

Committee	PLANNING COMMITTEE C	
Report Title	White Post Street, SE14	
Ward	New Cross	
Contributors	Michael Forrester	
Class	PART 1	2 <sup>nd</sup> August 2018

Reg. Nos.

DC/17/104772

Application dated

29/11/2017

Applicant

Bptw on behalf of GADA Property Investments

Proposal

The demolition of the existing structures at 1 White Post Street SE15 and redevelopment to provide a mixed use development comprising the construction of two buildings ranging from 3-7 storeys and refurbishment of the 6 railway arches (No's 62 - 67), providing 975 sqm of flexible commercial floorspace (B1/B2) and 25 residential units; together with the provision of associated plant, amenity space, 2 accessible car parking spaces and cycle spaces.

Applicant's Plan Nos.

WPS - Design & Access Statement Planning Submission Nov 2017 REV B Part 1; WPS - Design & Access Statement Planning Submission Nov 2017 REV B Part 2; WPS - Design & Access Statement Planning Submission Nov 2017 REV B Part 3; WPS1002 - SK02 WPS Land Ownership P01; WPS1002-001 - Existing Site Plan P01; WPS1002-002 - Proposed Masterplan P14; WPS1002-006 - Site Location Plan P02; WPS1002-007 - Proposed Ground - 3rd floor Plans South Block P02; WPS1002-008 - Proposed 4th - Roof plans South Block P01; WPS1002-010 - Proposed Elevations Sheet 1 Rev F; WPS1002-011 - Proposed elevation sheet 2 Rev F; WPS1002-012 - Proposed Sections Sheet 1 P01; WPS1002-013 - Proposed Sections Sheet 2 P01; WPS1002-014 - Existing\_Proposed Railway Arches Elevations P01; WPS1002-015 CGI View from Railway Viaduct; WPS1002-016 - CGI view from Wagner Street Arches; WSP1002-018\_Rev A\_Bio-Diverse Roof Detail

Background Papers

- (1) Case File DE/328/41/TP
- (2) Local Development Framework Documents
- (3) The London Plan (2016)

Designation

Area of Archaeological Priority, Other Employment Location

**1. Property / Site Description**

- 1.1. The application site comprises a largely triangular parcel of land incorporating and accessed via White Post Street from Old Kent Road (close to where it meets New Cross Road) and contains a car scrap yard, mechanics and 6 railway arches (Sui Generis use class) under the railway viaduct, which extends into London Bridge via South Bermondsey station. There are no permanent structures (other than the railway viaduct) on the site, which is covered entirely by impermeable hard standing and stored cars with associated temporary metal hoardings.
- 1.2. The site is identified as being 'other employment land', is not located in a conservation area, and is neither in the setting of a listed building.

- 1.3. The site lies at the very western edge of the borough, where White Post Street meets Wagner Street, which in turn marks the eastern edge of the London Borough of Southwark. Wagner Street extends beneath the railway to meet Ilderton Road.
- 1.4. The closest public open spaces are Brimington Park (LB Southwark) and Bridgehouse Meadows (LB Lewisham).
- 1.5. To the south, fronting onto Old Kent Road are two and three storey terraces, being commercial at ground floor with residential above. There are substantial extensions to the rear of this terrace with large two storey outbuildings in various non-residential uses. Adjacent to the terrace is an existing Network Rail premises along the viaduct, which contains 4 railway arches and an area of hard standing, this is gated at either end from Old Kent Road and Wagner Street. To the east is the two-three storey Deptford Ambulance Station and two storey terraces along Farrow Lane.
- 1.6. The site has a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 1 to 6 where 6 is excellent. The bus routes serving the site being the 21, 53, 172, 453 and N21 routes, providing links to Lewisham and Central London.

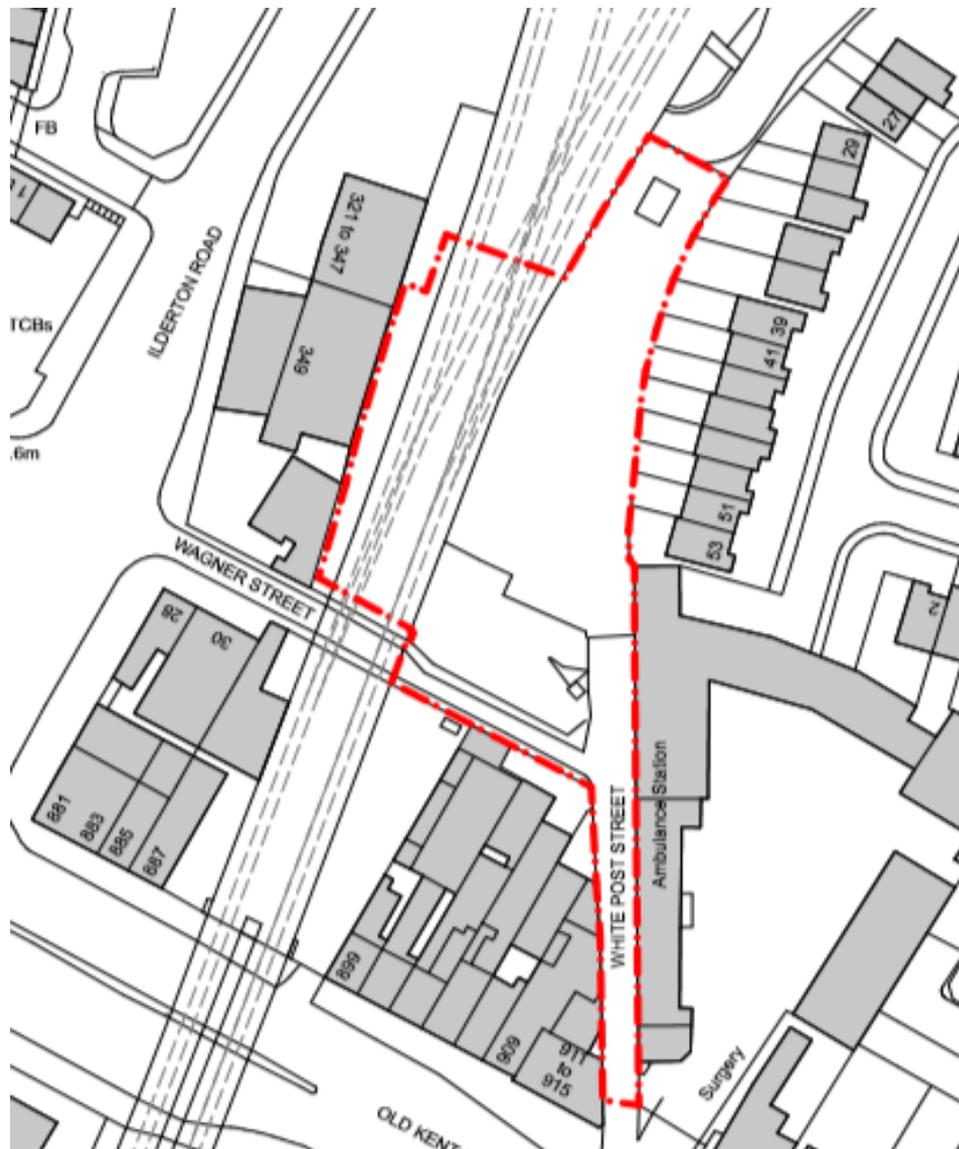


Figure 1: Existing site layout.

## 2. Planning History

- 2.1. The site has no relevant planning history. There is an existing live application at 313-349 Ilderton Road (LB Southwark) which at the time of writing this report remains under consideration:
- 2.2. 17/AP/4819 – Mixed use redevelopment comprising, demolition of existing buildings and construction of two buildings: one of part 11 and 13 storeys and one of part 13 and 15 storeys to provide 1,888sqm (GIA) of commercial floorspace (use class B1) at part basement, ground and first floors, 130 residential dwellings above (51 x 1 bed, 52 x 2 bed and 27 x 3 bed), with associated access and highway works, amenity areas, cycle, disabled and commercial car parking and refuse/recycling stores.

This site lies directly to the east of the application site.

### *Regeneration Context*

- 2.3. Bakerloo Line Extension – The Mayor of London has committed to the delivery of the Bakerloo Line Extension (BLE) into the borough of Lewisham. The existing line would be extended from its current terminus at Elephant and Castle to Lewisham Station by 2029. Within Southwark (which this application site is located on the boundary) would be two stations along Old Kent Road. Within Lewisham there would be two interchanges, the first at New Cross Gate and the second at Lewisham Station.
- 2.4. The site is located off Old Kent Road which is identified by the London Borough of Southwark as an opportunity area for significant growth.
- 2.5. The site is located to the south of New Bermondsey, which is intended to provide a new overground station. This scheme has outline planning permission for up to 2,400 homes with significant sport, leisure and business space.
- 2.6. The position of the site would not conflict with any tunnelling proposals for the Bakerloo Line Extension and is not considered to prejudice the delivery of this infrastructure project.

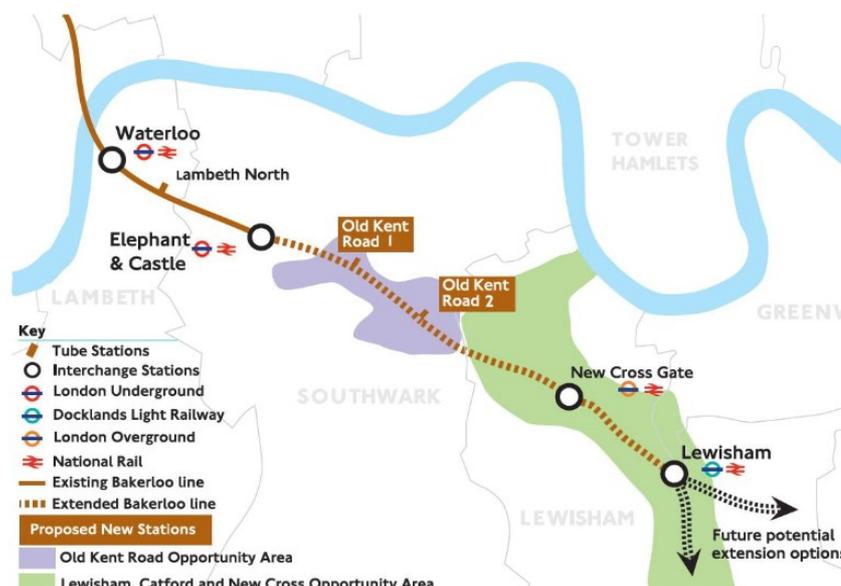


Figure 2. Bakerloo Line Extension proposed route.

### **3. Current Planning Application**

- 3.1. This application seeks permission for the redevelopment of the site to provide a mixture of commercial and residential accommodation along with the refurbishment of the 6 railway arches to provide additional workspace.
- 3.2. White Post Street and Wagner Street would be formalised and extended into the site to create two north-south links at the site boundaries, with a central area of public realm to create two identifiable building plots.
- 3.3. The first building, located to the south of the site, with a frontage onto Wagner Street would comprise a street facing 192 sqm commercial unit (Use class B1/B2) with associated services to the rear; a residential entrance is located to the eastern elevation where White Post Street would be extended. This rises to a maximum of 7 storeys and comprises 21 residential units (16 x 2 bedroom and 5 x 1 bedroom).
- 3.4. To the rear of this building is an accessible parking space and an area of soft landscaping. This marks the approximate centre of the site.
- 3.5. The second building is located to the north and would provide two ground floor commercial units – a total of 107 sqm (Use Class B1/B2) with a 4 residential units (2 x 1 bedroom and 2 x 2 bedroom). The residential entrance located centrally in this building accessed via White Post Street.
- 3.6. To the rear of the site, behind the second building is a vehicle turning area and 2 further accessible parking spaces, cycle storage and a substation.
- 3.7. The refurbished railway arches would be accessed via an extension of Wagner Street and provide 676 sqm of commercial B1 and B2 use class floorspace. These would each have storage areas, kitchen and w/c spaces. The frontages would be fitted with full height glazed shopfronts with a solid panel of timber.
- 3.8. A total of 975 sqm of commercial floorspace (Use Class B1/B2) is proposed across both buildings and the railway arches.
- 3.9. The application proposes that the 25 residential units would be private accommodation as the scheme cannot financially support on site affordable housing. The application is accompanied by a Financial Viability Assessment.
- 3.10. The proposed scheme comprises 90% of flats compliant with building regulations Part M4(2) (accessible and adaptable) which is the equivalent to the Lifetime Homes Standard, and 10 % of flats compliant with building regulations Part M4(3) (Wheelchair user dwellings).
- 3.11. The scheme is proposed as car-free, with the exception of the three accessible parking bays.



Figure 3: proposed site plan

#### 4. **Consultation**

##### *Planning application consultation*

- 4.1. The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.2. Two site notices were displayed, an advert was placed in the local press and letters were sent to 158 residents and businesses in the surrounding area, as well as the relevant ward Councillors.

##### Written Responses received from Local Residents and Organisations

- 4.3. 5 representations have been received, these are summarised below:
  - 25 units is an overdevelopment of the site
  - Addition of traffic and noise
  - Overlooking and invasion of privacy
  - Loss of sunlight into gardens

- Construction impact
- Site security issues
- Loss of existing business and displacement of tenants
- Devaluation in house prices

Written Responses received from External Statutory Agencies

*Environment Agency*

- 4.4. No objection subject to conditions being imposed upon any planning permission which would deal with land contamination.

*Metropolitan Police (Designing out crime)*

- 4.5. Recommendation of “secured by design” condition

*Transport for London*

- 4.6. The footway and carriageway on the New Cross Road must not be blocked during the demolition or construction. Temporary obstructions during the demolition or construction must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on New Cross Road. All vehicles associated with the demolition or construction must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 4.7. No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences may be required with TfL, please see, <https://www.tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>
- 4.8. TfL understand the proposal will be car-free, with the exception of the two blue badge parking spaces. TfL support their inclusion in the proposal. Further details regarding their management, allocation and the future provision of spaces should be submitted in a car park design and management plan. This and the spaces should be secured by condition.
- 4.9. TfL would expect the residential part of the development to provide 47 long stay cycle spaces. In accordance with the London Cycle Design Standards, 5% of stands ought to be able to accommodate larger cycles, including adapted cycles used by people with mobility impairments.
- 4.10. It is understood that the 676sqm of floor-space under the railway arches will be for B1 office use. Therefore, TfL would expect 9 long stay and 1 short stay cycle parking spaces be provided for the employees of these spaces. The applicant should also clarify as to whether showers, lockers and changing facilities are to be provided.
- 4.11. For the remaining 299sqm of A1/A2/D1 commercial space, there should be a provision of 2 long-stay spaces for the employees and a further 15 short stay spaces for its visitors. These and all other cycle parking spaces should be secured by condition.

4.12. There appears to be limited room for delivery and refuse vehicles to operate within the site, this should be clarified through a Delivery and Servicing Plan which should be secured by condition. A construction logistics plan should also be prepared and secured by condition.

4.13. London Overground have been contacted for comments regarding the impact on the operation of the line. These comments will follow shortly.

*NOTE: the proposals will provide different cycle parking levels to the above, due to the change in proposed non-residential use classes.*

4.14. Copies of all representations are available to Members to view.

## **5. Policy Context**

### Introduction

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

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

A local finance consideration means:

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

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

### National Planning Policy Framework

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

according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

- 5.4. Officers have reviewed the Core Strategy for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, and 215 of the NPPF.
- 5.5. 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

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

#### London Plan (March 2016)

- 5.7. 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:-

- Policy 2.9 Inner London
- Policy 2.13 Opportunity areas and intensification areas
- Policy 2.14 Areas for regeneration
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 Affordable housing thresholds
- Policy 4.1 Developing London's economy
- Policy 4.4 Managing industrial land and premises
- Policy 4.6 London's economy
- Policy 5.3 Sustainable design and construction
- Policy 5.10 Urban greening

- Policy 5.11 Green roofs and development site environs
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.4 Enhancing London's transport connectivity
- Policy 6.7 Better streets and surface transport
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Lifetime neighbourhoods
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
- Policy 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

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

5.8. The London Plan SPGs relevant to this application are:

- Accessible London: Achieving an Inclusive Environment (2004)
- Affordable Housing and Viability (2017)
- Housing (2016)
- Sustainable Design and Construction (2006)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Control of dust and emissions from construction and demolition (2014)

#### Core Strategy

5.9. The Core Strategy was adopted by the Council at its meeting on 29 June 2011. 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
- Core Strategy Policy 1 Housing provision, mix and affordability
- Core Strategy Policy 4 Mixed Use Employment Locations
- Core Strategy Policy 5 Other employment locations
- Core Strategy Policy 6 Retail hierarchy and location of retail development
- Core Strategy Policy 7 Climate change and adapting to the effects
- Core Strategy Policy 8 Sustainable design and construction and energy efficiency
- Core Strategy Policy 9 Improving local air quality

- Core Strategy Policy 10 Managing and reducing the risk of flooding
- Core Strategy Policy 13 Addressing Lewisham's waste management requirements
- Core Strategy Policy 14 Sustainable movement and transport
- Core Strategy Policy 15 High quality design for Lewisham
- Core Strategy Policy 21 Planning obligations

#### Development Management Local Plan

5.10. The Development Management Local Plan was adopted by the Council at its meeting on 26 November 2014. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Development Management Local Plan as they relate to this application:

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

- DM Policy 1 Presumption in favour of sustainable development
- DM Policy 2 Prevention of loss of existing housing
- DM Policy 7 Affordable rented housing
- DM Policy 9 Mixed use employment locations
- DM Policy 11 Other employment locations
- DM Policy 17 Restaurants and cafés (A3 uses) and drinking establishments (A4 uses)
- DM Policy 19 Shopfronts, signs and hoardings
- DM Policy 22 Sustainable design and construction
- DM Policy 23 Air quality
- DM Policy 24 Biodiversity, living roofs and artificial playing pitches
- DM Policy 25 Landscaping and trees
- DM Policy 26 Noise and vibration
- 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 35 Public realm

#### Residential Standards Supplementary Planning Document (August 2006, Updated 2012)

5.12. 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.

#### Planning Obligations Supplementary Planning Document (February 2015)

5.13. 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.

## **6. Planning Considerations**

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

- a) Principle of Development
- b) Design
- c) Housing
- d) Highways and Traffic Issues
- e) Impact on Adjoining Properties
- f) Sustainability and Energy
- g) Ecology and Landscaping
- h) Other considerations
- i) Planning Obligations

### Principle of Development

- 6.2. The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.
- 6.3. The site is currently in use as a car scrap yard and mechanics (sui generis use class). It is not located within a town centre or a designated shopping frontage, nor within any of the defined Strategic Industrial Locations, Local Employment Locations or Mixed Use Locations as defined by Core Strategy. The site is therefore classed as an “other employment location”.
- 6.4. The National Planning Policy Framework (NPPF), within paragraph 17, states that Planning ‘should encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value’. Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.
- 6.5. Core Strategy Policy 5 seeks to protect non-designated employment sites which are located outside of Town and Local Centres. The Policy states that other uses, including retail, community and residential will be supported if it can be demonstrated that site specific conditions including site accessibility, restrictions from adjacent land uses, building age, business viability, and viability of redevelopment show that the site should no longer be retained in employment use.
- 6.6. DM Policy 11 seeks to retain employment uses, where possible, on smaller sites in office, industrial and warehouse/storage use, and builders and scaffolding yards, in and around town centres, district and local hubs and also embedded in residential areas on backland sites, and sometimes on otherwise residential streets. These sites lie outside the formally designated employment sites.

### *Removal of existing structures and hard standing*

- 6.7. The existing site is covered in hard standing, metal fences, and the open storage of vehicles and metals. The site has a very industrial appearance and although is not openly visible from the public realm is considered to have a negative appearance. There is considerable scope for public realm improvements to White Post Street

and Wagner Street and the improvement to the existing railway viaduct. Subject to a high quality redevelopment being proposed on the application site, there is no objection in principle to redevelopment.

#### *Existing Employment Use*

- 6.8. With reference to DM Policy 11, the application site is considered to have elements of both being located within a “Town Centre, Local Hub and other clusters of commercial and/or retail uses” and “Sites in Residential Areas”.
- 6.9. The Home and Communities Agency’s Employment Density Guide (3rd edition 2015) (HCA now being Homes England from January 2018) indicates that the existing use on site (Sui Generis) which the applicant states supports up to 20 jobs (although they have not presented real life jobs figures which are considered to be lower than the HCA guidance given the condition of the site). The proposed development would re-provide commercial floorspace with the potential for 23 jobs within the new commercial units across both buildings; this is based upon the same HCA guidance, but excludes the refurbished arches which would add a further 56 potential new jobs. This would collectively result in a significant uplift.
- 6.10. Residential use is a priority in London and the borough and it is considered that an additional 25 units would make a valuable contribution towards meeting housing need, which is set by the current London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target (based on the current targets).
- 6.11. Given the above, and by virtue of its good public transport accessibility, and location within an area with a high proportion of residential use, it is considered that the site could be more appropriately used for a mixed-use development with commercial uses at ground floor and residential above. The application site is located within a sustainable urban location and would optimise the use of previously developed land. The scheme would also represent an uplift in employment floorspace and provision of replacement business and industrial floorspace.
- 6.12. Further to the above, the applicant would also make a financial contribution to support both capital and revenue costs of a range of services provided by the Local Labour and Business Scheme for residents and small and medium-sized businesses in the borough. The Planning Obligations SPD (2015) that the Council requires a contribution of £530 for each new job / dwelling. This contribution would total would be calculated as follows; North Block 107sqm/12 x £530 + South Block 172 sqm/12 x £530 = £12,322.40
- 6.13. Taking the above into account, and given the site’s location outside the town centre and designated shopping frontages within a location with a large proportion of surrounding residential uses, on balance it is considered that the principle of a mixed-use scheme on the site is acceptable given the re-provision of appropriate commercial space at ground floor level. This is subject to achieving a high quality scheme in response to the other policies of the Development Plan.

#### *Density*

- 6.14. Core Strategy Policy 15 seeks to ensure a high quality of development in Lewisham, including residential schemes and that densities should be those set out in the London Plan. Policy 3.4 of the London Plan 2016 seeks to ensure that development proposals achieve the maximum intensity of use compatible with local context. Table 3.2 (Sustainable residential quality) identifies appropriate residential density

ranges related to a sites setting (assessed in terms of its location, existing building form and massing) and public transport accessibility level (PTAL).

- 6.15. The site is located just north of Old Kent Road and New Cross Road and has a PTAL of 4, indicating good accessibility to public transport connections. The scheme proposes 25 dwellings on a 0.28 hectare site which equates to a density of 400 habitable rooms per hectare.
- 6.16. The relevant London Plan density range for this application (urban location) is 200-700 habitable rooms per hectare. Although it is noted that an objection has been received on the grounds of over development, the proposed density is well within the London Plan ranges, which are themselves to be phased out within the new London Plan recently under consultation. Notwithstanding the density of the proposals, the scheme should provide a high quality and well-designed standard of residential accommodation and good urban design. The quality of the residential accommodation is discussed further below.

#### *Commercial Use*

- 6.17. The proposed 975 sqm of commercial floorspace is considered to represent a suitable uplift in employment opportunities than those which currently exist within the car scrap yard. The refurbished railway arches would also be higher quality, benefit from shopfronts and service connections, making them more appealing to the commercial market.
- 6.18. With regard to use classes, the application was originally proposed to provide a range of commercial uses including A1 retail, A2 professional services, B1 business and D1 non-residential institutions within the base of both proposed buildings and the six railway arches. During the negotiation of the application the use classes have been revised to offer only B1 business / light industrial and B2 general industrial uses.
- 6.19. This is due to the sites location away from the main highway at Old Kent Road and therefore limited footfall which officers have concern would make A1 and A2 uses unviable leading to empty units. Securing employment uses within B1 and B2 floorspace in accordance with Core Strategy Policy 5 and DM Policy 11 is supported in providing maximum employment provision.
- 6.20. Each commercial unit provides dedicated internal storage, kitchen and w/c provision. This is strongly supported in providing flexible and viable commercial space.
- 6.21. As outlined above, a mixed use redevelopment of the site with commercial re-provision at ground floor level can be supported in accordance with DM Policy 11. As such, the proposed flexible use commercial floorspace is considered acceptable in principle.
- 6.22. In accordance with London Plan Policy 4.9 and DM Policy 19, it is recommended that a planning obligation requires the applicant to fit-out the units to shell and core and internal fittings and install the glazed shop fronts and entrances prior to the occupation of any residential unit in that building in the interests of ensuring that the unit is attractive to potential end users.
- 6.23. In the interests of ensuring that the commercial space is successful and viable. It is not recommended to restrict the potential office hours for any B1 use on the site, as is typical across other schemes in the borough. It is neither sought to restrict potential

future B8 (storage) uses, however, given the close proximity of residential it is recommended that any B2 operations (general industrial) are restricted between 07:00 and 23:00 across all days of the week. This is considered to provide a balance between encouraging additional commercial activities within this site, whilst safeguarding residential amenity.

### *Summary*

6.24. Overall, the principle of development is considered acceptable subject to a high quality design, standard of accommodation, highways and other relevant planning considerations which are discussed below.

### Design

6.25. Paragraph 63 of the National Planning Policy Framework states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 64 states that 'permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions'.

6.26. Urban design is a key consideration in the planning process. Part 7 of 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.

6.27. London Plan Policies 7.1-7.7 (inclusive) and Core Strategy Policy 15 reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.

### *Layout and scale*

6.28. The existing site is characterised by unmade roads, illegible boundaries and offers considerable scope for improvement in terms of layout, design and contribution to a wider sense of place – that being the New Cross and Old Kent Road opportunities areas. The application proposes comprehensive redevelopment and would manifest as two distinct blocks, set in a significant area of public realm.

6.29. The main block at the front of the site provides a large commercial unit facing onto Wagner Street with residential units above arranged with angular corner balconies. The position of the block reinforces the proposed enhanced route under the railway viaduct on Wagner Street and is considered an appropriate response to the constrained nature of the site in terms of size, shape and location.

6.30. With regard to building height, this block stands at a maximum of 7 storeys, stepping down to 5 storeys at the rear. This would be taller than the immediately adjoining terraces, but is considered to be of an acceptable scale, which would make the most efficient use of the site. It is also noted that there is not a consistent form of building height in the locality. It is considered that any building of reduced scale would not make efficient use of this brownfield site and would in turn reduce housing capacity, and that the height of 7 storeys would be an acceptable response in the emerging context.

- 6.31. The second block to the rear is secondary in nature and is accessed via the extension of Wagner and White Post Street and stands at 3 storeys. This is in order to reflect the surrounding residential properties to the east along Farrow Lane/ Pump Lane. This block is subservient in form and raises no objection from a scale and massing perspective.
- 6.32. Overall, officers consider that the scale, massing and layout of the proposed building are successful in responding to the existing built context.

#### *Detailed design*

- 6.33. The two blocks share a common architectural language and pallet of materials but have subtleties in the detailed design to provide bespoke appearances.
- 6.34. The front (southern) block has been articulated to form three distinct elements, a base, middle and top. The ground floor would appear as a distinctive base with extensive full height glazed frontages with contrasting charcoal brick to reflect the adjacent viaduct. This provides a robust base, which reflects the commercial nature of the ground floor. The upper residential floors above (2<sup>nd</sup>-6<sup>th</sup> storey) are arranged within a dark buff brick gridded frame broken up by horizontal light buff brick bands marking each floor level, providing architectural interest and variety are a mixture of copper rainscreen and timber cladding with irregular single and double full height windows. Corner inset balconies and wrap around glazing successfully reduce the visual mass of this block. To the rear of the 7 storey element is a small element of dark grey zinc rainscreen cladding. The position of the cladding, and windows provides an animation to the façade which is considered to be a positive design enhancement. The top floor of the main block is inset and presented as a largely glazed curtain wall façade with dark grey aluminium fascia with wrap around balcony, enclosed by seamless glazing.
- 6.35. The second (northern) block to the rear is subservient in nature being three storeys in height and more linear in form, responding to the tapering site, which narrows to the north. The architecture follows the same full height glazed frontages to the commercial units with contrasting charcoal brick for the ground floor plinth. There is the same use of light and dark buff brickwork, as the primary elevation material but a greater use of zinc rainscreen cladding and prominent corner wrap around balconies.
- 6.36. The height of the shopfronts on both blocks and use of extensive glazing and solid brick is considered to be appropriate. The fenestration pattern, and use and placement of balconies to the upper floors is also appropriate and would provide a high standard of design and whilst it would not replicate existing surrounding buildings, the area is not of a cohesive character and the insertion of contemporary architecture is supported.
- 6.37. The railway arches would have new full height glazed shopfronts with a partial element of timber infill. The shopfront appearance is uncluttered and contemporary. The proposals are considered to make a positive contribution to the setting of the viaduct and would complete the comprehensive redevelopment of this site.
- 6.38. Overall, this elevation strategy is considered successful and provides a high quality appearance which is considered to represent a significant improvement to the existing environmental and design quality of the site, characterised by scrap metal and unmade road and would enhance the character and appearance of the area

when viewed from the train line above the viaduct and from surrounding glimpses on Ilderton Road to the west and Old Kent Road to the south.

### *Summary*

6.39. Officers consider that the proposed development has maximised the potential of the site and that the scale of building achievable in this location and, subject to the quality of the detailing and design being adequately secured through conditions, it is considered that the development would be a high quality addition to the area.

### Housing

#### *a) Size and Tenure of Residential Accommodation*

6.40. The NPPF recognises the need to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The NPPF specifies that local planning authorities should plan for a mix of housing based on current and future demographic trends, identify the size, type, tenure and range of housing that is required in particular locations. This should reflect local demand, and where a need for affordable housing is identified, local planning authorities should set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

6.41. The Core Strategy commits the Council to negotiating for an element of affordable housing to be provided in any major residential development with the starting point for negotiations being a contribution of 50% affordable housing on qualifying sites across the Borough, subject to financial viability.

6.42. In terms of dwelling sizes, Core Strategy Policy 1 also states that the provision of family housing (3+ bedrooms) will be expected as part of any new development with 10 or more dwellings, having regard to criteria specified in the Policy relating to the physical character of the site, access to private gardens or communal areas, impact on car parking, the surrounding housing mix and the location of schools and other services.

6.43. The development does not provide any 3 bedroom + family dwellings, this is due to the size and access constraints of the site. The location adjacent to the railway viaduct over a significant provision of commercial floorspace including industrial space in the railway arches, makes this a less attractive place for family accommodation. The scheme is car free (except wheelchair parking) and is therefore less suited to family accommodation. The provision of 1 and 2 bedroom units is therefore considered to be appropriate in the site context.

#### *b) Scheme Viability*

6.44. The proposed development would provide 25 residential units. No affordable housing has been proposed on-site. The applicant has stated that the scheme would not be financially able to support such accommodation, in addition to the physical site constraints and the scale of the overall development, where it would prove difficult to find a Registered Provider for a single or small number of units due to higher service charge and maintenance costs (reduced economy of scale). The applicant has submitted a financial viability assessment (FVA) in support of the application.

- 6.45. The Council independently commissioned GL Hearn to review the Applicant's FVA, and the overall ability of the scheme and its ability, in financial terms, to meet policy relating to affordable housing provision. The review is robust and includes predicted sales values, construction costs and other assumptions (finance and borrowing costs, marketing and legal fees). GL Hearn's review challenged a number of assumptions (including build costs – too high, benchmark land value – too high and housing values – too low with inappropriate comparable sales values – although commercial values were agreed). GL Hearn concluded that the scheme would not be able to support on site affordable housing, but that the proposal would generate a surplus of £240,239 over and beyond an identified profit level. GL Hearn's report is attached at Appendix A. The applicant has agreed to the findings of the GL Hearn report and the financial surplus identified. This would be secured as a payment in lieu within a Section 106 agreement.
- 6.46. The applicant, having agreed with the findings of the GL Hearn report has offered the surplus as an off-site contribution in lieu, which would contribute to the Councils ongoing house-building 'New Homes Better Place' programme to provide affordable accommodation across the borough.
- 6.47. The London Plan Affordable Housing and Viability SPG states that all schemes which propose off-site affordable housing or cash in lieu payments are required to provide a detailed viability assessment as part of the justification that off-site or cash in lieu is acceptable, in-line with the London Plan and relevant local policies. Viability alone is insufficient justification for off-site affordable housing provision or a cash in lieu payment. Officers are satisfied with the consultants review of the applicants FVA and consider that a payment in lieu in this instance is acceptable.
- 6.48. Following further discussions between Planning Officers and the applicant, it was agreed that further works were required in order to make the development acceptable. This principally relates to highways improvements to reconstruct White Post Street and Wagner Street which are in a very poor state of repair. The financial contribution for reinstating the highway has been calculated at £78,500 using a standard highways construction calculation (provided by Lewisham Highways Authority). These works will be delivered by the applicant as part of their planning proposal with the details to be secured by planning condition. The applicant, further to this, is also required to make a financial payment towards carbon offset for the long term sustainability of the scheme. This amounts to £54,600.
- 6.49. The need to secure physical improvements to the highway works and off-set carbon savings has meant that the scheme has absorbed additional cost which should be factored into the overall viability of the proposals. In turn this would reduce the previous affordable housing payment from £240,239 to £107,139. This is considered a necessary consequence of the need to upgrade the highway as a means of providing a high standard and safe approach to the development. This is discussed in further detail under the 'highways' considerations of this report. The carbon savings payment is discussed under the 'sustainability' considerations of this report.
- 6.50. Given the affordable housing offer level, and taking account of guidance in the Mayor of London's Affordable Housing and Viability SPG, officers recommend that s106 obligations securing the proposed contribution towards affordable housing is subject to further review. The precise terms of the review will be negotiated with the Applicant but would reflect those set out in the London Plan Affordable Housing and Viability SPG. However, these should secure an early stage review and a late stage

review (when 75% of homes are sold or let– should they be rented, and where developer returns meet or exceed an agreed level).

6.51. Further to the above, it is also important to consider the scheme provides other borough contributions through CIL (£154,461 local and £88,731 Mayoral) and S106 obligations (total of £179,881.40) secured. Such mitigation has an impact on the viability of the scheme.

*c) Wheelchair units*

6.52. Core Strategy Policy 1 and London Plan Policy 3.8 state that all new housing should be built to Lifetime Homes standards and that 10% of the new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. As such, the application is required to provide 2-3 wheelchair units.

6.53. The proposed provision is 2 units which have been designed to be compliant with Part M4(3). The location and size of the wheelchair units are identified in the Schedule of Accommodation. The level of wheelchair unit provision is considered to accord with the requirements of Core Strategy 1. Two wheelchair accessible lifts are provided in this scheme in excess of London Plan and Building regulation requirements. Car parking spaces for the wheelchair units are provided on site – the scheme is otherwise car free.

6.54. A condition is recommended to secure the provision of the wheelchair units to Building Regulations Part M4(3)(2) and the remaining 90% of units to Building Regulations Part M4(2), equivalent to Lifetime Homes.

*d) Standard of Residential Accommodation*

6.55. Policy 3.5 'Quality and design of housing developments' of the London Plan requires housing developments to be of the highest quality internally, externally and in relation to their context. This policy sets out the minimum floor space standards for new houses relative to the number of occupants and taking into account commonly required furniture and spaces needed for differing activities and circulation, in line with Lifetime Home Standards.

6.56. Core Strategy Policy 1, Development Local Plan Policy 32, London Plan Policy 3.5 and the London Plan Housing SPG seek to ensure that all new residential development meets minimum size standards.

6.57. Nationally prescribed space standards were established in March 2015 to replace the existing different space standards used by local authorities. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.

6.58. The national housing standards largely reflect the space standards of the London Plan. However, there are differences in the spacing of individual rooms as well as floor to ceiling heights. In the instance of conflict, the national housing standards take precedent. For reference, the London Plan recommends a floor to ceiling height of 2.5m and the national housing standards prescribe a floor to ceiling height of 2.3m.

6.59. All units would meet these standards with regard to minimum floor space and floor to ceiling heights (London Plan standard of 2.5m).

**Table 4: Dwelling Sizes**

Unit Size	National Technical Standard	Proposed minimum area
1 bed, 2 person	50 sqm	50 sqm – 54 sqm
2 bed, 4 person	61 sqm	61 sqm – 87 sqm

6.60. All of the proposed bedrooms would meet or exceed the minimum standards with regard to size and width. All units would provide storage in excess of the minimum standards. Some of the units are oversized compared to the London Plan minimum, this is considered to result in a high standard of accommodation for future occupants, officers note however, that that it would not be possible to reconfigure the site to provide additional accommodation.

6.61. All units in the southern block are dual aspect and all units in the northern block are triple aspect. This is to be supported given the very constrained nature of the site and officers consider the individual layouts of the units to be very high quality. The southern block having an efficient circulation space of 4 units a core, and the northern block of 2 units a core. This is compared to the typical 6-8 units a core of larger developments.

6.62. Standard 4.10.1 of the Housing SPG sets out the baseline requirements for private open space. The standard requires a minimum of 5sqm to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The minimum depth for all external space is 1500mm. All units within this development would have private amenity space in the form of balconies and gardens (units at ground floor) which meet and exceed the aforementioned standard.

6.63. Although the proposal provides suitable sized balconies, in accordance with the Mayor's play space and informal recreation SPG (which sets out a child yield calculator) the development provides a deficient level of on-site play space. This is accepted given the light industrial and industrial uses proposed within the commercial units and railway arches and therefore a financial contribution of £5,820 is required to be secured by s106 agreement. This fund would be used to improve local parks in Lewisham borough.

6.64. With regard to the developments position adjacent to the railway viaduct, the applicant has submitted a Noise and Vibration assessment. This provides a baseline noise assessment and a predicted scenario for the completed scheme. The assessment states that a solid brick construction is proposed and that noise would stem largely from glazing and ventilation systems, but that a high quality specification would mean internal noise levels would be suitable for residential use. The open balconies facing the railway line may be subject to higher noise levels, however, this is a common situation in urban developments and future occupiers of the units on the open market would be fully aware of the schemes position next to the railway viaduct and would therefore expect associated noise levels.

6.65. Given the above, the proposed development is considered to be acceptable with regard to standard of accommodation. A condition setting out the detailed noise mitigation measures shall be secured by condition.

#### Highways and Traffic Issues

*a) Access and public realm*

- 6.64. The site is situated off the Old Kent Road and is within walking distance of New Cross Gate and South Bermondsey stations and is well connected to such by a host of bus routes, which run between Lewisham/ Deptford and Central London.
- 6.65. It has a Public Transport Accessibility Level (PTAL) of 4, where '1' is rated as Poor and '6' is rated as Excellent. The Council's Core Strategy Policy 15 'High quality design for London' encourages relatively dense development to be located in areas such as Lewisham where the PTAL is Good or Excellent. The site has a PTAL of 4 (good) and is considered to be appropriately accessible.
- 6.66. As detailed above, access into the site is via Old Kent Road, White Post Street and Wagner Street. The latter roads are currently in a very poor state of repair, with unmade and broken tarmac surfaces, no pavement and where there are kerb lines on Wagner Street, these are damaged and broken. This results in a very poor environmental condition, which is not suitable for the entrance into the proposed development, which officers consider to be of high quality.
- 6.67. The scheme is therefore required to contribute to the public realm, including the *entire* reconstruction of the carriage way in White Post Street and Wagner Street and the creation of pedestrian friendly footways (there are none at present). These cover a considerable area, and when reconstructed would become adopted highway. These would be subject to s278 and s38 highways agreements.

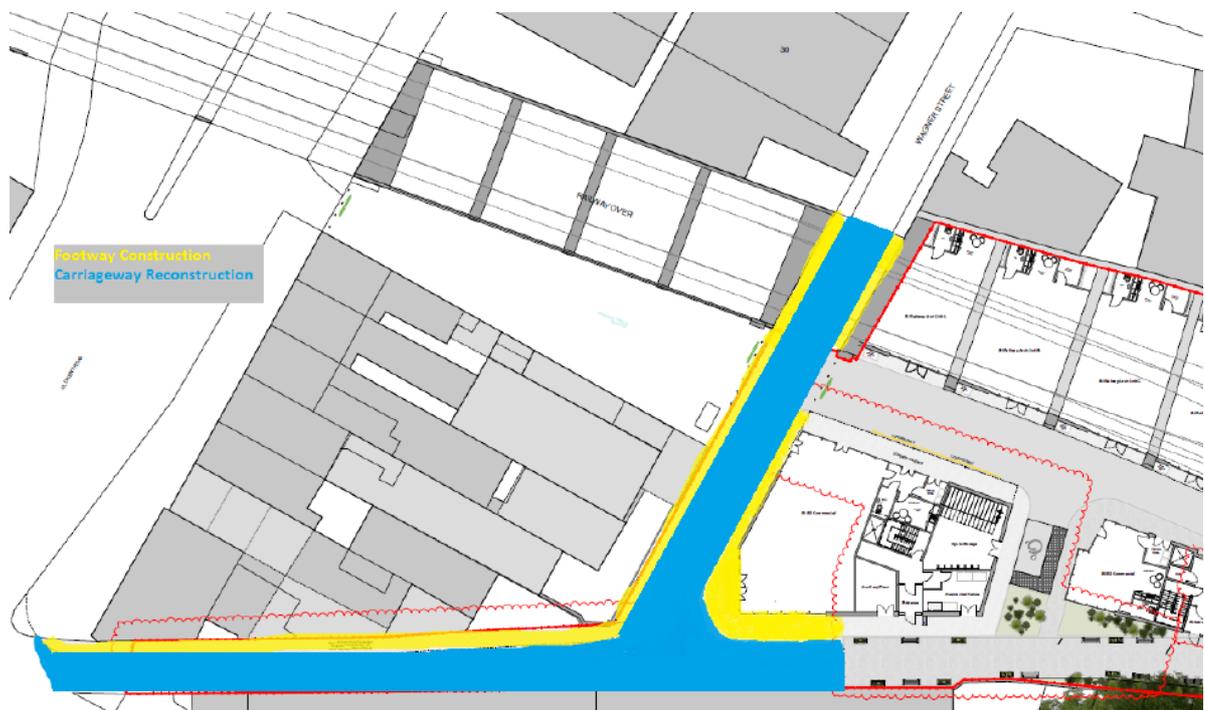


Figure 3: extend of highway works

*b) Delivery and Servicing*

*Residential and Commercial refuse/ recycling*

- 6.68. The refuse stores are located internally at ground floor level, separate to the commercial refuse store. It is anticipated that refuse would be collected from White Post Street – this is considered an acceptable arrangement with the reinstatement

of the highway as identified above. The details of this arrangement would be secured through a Delivery and Servicing Plan by condition.

*c) Cycle Parking*

*Residential*

6.69. Both the residential long-stay and short-stay cycle parking would be located in secure cycle store to the rear southern block.

6.70. Policy 6.9 of the London Plan requires that all developments should provide dedicated storage space for cycles at the following level: 1 per studio and one bed 2 per all other dwellings. In addition, one short stay cycle parking space should be provided per 40 units.

6.71. As such, the proposed development should provide a total of 43 long stay spaces and 1 short stay space.

*Commercial*

6.72. The standards for long stay and short stay cycle provision would be 11 x long stay and 5 x short stay spaces, set out below:

Use class	Long stay	Short Stay
B1 (office)	7	3
Flexible light industrial use	4	2

6.73. The long stay spaces would be provided external stores to the rear of the northern block and the very rear of the site by the substation. No further detail has been provided and details are to be secured by condition to ensure they are secure and covered.

*d) Car Parking*

6.74. The proposed development is to be car free. A car-free approach is supported in this location, which benefits from a good PTAL rating of 4 given the high level of cycle parking provision.

6.75. The council would also require that the applicant provide car club membership for three years for future occupants of the development (through a section 106 agreement) and that a Travel Plan is submitted and to and approved by the Council by way of a condition.

6.76. With regard to disabled parking provision, the 2 accessible parking bays are located within the public realm, and would be accessed via the main entry route via White Post Street.

Impact on Adjoining Properties

- 6.77. Development Management Policy 32 requires the siting and layout of all new-build housing to respond positively to the site specific constraints and opportunities, as well as being attractive, neighbourly, provide a satisfactory level of outlook and natural lighting for both future and existing residents and meet the functional needs of future residents. All new-build housing will be required to be sited to minimise disturbance from incompatible uses and be well located in relation to public transport with a high quality pedestrian environment.
- 6.78. An assessment of daylight and sunlight has been carried out for the development in accordance with the Building Research Establishment's good practice guide "Site Layout planning for daylight and sunlight". This report assesses the daylight, sunlight and overshadowing impacts that the proposed development may have on the existing properties surrounding the site as well as within the proposed development itself.
- 6.79. It is important to note that the BRE guidance includes a degree of flexibility within its application and for instance, developments in urban areas are treated differently to suburban areas because expectations of daylight and sunlight into properties differ in such locations. Consequently, it is often necessary to aim for different 'target values' of daylight and sunlight into rooms according to the location of the development.

#### Daylight to windows

- 6.80. The assessment of daylight is based on the calculation of the vertical sky component (VSC) to an affected window in both the existing and proposed condition. The VSC, simply put, is the amount of light received at the centre of a window. There is a further assessment that assesses the distribution of daylight within a room. This is called the average daylight factor (ADF). Whereas VSC assessments are influenced by the size of obstruction, the ADF is more influenced by the room area, the area of room surfaces, the reflectance of room surfaces and the transmittance of the glazing with the size of the obstruction being a smaller influence. A further measure of daylight distribution within a room is no sky line (NSL). This divides those areas that can see direct daylight from those which cannot and helps to indicate how good the distribution of daylight is in a room.

#### *39-53 Farrow Lane*

- 6.81. These properties are located to the east of the application site and provide residential accommodation over two floors.
- 6.82. The applicant has undertaken analysis of the 31 windows and states that even with the underdeveloped nature of the site, only 18 of the windows as existing achieve a VSC of greater than 27%. With the implementation of the development, 16 windows (52%) will achieve a VSC of at least 27%. The report considers this to be expected given the urban location of the development.
- 6.83. The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the rooms assessed lie in front of the NSL and would still enjoy good daylight distribution.
- 6.84. Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at Farrow Lane.

#### *899-915 (odd) Old Kent Road*

- 6.85. These properties are located to the south of the site and provide residential accommodation on two upper levels with commercial space at ground floor.
- 6.86. The results of the VSC analysis demonstrates that in all instances the 4 windows facing onto the existing site (northerly orientation) achieve at least 27%. The daylight distribution has also been analysed and sets out that the rooms benefit from a significant portion of their area in front of the NSL where by BRE guidelines are achieved. These properties are also set at 30.9m distance from the application site and therefore would not be adversely impacted by the proposed scale and mass with regard to daylighting impact. These properties are also noted for being separated by the large extensions to the commercial premises at ground floor which measure between 1-2 storeys.

### Sunlight

- 6.87. The BRE Guidelines require that all windows within 90 degrees of due south should be considered. The recommended numerical values set out within the BRE Guidelines are for a window to achieve Annual Probable Sunlight Hours (APSH) of 25%, including at least 5% during the winter months. Where the difference in the APSH is more than 4% between the existing and proposed both the total APSH and those enjoyed within the winter months are more than 0.8 times the existing values. The guidelines however also state that bedrooms are less important than living rooms. Due to the proposed massing of the development, and the orientation of the neighbouring residential properties (north and east) no analysis is required, as no adverse material impact would arise.

### Overshadowing

#### *39-53 Farrow Lane*

- 6.88. The report states that due to these properties orientation, their access to direct sunlight is limited, and that in their existing situation, significantly less than 50% of the garden areas achieve 2 hours of direct sunlight on the 21<sup>st</sup> March. With the development in place, 4 of the 8 gardens will achieve at least 0.8 times the existing area achieving 2 hours of direct sunlight on 21<sup>st</sup> March. With regard to the other 4 gardens, 2 are less than 0.65sqm from achieving the 0.8 times the existing value and the other 2 require less than 10% of the garden area to achieve this.
- 6.89. Taking into account the existing levels and the urban context of the site, it is considered that the results of the overshadowing analysis are acceptable given the balanced need to retain the amenity of existing residents whilst providing new housing and redeveloping an underutilised site.

### Privacy

- 6.90. The Council's Residential Development Standards SPD (updated 2012) states that developers will be expected to demonstrate how the form and layout of their proposals will provide residents with a quality living environment, and how privacy will be provided both for the neighbours and the occupiers of the proposed development.
- 6.91. It states that a minimum separation distance of 21 metres should be maintained between directly facing habitable room windows on main rear elevations, unless mitigated through design. This separation will be maintained as a general rule but will be applied flexibly dependent on the context of the development.

- 6.92. When taking into account mews, courtyard, and other similar forms of development may entail relatively small front to front distances. In this instance, White Post and Wagner Street are relatively narrow, and the proposals result in a certain urban, mews style quality where narrower separation distances are typically expected.
- 6.93. The main block of the proposed development which would front Wagner Street raises no significant concern with regard to loss of privacy given that the proposed windows would face the same orientation with a separation gap of over 30m to the south nearest residential windows on Old Kent Road. The proposed block would have a minimum separation distance of 6m to the ground floor rear projections that currently align to the south of Wagner Street, rising to 9m at first floor. It is not considered that there would be unacceptable privacy arising from this relationship given the urban mews style nature of the development and non-residential uses to the rear of Old Kent Road.
- 6.94. With regard to the rearward northern block of the proposed development, the separation distances in relation to the closest properties on Farrow Lane is 6m from the proposed closest building to the garden boundaries of properties on Farrow Lane, and between 13.8m and 14.3m to the elevations of those buildings. These oriel windows are designed to avoid direct overlooking of those gardens, with non-obscure glazing proposed only to the southwards facing panes. This is to be secured by condition. The larger front block is set in line with the adjacent Deptford Ambulance station.
- 6.95. Given the above, the proposed development is acceptable with regard to impact on privacy of occupants of surrounding developments.

### Outlook

- 6.96. With regard to outlook, an important consideration is the impact of the development from neighbouring properties and whether the development would have an overbearing impact by reason of its proposed scale and mass.
- 6.97. The Council does not have guidance in respect of separation distances for flank to flank relationships, instead reference is made to the requirement of Policy DM 32 for new development to be neighbourly and provide adequate outlook.
- 6.98. The proposed development would represent a significant change in outlook for neighbouring properties, who currently overlook a car breakers yard. However, a change in outlook is not in itself an unacceptable impact and a balance must be given for the wider environmental impacts, which in this instance have been found to be acceptable. The development has a position and massing which is considered to minimise its bulk and officers consider that given the separation distances the impact on outlook would be acceptable.

### Sustainability and Energy

- 6.99. Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

#### a) *Carbon Emissions and BREEAM*

- 6.100. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:
1. Be lean: use less energy
  2. Be clean: supply energy efficiently
  3. Be green: use renewable energy
- 6.101. Achieving more sustainable patterns of development and environmentally sustainable buildings is a key objective of national, regional and local planning policy. London Plan and Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions. Core Strategy Policy 8 requires all new residential development to meet a minimum of Code for Sustainable Home Level 4.
- 6.102. Since 1<sup>st</sup> October 2016, the London Plan requires new major development to provide 'zero carbon' housing. The London Plan Housing SPG defines zero carbon homes as "homes forming part of major development applications where the residential element of the application achieves at least a 35 per cent reduction in regulated carbon dioxide emissions (beyond Part L 2013) on-site (in line with policy 2.5B). The remaining regulated carbon dioxide emissions, to 100 per cent, are to be off-set through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.
- 6.103. The onsite reduction in regulated CO<sub>2</sub> emissions over the Building Regulations Part L (2013) baseline will be 35.6% (site wide) in accordance with the London Plan Policy 5.2. Energy Efficiency measures and therefore compliant reduction over the Part L (2013) baseline. The applicant has stated that the scheme has been developed on the basis of maximising the passive principles of energy saving to ensure the most cost effective and robust savings for the lifetime of the development. This achieves 10.5% site wide savings at the 'be lean' stage through high levels of insulation and glazing, low air flow tightness, and high efficiency boilers, heat pumps, energy saving controls for space and lighting and provision of high performance photovoltaic panels. Officers consider the sustainability appraisal and energy strategy to be efficient for the site.
- 6.104. In accordance with the London Plan, the remaining regulated carbon dioxide emissions, to 100 per cent, would be off-set through a cash in lieu contribution of £54,600.
- 6.105. Core Strategy Policy 8 requires that non-residential development should achieve a minimum of BREEAM 'Excellent' standard or any future national equivalent. The applicants submitted Sustainability Statement, indicates that the proposed commercial units would score 72%, thereby achieving 'excellent' status. This would need to be secured by planning condition.

#### Living Roofs and Ecology

- 6.106. London Plan Policy 5.11 confirms that development proposals should include 'green' roofs. Core Strategy Policy 7 specifies a preference for Living Roofs (which includes bio-diverse roofs) which compromise deeper substrates and a more

diverse range of planting than plug-planted sedum roofs, providing greater opportunity bio-diversity.

- 6.107. In this instance, the scheme proposes a living roof to the flat roof of the main block of the proposed development. A section has been provided which shows that, in terms of substrate depth and planting methodology, the specification meets the Council's requirements. A condition would be required to enable species composition to be agreed.
- 6.108. Taking into account the existing site condition, and lack of natural habitat it is considered that the proposals, through provision of a good quality living roofs, achieves an enhancement of biodiversity habitat on site. The living roofs proposed in this instance would assist in attenuating and reducing the amount of run-off actually leaving the site. Overall, the proposal is considered to be acceptable when judged against sustainability policies and other site considerations.

### Other Considerations

#### *Employment and Training*

- 6.109. As London's economy grows the number of jobs and careers available to Lewisham's citizens will increase. Many of these jobs will require specific skills. Lewisham's citizens should feel equipped to compete for the best jobs and fulfil their aspirations.
- 6.110. The Lewisham Local Labour and Business Scheme is a local initiative that helps local businesses and residents to access the opportunities generated by regeneration and development activity in Lewisham.
- 6.111. This particular policy objective provides the basis of the Government's commitment to reducing the environmental impact of new developments.
- 6.112. The use of local labour can also limit the environmental impact of new development due to people commuting shorter distances to travel to work.
- 6.113. The approach set out in the Council's Planning Obligations SPD is to split the contributions required equally between residential and commercial development. The contribution sought reflects the current training and operation costs of running the programme to the end date of this document (2025).
- 6.114. A threshold for residential developments of 10 dwellings or more, including mixed-use schemes and live-work units, is set. Applied to the application scheme, this gives a contribution of £12,322.40.

#### Prevention of Crime and Disorder

- 6.115. 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 in its area (including anti-social and other behaviour adversely affecting the local environment).
- 6.116. Officers do not consider the layout would give rise to crime based on its open layout and natural surveillance.

## Human Rights Act

- 6.117. 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.
- 6.118. 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.

## Equalities Considerations

- 6.119. The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 6.120. In summary, the Council must, in the exercise of its function, have due regard to the need to:
- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - (b) advance equality of opportunity between people who share a protected characteristic and those who do not;
  - (c) foster good relations between people who share a protected characteristic and persons who do not share it.
- 6.121. The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 6.122. 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: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>
- 6.123. The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- 1. The essential guide to the public sector equality duty
  - 2. Meeting the equality duty in policy and decision-making

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

- 6.124. 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: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 6.125. The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

### Planning Obligations

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

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

- 6.126. 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.
- 6.127. The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.
- 6.128. The following obligations are proposed to be secured by S106 agreement:

### *Housing*

- A financial payment in lieu of £107,139 index linked, payable upon first occupation.
- Review mechanism – Early stage review (Upon substantial implementation - completion of ground works, ground slab level and ground floor building frame - if the planning permission has not been implemented within two years) and a

late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).

#### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

#### *Employment & Training*

- Local labour and business contribution of £12,322.40 index linked prior to commencement

#### *Carbon Offset Payment*

- Financial contribution of £54,600 index linked prior to first occupation

#### *Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

#### *Playspace*

- A financial contribution of £5,820 index linked, payable upon first occupation of the development.

#### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £4000 as per the Planning Obligations SPD.

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

## **7. Local Finance Considerations**

- 7.1. Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:
- (a) A grant or other financial assistance that has been, or 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).
- 7.2. The weight to be attached to a local finance consideration remains a matter for the decision maker.
- 7.3. The Mayor of London's (CIL) and Local CIL are a material consideration in the determination of this application. CIL is payable on this application and the applicant has completed the relevant form.

## **8. Conclusion**

- 8.1. This report has considered the proposals in the light of adopted development plan policies and other material considerations including information or representations relevant to the environmental effects of the proposals.
- 8.2. It is considered that the scale of the development is acceptable, that the buildings have been designed to respond to the context, constraints and potential of the site and that the development will provide a high standard of accommodation.
- 8.3. The NPPF is underpinned by a presumption in favour of sustainable development. Officers consider that with the recommended mitigation, planning conditions and obligations in place the scheme accords with local and national policies.
- 8.4. The proposals are considered to accord with the development plan. Officers have also had regard to other material considerations, including guidance set out in adopted supplementary planning documents and in other policy and guidance documents and the responses from consultees, which lead to the conclusions that have been reached in this case. Such material considerations are not considered to outweigh a determination in accordance with the development plan and the application is accordingly recommended for approval.

## **9. RECOMMENDATION (A)**

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

### *Housing*

- Financial payment of £107,139.00 index linked and payable in full upon first occupation
- Review mechanism – Early stage review (Upon substantial implementation - completion of basement works - if the planning permission has not been implemented within two years) and a late stage review (when 75% of homes are sold or occupied should they be rented and where developer returns meet or

exceed an agreed level in accordance with the London Plan Affordable Housing and Viability SPG).

#### *Transport and Public Realm*

- Car club membership – 3 years
- CPZ parking permits restriction

#### *Employment & Training*

- Local labour and business contribution of £12,322.40 prior to commencement

#### *Carbon Offset Payment*

- Financial contribution of £54,600

#### *Commercial unit fit out*

- Developer to undertake initial fit-out of the commercial unit prior to any occupation of the residential unit to include:
  - Service connections for gas, electricity, water and foul drainage;
  - Provision for telecommunication services and broadband services;
  - Wall and ceiling finishes;
  - Wheelchair accessible entrances;
  - Screed floors;
  - Glazing solution.

#### *Playspace*

- A financial contribution of £5,820, payable upon first occupation of the development.

#### *Monitoring and Costs*

- Meeting the Council's reasonable costs in preparing and monitoring the legal obligations
- The monitoring costs in this instance would equate to £4000 as per the Planning Obligations SPD.

### **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 Planning Permission subject to the following conditions:-

## Conditions

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

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

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

WPS - Design & Access Statement Planning Submission Nov 2017 REV B Part 1; WPS - Design & Access Statement Planning Submission Nov 2017 REV B Part 2; WPS - Design & Access Statement Planning Submission Nov 2017 REV B Part 3; WPS1002 - SK02 WPS Land Ownership P01; WPS1002-001 - Existing Site Plan P01; WPS1002-002 - Proposed Masterplan P14; WPS1002-006 - Site Location Plan P02; WPS1002-007 - Proposed Ground - 3rd floor Plans South Block P02; WPS1002-008 - Proposed 4th - Roof plans South Block P01; WPS1002-010 - Proposed Elevations Sheet 1 Rev F; WPS1002-011 - Proposed elevation sheet 2 Rev F; WPS1002-012 - Proposed Sections Sheet 1 P01; WPS1002-013 - Proposed Sections Sheet 2 P01; WPS1002-014 - Existing\_Proposed Railway Arches Elevations P01; WPS1002-015 CGI View from Railway Viaduct; WPS1002-016 - CGI view from Wagner Street Arches; WSP1002-018\_Rev A\_Bio-Diverse Roof Detail

**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.
  - (g) The development shall be constructed in accordance with the approved Construction Management Plan

**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 (other than demolition of above ground structures) shall commence on site until a scheme for surface water management, including specifications of the surface treatments and sustainable urban drainage solutions, has been submitted to and approved in writing by the local planning authority.
  - (b) The development shall be carried out in accordance with the approved scheme and thereafter the approved scheme is to be retained in accordance with the details approved therein.

**Reason:** To prevent the increased risk of flooding and to improve water quality in accordance with Policies 5.12 Flood risk management and 5.13 Sustainable drainage in the London Plan (July 2016) and Objective 6: Flood risk reduction and water management and Core Strategy Policy 10: Managing and reducing the risk of flooding (2011).

5. (a) No piling or any other foundation designs using penetrative methods shall take place, other than with the prior written approval of the local planning authority.
- (b) Details of 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) any such operations must be submitted to and approved in writing by the local planning authority in consultation with Thames Water prior to commencement of development (excluding above ground demolition) on site and shall be accompanied by details of the relevant penetrative methods.
- (c) Any such work shall be carried out only in accordance with the details approved under part (b).

**Reason:** To prevent pollution of controlled waters and to comply with Core Strategy (2011) Policy 11 River and waterways network and Development Management Local Plan (November 2014) DM Policy 28 Contaminated land.

6. Prior to any works above ground level, a detailed schedule and sample panel of all external materials, including surface treatments, and finishes/windows and external doors/roof coverings to be used on the buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in full 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.

7. The refuse storage and recycling facilities shown on drawing 'WSP1002-002 – Proposed Masterplan P13' hereby approved, 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).

8.
  - (a) A minimum of 44 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
  - (b) The development shall not be occupied 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).

9.
  - (a) The commercial unit hereby approved shall be fitted with a minimum of 11 long stay spaces and 5 short stay cycle parking spaces
  - (b) The commercial unit shall not be occupied 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) 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).

11. (a) The development shall be constructed with a biodiversity living roof laid out in accordance with plan no. 'WSP1002-018 typical Bio-diverse roof details' 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 (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).

- 12.
- (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).

- 13.
- (a) Notwithstanding the details approved, no part of the development hereby approved shall be occupied until such time as a user's Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' has been submitted to and approved in writing by the local planning authority. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.
  - (b) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.
  - (c) Within the timeframe specified by (a) and (b), evidence shall be submitted to demonstrate compliance with the monitoring and review mechanisms agreed under parts (a) and (b).

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

15. (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) 2 units shall meet standard M4(3)(2)

(ii) All other units shall meet standard M4(2)

(b) No development 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 part (a) of this condition.

(c) The development shall be carried out in accordance with the requirements of part (b) of this condition.

**Reason:** To ensure that there is an adequate supply of wheelchair 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).

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

17. 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 shall be fixed on the external faces of the building.

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

18. 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. Windows above first floor level within the northernmost block facing east shall be obscure glazed at all times within eastern facing casements.

**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 31 Alterations and extensions to existing buildings including residential extensions, 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).

19. The whole of the amenity space (including roof terraces and balconies) as shown on the approved plans hereby approved shall be retained permanently for the benefit of the occupiers (including future occupiers) of all 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).

20. 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 roofs on the building hereby approved shall be as set out in the application and no development or the formation of any door providing access to additional areas of the roof shall be carried out, nor shall the roof area be used as a balcony, roof garden or similar amenity area.

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

21. The commercial premises within use class B2 hereby approved shall only be open for customer business between the hours of 07:00 and 23:00.

**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).

22. (a) The commercial units shell and core works hereby approved shall achieve a minimum BREEAM Rating of 'Excellent'.
- (b) No development of the commercial unit shall commence until a Design Stage Certificate for the commercial unit (prepared by a Building Research Establishment qualified Assessor) has been submitted to and approved in writing by the local planning authority to demonstrate compliance with part (a) of this condition.
- (c) Within 3 months of first occupation of any commercial unit, evidence shall be submitted in the form of a Post Construction Certificate (prepared by a Building Research Establishment Qualified Assessor) to demonstrate full compliance with part (a) of this condition in respect of such commercial unit.

**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, Core Strategy Policy 8 Sustainable design and construction and energy efficiency (June 2011).

23. (a) No development (excluding demolition and site clearance) 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:

- (i) the extension of White Post Street which shall provide a pedestrian footpath
- (ii) the reconstruction of Wagner Street
- (iii) details of the new vehicle crossover(s)
- (iv) location of street lamp columns and other street furniture

(b) The building shall not be occupied until the highways works referred to in paragraph (a) of this condition have been completed 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). This is a pre-commencement condition because the local planning authority needs to be satisfied that the proposed and required Highways Works necessary to facilitate the development can be satisfactorily designed before development starts.

24. (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).

25. Notwithstanding the Town and Country (Use Classes) Order 1987 (or in any provision to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the commercial units at ground floor to both buildings hereby approved shall be used only for a purpose falling within Use Class B1 (a,b,c) , the commercial units within the railway arches shall be used only for a purpose falling within Use Class B1 (a,b,c) or B2. Any other use of the premises shall be subject to planning permission first being obtained.

**Reason:** To ensure to protect the commercial premises and to justify the loss of existing industrial floorspace, in accordance with Core Strategy Policy 5 'other employment locations' of the Core Strategy (2011).

26. Noise management & insulation (internal and external noise) details / plan.  
*Detailed language TBC.*

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

## **Informatives**

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