impact on the provision of on-street parking in the vicinity;
  - c. no negative impact on the safety and suitability of access and servicing;
  - d. protection of required publicly accessible or business use car parking;
  - e. inclusion of car clubs, car pooling schemes, cycle clubs and cycle parking and storage;
  - f. as part of a package of measures mitigating the need for on-site car parking provision, an equitable split of parking provision between private and affordable residential development, and
  - g. on-site accessible priority parking for disabled drivers.
- 6.93 The existing development incorporates a former garden centre with access from an existing 4.5m wide road which exits onto Penerley Road. It is noted that the garden centre required customer and delivery vehicles to use this road to access the site, including larger vehicles to courier plants and landscaping equipment.
- 6.94 The proposed development would provide 27 units with a mix of sizes, including 7, three bedroom family units. 16no. parking spaces are proposed, including three disabled bays. Access into the site would remain from the existing route off Penerley Road, with alterations allowing for a shared vehicular and pedestrian surface.
- 6.95 A Transport Statement has been submitted in support of the application and used in the assessment of the impact.
- 6.96 The Parking Addendum to Chapter 6 of the London Plan includes maximum parking standards for new residential development under Table 6.2. The site has an average PTAL of 4 within an urban setting and, with regard to the habitable rooms per unit, the parking provision should be up to one space per unit.
- 6.97 It also states under the notes of the residential parking standards that all developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Given the PTAL of 4 and the good access to Catford Town Centre, the development is considered to fall within this category.
- 6.98 The proposed 16 on-site parking spaces would equate to one space per 1.6 units, in line with the London Plan maximum standards.
- 6.99 The application relies upon the findings of a parking survey that formed part of the submission for the 2016 refusal. This included a survey conducted between 18:00-04:30 on the 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> of October (mid-week) of the evening and overnight parking stress, and it counted available parking spaces within 400m walking distance of the site.
- 6.100 The parking survey found that of the 72 spaces along Penerley Road, the highest parking stress was 45% (or 39 free spaces).
- 6.101 The statement then utilised the most recent car ownership data taken in the 2011 census to predict car ownership of future occupiers. It found that, given there are 0.793 cars per household, the then 29 units had the potential to result in 23 vehicles, based upon full occupancy. Therefore, taking away the proposed 11 parking spaces on-site, the amount of off-site parking required was expected to be 12.
- 6.102 Officers considered the parking provision and this approach to be acceptable to assess the parking demand. The 2016 parking survey remains applicable, and in using the same method for the current scheme, the proposal would generate a demand of approximately 21 spaces, therefore when deducting the proposed 16 on-site spaces, the overspill would be only 5 spaces. This would not be significant considering the availability of parking to neighbouring streets identified during the parking survey which could adequately absorb any potential over-spill from the site.

- 6.103 Highways officers have raised no objections to the proposal, however they consider it appropriate that given the existing parking stress during the day in the streets within the vicinity of the site (which will be exacerbated by visitors to the application site) a financial contribution would be required towards consultation/ implementation of a controlled parking zone (CPZ).
- 6.104 The sum sought would be £30,000, which is based upon:-
- Meeting with Local groups to discuss the attractors in the area, the timings of the zone and the area to be consulted;
  - Consult residents in the agreed area on the agreed options and proposed design of the zone;
  - Provide drop-in events and allow Local Assemblies and TRAs time to raise issues at their meetings if necessary. Also highlight the approach to disabled bays;
  - Publish the results of the consultation on the web, identifying which options were favoured for the timings and area of the zone to be implemented;
  - Statutory consultation.
- 6.105 The applicants have agreed to pay the sum, which will be secured in the S106.
- 6.106 The applicant will also be required to enter into an agreement with the Highway Authority to secure highways reinstatement/ improvement works on the public highway (Penerley Road) adjacent to the proposed site access (including waiting restrictions to enable large vehicles to access the site; dropped kerb; and tactile paving.) A Grampian condition would ensure the completion of works prior to first occupation of the proposed units.
- 6.107 A planning condition will require details relating to the installation of electric charging facilities within the car park, in accordance with London Plan standards.
- 6.108 In summary, the proposed development is not considered to adversely impact upon the level of parking in the area. In addition, through the appropriate management of parking, cycle parking provision and a Travel Plan, the scheme would meet the policies of the NPPF, The London Plan (2016) and DM Policy 29: Car parking in reducing private vehicle travel.

*b) Access*

- 6.109 DM Policy 33 requires development of backland sites to have a proper means of access and servicing which is convenient and safe both for drivers and pedestrians. Good access to development on backland sites is a key issue and will be an important factor when considering development applications. Emergency vehicles, refuse vehicles and delivery services need appropriate access. Pedestrian access needs to be safe for all users and avoid conflict with vehicles. If safe and convenient access cannot be achieved for all users then developments will be refused.
- 6.110 The road is accessed from an existing dropped kerb on Penerley Road. At its narrowest, it is 4.5 metres wide, 5m wide at the front and 6.7m wide further within the site. The existing road would be resurfaced to provide a shared space environment. Whilst the width of the route is narrow, vehicles would have sufficient opportunity to give way to oncoming vehicles without causing significant impact upon the adopted highway or pedestrians.
- 6.111 Swept path diagrams of large vehicles typical of refuse and emergency vehicles are provided, which show that the vehicles could enter and exit the access road onto Penerley Road as well as manoeuvring within the site to exit in a forward gear. Nevertheless, Highways officers advise a Servicing and Delivery condition be included considering the

swept path analysis within the Transport Statement illustrates there would be limited space within the site for large / service vehicles to manoeuvre.

- 6.112 Overall, the access is considered to be appropriate for safe pedestrian and vehicle access, including refuse and emergency vehicles.

*c) Cycle Parking*

- 6.113 Cycle parking standards are provided in Table 6.3 of the Parking Addendum to Chapter 6 of the London Plan. It states that residential dwellings should provide 1 space per one bedroom dwelling and 2 spaces per all other dwellings. Therefore the proposed development should provide 44 cycle parking spaces.

- 6.114 The Transport Statement outlines that 45 dry and secure locker spaces are proposed, thereby in accordance with the London Plan standards. The communal cycle parking spaces would be located adjacent to the northern boundary, whilst the ground floor units would be afforded spaces within their private gardens. Officers consider the location of the storage units to be acceptable.

- 6.115 A planning condition will be included which requires further details regarding the appearance of the cycle lockers, whilst ensuring they are provided prior to first occupation.

*d) Refuse*

- 6.116 Standard 22 and 23 of the London Plan Housing SPG highlights guidance on refuse for new residential development and references the British Standard BS5906:2005. The minimum refuse capacity required would be:

- Recycling Provision = 3no. x 1280l eurobins
- Residual Waste Provision = 3no. x 1100l eurobins

- 6.117 In this case, the proposal would provide two stores: Store 01 would be sited within the car-park area, serving Blocks A, B, C, whilst an internal bin store would serve Blocks D and E. The bins would comprise:

- 2no. 1100 litre for household waste
- 2no. 1280 litre for mixed dry recycling
- 1no. 1100 litre for household waste
- 1no. 1280 litre for mixed dry recycling

- 6.118 The applicant has advised that on-site servicing will be overseen by a third party management company, which will be charged with facilitating the safe and efficient movement of large vehicles, including ensuring that parking does not occur within the turning area, and that refuse is conveyed to the collection point.

- 6.119 The bin provision would be acceptable, however further elevation details of the enclosure are required.

*e) Construction Impact*

- 6.120 Objections have been submitted in relation to impacts from construction vehicles, together with noise, dust and other impacts to neighbours.

- 6.121 A draft Construction Management Plan has been submitted with the transport assessment outlining the principle of the traffic movement. Officers consider this is acceptable in principle to ensure no significant adverse impact on the highways from vehicles entering and exiting the site.

- 6.122 It is considered that the details such as number and type of vehicles, mitigation measures on dust and noise, safety implications and length of construction period (among other matters), would be detailed in the final Construction Management Plan, which will be secured by condition.

### Sustainability and Energy

- 6.123 London Plan Policy 5.2 states that development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
- Be lean: use less energy;
  - Be clean: supply energy efficiently; and,
  - Be green: use renewable energy.
- 6.124 Major development should look to meet targets in reducing carbon dioxide emissions in new buildings. These targets are expressed as minimum improvements over the Target Emission Rate outlined in the national Building Regulations. For new residential buildings a 35% reduction target beyond Part L 2013 is sought. An energy assessment should be included to demonstrate how the targets for emissions reduction are to be met.
- 6.125 Proposals should outline details of decentralised energy where feasible, such as Combined Heat and Power (CHP), and on-site renewable energy. As outlined within Policy 5.6 and 5.7 of the London Plan, these options should be explored within the energy assessment.
- 6.126 Lewisham's Core Strategy Objective 5 states 'The Council will take action to ensure that climate change is adapted to and mitigated against, including measures necessary to reduce carbon emissions by maximising generation and use of renewable energy and locally distributed energy, particularly for major development sites.'
- 6.127 Core Strategy Policy 7 looks to apply the London Plan policies relevant to climate change including those related to: air quality, energy efficiency, sustainable design and construction, retrofitting, decentralised energy works, renewable energy, innovative energy technologies, overheating and cooling, urban greening, and living roofs and walls.
- 6.128 The application includes an Energy Assessment and Sustainability Statement, which considers that due to the scale of the development and constraints of the site, certain renewable energy options and CHP are not feasible. Officers raise no objections to this.
- 6.129 The assessment outlines that the development would achieve an overall average 51% reduction in CO<sub>2</sub> emissions, thereby exceeding the required 35%. Energy efficiency measures would include the installation of PV panels; high efficiency heating system; advanced heating controls; and flue gas heat recovery. Officers therefore consider the development to be acceptable. In compliance with zero carbon targets, a financial contribution of £6300 to offset the emissions would be incurred by the applicant, and secured in the S106.

### *Living Roofs*

- 6.130 In accordance with DM Policy 24 the borough requires all new development to take account, and minimise impacts on biodiversity, commonly in the form of a living roof or wall. Living roofs are required to be designed in accordance with DM Policy 24 and London Plan Policy 5.11 and are essential for sustainable design. London Plan Policy 7.19 states that, where possible, developments should make a positive contribution to the protection, enhancement, creation and management of biodiversity.

- 6.131 In this case, the provision of Biodiversity Green Roofs would be to the flat roof area at first floor level of Block E, and to the refuse store. No details have been submitted at this stage, therefore a planning condition will request further information.
- 6.132 Ecological Regeneration are supportive of the principle of a living roof, however they request a plug planted and over-seeded roof.

#### Landscaping and Sustainable Urban Drainage Systems

- 6.133 DM Policy 25 Landscaping and Trees aims to ensure applicants consider landscaping and trees as an integral part of the application and development process.
- 6.134 The site would provide a mix of soft and hard landscaping measures, including native shrub species; planting of trees; and planting beds. An Edwardian garden would be formed to the east of Block E, comprised of stone paving; retained hedging and tree; planting bed; and benches.
- 6.135 The communal space to the southern areas of the site would be mostly lawned, with planting of new trees and low level plants. An area to the south of the site would provide children's playspace, including timber play equipment and boulders for climbing. In addition, seating and picnic areas would be provided for all occupiers.
- 6.136 The submission details indicates the use of artificial lawns to the private rear gardens, however the applicant has since advised that only natural grass will be laid. The gardens would be low maintenance, with some hedging and concrete patios.
- 6.137 In principle the proposed landscaping measures would be acceptable, however a planning condition will require the submission of further detailed hard and soft landscaping information, in addition to the proposed children's playspace and equipment.
- 6.138 Sustainable Urban Drainage Systems aid in alleviating local flood risk, managing water quality and enhancing biodiversity. A condition will require further information regarding appropriate measures and permeable materials to ensure this would be achieved.

#### Ecology and Trees

- 6.139 An Ecological Appraisal was submitted with the refused application, and included a site survey to assess it's suitability to support protected species. The appraisal determined there are no plant species that provided significant habitat value. It was noted that some boundary trees provide nesting and habitat value as well as a mature Horse Chestnut which contained cavities for bat roosts, although no evidence of bat roosts were found.
- 6.140 It was considered that with the retention of the trees providing the moderate habitat value, as well as protection during construction, the proposed development would not have an adverse ecological impact. The appraisal also identified biodiversity enhancement opportunities, including bat and bird boxes, bee houses and native tree and shrub landscaping.
- 6.141 A Tree Survey Report, which includes an Arboricultural impact assessment, has been submitted with the current application. The survey identifies primarily boundary trees on the site - two of these trees, both horse chestnuts on the western and southern boundary, were considered to be of moderate value. It is noted that the tree on the southern boundary was identified as being the tree suitable for providing bat roosts. The remaining trees are of limited value. No trees would be felled as part of the proposal, whilst it advises that a Leyland Cypress would need to be pruned.
- 6.142 Overall, based on the findings and measures outlined within the appraisal and tree survey, no adverse impact on ecology or trees are likely as a result of the proposal. Conditions will

secure the biodiversity enhancements and tree protection during construction to ensure these measures are brought forward with the development.

### Planning Obligations

6.143 The National Planning Policy Framework (NPPF) (para. 203) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF (para. 204) also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development

6.144 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.

6.145 The obligations sought are as follows:

Four affordable units, comprising;

A1.1 3 bed 4 person flat (WC) London Affordable Rent

A1.2 1 bed 2 person flat (WC) London Affordable Rent

A2.1 2 bed 4 person flat Intermediate (Shared Ownership)

A2.2 2 bed 4 person flat Intermediate (Shared Ownership)

- Financial contribution of £30,000 toward Controlled Parking Zone (CPZ); and Zero Carbon payment of £6,300;
- Review Mechanism;
- Monitoring, legal and professional costs.

6.146 As set out elsewhere in this report, the obligations outlined above are directly related to the development. They are considered to be fairly and reasonably related in scale and kind to the development and to be necessary and appropriate in order to secure policy objectives, to mitigate the proposed development's impact and make the development acceptable in planning terms. Officers are therefore satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations 2010.

### Prevention of crime and disorder

6.147 S.17 of the Crime and Disorder Act 1998 provides that it shall be the duty of the Council to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder etc in its area. Officers do not consider that this application raises any crime and disorder issues.



## Human Rights Act

- 6.148 Officers consider that this application does not raise any Human Rights Act issues that need to be considered.

## **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 existing non-designated buildings, which officers consider serve to detract from the character of the Culverley Green Conservation Area, and are not of sufficient architectural merit to warrant their retention.
- 9.2 The proposed development would provide a wholly residential scheme that has been significantly amended since the 2016 refusal. The design has been reconsidered to alleviate the overbearing nature of the refused scheme by providing 5 separate blocks, with hip roofs serving to minimise the extent of massing.
- 9.3 Officers consider the development to be acceptable in its siting, design and scale, and would be an appropriate addition to the townscape. Due to the length of neighbouring rear gardens, officers are satisfied the development would be sited a sufficient distance away from existing dwellings, whilst any sense of overlooking to gardens may be mitigated by appropriate conditions.
- 9.4 The standard of proposed residential accommodation would be acceptable, in accordance with policies, with each unit being afforded private amenity space. The provision of four affordable units has been tested by an independent viability consultant, who concludes the scheme would be unable to provide any additional tenure. The proposed mix of London Affordable Rent and Shared Ownership units is acceptable.
- 9.5 Officers are satisfied with the Highways impact of the proposal, subject to provision of a CPZ financial contribution and works to the highway.
- 9.6 For these reasons, it is recommended permission is granted.

## 10.0 **RECOMMENDATION (A)**

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

- Four affordable units, comprising;
  - A1.1 3 bed 4 person flat (WC) London Affordable Rent
  - A1.2 1 bed 2 person flat (WC) London Affordable Rent
  - A2.1 2 bed 4 person flat Intermediate (Shared Ownership)
  - A2.2 2 bed 4 person flat Intermediate (Shared Ownership)
- Financial contributions:
  - CPZ: £30,000
  - Zero Carbon £6,300
- Review mechanism;
- Monitoring, legal and professional costs.

## **RECOMMENDATION (B)**

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

D-J-201 TO 204; D-J-301 TO 304; EX-E-01; EX-E-02; EX-E-03; EX-E-04; EX-P; EX-S-01; EX-S-02; EX-SP; GA-DE-01 P2; GA-DE02 P2; GA-E-01; GA-E-02; GA-P-FT01 P2; GA-P-FT02 P2; GA-P-FT03 P2; GA-P-FT04 P2; GA-P-FT05 P2; GA-P-FT06 P2; GA-P-FT07 P2; GA-P-FT08 P2; GA-P-FT09 P2; GA-P-L00 P7; GA-P-L00-01 P2; GA-P-L00-02 P2; GA-S-01; GA-S-02; GA-P-L01 P7; GA-P-L01-01 P2; GA-P-L01-02 P2; GA-P-L02-01 P2; GA-P-L02 P7; GA-P-L02-02 P2; GA-P-R03 P7; Appendix C-E; Design and Access Statement (June 2017); Energy Statement (Parts 1-4); External Lighting Report; Landscape Design and Details; Planning and Heritage Statement; Refuse and Recycling Review; Statement of Community Involvement; Transport Statement (June 2017 JT/11652 dha transport); Tree Survey Report (May 2017); Tree Protection Plan; Unit Details Summary Received 21 July 2017;

'Affordable Housing Provision' email Received 29 January 2018;

'Landscaping, Living Roof and Ecology' email Received 5 February 2018;

'Rent Levels' email Received 14 February 2018.

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

- (3) (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.
  - (a) The number and type of jobs to be created and the skill requirements in relation to those jobs.
  - (b) Recommended training routes to secure jobs.
  - (c) 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 relates 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 buildings shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LMax (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 above ground level 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) 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.

- (7) No development above ground level 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.

**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.

- (8) (a) No development shall commence above ground level until elevation details of the refuse and recycling facilities hereby approved 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).

- (9) (a) A minimum of 45 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 above 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 thereafter.

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

- (10) (a) 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 (2016), 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.

- (11) (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 above 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).

- (12) (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).

- (13) (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 prior to occupation 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).

- (14) 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 buildings.

**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).

- (15) The proposed private and communal amenity spaces (including roof terraces) shall be provided prior to first occupation, and retained thereafter 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).

- (16) 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 area (other than those indicated as amenity space) on Building E 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).

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

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

- (18) (a) Details of the proposed biodiversity living roofs (plug planted with average substrate depth of 130mm and over-seeded roof) to Block E and the refuse store hereby shall be submitted to and approved in writing by the LPA prior to the commencement of the above ground works.
- (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, and shall be maintained thereafter.

**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 (2016), 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).

- (19) No development shall commence on site until a Tree Protection Plan (TPP) has been submitted to and approved by the Council. The TPP should follow the recommendations set out in BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations). The TPP should clearly indicate on a dimensioned plan superimposed on the building layout plan and in a written schedule details of the location and form of protective barriers to form a construction exclusion zone, the extent and type of ground protection measures, and any additional measures needed to protect vulnerable sections of trees and their root protection areas where construction activity cannot be fully or permanently excluded.

**Reason:** To safeguard the health and safety of trees during building operations and the visual amenities of the area generally and to comply with Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 25 Landscaping and trees and DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).



- (20) Details of the number and location of the bird, bat and bug houses boxes to be provided as part of the development hereby approved shall be submitted to and approved in writing by the local planning authority prior to commencement of above ground works and shall be installed before occupation of the building and maintained in perpetuity.

**Reason:** To comply with Policy 7.19 Biodiversity and access to nature conservation in the London Plan (2016), Policy 12 Open space and environmental assets of the Core Strategy (June 2011), and DM Policy 24 Biodiversity, living roofs and artificial playing pitches and local character of the Development Management Local Plan (November 2014).

- (21) (a) Details of the location of electric vehicle charging points to be provided and a programme for their 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 points 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 reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (2016), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

- (22) (a) The development shall not be occupied until a Delivery and Servicing Plan has been submitted to and approved in writing by the local planning authority.
- (b) The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity.
- (c) The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to in perpetuity.

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

- (23) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no windows (or other openings) shall be constructed in any elevation of the building other than those expressly authorised by this permission.

**Reason:** To enable the local planning authority to regulate and control any such further development in the interests of amenity and privacy of adjoining properties in accordance with DM Policy 32 Housing design, layout and space standards, and DM Policy 33 Development on infill sites, backland sites, back gardens and amenity 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 south facing windows at first and second floor of Block E hereby approved shall be fitted as obscure glazed and fixed shut, and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 32 Housing design, layout and space standards and Policy 33 Development on infill sites, backland sites, back gardens and amenity areas of the Development Management Local Plan (November 2014).

- (25) (a) Details of the proposed solar panels shall be submitted to and approved in writing by the LPA prior to the commencement of any above ground works.
- (b) The solar panels approved in accordance with (a) shall be installed in full prior to first occupation of the residential units hereby approved, and retained in perpetuity.

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

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

**Reason:** To ensure adequate access for archaeological investigations in compliance with Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment of the Core Strategy (June 2011) and Policy 7.8 of the London Plan (2016)

- (27) (a) The detailed design for each dwelling hereby approved shall meet the required standard of the Approved Document M of the Building Regulations (2015) as specified below:
- (i) 3 units shall meet standard M4(3)(2)(a)
- (ii) All other ground floor units shall meet standard M4(2)
- (b) No development of any Building shall commence above ground level until written confirmation from the appointed building control body has been submitted to and approved in writing by the local planning authority to demonstrate compliance with paragraph (a) of this condition in respect of such Building.
- (c) The development shall be carried out in accordance with the requirements of paragraphs (a) and (b) of this condition.

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

- (28) (a) No development (including demolition of existing buildings and structures) shall commence until each of the following have been complied with:-
- (i) A desk top study and site assessment to survey and characterise the nature and extent of contamination and its effect (whether on or off-site) and a conceptual site model have been submitted to and approved in writing by the local planning authority.

- (ii) A site investigation report to characterise and risk assess the site which shall include the gas, hydrological and contamination status, specifying rationale; and recommendations for treatment for contamination encountered (whether by remedial works or not) has been submitted to and approved in writing by the Council.
  - (iii) The required remediation scheme implemented in full.
- (b) If during any works on the site, contamination is encountered which has not previously been identified (“the new contamination”) the Council shall be notified immediately and the terms of paragraph (a), shall apply to the new contamination. No further works shall take place on that part of the site or adjacent areas affected, until the requirements of paragraph (a) have been complied with in relation to the new contamination.
  - (c) The development shall not be occupied until a closure report has been submitted to and approved in writing by the Council.

This shall include verification of all measures, or treatments as required in (Section (a) i & ii) and relevant correspondence (including other regulating authorities and stakeholders involved with the remediation works) to verify compliance requirements, necessary for the remediation of the site have been implemented in full.

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

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

- (29) (a) Prior to the first occupation of the development, a Parking Management Plan shall be submitted to and approved in writing by the local authority. The Management Plan shall include details of allocation and management of car, motorcycle and cycle parking spaces within the development
- (b) The car and cycle parking spaces shall only be operated in accordance with the approved Parking Management Plan.

**Reason:** To manage car and cycle parking in accordance with London Plan(2016) Policy 6.13 and DM Policy 29 Car parking of the Development Management Local Plan (November 2014) and to reduce pollution emissions in an Area Quality Management Area in accordance with Policy 7.14 Improving air quality in the London Plan (2016),

- (30) No part of the development hereby approved shall be first occupied until certification that the development has achieved Secure by Design accreditation has been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the local planning authority may be satisfied that the proposal reduces opportunities for criminal behaviour and makes a positive contribution to a sense of security and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014) and Policy 7.3 Designing out crime of the London Plan (2016).

- (31) No development beyond ground works shall commence on site until a play strategy demonstrating the proposed layout, materials, fixtures and fittings of the playable space in general accordance with drawing no. GA-P-L00 Rev P7 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to occupation of the development and retained in perpetuity.

**Reason:** In order that the local authority may be satisfied that the playable space proposed within the scheme is useable and appropriate in accordance with Policy 3.6 Children and young peoples play and informal recreation facilities. of the London Plan (2016) and Policy 12 Open Space and Environmental Assists of the Core Strategy (2011).

- (32) No development beyond ground works shall commence on site until a Refuse Management Plan has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to occupation of the development and retained in perpetuity.

**Reason:** In order that the local planning authority may be satisfied with the provisions for refuse collection 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).

- (33) (a) No development shall commence until details of the following works to the Highway (including drawings and specifications) have been submitted to and approved in writing by the local planning authority, including:

- re-instatement and improvement works on the public highway (Penerley Road) adjacent to the proposed site access, including waiting restrictions to enable large vehicles to access the site; dropped kerb; and tactile paving.

- (b) No Building shall be first occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under the said paragraph (a).

**Reason:** In order to ensure that satisfactory means of access is provided, to ensure that the development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway and to comply with Policy 14 Sustainable movement and transport of the Core Strategy (June 2011).

## **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 Site Contamination, Local Labour, Construction Management Plan, Highways Works; Tree Protection and Archaeology require details to be submitted prior to the commencement of works due to the importance of: ensuring the development makes appropriate provision for local labour and delivery of jobs; allowing for archaeological investigations; ensuring the site has been cleared of any potential contaminants; ensuring the safeguarding of existing trees; and minimising disruption on local residents during construction works.
- (E) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.