

Committee	PLANNING COMMITTEE B	
Report Title	159a Upper Brockley Road, SE4	
Ward	Brockley	
Contributors	Jan Mondrzejewski	
Class	PART 1	19 th JULY 2018

Reg. Nos.

(A) DC/17/101182

Application dated

18 April 2017

Applicant

Mr Smith of Strutt and Parker on behalf of Mr Selva (Alcomax)

Proposal

The demolition of existing buildings at 159a Upper Brockley Road, SE4 and the construction of a three storey plus basement building comprising 4 two bedroom, 2 one bedroom and 1 studio, self-contained flats/maisonettes with pedestrian access from Geoffrey Road, together with the provision of bicycle and refuse / recycling storage and front and rear gardens.

Applicant's Plan Nos.

UBR2 A0 02; URB2 A0 03; UBR2 A0 11; Heritage Statement; Planning Statement; Design and Access Statement; Sustainability Statement Received 18th April 2017

UBR2 A0 02; UBR2 A0 03; UBR2 A0 06 Rev C; UBR2 A0 11; UBR2 A0 13 Rev C; UBR2 A0 17 Rev C; UBR2 A0 18 Rev B; UBR2 A0 19 Rev C; UBR2 A0 20; UBR2 A0 21; UBR2 A0 22; Received 26th February 2018.

UBR2 A0 01 Rev C; UBR2 A0 04 Rev D; UBR2 A0 05 Rev D; UBR2 A0 07 Rev D; UBR2 A0 08 Rev D; UBR2 A0 09 Rev D; UBR2 A0 10 Rev C; UBR2 A0 12 Rev D; UBR2 A0 14 Rev D; UBR2 A0 15 Rev D; UBR2 A0 16 Rev D; Received 13th March 2018

Background Papers

Background Papers List

- (1) Case File LE/104/159/TP
- (2) The London Plan
- (3) The Core Strategy
- (4) Development Management Local Plan.

- (5) Residential Design Standards SPD
- (6) Brockley Conservation Area Character Appraisal and SPD
- (7) Planning Obligations SPD

Designation

Core Strategy, Site Allocations Local Plan - Existing Use.
Brockley Conservation Area
PTAL 4

1.0 Property / Site Description

- 1.1 The application site is a triangular shaped corner plot fronting Upper Brockley Road to the west and Geoffrey Road to the east. To the north-east the site is bounded by single storey garages on Ashby Mews. The site slopes down from east to west and comprises two low grade single storey buildings, now vacant and formerly occupied by a garage, a MOT business and a tyre business with associated hardstanding used for vehicle parking. The site adjoins the boundary with 159 Upper Brockley Road, which is a three storey end of terrace house in the applicant's ownership, which was recently rebuilt following fire damage.
- 1.2 The site is located in the Brockley Conservation Area which was designated in 1968. The Conservation Area is subject to an Article 4 direction which restricts permitted development rights for the alteration of street elevations and front gardens of dwelling houses within the Conservation Area.
- 1.3 The site has a PTAL rating of 4.

2.0 Relevant Planning History

- 2.1 The site may have originally formed garden land belonging to No 159 Upper Brockley Road and would have compensated for the comparatively short rear garden of this property.
- 2.2 The site has been used for commercial purposes for a considerable time, possibly commencing in the inter-war period. Between 1959 and 1998 various applications relating to the use of the site for car sales servicing and underground storage of fuel were made to the Council. These are of relevance to the current application for residential development as they indicate the possible presence of contamination.
- 2.3 In 2003, planning permission was refused for the alteration and conversion of 159 Upper Brockley Road to provide 2, two bedroom, self contained maisonettes, together with the installation of a dormer window in the rear roof slope, together with the demolition of the existing garage buildings at 159a Upper Brockley Road and the construction of a part three/part four storey block incorporating roof terraces, comprising 6, one bedroom and 4, two bedroom, self contained flats, associated landscaping, storage space at basement and the provision of bin stores. The reasons for refusal were as follows:

1. *The proposed scheme by reason of its form, siting and overall design and relationship to adjacent properties in Upper Brockley Road and Geoffrey Road, would be detrimental to the street scene in this significant site and would fail to preserve and enhance the character and appearance of the Brockley Conservation Area.*
2. *The proposal would result in the loss of employment generating uses, with no evidence having been submitted that there is no reasonable prospect of an employment use continuing or new employment use materialising (as a single use or as part of a mixed use).*
3. *The development would result in additional on street parking pressure, detrimental to safety on the highway and the amenities of neighbouring residential occupiers.*

2.4 In 2007, a planning application was submitted for the alteration and conversion of 159 Upper Brockley Road to provide 1, two bedroom and 1, three bedroom self-contained maisonettes and the installation of a dormer window in the rear roof slope, together with construction of a part three/part four storey block incorporating roof terraces and balconies on the site of 159a Upper Brockley Road, comprising 10, two bedroom, self-contained flats, associated landscaping, storage space at basement level, the provision of bin stores and 13 bicycle and 5 off-street parking spaces. The application was withdrawn following advice from officers that the scheme would be likely to be refused on similar grounds to the 2003 scheme.

2.5 In 2008, planning permission (DC/08/68086) was refused for the construction of a three storey building, plus roof space, to the side of 159 Upper Brockley Road SE4, comprising 1, two bedroom and 1, three bedroom, self-contained maisonettes. The reasons for refusal were as follows:

1. *The plans submitted with the application do not contain sufficient detail or information to permit a comprehensive assessment of the proposed accommodation, particularly the layout and standard of accommodation of the upper maisonette*
2. *The proposed window openings in the side (east) elevation would unreasonably prejudice the future development of the neighbouring property at 159a Upper Brockley Road.*
3. *The plans submitted with the application do not contain sufficient detail or information to permit a comprehensive assessment of the proposals and the impact of the proposed development on the adjacent property, the terrace of which the site forms part and on the character and appearance of the Brockley Conservation Area. The Council is not, therefore, satisfied that the proposed development would preserve or enhance the character and appearance of the conservation area.*

2.6 In 2008, planning permission (DC/08/69721) was granted for the construction of a three storey, plus roof space building at 159 Upper Brockley Road, comprising 1, one bedroom and 1, three bedroom, self-contained maisonettes. This development has been implemented and completed.

2.7 In 2016, an application (DC/16/098840) was submitted for the demolition of existing buildings and construction of a four storey building to provide 7 residential units and

53sqm of commercial floorspace (Use Class B1), together with associated landscaping, cycle parking and refuse and recycling storage at 159a Upper Brockley Road, SE4. The building line at Geoffrey Road would be located approximately 1000 mm from the back of pavement. The main elevations of the building would be constructed in red brick with precast stone window frames and featured a glazed staircase and bay element within Upper Brockley Road elevation and inset balconies in Geoffrey Road elevation. The building would address the corner in a chamfered fashion.

2.8 This application was refused under delegated powers in December 2016 for the following reasons:

1. *The proposed commercial floor space, by reason of its lower ground floor location within the building, access arrangements via a light well, lack of street frontage and public visibility, restricted headroom and reliance on artificial lighting, would not ensure its attractiveness and marketability, thereby undermining the future viability of this commercial floor space and its sustainable contribution towards local employment and would not compensate for the loss of the existing commercial uses. As such, the loss of the existing operational employment floor space is unjustified and the proposals are contrary to Policy 5 of the Core Strategy (2011) and DM Policy 11 of the Development Management Local Plan (2014).*

2. *The proposed building, by reason of its siting forward of the Upper Brockley Road building line, scale, height, materials and absence of detailed design would result in an incongruous addition to the street scene whilst failing to preserve or enhance the special character and appearance of the Brockley Conservation Area, contrary to Policies 15 and 16 of the Core Strategy (2011), DM Policies 30, 33 and 36 of the Development Management Local Plan (2014).*

2.9 This application was the subject of an appeal which was dismissed on 28 June 2017. Although the Inspector did not find against the scheme on the issue of the commercial accommodation located at basement level, he considered that the scheme would fail to preserve or enhance the character and appearance of the Brockley Conservation Area. The main reasons for this were the footprint, scale, and detailed design of the proposed development. In particular, the Inspector stated that:

The proposed building would extend forwards of the line of the adjacent terrace created by the front elevations, to an extent consistent with the protrusion of the bay windows. However, with the existing bay windows on the adjacent terrace restricted to ground floors only, the 4-storey proposal would appear as a prominent addition at the end of the terrace within the street scene, the impact of which would be further exacerbated by the incorporation of a substantial full-height squared bay window on the same elevation, extending even further beyond the established building line on the Upper Brockley Road elevation. I am also mindful that the proposed building would essentially extend nearly to the back of the pavement along a substantial section of the Geoffrey Road frontage, where this was not observed to be a particularly characteristic form of development

.....the differing roof forms, the junction between the eaves of No. 159 Upper Brockley Road, and the parapet of the proposed development would appear as an awkward and jarring design feature, even allowing for the set-back glazed element

accommodating the stair-core acting as the visual link. Whilst I accept that the proposed materials would reflect the palette of materials found within the conservation area, I am not persuaded that the detailed design and elevational treatment of the proposed building, including the use of inset balconies on the Geoffrey Road, would result in a successful architectural solution which would relate sympathetically to the character and appearance of the adjoining buildings and conservation area.

3.0 Current Planning Application

- 3.1 The current application was submitted as one for the demolition of existing buildings at 159a Upper Brockley Road, SE4 and the construction of a three storey plus basement building comprising 4 two bedroom and 2 one bedroom, self-contained flats/maisonettes and one 89.9sqm Class B1(a) Office Unit at ground and basement level with pedestrian access from Geoffrey Road, together with the provision of bicycle and refuse/recycling storage and front and rear gardens.
- 3.2 The application was submitted in April 2017 before the outcome of the appeal in respect of the 2016 application was known. However, while the application was considered by officers to be an improvement on the appeal proposal, they considered that there was still considerable scope for improvement.
- 3.3 The scheme was therefore altered on the basis of feedback from officers and comments from residents, to move the building footprint back from Geoffrey Road and omit the commercial unit as this was regarded as isolated and likely to be unviable in this part of the Conservation Area. Setting the scheme back further from Geoffrey Road and meeting National minimal floorspace standards for residential development, also made it difficult to achieve the quantum of development originally proposed without utilising the B1 floorspace for C3 purposes. Bin and bike storage was also moved from the Upper Brockley Road frontage of the site to a rear storage and collection area accessed from Geoffrey Road and more attractive lightwells were provided to the basement accommodation. Reconsultation on a revised scheme comprising 2 two bedroom maisonettes, 1 two bedroom flat, 3 one bedroom flats and a studio flat of 40.7m² therefore took place in August 2017.
- 3.4 The scheme was further revised after a Local Meeting on 31st January 2018 to amend the treatment of the corner of the Upper Brockley Road and Geoffrey Road elevations and introduce a glazed link between the proposed building and the adjoining end terraced house.
- 3.5 The roof of the new building would have a false roof slope mimicking that of the adjoining terrace in Upper Brockley Road and concealing a living roof and photovoltaic panels. This has been further revised following feedback from the Brockley Society and local residents to provide a curved corner to the roof to reflect the curve of the building below and increase the number of trees shown within the garden area of the building from 1 to 3.

4.0 Consultation

- 4.1 This section outlines the consultation carried out by the Council following the submission of the application and summarises the responses received. The

Council's consultation exceeded the minimum statutory requirements and met those required by the Council's adopted Statement of Community Involvement.

- 4.2 Notification letters were sent to surrounding occupiers, the Brockley Society and local ward councillors. A site notice was displayed and a press advert was published in the local paper.

Highways comments

Cycle Parking

- 4.3 Fully enclosed, covered and secure cycle parking spaces will need to be provided, in accordance with Table 6.3 of the London Plan. The cycle storage for the first floor flats should be located on the ground floor and not the first. This is to avoid bikes having to be carried up stairs.

Waste Management

- 4.4 The applicant should be required by condition to ensure bins will not be left out on the highway after collection.

Crossover

- 4.5 The applicant should be required by condition to remove the redundant crossover and reinstate the footway outside the building.

Car Parking

- 4.6 Car free development in this location should be conditional on a Section 106 Agreement which commits the applicant to providing a car club subscription for all residents of the proposed development for a period of 3 years following the completion of the scheme. In view of the proximity of the proposal to the one-way section of Geoffrey Road, a contribution of £6,000.00 should also be requested in order to provide a contraflow cycle lane to this part of the road. The provision of such lanes which, allow cyclists to move in both directions in one-way streets, is in line with the Lewisham Cycling Strategy 2017 (See Strategy 16, page 25). In this case it would provide a more direct route for cyclists between Geoffrey Road and Brockley Station and will therefore be of benefit to the future occupiers of the proposed development.

Construction Management Statement

- 4.7 A CMS, including details of the demolition, should be required by condition.

Written Responses received from Local Residents

- 4.8 Comments on the scheme as initially submitted:

Replies from the occupiers of Nos 155 & 161 Upper Brockley Road, Nos 32c, 38, 40, 42, 44, 46a & 52, Geoffrey Road and 12 Cranfield Road, objecting to the application on the following grounds:

- 1 The number of units seems completely out of scale with its direct neighbours.

2. The size and number of units will also cause a considerable increase in traffic on an already very busy road.
3. The development will give rise to overshadowing and privacy issues for the gardens of the adjoining houses on Upper Brockley Rd, particularly by that part of the development which extends up Geoffrey Rd beyond the rear building line of the existing terrace of houses.
4. If building is to extend up Geoffrey Road, beyond the rear of the Upper Brockley Road units, it should be at the same height as the existing buildings, ie single storey.
5. There is little demand for more commercial space. A number of commercial units, in the area have remained empty for several years, while other commercial premises have recently been converted to residential use.
6. The design itself is not of exceptional quality and adds nothing to the architectural value of the conservation area.
7. Bricks – the proposed “Buff Waterstruck” are not appropriate. The entire street is predominantly London yellow stock.
8. The vehicle repair business operating from a garage directly adjacent to the proposed development, on the corner of Ashby Mews and Geoffrey Road is a constant nuisance to existing residents as a result of noise, disturbance and pollution. If this garage is allowed to continue they will, post development, park even more of their customer’s cars on the street, having lost the use of the existing hard standing of the application site. Parking is already difficult enough for existing residents. This is a residential area with very little need/space for a commercial operation of this type, especially once the adjacent 3 motor businesses have closed.
9. The loss of the existing commercial site would result in a loss of potential employment.
- 10 Existing properties in Geoffrey Road will be in view of 2 flats and an office only a short distance away giving rise to overlooking, with very little intervening space for tree planting. The design should incorporate at least one additional tree to the rear, and ideally a semi-mature fast growing species that will quickly soften the view and provide an alternative focal point.
11. Aside from the issue of Bricks, the remaining garage use and tree planting, the general design of the new proposal is acceptable. The inclusion of the green roof is good and the overall style and layout will complement the street better than the existing buildings.
- 12 The proposal will change a single story build with large parking area (but where many cars still park in the cycle lane or on the yellow lines) into a four story building with no parking.
13. The huge increase in height over the garage that is currently there will completely dominate the 2-storey Victorian houses opposite on Upper Brockley Rd which are some of the oldest and most significant in the Conservation Area

14. The proposal needs to sit back in line with houses on Upper Brockley Rd and be two storey at the front in order to not visually dwarf the houses opposite.
15. Geoffrey Rd is already blocked with traffic most mornings with slow moving traffic jams close to the front of 161 and 163 Upper Brockley Rd. This huge increase in building volume will bring further loss of quality air and increase traffic on this already dangerously busy road.
16. The proposed site already sits considerably higher than the two storey dwellings on the opposite side of Upper Brockley Road. The proposed development will completely dwarf them and change the nature of this part of the Conservation Area. The proposal should be no more than two storeys in height.
17. The proposed build extends out past the building line with the terraced houses in Upper Brockley Rd and would loom out larger still onto the turning into Upper Brockley Rd , distorting the view, light and character of the smaller Victorian houses opposite. The proposal should therefore respect the existing building line in Upper Brockley Rd.
18. Building work is currently happening on each side of No 161 Upper Bromley Road in what is a 'regeneration hotspot', with no account is being taken of the need for air quality, trees and parking for local residents
19. Parking is already difficult and arguments happen daily between irate drivers and pedestrians.
20. The proposed roofline does not reflect either Upper Brockley Road or Geoffrey Road and is inappropriate in the Conservation Area.
21. The proposed 'decorative brick detailing' on the upper Brockley Road elevation looks out of place and is not adequately justified.
22. The provision of balconies on Geoffrey Road are just 18m from habitable rooms on the southern side of Geoffrey Road. There are full height glass double doors opening onto these balconies will impact significantly on the houses on the southern side of Geoffrey Road in terms of privacy/overlooking as well as for the new residents. It is not an appropriate design feature for what will be an enclosed public realm.
23. As Geoffrey Road is very heavily trafficked it is unlikely that balconies on the Road would be desirable as amenity space.
24. The balconies would be far better situated on the Upper Brockley Road which has a larger frontage. The new development also backs almost onto the Geoffrey Road pavement which will lead to a loss of privacy for both old and new residents.
25. The contaminated land issue is not addressed within the application and the Council can have no confidence that this will be adequately taken into account (especially given the new end use that includes private gardens).
26. Insufficient space for refuse provision is provided and will exacerbate the current 'bins on pavement' issue within the area.

27. As with the previous proposals there has been a complete lack of public consultation or consultation with the Brockley Conservation Society. If the developers would just speak to the people who will be affected and to the Brockley Society there would not have to be an endless submissions of substandard designs which the Council rightly reject.
28. There is insufficient parking space for the commercial units in the area. There are already problems with a lack of parking space in the immediate area and Lewisham is considering restrictions around Brockley Station - loading/unloading/customer access will all be difficult.
29. There are currently no other residential frontages along Geoffrey Road that are set this far forward.
30. 6 cycle storage provisions for 2x1bed and 4x2 bed apartments does not comply with the London Plan standard.
31. The site is currently boarded up and the boards are covered in graffiti which is unsightly with no attempt being made by the current owners to clean up the site.
32. Lewisham Council should not be granting permission to developers proposing to build sub-standard developments that will generate maximum profits for them at the expense of those who will have to live with the development and those that will have to live in it.
33. Please either insist that the garages are replaced with Victorian style houses consistent with those on Geoffrey Rd and Upper Brockley Rd as appropriate or an exceptional design as per the mews development at the top of Geoffrey Rd.

One reply received from the occupier of No 88 Upper Brockley Road, supporting the application for the following reasons:

1. This is a very attractive proposal and certainly an improvement on the current use of this site. It is sympathetic and attractive and not too large, with materials that seem very in keeping with the conservation area.
2. More housing is needed in London and the scheme as currently proposed is not an ugly, overbearing, plastic clad (fire hazard) block of flats.
3. If there are problems with it the use of basements due to lack of light the height of the building could be slightly raised to four storeys to keep the same number of homes .
4. Most people would rather a nice block of flats is built rather than have the site remain an eyesore as it has been for years.

Comments on scheme as revised:

Replies received from the occupiers of Nos 76 (flat 3), 161 Upper Brockley Road, Nos 32b, 38, 40, 46a, 48 & 50 Geoffrey Road and 71 Braxfield Road,

1. Before 1950 there were no buildings on this site, and since then only a single storey garage with car repair and MOT services.

2. The drawings show a large building which extends well beyond the existing building line in Geoffrey Road and completely overshadowing the two cottages opposite.
3. It would loom over the houses in Geoffrey Road and create an increased blind spot for cars turning sharply into Upper Brockley Road as well as for pedestrians.
4. It would also create a pollution tunnel in Geoffrey Road
5. Information provided to date suggests the use of cheap bricks of the kind used in other parts of Lewisham.
6. The proposal is of inappropriate design and scale in relation to for the plot size.
7. The proposal will be dangerous to pedestrians as this is already a congested and sharp corner and is used by many people as a route to two local primary schools.
8. Whilst an improvement on the original scheme, the proposal does not meet the Council's policy requirement for 'exceptional design', being an oversized and cheap-looking building constructed in poor quality and highly generic building materials.
9. The proposal would fail to preserve or enhance the character and appearance of the Brockley Conservation Area.
10. The scale of development on Geoffrey Road is excessive in terms of height and would impact significantly on this street.
11. Objection to the loss of Loss of employment from the revised proposal. No robust evidence has been provided to demonstrate alternative sites within Brockley were sought for the businesses who were forced to shut down in June 2017. Furthermore, the revised drawings include no provision for any commercial space and represents a fundamental change of use.
12. While it is appreciated that the revised scheme has removed balconies overlooking properties in Geoffrey Road and the wall to be located on Geoffrey Road has been pulled back from the boundary by 1m, there is still very limited space between the proposed building and the pavement of Geoffrey Road.
13. Although the balconies overlooking existing houses on Geoffrey Road have been removed, the revised drawings show twice as many windows facing the existing houses in Geoffrey Road than in the previous two designs.. This will impact significantly, in terms of privacy/overlooking, of occupiers of both the houses on the southern side of Geoffrey Road as well as the new flats.
14. As the site has previously been garden land and more recently occupied by low commercial buildings, the extension of the existing Upper Brockley Road scale of development onto the site is completely inappropriate. And harmful to the amenity of the occupiers of the two story dwellings on the other side of the road.
15. Proposal still includes no evidence of any investigation in respect of ground contamination.

16. The principle of development and the improved scheme design since the previous application are acknowledged. However, the quality of the design proposed is disappointing. The site is located in an excellent location within the Brockley Conservation Area and provides an opportunity to deliver a landmark building offering beautiful architecture, enhancing the Conservation Area. The proposed scheme just does not offer this. The building is bland and lacking in detailed information.
17. Refuse storage and collection arrangements still remain poorly thought out.
18. The proposal has improved things dramatically for the residents of Geoffrey Rd but not the residents opposite on Upper Brockley rd. The proposed plans acknowledge that Upper Brockley Rd elevation forms the principle frontage – yet this is the least sympathetic or balanced part of the proposed development. It is windows heavy looking into and dominating the cottages opposite; the roof line doesn't match the other terrace houses, it juts out disproportionately far onto Geoffrey Road restricting views, blue sky and trapping pollution for the 2-story houses 161 and 163 opposite.
19. All negative features of the build, from entrances, bins to bike sheds, overbearing frontage and bulk are contained in the Upper Brockley Road section of the proposed development. This elevation needs to stop in line with the building line on Geoffrey rd and be mindful of the houses opposite.
20. The frontage on Upper Brockley rd. goes nearly to the kerb on Geoffrey Road. This elevation needs to end in line with the building line on Geoffrey Rd. or reduce to 2-stories as it approaches the corner so as not to dominate it and overwhelm the other well-balanced properties that form this part of the Conservation Area.

Local Meeting

- a. A Local Meeting was held on 31 January 2018 in the Civic Suite of the Town Hall at 7pm. The meeting was attended by the applicant, his architect and planning consultant. Seven local residents also attended together with two representatives of the Brockley Society with the Council represented by Cllr Adefiranye and the Planning Officer. Revised plans were tabled at the meeting by the applicant's architects which took account of comments made by residents and officers on the previous proposal. These showed the following:
 - Refuse storage and collection, previously sited in the front garden of the new building, moved to the rear of the site where it would not be visible from the street.
 - A glazed link to provide a visual break between the recently rebuilt No 159 Upper Brockley Road, which provides the current terminus of the Victorian Terrace and the proposed development, which represented a continuation in a more contemporary style.
 - More generous lightwells to the lower ground floor accommodation, integrating these with the adjoining gardens.

- b. Minutes of the Local meeting are attached as an appendix to this report. Although there was general acknowledgement that the scheme had been considerably improved since the original submission, there was still concern about parking and traffic generation, impact on sunlight to existing properties and the provision of a more satisfactory design to the corner of the building at the junction of Geoffrey Road and Upper Brockley Road.
- c. Residents were advised that a revised scheme would be produced to address these concerns and this would include a shadow path analysis to show the impact of the new scheme on existing properties. There would be further consultation on the revised scheme prior to the proposal proceeding to the Planning Committee for determination.
- d. Comments were received from the Brockley Society and two local residents regarding the revisions made to the scheme after the Local Meeting. The Brockley Society were broadly happy with the revisions subject to the following points:
- In accepting the curved corner and uniform setback as a distinct improvement the curvature of the prow is tight and assurance would be required that if cut bricks are to be used, these can be formed to achieve an even radius and with a prescribed bond - a detail to condition this would therefore be essential.
 - The type of brick was also questioned as it will need to be 'frogless' in order to provide solidity when cut to shape. In which case we have doubts about the buff brick proposed and also because we consider this to be too light and not particularly indigenous. We therefore wish to be further advised and involved with brick selection and suitability
 - The street views of the proposed corners of the pv panelled and angled sections of the roof need to be better equalised - for instance this could be achieved for the curved prow formed at the junction of the Upper Brockley and Geoffrey Road sections by extending the pv panelled angled runs by c1m into the point of the prow. This would then better enable a balance to be created with the run towards Ashby Mews
 - A wider glazed link would be preferred.
 - Two residents maintained objections to the scheme on the issue of height, scale and mass and impact on properties in Geoffrey Road and on the potential generation of increased on-street parking in Geoffrey Road. An additional CGI view of the scheme from Ashby Road was requested.

Officer Response to Resident Comments

- e. It is recommended that if the proposed design is considered acceptable by the Planning Committee, the issue of contamination can be dealt with by means of a pre-commencement condition. This will require the site to be investigated for potential contamination and if this is present, a programme for the decontamination of the site to be submitted to and approved by the Council prior to the occupation of the proposed

dwellings. The issue of parking/traffic generation is also dealt with in the Planning Considerations section of this report and, as in the case of other car free schemes which have been approved within this area this will involve a Section 106 Agreement with the applicant to mitigate the impact of additional parking on existing residents. This will be done by the applicant funding of car share membership for residents for an initial 3 year period. In addition the applicant has now agreed to make a financial contribution to the provision of a contraflow cycle lane in the one-way section of Geoffrey Road which will assist cyclists travelling between Geoffrey Road and Brockley Cross/Brockley Station.

- f. Officers considered that the appearance of the scheme from Geoffrey Road would be evident from the submitted elevations and the CGIs already produced.
- g. In terms of the Brockley Society comments, the design of the glazed link has been refined in the latest iteration of the scheme. Although it has not been made wider, Design, Planning and Conservation Officers are now happy with this feature of the proposed building. If the Committee were minded to approve the scheme, a condition on materials and brick detailing would be applied to the planning permission.

10. Policy Context

Introduction

- h. Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-
 - the provisions of the development plan, so far as material to the application,
 - any local finance considerations, so far as material to the application, and
 - any other material considerations.
- i. A local finance consideration means:-
 - 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
 - sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).
- j. 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

- k. 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)'.
- l. 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.
- m. The new, draft National Planning Policy Framework was published for public consultation on 5 March 2018 (until 10 May 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.

Other National Guidance

- n. The Technical housing standards – nationally described space standard (March 2015)

London Plan (March 2016)

- o. In March 2016 the London Plan (consolidated with alterations since 2011) was adopted. 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:-

- Policy 3.3 Increasing Housing Supply
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.3 Sustainable design and construction
- Policy 5.13 Sustainable drainage
- Policy 5.21 Contaminated land
- Policy 6.13 Parking
- Policy 7.1 Lifetime Neighbourhoods
- Policy 7.2 An Inclusive Environment

Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.8 Heritage assets and archaeology
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate sound-scapes

London Plan Supplementary Planning Guidance

Housing Supplementary Planning Guidance (March 2016)

Core Strategy

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

Spatial Policy 1 Lewisham Spatial Strategy
Spatial Policy 5 Areas of Stability and Managed Change
Core Strategy Policy 1 Housing provision, mix and affordability
Core Strategy Policy 5 Other employment locations
Core Strategy Policy 8 Sustainable design and construction and energy efficiency
Core Strategy Policy 9 Improving local air quality
Core Strategy Policy 14 Sustainable movement and transport
Core Strategy Policy 15 High quality design for Lewisham
Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment
Core Strategy Policy 21 Planning obligations

Development Management Local Plan

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

DM Policy 1 Presumption in favour of sustainable development
DM Policy 11 Other employment locations
DM Policy 22 Sustainable design and construction
DM Policy 23 Air quality
DM Policy 25 Landscaping and trees
DM Policy 26 Noise and vibration
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

DM Policy 37 Non designated heritage assets including locally listed buildings, areas of special local character and areas of archaeological interest

DM Policy 38 Demolition or substantial harm to designated and non-designated heritage assets.

Planning Obligations Supplementary Planning Document (2015)

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

Residential Standards Supplementary Planning Document (August 2006, updated 2012)

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

Brockley Conservation Area Character Appraisal and SPD (2007)

- t. This document sets out the history and spatial character of the area, identifying areas of distinct character, advises on the content of planning applications, and gives advice on external alterations to properties within the Brockley Conservation Area. The document provides advice on repairs and maintenance and specifically advises on windows, satellite dishes, chimney stacks, doors, porches, canopies, walls, front gardens. The SPD also specifically addresses the issue of Mews development and states that apart from Harefield Mews, which is a public highway adjoining the rear of shops in Brockley Road, there will be a presumption against residential development.

11. Planning Considerations

- u. The main issues to be considered in respect of this application for planning permission are:
 - a) Principle of development
 - b) Design and impact on heritage assets

- c) Quality of accommodation
- d) Impact on adjoining properties
- e) Highways & Traffic
- f) Environment & Sustainability

Principle of Development

- v. The National Planning Policy Framework through its core planning principles encourages the effective re-use and development of previously developed (brownfield) land. The NPPF also speaks of the need for delivering a wide choice of high quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- w. The London Plan outlines through Policy 3.3, 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Residential developments should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment. Policy 7.8 Heritage assets and archaeology sets out that development should identify, value, conserve, restore, reuse and incorporate heritage assets where appropriate.
- x. Locally, Core Strategy Policy 5 which protects employment uses outside of designated employment locations and centres sets out that other uses (including residential) will be supported if it can be demonstrated that the site specific conditions including accessibility, adjacent land uses, building age, business viability and viability for redevelopment show that the site should no longer be retained in employment use. Development Management Policy 11 outlines that where development does not involve any job creation or retention, the Council requires evidence of a suitable period of active marketing of the site for re-use/redevelopment for business uses through a commercial agent has been undertaken. This policy also outlines that where appropriate the Council will seek contributions to training and/or local employment schemes where there is a loss of local employment as a result of redevelopment or change of use.
- y. In this instance, the application is not supported by evidence of active marketing of the building for re-use or redevelopment for business uses. This is because the application as originally submitted featured a small B1 Unit accessed from Geoffey Road. Indeed, the previous scheme in respect of this site also featured a B1 unit of similar size in a basement location and was refused by the Council on the basis of the poor quality of the commercial accommodation which it would have provided. The reason for refusal states that the proposed B1unit '*would not provide suitable compensation for the loss of the existing commercial use*'. As will be seen in the 'Planning History' section of this report, this decision was the subject of an appeal. While the Inspector considered that the

Council's objection to the scale, bulk and design of the building was justified and the proposal would therefore not preserve or enhance the character and appearance of the Brockley Conservation Area, he did not consider that the B1 Unit was unacceptable because of its size, lack of a street frontage or position in the building. Although the B1 Unit in the current application as initially submitted was considered an improvement on the unit in the Appeal application, officers had the same concerns as previously in relation to its size and the fact that it did not appear to have been designed in order to facilitate or encourage a commercial user. For example, the exterior elevations of the unit were no different to the residential parts of the building, floor to ceiling heights were also the same and the building had clearly been designed to be easily converted to a maisonette, once a marketing exercise had established that the unit was unviable as B1 accommodation. However, it is unlikely that a refusal of planning permission on the basis of the quality of the proposed accommodation would be upheld in the event of an appeal, given the recent appeal decision in which a B1 unit of lesser quality had been found to be acceptable in this location.

- z. Officer concerns on the viability of the proposed B1 Unit were also shared by many residents who pointed out in their replies to the Council's initial consultation letter that this part of the Conservation Area was overwhelmingly residential in character and that in terms of size and location the B1 Unit would be unlikely to be viable. Given that the application would have to undergo substantial amendment to increase the set back of the proposed Geoffrey Road elevation and address other design issues, the applicant was advised that officers would no longer pursue that the scheme should incorporate a B1 Unit.
- aa. Members are advised that units originally granted planning permission as B1 artist studios in mixed use development at 2a Commerford Road (rear of 308 Brockley Road), which was completed in January 2014, are currently being used as residential accommodation. Although enforcement action in respect of this breach of planning control is being pursued, this is currently the subject of an appeal. The case highlights the difficulty of maintaining small commercial units in mixed use developments and the resources that are needed to prevent unauthorised conversion to residential use. In the case of 2a Commerford Road the properties adjoin a shopping parade fronting Brockley Road, where small B1 units are likely to be more viable than in Upper Brockley Road where the environs are predominantly residential. Indeed, the former commercial use of the application site was a tyre fitting centre, which was established on garden land many years ago, which brought considerable traffic and parking to Geoffrey Road and Upper Brockley Road and which detracted from the appearance and character of the Conservation Area.
- bb. In view of the above considerations, officers are satisfied that a wholly residential development of the site is acceptable in principle.

Design and impact on heritage assets

- cc. The NPPF through Chapter 7 addresses good quality design as a key aspect of sustainable development, which is indivisible from good

planning, and should contribute positively to making places better for people. It also states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and function of an area and the way it functions. Paragraph 137 of the NPPF sets out that local planning authorities should look for opportunities for new development in Conservation Areas within the setting of heritage assets to enhance or better reveal their significance.

dd. London Plan Policy 7.6 Architecture requires development to positively contribute to its immediate environs in a coherent manner, using the highest quality materials and design. London Plan Policy 7.8 Heritage assets and archaeology outlines that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate, and that development should conserve their significance by being sympathetic to their form, scale, materials and architectural detail.

ee. Core Strategy Policy 16 Conservation areas, heritage assets and the historic environment repeats the necessity to achieve high quality design and requires new developments to conserve and protect heritage assets (including Conservation Areas). Development Management Policy 36, New development, changes of use and alterations affecting designated heritage assets and their setting sets out that planning permission will not be granted where new development is incompatible with the special characteristics of the area, its buildings, spaces, settings and plot coverage, scale, form and materials. This policy also sets out that the Council will require bin stores to be located at the side or rear of properties where access to the side and rear exists.

ff. In terms of its height, scale, external appearance and compatibility with the existing street scene, the development proposal initially submitted was considered an improvement on the scheme previously submitted and refused by the Council, which was at that time still the subject of an appeal. However, officers expressed concern over several aspects of the design, as did local residents and the Brockley Society. Although, it was suggested by officers that the application be withdrawn and resubmitted following a paid pre-application discussion, the applicants asked for written comments from officers outlining the matters of concern. They would then respond to these with amended plans

gg. The applicant was advised by officers to redesign the scheme to:

1. increase the setback to the Geoffrey Road elevation (preferably from 1 metre to 3 metres).
2. to remove the balconies from the Geoffrey Road elevation
3. to improve the relationship between the parapet height of the new development and the adjoining terrace of Victorian houses.
4. to remove the commercial unit from the proposal for the reasons outlined in the previous section.

- hh. Revised plans were received in July 2017 showing the set back to Geoffrey Road increased from 1m to 2m, and incorporating the other recommended changes including a studio apartment of 44sqm in area to replace the B1 unit initially proposed.
- ii. Reconsultation on the revised proposal commenced on 23rd August 2017. While the improvements to the plans were generally acknowledged by many respondents, elevation design, refuse storage and landscaping still remained a source of contention. Revised plans to address these issues were submitted prior to the local meeting with residents on 31st January 2018. This included the use of a glazed link between the Victorian replica elevation of No 159 Upper and the new block. The communal bicycle and bin storage area adjoining the upper Brockley Road entrance to the proposed flats was transferred to the communal rear garden adjoining Geoffrey Road. This improved the appearance of the block, while the use of communal rather than individual bins reduced land take and allowed refuse to be collected more efficiently, reducing the risk of individual wheely bins obstructing the footway. The basement light wells to the lower ground floor flats were also enlarged and landscaped to make them part of the adjoining gardens.
- jj. Following the local meeting, further alterations to the scheme were requested by officers. The most significant change was the removal of the bay window on the Geoffrey Road elevation of the building (thereby increasing the set back from Geoffrey Road) and the provision of a rounded corner to the building at its junction with Upper Brockley Road and Geoffrey Road. This alteration was particularly supported by the Brockley Society and as well as working better in townscape terms, it also reduced the massing of the proposed building for residents on the opposite side of Upper Brockley Road. Revised plans showing these changes and providing a shadow path analysis to show the impact of the proposed building on sunlight to adjoining properties were submitted in March 2018.

Quality of accommodation

- kk. Paragraph 17 of the NPPF states within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives. London Plan policy 3.5 'Quality and Design of Housing Developments' sets out minimum space standards which should be applied to all new housing developments. London Plan Policy 3.5 also seeks convenient and efficient room layouts to meet the changing needs of Londoners over their lifetimes.
- ll. Guidance on the implementation of London Plan Policy 3.5 has been produced in the form of the Housing SPG (2016), which responds to the Department for Communities and Local Government's publication Technical housing standards – nationally described space standard (in March 2015).
- mm. Specifically regarding housing developments, Policy DM32 of the Lewisham Development Management Local Plan expects development to

respond positively to the site specific constraints and opportunities as well as to the existing and emerging context for the site and surrounding area. Policy DM32 also reinforces the prescribed minimum standards for housing development as set out in the Government's Technical housing standards – nationally described space standard 2015 and the London Plan Policy 3.5. It is also acknowledged that the shape and layout of rooms are indicators of housing quality.

- nn. All of the proposed residential units have been assessed in accordance with the standards associated with the policies above and are considered to meet or exceed the required minimum values. With regard to the provision of a single person studio unit, Policy DM32 of the Lewisham Development Management Local Plan states under paragraph (e) that single person dwellings will not be supported other than in exceptional circumstances and that developments will be required to have an exceptional design quality and be in highly accessible locations. In this case the proposed unit has a floor area of 40.4sqm (the minimum size being 37sqm), is dual aspect, benefits from having its own private amenity space as well as access to additional communal garden area and a bike store. The PTAL for this area is 3 but close to the Brockley Cross PTAL 4 zone. In view of this, the provision of a studio unit is considered acceptable.
- oo. Changes to the scheme have also considerably improved the design and the light wells for the lower ground floor accommodation allowing these to be terraced and integrated into the adjoining gardens which are substantial in area and form part of the demise of the maisonettes in question. Front garden boundaries in Brockley Road have similarly also been designed to provide privacy to these gardens using traditional brick walls and hedges which are generally a feature of front gardens in the Conservation Area.

Impact on Adjoining Properties

- pp. The NPPF states in its core principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan policy 7.6 additionally states that development should not cause unacceptable harm to the amenity of neighbouring buildings in relation to loss of privacy or overshadowing.
- qq. Locally, Policies DM31 & DM32 of the Development Management Local Plan require that for development adjacent to dwellings, there should result in no significant loss of privacy, outlook, and amenity (including sunlight and daylight) to adjoining houses and their back gardens.
- rr. The proposed development is not considered to give rise to unacceptable amenity impacts to adjoining residential occupiers.

Highways and Traffic Issues

- ss. The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular, it offers encouragement to developments

which support reductions in greenhouse gas emissions and those which reduce congestion. It is also expected that new development will not give rise to the creation of conflicts between vehicular traffic and pedestrians.

- tt. London Plan Policy 6.13 seeks to ensure a balance is struck to prevent excessive car parking provision that can undermine cycling, walking and public transport use and through the use of well considered travel plans aim to reduce reliance on private means of transport. Table 6.2 Car parking standards in the London Plan states that all residential developments in areas of good public transport accessibility should aim for significantly less than 1 space per unit. Core Strategy Policy 14 Sustainable movement and transport states that the Council will take a restrained approach to parking provision.
- uu. London Plan Policy 6.9 as reinforced by the Draft Interim Housing SPG requires that all residential development provide dedicated storage space for cycles at 1 one bed unit, and 2 for all other dwellings.
- vv. The proposed development is for a total of 7 residential units within a site which has a PTAL rating of 4. Highway officers comment that subject to the provision of secure cycle storage in accordance with London Plan standards and the provision of car club membership for initial residents of the proposed development, a car free development in this location would be acceptable.
- ww. Given that the site was previously occupied by an automotive use, the proposed development is expected to generate a reduced level of vehicle movements.
- xx. In terms of encouraging residents of the new development to use bicycles for daily travel, the Highways Officer has requested that a £6,000.00 contribution to the provision of a contraflow cycle lane to the one way section of Geoffrey Road (which runs between the junction with Upper Brockley Road and the mini roundabout at Brockley Cross) be secured by a Section 106 Agreement. This will make travel by bike between the station and the proposed development easier and has been accepted in principle by the applicant.

Environment & Sustainability

- yy. The National Planning Policy Framework states that there is a presumption in favour of sustainable development and acknowledges the role of planning in shaping places to provide resilience to the impacts of climate change and support the delivery of renewable and low carbon energy infrastructure. It is acknowledged at Paragraph 98 that even small scale projects can provide a valuable contribution to cutting greenhouse gas emissions.
- zz. London Plan Policy 5.3 encourages the highest standards of sustainable design and construction to improve the environmental performance on new development and to adapt to the effects of climate change. Policy 5.7 encourages the use of renewable energy sources on all new developments.

aaa. Core Strategy Policy 8 Sustainable design and construction and energy efficiency requires that all new residential development will be required to achieve a minimum of Level 4 standards in the Code for Sustainable Homes from 1 April 2011 and Level 6 from 1 April 2016, or any future national equivalent. Although the Code for Sustainable Homes was revoked in March 2015, current building Regulations now require all new homes to be build to the equivalent of the previously applied Code 4.

bbb. Sustainability & Energy Statement by Enspere Group Ltd provides an overview as to how the proposed scheme contributes to sustainable development in the context of the strategic, design and construction considerations. The proposed scheme includes a range of sustainable design and construction features including:

- Incorporation of photovoltaics (PV);
- Highly efficient lighting;
- Water saving sanitary fittings and appliances to deliver a water efficient development;
- The use of materials with a low lifecycle environmental impact and embodied energy;
- Efficient construction and operational waste management; 7.5 The energy strategy will be consistent with the Energy Hierarchy and each house will satisfy the Council target for a 19% carbon reduction relative to Part L 2013 (equivalent to the mandatory requirement under Code Level 4).

Overall, the proposals for the scheme are in line with the overarching principles of sustainable development as well as the policy requirements of the planning authority.

12. Local Finance Considerations

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

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

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

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

fff. CIL is chargeable on the net additional floorspace (gross internal area) of all new development. Under the CIL charging schedule, the amount of

CIL payable for the SE4 postcode for new residential development is £70 per sqm. The Mayor's CIL is charged at £35 per sqm of new development.

ggg. The proposal is CIL liable and a CIL form has been completed.

13. Planning Obligations

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

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

jjj. The suggested planning obligations are discussed in the planning obligations section of the report and are considered necessary to mitigate the impacts of the development. The proposed planning agreements may be summarised as follows:

- £6,000.00 contribution to the provision of a contraflow cycle lane in the one way section of Geoffrey Road; and
- the developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

kkk. Officers consider that the obligations outlined above are appropriate and necessary in order to mitigate the impacts of the development and make the development acceptable in planning terms. Officers are satisfied the proposed obligations meet the three legal tests as set out in the Community Infrastructure Levy Regulations (April 2010).

14. Equalities Considerations

Human Rights Act

iii. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by

public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

mmm. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Equality Act

nnn. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

ooo. In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

ppp. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

qqq. The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

rrr. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making

3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

sss. The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

ttt. 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.

15. Conclusion

uuu. As detailed in this report, on the balance of policy considerations, which seek both to protect employment land as well as deliver new housing, the principle of redeveloping the site is considered acceptable.

vvv. The new development should respond positively to the character and appearance of its context. It has had considerable input from the Brockley Society and local residents which has strongly influenced the final design and officers consider that the scale and massing of the proposed building is now in keeping with the local context of the site

www. As a result of the above, the proposed building represents a high quality of design which will enhance the character and appearance of the Brockley Conservation Area.

16. RECOMMENDATION A:

xxx. Authorise officers to negotiate a satisfactory Section 106 Agreement to secure the following:-

- £6,000.00 contribution to the provision of a contraflow cycle lane in the one way section of Geoffrey Road; and
- the developer meeting the Council's legal, professional and administrative costs associated with drafting, finalising and monitoring the Section 106 Agreement.

17. RECOMMENDATION B

yyy. Following the satisfactory completion of the Section 106 Agreement, authorise officers 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:

Heritage Statement; Planning Statement; Design and Access Statement; Sustainability Statement Received 18th February 2017

UBR2 A0 01 Rev C; UBR2 A0 02; UBR2 A0 03; UBR2 A0 04 Rev D; UBR2 A0 05 Rev D; UBR2 A0 06 Rev C; UBR2 A0 07 Rev D; UBR2 A0 08 Rev D; UBR2 A0 09 Rev D; UBR2 A0 10 Rev C; UBR2 A0 11; UBR2 A0 12 Rev D; UBR2 A0 13 Rev C; UBR2 A0 14 Rev D; UBR2 A0 15 Rev D; UBR2 A0 16 Rev D; UBR2 A0 17 Rev C; UBR2 A0 18 Rev B; UBR2 A0 19 Rev C; UBR2 A0 20; UBR2 A0 21; UBR2 A0 22; Received 13th March 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. 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) Dust mitigation measures.
 - (b) The location and operation of plant and wheel washing facilities
 - (c) Details of best practical measures to be employed to mitigate noise and vibration arising out of the construction process
 - (d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-
 - (i) Rationalise travel and traffic routes to and from the site.
 - (ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.
 - (iii) Measures to deal with safe pedestrian movement.
 - (e) Security Management (to minimise risks to unauthorised personnel).
 - (f) Details of the training of site operatives to follow the Construction Management Plan requirements.

Reason: In order that the local planning authority may be satisfied that the demolition and construction process is carried out in a manner which will minimise possible noise, disturbance and pollution to neighbouring properties and to comply with Policy 5.3 Sustainable design and construction, Policy 6.3 Assessing effects of development on transport capacity and Policy 7.14 Improving air quality of the London Plan (2016).

4. (a) No development (apart from the demolition of existing buildings to facilitate site investigations in accordance with this condition) 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).

5. No above ground work shall commence on site until a detailed schedule and specification of all external materials and finishes, windows and external doors, roof coverings to be used on the building, which shall include a sample panel of facing brickwork erected at the site showing bond, decorative detail, mortar colour and pointing style to be used on the building, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High

quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

6. (a) No above ground work shall commence on site until details of proposals for the storage of refuse and recycling facilities for the development 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 Policy 13 Addressing Lewisham waste management requirements of the Core Strategy (June 2011) and DM Policy 30 Urban design and local character. Development Management Local Plan (November 2014)

7. (a) A minimum of 11 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.

(b) No development shall commence on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.

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

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

8. (a) No above ground work shall commence on site until drawings showing hard landscaping of any part of the site not occupied by buildings (including details of the permeability of hard surfaces) have been submitted and approved in writing by the local planning authority.

(b) All hard landscaping works which form part of the approved scheme under part (a) shall be completed prior to occupation of the development.

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

9. (a) A scheme of soft landscaping (including details of any trees or hedges to be retained and proposed plant numbers, species, location and size of trees

and tree pits) and details of the management and maintenance of the landscaping for a period of five years shall be submitted to and approved in writing by the local planning authority prior to construction of the above ground works.

(b) All planting, seeding or turfing shall be carried out in the first planting and seeding seasons following the completion of the development, in accordance with the approved scheme under part (a). Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

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

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

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

11. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan hereby approved and maintained thereafter.

(b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever.

(c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

12. The development hereby approved shall not be occupied until the existing access has been closed and the highway reinstated in accordance with the permitted plans.

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

13. All window and door openings shall be constructed with minimum 110 mm deep external reveals.

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 DM Policy 30 Urban design and local character of the Development Management Local Plan (November 2014).

14. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no satellite dishes shall be installed on any elevation or the roof of the building.

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

15. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces/front elevation of the building.

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

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

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

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

Reason: In order to safeguard the amenities of adjoining occupants at

unsociable periods and to comply with Paragraph 120 of the National Planning Policy Framework and DM Policy 26 Noise and Vibration, and DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

18. Prior to occupation of any of the residential units hereby approved, evidence shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that car club membership for the occupiers of each of the flats has been provided. The memberships shall be a minimum of three years in duration and apply 7 days a week.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with Policies Objective 9: Transport and accessibility and Core Strategy Policy 14: Sustainable movement and transport (June 2011), and DM Policy 29 Car parking of the Development Management Local Plan (November 2014).

Informatives

- A. **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.
- 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/my services/planning/apply-for-planning-permission/application-process/Pages/Community-Infrastructure-Levy.aspx>
- C. The applicant be advised that the implementation of the proposal will require approval by the Council of a Street naming & Numbering application. Application forms are available on the Council's web site.