

Committee	PLANNING COMMITTEE B	
Report Title	9-19 Rushey Green, London, SE6 4AZ	
Ward	Rushey Green	
Contributors	David Robinson	
Class	PART 1	26 <sup>th</sup> April 2018

Reg. Nos. DC/17/101909

Application dated 05.06.2017

Applicant GVA on behalf of Columbia Threadneedle

Proposal Demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1use), with associated ancillary space including bike store, refuse and recycling storage and landscaping.

Applicant's Plan Nos. 01150\_BP\_01; 01150\_E\_03; 01150\_P\_00\_V1; 01150\_P\_00\_V2; 01150\_P\_00\_V3; 01150\_P\_00\_V4; 01150\_P\_00\_V5; 01150\_SP\_01; 01150\_SV\_01; 01150\_SV\_02; 01150\_SV\_03; 01150\_SV\_04; 01150\_SV\_05; 01150\_consultSV\_07; 01150\_SV\_08; 01150\_SV\_09; 01150\_SV\_10; 01150\_SV\_11; 01150\_SV\_12; 01150\_X; Air Quality Assessment dated 02 May 2017 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based Assessment dated April 2017; Design and Access Statement dated June 2017; Economic Statement dated June 2017; Environmental Noise Survey Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE; Statement Of Community Involvement dated April 2017; Sustainability Statement version V.2 dated May 2017; Planning Statement; Preliminary Construction Management Plan reference number 105922/12/001 dated 28 April 2017; Transport Statement dated June 2017 received 05 June 2017

01150\_BS\_01; 01150\_BS\_02; 01150\_DE\_01; 01150\_DE\_02; 01150\_DE\_03; 01150\_DE\_04; 01150\_CD\_01; 01150\_P\_06 (Proposed PV layout); D0299\_001 A; D0299\_002 E; Ecological Assessment dated July 2017 received 14 August 2017

01150\_E\_01 P2; 01150\_E\_02 P2; 01150\_P\_01 P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

Background Papers

- (1) Case File LE/857/9/TP
- (2) Local Development Framework Documents
- (3) The London Plan

Designation

Area of Archaeological Priority

Screening

N/A

**1.0 Property / Site Description**

*Existing Site and Location*

- 1.1 The existing application site contains a four storey brick building constructed in the 1940's. The building is a 'T' shape and fronts Rushey Green with undercroft vehicle access to car parking and a substation to the rear. A legal right of way must be maintained to the substation.
- 1.2 The building is currently occupied by Lewisham's Job Centre Plus with other ancillary office space and falls under Use Class A2 (financial and professional services). The total site area is approximately 0.13 hectares. The existing site is outlined in red in the image below:



### *Surrounding Context*

- 1.3 The site is situated just north of Catford Town Centre with both Catford and Catford Bridge rail stations being located 10-15 minutes walk from the site. The site fronts Rushey Green which, along with Catford Road, make up Catford's main High Street. The site is located approximately 1km south of Lewisham town Centre and is well connected to such by a host of bus routes which run between Catford and Lewisham (47, 54, 75, 136, 185, 199, 208).
- 1.4 The surrounding built context is mixed in nature. On Rushey Green itself, the street is typically made up of two, three and four storey buildings, which are either wholly commercial, or exhibit commercial uses at ground floor level with residential uses above. The streets, which run east and west off Rushey Green, are largely characterised by two storey period properties in residential use.
- 1.5 In terms of the immediate proximity of the application site, to the north and northwest stands a part 5, part 6 storey residential development with a commercial use (Tesco Express) at ground floor level. This development contains 36 residential units. To the immediate south of the site, at 21-23 Rushey Green, there stands a two-storey period building with commercial units at ground floor level and 9 residential flats above.
- 1.6 To the south east of the site stands a single storey commercial building currently in use as a bathroom showroom and plumber's supplies shop.

### *Site Designations and Constraints*

- 1.7 Catford is identified as both a Major Town Centre and a Regeneration and Growth Area within Lewisham's Core Strategy (2011). The application site is outside of the defined 'Major and District Centre' of Catford and is not located within a designated 'District Centre Shopping Frontage'. Therefore, the site is defined as being within a commercial cluster.

- 1.8 The site is not within a Conservation Area nor is it subject to an Article 4 direction.
- 1.9 The site has a Public Transport Accessibility Level (PTAL) rating of 4 on a scale of 1 to 6 where 6 is excellent. Rushey Green is a red route designated under the Transport for London Road Network (TLRN). On street parking is not available along Rushey Green and is restricted to resident permit holders from 9am – 7pm Monday - Fridays on other residential streets to the east and west of Rushey Green.

## **2.0 Planning History**

- 2.1 No relevant planning history

## **3.0 Current Planning Application**

- 3.1 This application has been referred to Committee by the Head of Planning as, given its scale and prominent location, it is appropriate for Members to consider.

### *Amendments*

- 3.2 The application was amended during the planning application process in order to mitigate impacts on existing occupants of the adjoining Meadowcroft Mews to the north of the site. The projection of the rear elevation of the main block was reduced at first, second, third, fourth and fifth floor level. In doing so, the floorspace of 5 of the proposed residential units was reduced.
- 3.3 Further to the above, the application was revised to remove a proposed disabled parking bay from the rear of the site adjacent to the existing substation. This amendment was requested as disabled parking provision could be addressed off-site and to provide a better quality of public realm as well as improving pedestrian safety due to less vehicular movement across the pavement of the eastern side of Rushey Green.
- 3.4 The mix of the proposed affordable units was amended following consultation with the Council's Housing Department and officer advice to the applicant. The nature of the amendments is outlined in tables 2 and 3 below.

### *Summary*

- 3.5 The application seeks permission for the demolition of the existing building at 9-19 Rushey Green, SE6 and the erection of a mixed-use building of 6 storeys in height, comprising 45 residential units (Use Class C3) and 295sqm of commercial floorspace (flexible A1/A2/A3/B1 use), with associated ancillary space including bike store, refuse and recycling storage and landscaping.
- 3.6 The proposed building would generally follow the same footprint as the existing building, exhibiting a 'T' shape, with the main portion of the building fronting Rushey Green. The main portion of the proposed building would extend slightly deeper than the existing building and would be 6 storeys in height with a flat (green) roof form, aligning with that of the building to the north of the site. The rearward portion of the proposed building would be 5 storeys in height and feature a pitched roof form with gable ends. A shared amenity space would be provided to the south east of the application site.

- 3.7 At ground floor level, facing Rushey Green, a glazed 'shopfront' is proposed to the flexible use commercial unit. This would serve a single unit which would be serviced by servicing bays on Rushey Green to the north and south of the site.
- 3.8 The residential units proposed within the main portion of the building would all have private amenity space in the form of balconies. These units would all be accessed from one internal core. The residential units proposed within the rearward portion of the building would be accessed from street at ground floor level, with private amenity space taking the form of front and rear gardens. The units proposed at in the rearward potion of the building at first floor and above would feature galley access and would have private amenity space provided in the form of balconies.
- 3.9 Cycle parking would be provided internally within the main portion of the building as well as to the north of the rearward portion, adjacent to the existing substation. The commercial unit would also have internal cycle storage provided to reflect the use class.
- 3.10 The main portion of the proposed building would be finished in stone at ground floor level to the front, with upper floors using an oatmeal coloured brick, and the top floor being finished in a copper colour cladding. The rearward block would use the same oatmeal colour brick and have a slate roof.
- 3.11 The proposed dwelling and tenure mix is as follows:

**Table 1: Proposed Dwelling and Tenure Mix**

	<b>Market</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Total</b>	<b>Percentage</b>
<b>1-bed</b>	24	2	5	31	68.88%
<b>2-bed</b>	7	3	0	10	22.22%
<b>3-bed</b>	3	1	0	4	8.88%
<b>Totals</b>	34	6	5	45	100%

- 3.12 The proposed scheme comprises 90% flats compliant with building regulations Part M4(2) (accessible and adaptable) which is the equivalent to the Lifetime Homes Standard and 10 % flats compliant with building regulations Part M4(3) (Wheelchair user dwellings).
- 3.13 Flats 09, 19, 29 (1beds) and 03, 41 (3beds) on 1st, 2nd, 3rd and 5th floors have been designed to be compliant with Part M4(3).
- 3.14 The scheme is proposed as car-free.

#### **4.0 Consultation**

*Pre-submission*

- 4.1 Prior to submission, the applicant held their own consultation with owners / occupiers of surrounding residential units and businesses.
- 4.2 A public event was at held at The Point, Catford, 401 Lewisham High Street, SE13 6NZ, between 3:30pm and 7:30pm on Tuesday 6th December. Notification of the event came via letters distributed to 1,647 local households and 70 nearby businesses. A Freephone number and postal address were established to allow residents to contact the project team, ask questions and submit feedback.
- 4.3 The applicant's Statement of Community Involvement states that "around 16 people attended the exhibition and 7 feedback forms were received ahead of the feedback deadline of the 13th December 2016". The applicant has outlined that site neighbours supported redevelopment and the delivery of new homes, though some concerns were raised regarding a lack of parking facilities included in the site.

*Planning application consultation*

- 4.4 The Council's consultation exceeded the minimum statutory requirements and those required by the Council's adopted Statement of Community Involvement.
- 4.5 Two site notices were displayed, an advert was placed in the local press and letters were sent to 361 residents and businesses in the surrounding area, as well as the relevant ward Councillors.

Written Responses received from Local Residents and Organisations

- 4.6 No representations have been received as a result of the consultation process.

Written Responses received from External Statutory Agencies

*Environment Agency*

- 4.7 No objection

*Historic England*

- 4.8 No objection

*Metropolitan Police (Designing out crime)*

- 4.9 Recommendation of "secured by design" condition

*Transport for London*

- 4.10 The footway and carriageway on Rushey Green must not be blocked during the construction. Temporary obstructions during the 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 Rushey Green. All vehicles associated with the construction must only park/ stop at permitted locations and within the time periods permitted by existing on-street restrictions.
- 4.11 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>

- 4.12 TfL are pleased that the application contains a preliminary construction management plan, the approach to the construction programme and daily vehicle movements seem fair. TfL would although expect a detailed construction plan to be provided once permission is granted. More information on these can be found at <http://content.tfl.gov.uk/construction-logistics-plan-guidance.pdf>
- 4.13 TfL welcome the provision of 64 cycle spaces for the residents of the building, as in line with London Plan guidelines, these should be secured by condition. TfL would expect the development of the commercial floor space to incorporate 8 short stay spaces and 2 more additional long stay spaces.
- 4.14 London Plan policy 8.3 requires 10 per cent of new housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users. Therefore there should be 5 Blue Badge spaces proposed. The Transport Statement does not demonstrate how this demand is satisfied within the scheme. If there are no opportunities to provide further numbers of disabled parking spaces on site, or on-street around the development, the applicant should make clear how they expect mobility impaired residents to travel to and from the site
- 4.15 Copies of all representations are available to Members to view.

## **5.0 Policy Context**

### Introduction

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

A local finance consideration means:

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL)
- 5.2 Section 38(6) of the Planning 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 4.9 Small shops
- 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 SPG's 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)

## London Plan Best Practice Guidance

5.9 The London Plan Best Practice Guidance's relevant to this application are:

- Development Plan Policies for Biodiversity (2005)
- Control of dust and emissions from construction and demolition (2006)
- Wheelchair Accessible Housing (2007)

## Core Strategy

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

- Spatial Policy 1 Lewisham Spatial Strategy
- 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

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

5.12 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)

- 5.13 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)

- 5.14 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.

Shopfront Design Guide Supplementary Planning Document (March 2006)

- 5.15 This document seeks to promote good design in order to enhance the character and appearance of the Borough as a whole. The guide advises on the use of sensitive design and careful attention to detail and that whilst shopfront design encompasses a wide variety of styles and details there are certain basic rules that apply everywhere.

**6.0 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 Job Centre (use class A2). 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.

### *Demolition of Existing Building*

- 6.7 Officers have reviewed the proposed application and has previously visited the application site. It is not considered that the existing building is of sufficient architectural merit that would warrant its retention, subject to a high quality redevelopment being proposed on the application site.

### *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 retails uses” and “Sites in Residential Areas”.
- 6.9 The Home and Communities Agency’s Employment Density Guide indicates that the existing use on site (A2) has the potential to support 123 jobs. The proposed development would reprovide commercial floorspace with a flexible use, offering a range of 12-28 jobs dependent on the future use class; this is based upon the same HCA guidance.

- 6.10 The applicant has indicated that the existing tenant, The Job Centre's previous lease expired in 2016. Instead of opting to renew the lease in its entirety, the tenant has signed a lease for a limited period of only 18 months. This limited extension was granted and signed in September 2016. The applicant has stated that this is a result of the Job Centre nationally consolidating its operations which is resulting in the closure of some offices and the relocation of these services.
- 6.11 Residential use is a priority in London and the borough and it is considered that an additional 45 (including 4 family units and 11 affordable housing units) units would make a valuable contribution towards meeting housing need, which is set by the London Plan as 1,385 unit per year for the borough or 13,847 as a minimum ten year target.
- 6.12 Given the above, and by virtue of its good public transport accessibility, proximity to Catford and Lewisham Town Centres 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.
- 6.13 Whilst the retention of A2 uses is not explicitly mentioned in any policy, the protection of employment uses is outlined in Core Strategy Policy 5 and DM Policy 11, as well as the Planning Obligations Supplementary Planning Document.
- 6.14 DM Policy 11 states the following with regard to the redevelopment of a site on an existing commercial street frontage:
- 6.15 *"Redevelopment of a site on a commercial street frontage will be supported when the site or building is redeveloped to a high standard of environmental and design quality in line with the other policies in this plan, where a business use is retained on the ground floor, and a business and/or residential development is provided on upper floors (where an appropriate standard of amenity can be achieved). Uses not within the B Use class, such as retail, leisure, or other uses appropriate to a town centre or local hub will be considered as part of a mix of uses where the number of jobs created by the proposal outweighs the loss of an employment site, and results in no net loss of jobs."*
- 6.16 Furthermore, the Planning Obligations SPD states that "the Council will resist the loss of employment floorspace in accordance with the policy framework in place. However, in exceptional circumstances and at the Council's discretion, the Council may take the view that the loss of employment floorspace is acceptable. Where this is the case, the Council will seek a financial contribution". The guidance has calculated the loss of one job as being the equivalent of the cost of supporting a trainee for one year, in order to provide an opportunity to secure long term employment, which is £10,000.
- 6.17 To mitigate the loss of employment use, in accordance with DM Policy 11 and the Planning Obligations SPD, the applicant would normally be required to provide a financial contribution towards the loss of employment floorspace in accordance with the above. In this instance, it is considered that such a contribution would significantly inhibit the applicant's ability to provide affordable housing on site. Appropriate mitigation for the loss of the A2 floor space could be sought through any 'surplus' identified in a Viability Assessment, being transposed into a

affordable housing contribution, rather than a loss of employment contribution. This will be discussed later in this report

- 6.18 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: (45 new units x £530 = £23,850) + (28 new jobs<sup>1</sup> x £530 = £14,840) equalling a total of £39,220.
- 6.19 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, residential led 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, and appropriate mitigation for the loss of employment through affordable housing provision, as discussed below.

#### *Density*

- 6.20 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).
- 6.21 The site is located just north of Catford Town Centre and has a PTAL of 4, indicating good accessibility to public transport connections. The scheme proposes 45 dwellings on a 0.13 hectare site which equates to a density of 374 dwellings (932 habitable rooms) per hectare.
- 6.22 The relevant London Plan density range for this application (central location) is 70-260 dwellings per hectare (215-405 u/ha). Whilst the proposed development is above the guideline density range, these are a guideline and must be considered in the local (existing and emerging) context. The density is considered by officers to be acceptable given the site's proximity to Catford, Catford Bridge and Ladywell Station, public amenity spaces and major town centres of Catford and Lewisham.
- 6.23 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 (A1/A2/A3/B1)*

- 6.24 The application proposes 295 square metres of flexible commercial floorspace at ground floor level. Indicative floorplans have been provided for all proposed uses and a ventilation statement has been provided for the A3 use.

- 6.25 As outlined above, a residential led 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 subject to the design of shopfront proposed and hours of opening.
- 6.26 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.
- 6.27 London Plan Policy 4.6 and Core Strategy Policy 6 support the night-time economy, particularly in secondary frontages. DM Policy 17 makes clear that, amongst other things, soundproofing and opening hours will be taken in to account when considering applications for cafes/restaurants and DM Policy 26 seeks to ensure that new noise sensitive uses, such as residential, are located away from existing or planned sources of noise pollution.
- 6.28 A balance needs to be struck between encouraging additional commercial activities within this site, whilst safeguarding residential amenity. It is recommended that a planning condition restrict customer opening hours of all permitted uses in the commercial units to 07.00 to 23.00 hours for A use classes. This would not restrict potential office uses within B1 who would not be restricted to normal office working hours.

#### *Summary*

- 6.29 Overall, the principle of development is considered acceptable subject to a high quality design, standard of accommodation, affordable housing provision and other relevant planning considerations which are discussed below.

#### Design

- 6.30 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'.
- 6.31 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.
- 6.32 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*

- 6.33 The redevelopment would manifest as two distinct blocks forming a 'T' shape with a similar footprint to the existing building on the application site, albeit the main portion of the proposed building would extend deeper at the rear of the site.
- 6.34 The main block of the redevelopment at the front of the site would adopt a more 'civic' appearance and flat roof, whilst the building to the rear adopts a more domestic appearance, including pitched roofs.
- 6.35 Given the proposed redevelopment closely follows the layout of the existing building on site, it is considered that the proposed layout of the development is an appropriate response to the constrained nature of the site in terms of size, shape and location.

#### *Height and massing*

- 6.36 In terms of the impact upon the urban environment, Core Strategy Policy 15 states that for all development the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.
- 6.37 The proposed scale and massing of the development has been reduced following advice received from the Planning department through a pre-application process as well as feedback received from the Design Review Panel. This has been further reduced during the application process to minimise the impact of the proposed development upon the occupants of the adjoining Meadowcroft Mews to the north of the application site.
- 6.38 In addition to the above, the proposed submission has provided a Design and Access Statement, which includes a well-considered and highly detailed character study, which provides a beneficial breakdown of the local context (including plot widths, window alignment and materiality) which has informed the proposed design.
- 6.39 The main block of the proposal would exhibit similar massing to that of The George Inn redevelopment to the north of the site, which now exists as 'Meadowcroft Mews'. This building is a corner site standing at five storeys in height with a sixth storey setback; the proposed building would also be five storeys in height with a sixth storey setback. It is considered that the proposed main block would sit comfortably between Meadowcroft Mews to the north and the three-storey terrace to the south of the site. The true five-storey structure with sixth storey setback would only appear marginally taller against this terrace than the existing four-storey structure at the application site.
- 6.40 To the rear of the application site, the proposed rearward block would be 5 storeys in height with a pitched roof structure with deck access from the single core. This improves the dual aspect units as noted below. Officers consider that this massing and the pitched roof typology presents a strong representation of a residential building and is appropriate for its location to the rear of the development.
- 6.41 The scale and massing proposed here has been reduced significantly through the pre-application process. It is now considered that the form of development



proposed is appropriate with regard to scale and massing, and that this would not preclude any future proposed redevelopment of surrounding sites, with particular regard to the bathroom showroom and plumber's supply shop to the south east.

- 6.42 Overall, officers consider that the scale, massing and layout of the proposed building are successful in responding to the existing built context.

#### *Detailed design*

- 6.43 The main block of the proposed development, which would front Rushey Green, has been articulated to separate the block into three different elements. The ground floor would appear as a distinctive 'base' with a shopfront, which would differentiate itself from the rest of the block through the use of glazing as well as through the use of stone. The four storeys above this would serve the residential element of the block and would be finished in light oatmeal brick with recessed balconies treated with glazed balustrades. This portion would be further articulated with the selective use of horizontal copper coloured cladding. Finally, the sixth storey which would also serve the residential element would be set back from the main façade and in from either flank. This element would be largely glazed and be finished in copper coloured cladding.
- 6.44 Overall, this elevation strategy is considered successful and relates well to the pattern of the existing streetscene. The distinct commercial base follows through from similar commercial ground floor uses on adjacent buildings. The height of the shopfront and use and quantity of glazing is considered to be appropriate. The fenestration pattern, and use and placement of balconies on upper floors is also considered to be appropriate and relate well to the surrounding building context, with particular reference to that of Meadowcroft mews to the north of the site.
- 6.45 Overall, the material palette is successful in breaking up the massing of the façade as well as creating a separate and distinctive commercial base. Considered as a whole, the proposed materiality and detailed design would give rise to a high quality form of development, enhancing the character and appearance of the area when viewed from Rushey Green.
- 6.46 To the rear of the main block, a similar strategy is employed, albeit there will be no differentiation between the ground and upper floors. This is considered an acceptable approach at this location.
- 6.47 As noted above, the smaller rearward proposed block adopts a pitched roof typology and presents itself as a wholly residential building. The massing of this block is articulated with a double height glazed base, with two simple floors above at second and third floor level and a glazed fourth floor. This block would use the same oatmeal brick and the pitched roof would be finished in slate. The material and elevational strategy here is considered appropriate and along with the layout and proposed massing, helps to create a separate and private residential impression to this part of the development.

#### *Summary*

- 6.48 The detailed plans that have been submitted demonstrate that a high quality design is achievable and assists to justify the scale and height of the proposal. 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*

- 6.49 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.
- 6.50 Given that the application site is within close proximity to local services and to the necessary social infrastructure, it is considered suitable for affordable housing in accordance with Core Strategy Policy 1 and London Plan Policies 3.11 and 3.12. 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.
- 6.51 With regard to tenure mix, Core Strategy Policy 1 states that the affordable housing component is to be provided as 70% social rented and 30% intermediate housing although it also states that where a site falls within an area which has existing high concentrations of social rented housing, the Council will seek for any affordable housing contribution to be provided in a way which assists in securing a more balanced social mix.
- 6.52 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 and, in the case of affordable housing, the Council will seek a mix of 42% as family dwellings (3+ bedrooms), 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.
- 6.53 The SHMA studies have determined there is a lack of family dwellings in the Borough. Following from this evidence base, together with accommodating mixed and diverse communities as outlined in the London Plan, the Council requires a suitable mix of units, including three bedroom family units. Core Strategy Policy 1 states that this is subject to the following criteria:-
1. the physical character of the site or building and its setting;
  2. the previous or existing use of the site or building;
  3. access to private gardens or communal garden areas for family dwellings;
  4. the likely effect on demand for car parking within the area;
  5. the surrounding housing mix and density of population;

6. the location of schools, shops, open space and other infrastructure requirements.

- 6.54 Four of the units proposed would be family units, which equates to 9% of the total mix. Officers have considered the criteria outlined in Core Strategy Policy 1 and consider that the provision of 4 family units would be acceptable on the site given the constrained nature and location of the proposed building. A further 10 two-bedroom and 31 1-bedroom units are proposed in addition to the 4 family units.
- 6.55 Overall, officers consider the mix and type of the units to be in line with the policy requirements and therefore is acceptable.
- 6.56 With regard to affordable housing, the proposed development would provide 45 new dwellings (a net gain of 45), of which 11 would be affordable. This amounts 24.4% by unit and represents an increase from the zero affordable housing units as per the originally submitted application (discussed further below).
- 6.57 The proposed tenure mix is 6 as London Affordable Rent and 5 units as Shared Ownership. This has been revised following officer advice to propose less 1 bed Affordable Rent units and more 2 bed Affordable Rent units. The initially proposed and revised affordable housing offers are set out in Tables 2 and 3 below respectively:

**Table 2: Initially Proposed Affordable Housing**

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	5	2	7
2 bed	1	2	3
3 bed	1	0	1
<b>Total</b>	<b>7</b>	<b>4</b>	<b>11</b>

**Table 3: Revised Proposed Affordable Housing**

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
<b>Total</b>	<b>6</b>	<b>5</b>	<b>11</b>

- 6.58 As above, the applicant has now proposed that the scheme would provide 11 affordable units, comprising 6 Affordable Rent and 5 Shared Ownership units.

This would equate to a 55/45 split, which falls short of achieving the 70/30 mix stated in Core Strategy Policy 1.

6.59 As outlined in table 2 above, the initial offer achieved a 64/36 split which was largely in accordance with the requirements of Core Strategy Policy 1. However, this was revised following officer advice to include more 2 bedroom Affordable Rent units as per the current demand in the borough. Whilst a 70/30 split is not achieved in this instance, officers consider that the revised proposed mix is an improvement over the initial offer, reflecting the current need in the borough, and as such is acceptable.

6.60 The Council's 'Affordable Rent Study: Market Research & Affordability Analysis', published February 2014' which looked at affordable rent levels across the borough advised that:

Appropriate Affordable Rent levels would be:

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

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

- 1 bed £150.03
- 2 bed £158.84
- 3 bed £167.67

6.62 The Shared Ownership units (a form of intermediate housing) would be available initially to households meeting the Lewisham income levels as defined in the Planning Obligations SPD 2015 and subsequently, if not purchased, to those meeting the GLA income bands. These would be sold with a restrictive covenant restricting subsequent sales (in perpetuity) at the same price, so that units cannot be brought by individuals and 'flipped' for a profit.

6.63 Further to the above, the proposed affordable units are integrated throughout the proposed development both in the main and rearward blocks, and as such, officers consider that the proposed location of the affordable housing units is acceptable. There would be no differentiation in terms of the quality of design, materials or finishes between affordable and private homes and all future residents would have access to the same communal open space, irrespective of tenure. This therefore raises no objection.

*b) Scheme viability.*

6.64 The level of affordable housing proposed falls short of the 50% target in Core Strategy Policy 1 – which is a starting point for negotiations and is subject to

viability. In line with guidance in the Council's Planning Obligations SPD, the application as originally submitted was supported by a Financial Viability Assessment (FVA) (prepared by U.L.L. Property).

- 6.65 The FVA initially submitted sought to demonstrate that the proposed 45 unit scheme with 295 square metres of commercial floorspace would result in a development deficit of £-203,669
- 6.66 The Council commissioned GL Hearn to review the Applicant's FVA, including predicted sales values, construction costs and other assumptions. GL Hearn's review challenged a number of assumptions (including build costs – too high, benchmark land value – too high and housing values – too low). GL Hearn concluded that the proposal would generate a surplus of £1,609,182. GL Hearn's report is attached at **Appendix A**.
- 6.67 In response, and following amendments which reduced the scale of the scheme as outlined above, the applicant has proposed that the scheme would provide 11 affordable units, comprising 6 London Affordable Rent and 5 Shared Ownership units. In light of the applicant's response, GL Hearn's were commissioned to undertake an amended Viability Assessment which concluded that 8 affordable units is the maximum the scheme could viably provide.
- 6.68 Officers welcome the applicant's offer to go beyond what has been accepted by GL Hearn as the "maximum the scheme could viably provide" of eight affordable units, and it is therefore recommended that this level and amount of affordable housing is secured in a S106 Agreement.
- 6.69 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 require the proposed level of 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 (upon substantial implementation 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).

*c) Wheelchair units*

- 6.70 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.
- 6.71 The proposed provision is 5 no. units. Flats 09, 19, 29 (1 beds) and 03, 41 (3beds) on 1st, 2nd, 3rd and 5th floors 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 and ground and first floor plans. 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.

6.72 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*

6.73 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.

6.74 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.

6.75 Nationally prescribed space standards were released 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.

6.76 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.

6.77 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, 1 person	39 sqm	47.51 sqm
1 bed, 2 person	50 sqm	50 sqm
2 bed, 4 person	61 sqm	64.41 sqm
3 bed, 4 person	74 sqm	88 sqm

6.78 All of the proposed bedrooms would meet and exceed the minimum standards with regard to size and width. All units would provide storage in excess of the minimum standards.

6.79 Over 50% of the proposed residential units would have dual aspect outlook. 46.6% of the proposed units would have what the applicant has described as ‘partial dual aspect’ – this is where the plan of the proposed units relies on a balcony located within the floor plate of the unit to provide a partial outlook

towards the south of the application site. These units are all located within the main block of the proposed redevelopment. Only one of the proposed units would have a single aspect outlook. This unit would be located at fifth floor level.

- 6.80 Given the constrained nature of the application site and the massing and design of the existing and adjoining buildings, it is not considered possible to achieve an acceptable or appropriate design which would incorporate 100% dual aspect residential units. If the proposed scheme were to be altered to give rise to a development which achieved 100% dual aspect units, the design would have to be altered to such an extent that the resultant design would not be acceptable. As such, officers consider that on balance the outlook achieved by the proposed residential units is acceptable and appropriate for a site of this nature.
- 6.81 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. Furthermore, a communal amenity space at 140 square metres would be provided to the south of the application site which would be available for use by all future occupants of the development.
- 6.82 Given the above, the proposed development is considered to be acceptable with regard to standard of accommodation.

#### Highways and Traffic Issues

##### a) *Access*

- 6.83 The site is situated just north of Catford Town Centre with both Catford and Catford Bridge rail stations being located 10-15 minutes walk from the site. The site fronts Rushey Green which, along with Catford Road, make up Catford's main High Street. The site is located approximately 1km south of Lewisham town Centre and is well connected to such by a host of bus routes which run between Catford and Lewisham (47, 54, 75, 136, 185, 199, 208).
- 6.84 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.

##### b) *Delivery and Servicing*

###### *Residential*

- 6.85 The residential refuse stores are located internally at ground floor level, separate to the commercial refuse store. It is anticipated that refuse would be collected from Rushey Green – this is considered an acceptable arrangement. The details of this arrangement would be secured through a Delivery and Servicing Plan by condition.

###### *Commercial*

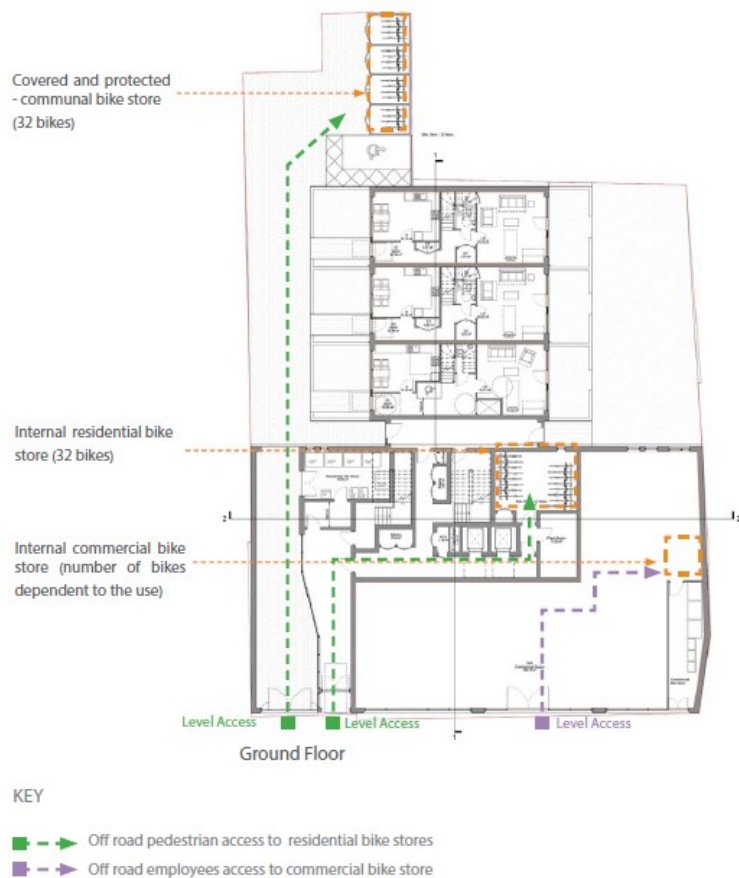
- 6.86 The commercial refuse stores are located internally at ground floor level accessed directly from Rushey Green. It is anticipated that refuse would be collected from Rushey Green – this is considered an acceptable arrangement.
- 6.87 It is proposed that the commercial unit would be serviced via the existing delivery bays on the eastern side Rushey Green located to the north and south of the application site.
- 6.88 The details of the above would be secured through a Delivery and Servicing Plan by condition.

*c) Cycle Parking*

*Residential*

- 6.89 Both the residential long-stay and short-stay cycle parking would be located in secure weatherproof stores, and distributed between five stores as indicated in the diagram below which is an excerpt from the applicant’s design and access statement.

**Figure 1: Cycle Parking**





- 6.90 Four of the stores would be located within the north-eastern corner of the site adjacent the existing substation. Each of these stores would contain four two-tier stands providing parking for eight bicycles. The remainder of the residential cycle parking would be located toward the rear of the commercial unit, 16 two-tier stands will provide parking for 32 bicycles providing a total of 64 cycle parking spaces.
- 6.91 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.
- 6.92 As such, the proposed development should provide a total of 59 long stay spaces and 1 short stay space. Given the above, the proposed development is in excess of the required standards.

*Commercial*

- 6.93 Dependant on the end use of the proposed commercial unit, the standards for long stay and short stay cycle provision vary as per the table below

**Table 5: Commercial cycle parking standards**

Use	Long stay standard	Short stay standard
A1 (food)	2	8
A1 (non-food)	1	3
A2/A3	2	8
B1	4	1

- 6.94 The long stay spaces would be provided within the commercial unit at ground floor level as indicated by the diagram above a potential location for the long stay. The provision of long stay cycle parking would be secured by condition.
- 6.95 It is proposed by the applicant that the short stay spaces are provided by an extension to the existing bay of Sheffield stands located to the front of the application site. The council would require that the maximum potential number of required spaces be provided (eight spaces or four Sheffield stands) as an extension to the existing bay of stands. This would be secured by a Grampian condition.

*d) Car Parking*

- 6.96 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 and subject to the applicant agreeing to the removal of

access to parking permits for future residents of the proposed development through a section 106 agreement.

- 6.97 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.
- 6.98 With regard to disabled parking provision, the applicant had initially proposed to provide one disabled parking bay on site. The application was revised following advice from officers to remove the proposed disabled parking bay from the rear of the site adjacent to the existing substation. This amendment was requested as disabled parking provision could be addressed off-site as well as providing a better quality of public realm and improving pedestrian safety due to less vehicular movement across the pavement of the eastern side of Rushey Green.
- 6.99 In accordance with the London Plan, the applicant is required to provide at least 4 disabled parking spaces. Table 6.2 “Car Parking Standards” of The London Plan seeks that “Adequate parking spaces for disabled people must be provided preferably on-site”. In this instance, it is considered that due to the site constraints and in the interest of pedestrian safety, that the principle of not providing disabled parking spaces on site is acceptable.
- 6.100 The applicant has demonstrated in their Transport Statement that two on-street disabled parking bays could potentially be accommodated safely on Davenport Road without causing an unreasonable impact to on-street parking pressure – these spaces would be provided some 70m and 100m away from the proposed development, which is further than usually desirable. Notwithstanding the distance of the spaces away from the proposed development, future wheelchair users to the spaces would be via a level and unobstructed footpath.
- 6.101 Further to the above, the council’s Highways department have commented that these spaces could potentially be provided closer to the proposed development by conversion of the red route parking spaces on Davenport Road to disabled parking bays. This however would have to be agreed with Transport for London prior to works being carried out.
- 6.102 Whether located on converted red route bays or elsewhere on Davenport Road, the provision of the two wheelchair parking bays spaces would be secured by way of a section 278 agreement requiring the spaces to be located as close to the proposed development as possible. If further spaces are required, the Council currently operates a system whereby a resident may make an application to the Council for a bay to be designated on-street.
- 6.103 Whilst the proposed development would result in an under-provision of disabled parking spaces, this is considered acceptable on balance given the nature and location of the application site and in the interests of general highway and pedestrian safety.

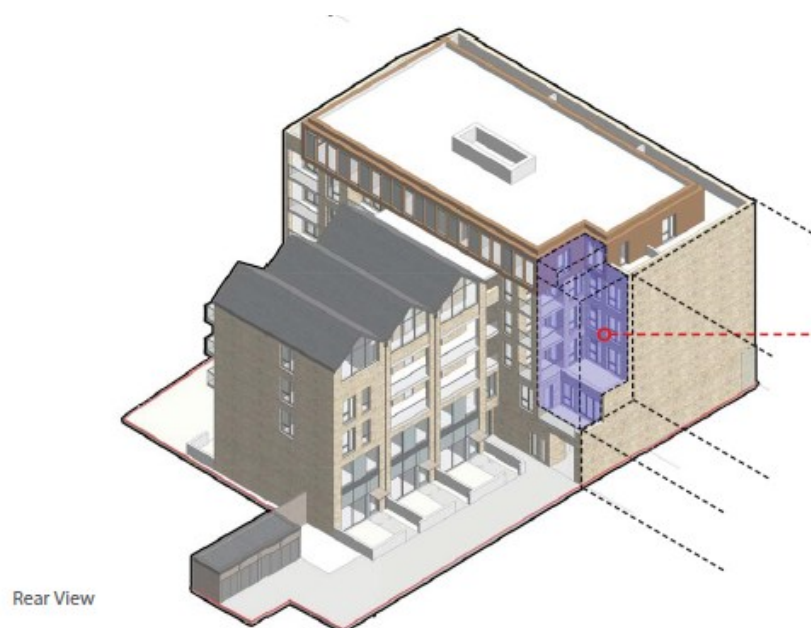
#### Impact on Adjoining Properties

- 6.104 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.

- 6.105 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.
- 6.106 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.
- 6.107 The application has been amended following officer advice to mitigate the impact of the proposed development on surrounding residential uses, with particular reference to the Meadowcroft Mews block which abuts the site to the north. The following excerpt from an addendum to the Design and Access Statement outlines where the massing was reduced (purple shading):

**Figure 2: Reduced proposed massing**



- 6.108 The applicant has provided an amended Daylight and Sunlight Report providing an assessment in accordance with the BRE Guidance outlined above.

Daylight to windows

- 6.109 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.

### *21-23 Rushey Green*

- 6.110 This property is located to the south of the application site and provides residential accommodation at first, second and third floor levels.
- 6.111 The applicant has undertaken analysis of the windows serving habitable rooms, which are set out in Appendix C of the Daylight and Sunlight Report. This analysis demonstrates that all except one window at first floor level achieves the numerical values set out in the BRE Guidelines. The one window which does not achieve the VSC standard of 0.8 of the existing value would achieve a VSC of over 0.7 the existing value. Furthermore, the existing VSC for this window is already below the recommended BRE standard of 27%, sitting at 19.4% meaning that given the urban location, the impact of the proposed development on this window is considered acceptable.
- 6.112 The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the room lies in front of the NSL.
- 6.113 Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at 21-23 Rushey Green.

### *Meadowcroft Mews*

- 6.114 Meadowcroft Mews provides residential accommodation in two blocks to the north of the site.
- 6.115 The main block which abuts the site and fronts onto Rushey Green, provides commercial accommodation on the ground floor, with five floors of residential accommodation above. To the west of this is a separate block which provides residential accommodation over four floors.
- 6.116 In relation to the main block, none of the windows serving habitable rooms look directly over the site. The second block on George Lane has windows facing directly over the site, with all of these, except two windows at second floor level serving bedrooms. The two exceptions serve the same living room.
- 6.117 The analysis was undertaken in accordance with paragraph 2.2.11 of the BRE Guidelines, with the existing balconies on Meadowcroft Mews omitted, and indicates that all except one window at second and third floor within the main building closest to the site boundary would achieve the numerical values set out in the BRE Guidelines.
- 6.118 With regard to the two windows that do not achieve the above, these do not currently achieve a VSC of 27%. As a result of the proposed development, both of

these windows would experience 0.78 of the daylight levels of those existing. Taking this and the urban location into account, it is considered that the proposals would not have a significant effect on the daylight enjoyed by this property.

- 6.119 The applicant has also provided an analysis of this building with the balconies included. The results indicate that four windows (one per first floor to fifth floor) closest to the boundary, currently enjoy very a low level of natural daylight, below 17% VSC. This indicates that the design of this property restricts its enjoyment of natural light, with the windows located in the elevation set back from the main building line, close to the site boundary and with balconies overhanging.
- 6.120 Due to the existing low level of daylight, any reduction in VSC, expressed, as a percentage will appear disproportionate. As a result, the proposed VSC's are only between 0.5% and 1.2% below that recommended to achieve at least 0.8 times the existing, although all will achieve in excess of 0.7 times the existing, which is generally considered appropriate for an urban location.
- 6.121 The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the room lies in front of the NSL.
- 6.122 Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at Meadowcroft Mews.

#### *1 Davenport Road*

- 6.123 This property is located to the east of the site and has windows in its flank elevation over two floors, serving residential accommodation.
- 6.124 The results of the VSC analysis demonstrate that in all instances a VSC of greater than 27% is achieved. The Daylight and Sunlight Report also considers the daylight distribution and the results demonstrates that in all instances a significant portion of the room lies in front of the NSL.
- 6.125 Given the above, the proposed development is considered to be acceptable with regard to impact on daylight to windows at 1 Davenport Road.

#### *Sunlight to windows*

- 6.126 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.
- 6.127 As such, the applicant's Daylight and Sunlight Report has therefore considered the impact of the proposed development on Meadowcroft Mews and 21-23 Rushey Green.

#### *21-23 Rushey Green*

- 6.128 The results of the analysis demonstrate that in all instances the numerical values set out in the BRE guidelines are achieved.

*Meadowcroft Mews*

- 6.129 The results of the analysis demonstrate that all windows, except the windows closest to the site boundary at first, second and third floor level would achieve the required APSH.
- 6.130 The windows that do not achieve the required APSH would enjoy overall APSH levels of at least 18%, which is considered reasonable for an urban location. Additionally, the window impacted at first floor level does not meet the relevant standards as existing.
- 6.131 The applicant has also provided results of the analysis with the balconies omitted which demonstrates that all except the first floor window would enjoy at least 25% summer APSH, with the lowest (first floor window) achieving 24%. This again indicates that the design of the building itself restricts access to sunlight. In relation to sunlight during the winter months, there are two additional first floor windows that would fall just below the recommended level. However, these serve bedrooms which are considered less important by the BRE guidelines.
- 6.132 The applicant has also drawn attention to the orientation of this property which is such that it is only 1 degree from not facing within 90 degrees of due south which would mean that the building was not required to be analysed in accordance with the BRE guidelines.
- 6.133 Given the above, and that the proposed development is considered acceptable with regard to impact on daylight to the windows of Meadowcroft Mews; on balance, the proposed development is considered acceptable with regard to the impact on sunlight to the windows of Meadowcroft Mews.

Outlook

- 6.134 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.
- 6.135 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.
- 6.136 The proposed development would largely follow the footprint, height and massing of the existing building at the application site. As such, the proposed development is not considered to impact unreasonably on the outlook of occupants of adjoining residential units.

Privacy

- 6.137 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.

- 6.138 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. A greater separation distance will be required where taller buildings are involved.
- 6.139 The acceptable distance between front elevations should normally be determined by the character of road widths in the area. The use of mews, courtyard, and other similar forms of development may entail relatively small front to front distances.
- 6.140 The minimum distance between habitable rooms on the main rear elevation and the rear boundary, or flank wall of adjoining development, should normally be 9 metres or more.
- 6.141 The main block of the proposed development which would front Rushey Green would largely raise no concern with regard to loss of privacy given proposed windows would face the same orientation as those existing. However, the proposed roof terrace at first floor level serving unit number 10 would abut the roof terrace serving the directly adjacent first floor unit at Meadowcroft views.
- 6.142 Given the above, to prevent undue loss of privacy to the occupants of Meadowcroft Mews the proposed roof terrace serving unit number 10, officers recommend a condition is imposed requiring appropriate screening be provided along this boundary.
- 6.143 With regard to the rearward block of the proposed development, the separation distances from window to window in relation to the George Lane block of Meadowcroft Mews will be 21m which is considered to be policy compliant. Residential properties on the Davenport Road side of the proposed rearward block are located in excess of 21m from the proposed block or are located at an oblique angle in relation to such and thus would not give rise to any unreasonable loss of privacy.
- 6.144 Given the above, the proposed development is acceptable with regard to impact on privacy of occupants of surrounding developments.

#### Sustainability and Energy

- 6.145 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*

- 6.146 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

- 6.147 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.
- 6.148 From 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.
- 6.149 The onsite reduction in regulated CO<sub>2</sub> emissions over the Building Regulations Part L (2013) baseline will be 35% in accordance with the London Plan Policy 5.2. Energy Efficiency measures will result in a 12.3% reduction over the Part L (2013) baseline, and with the specification of photovoltaic panels this will reach 35.1%;
- 6.150 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 £110,142.

*b) BREEAM*

- 6.151 Core Strategy Policy 8 requires that non-residential development should achieve a minimum of BREEAM 'Excellent' standard or any future national equivalent.
- 6.152 The Applicant's Sustainability Statement includes a BREEAM pre-assessment for a non-specific non-residential building type, using BREEAM 2014 New Construction, Shell and Core. This indicates that the proposed development is on target to achieve a 'Very Good' rating.
- 6.153 Officers note the policy requirement for 'Excellent' and that the pre-assessment within the applicant's Sustainability Statement indicates that the proposed commercial unit would score 65.83%, with the percentage required for an excellent rating being 70%.
- 6.154 The pre-assessment was based upon a 'shell and core' delivery as opposed to a full fit out. As this permission would be conditioned to ensure a full fit out of the commercial unit, officers consider that a BREEAM 'Excellent' rating would be feasible and recommend that the application be conditioned to require the applicant to meet this standard.

Living Roofs and Ecology

- 6.155 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.

- 6.156 In this instance, the scheme proposes a living roof to the flat roof of the main block of the proposed development, facing Rushey Green. 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.
- 6.157 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*

- 6.158 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.
- 6.159 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.
- 6.160 This particular policy objective provides the basis of the Government's commitment to reducing the environmental impact of new developments.
- 6.161 The use of local labour can also limit the environmental impact of new development due to people commuting shorter distances to travel to work.
- 6.162 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).
- 6.163 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 £39,220.

### 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

6.164 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.

6.165 The applicant has provided a planning obligations statement outlining the obligations that they consider are necessary to mitigate the impacts of the development.

6.166 The following obligations are proposed to be secured by S106 agreement:

*Housing*

- Minimum 24.4% affordable housing (by unit)
- Dwelling mix: London Affordable Rent 6 units and Shared Ownership 5 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
<b>Total</b>	<b>6</b>	<b>5</b>	<b>11</b>

- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/ Private dwellings.
- 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).

- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

#### *Transport and Public Realm*

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

#### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

#### *Carbon Offset Payment*

- Financial contribution of £110,142

#### *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.

#### *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 £3,000 as per the Planning Obligations SPD.

6.167 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).

## **7.0 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.

## **8.0 Equalities Considerations**

8.1 Section 149 of the Equality Act 2010 (“the Act”) imposes a duty that the Council must, in the exercise of its functions, have due regard to:-

- i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- ii. advance equality of opportunity between persons who share a relevant protected characteristic and those who do not;
- iii. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics under the Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.3 The duty is a “have regard duty” and the weight to attach to it is a matter for the decision maker bearing in mind the issues of relevance and proportionality.

8.4 Equality issues have been duly considered as part of the assessment of this application. It is not considered that the application would have any direct or indirect impact on the protected characteristics.

## **9.0 Conclusion**

9.1 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.

9.2 It is considered that the scale of the development is acceptable, that the building has been designed to respond to the context, constraints and potential of the site and that the development will provide a high standard of accommodation.

9.3 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.

9.4 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.

## 10.0 **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*

- Minimum 24.4% affordable housing (by unit)
- Dwelling mix: London Affordable Rent 6 units and Shared Ownership 4 units. The mix of such units are as follows:

<b>Affordable Housing Mix</b>			
<b>Unit Type</b>	<b>Affordable Rent</b>	<b>Shared Ownership</b>	<b>Overall</b>
1 bed	2	5	7
2 bed	3	0	3
3 bed	1	0	1
Total	6	5	11

- Wheelchair accessible homes M4(3): 5 units (Flats 09, 19, 29 (1 beds) and 03, 41 (3beds))
- Location – Affordable Rent, plot plans for the affordable units to be secured.
- Timing of delivery – 100% of affordable units shall be practicably completed and ready for occupation before occupation of more than 75% of the Market/Private dwellings.
- 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).
- The Social and/or Affordable Rented housing content of the scheme shall not exceed 50% of the total number units.

### *Transport and Public Realm*

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

### *Employment & Training*

- Local labour and business contribution of £39,220 prior to commencement

### *Carbon Offset Payment*

- Financial contribution of £110,142

*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.

*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 £3,000 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:

01150\_BP\_01; 01150\_E\_03; 01150\_P\_00\_V1; 01150\_P\_00\_V2;  
 01150\_P\_00\_V3; 01150\_P\_00\_V4; 01150\_P\_00\_V5; 01150\_SP\_01;  
 01150\_SV\_01; 01150\_SV\_02; 01150\_SV\_03; 01150\_SV\_04; 01150\_SV\_05;  
 01150\_SV\_07; 01150\_SV\_08; 01150\_SV\_09; 01150\_SV\_10; 01150\_SV\_11;  
 01150\_SV\_12; 01150\_X; Air Quality Assessment dated 02 May 2017  
 reference number PC-16-0280-RP2-RevB; Archaeological Desk Based  
 Assessment dated April 2017; Design and Access Statement dated June  
 2017; Economic Statement dated June 2017; Environmental Noise Survey  
 Assessment dated 02 June 2017 reference number PC-16-0280-RP1-RevE;  
 Statement Of Community Involvement dated April 2017; Sustainability  
 Statement version V.2 dated May 2017; Planning Statement; Preliminary  
 Construction Management Plan reference number 105922/12/001 dated 28  
 April 2017; Transport Statement dated June 2017 received 05 June 2017

01150\_BS\_01; 01150\_BS\_02; 01150\_DE\_01; 01150\_DE\_02; 01150\_DE\_03; 01150\_DE\_04; 01150\_CD\_01; 01150\_P\_06 (Proposed PV layout); D0299\_001 A; D0299\_002 E; Ecological Assessment dated July 2017 received 14 August 2017

01150\_E\_01 P2; 01150\_E\_02 P2; 01150\_P\_01 P2; 01150\_P\_02 P2; 01150\_P\_03 P2; 01150\_P\_04 P2; 01150\_P\_05 P2; 01150\_P\_06 P2; Accommodation Schedule (revision P2); CIL Form; Daylight and Sunlight Report dated 02 March 2018; Energy Statement; Design and Access Statement Addendum (March 2018) received 14 March 2018

01150\_P\_00 P3 received 10 April 2014

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

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

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

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 2011) 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 above ground works (excluding demolition) 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.

**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 01150\_P\_00 P2 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 64 secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved.
- (b) No development shall commence above ground level on site until the full details of the cycle parking facilities have been submitted to and approved in writing by the local planning authority.
- (c) All cycle parking spaces shall be provided and made available for use prior to occupation of the development and maintained thereafter.

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

9. (a) The commercial unit hereby approved shall be fitted with a minimum of 4 secure and dry cycle parking spaces in the case of an A1 (food retail use), 1 in the case of an A1(non-food) retail use, 2 in the case of an A2/A3 use and 4 in the case of a B1 use, prior to occupation
- (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. D0299\_001 A hereby approved and maintained thereafter. Prior to commencement of the above ground works, a planting specification shall have been submitted to and approved in writing by the local planning authority.
- (b) The living roofs shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.
- (c) Evidence that the roof has been installed in accordance with (a) shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved.

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

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).

14. Prior to the occupation of the building hereby approved, details of screening to the balconies serving unit numbers 10, 13, 23 and 33 shall be submitted to and approved in writing by the local planning authority. The screening as approved shall be installed prior to the occupation of unit numbers 10, 13, 23 and 33, and retained in perpetuity.

**Reason:** To avoid the direct overlooking of adjoining properties and consequent loss of privacy thereto and to comply with DM Policy 31 Alterations and extensions to existing buildings including residential extensions, DM Policy 32 Housing design, layout and space standards, DM Policy 32 Housing design, layout and space standards of the Development Management Local Plan (November 2014).

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) Units 03, 09, 19, 29, 41 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.

**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 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. (a) No development shall commence above ground level on site until plans (1:50) and details showing the physical fit out of the commercial unit hereby approved have been submitted to and approved in writing by the local planning authority.

- (b) Prior to occupation of the residential units, the commercial unit shall be constructed in full accordance with the approved details.

**Reason:** To ensure that the fit-out of the units is sufficient to ensure that they are an attractive and commercially viable option and to demonstrate the developers commitment to delivering the commercial units as part of this development in accordance with Core Strategy Policy 4 Mixed Use Employment Locations (June 2011) and Development Management Local Plan (November 2014) DM Policy 9 Mixed Use Employment Locations

22. (a) Prior to commencement of an A3 use, detailed plans and a specification of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencer(s) and anti-vibration mountings where necessary) shall be submitted to and approved in writing by the local planning authority.
- (b) The ventilation system shall be installed in accordance with the approved plans and specification before use of the development hereby permitted first commences and shall thereafter be permanently maintained in accordance with the approved specification.

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

23. The commercial premises 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).

24. (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).

25. (a) No development (excluding demolition) 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 the existing Sheffield stand bank on Rushey Green to provide 4 no. Sheffield type stainless steel stands
- (ii) the provision of two disabled parking spaces on Davenport Road;

(b) The building shall not be occupied until the highways works referred to in paragraph (a) of this condition have been implemented in accordance with the details approved under the said paragraph (a).

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

26. (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).

## **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.